

By: Harper-Brown

H.B. No. 1832

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain powers of the City of Irving with regard to and
3 validating certain acts of the Dallas County Utility and
4 Reclamation District.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 5, Chapter 628, Acts of the 68th
7 Legislature, Regular Session, 1983, is amended to read as follows:

8 Sec. 5. All powers of the district shall be exercised by a
9 board of five directors. Each director shall serve for his term of
10 office as herein provided and thereafter until his successor shall
11 be appointed and qualified. If any director ceases to possess the
12 qualifications prescribed herein, his office shall be declared
13 vacant by the board of directors and his successor shall be
14 appointed by the City Council of the City of Irving. Each director
15 shall be at least 18 years of age and possess one of the following
16 qualifications: own land within the district subject to taxation;
17 be a qualified voter residing within the district at the time of his
18 qualification as a director; be an agent, employee, officer, or
19 director of any individual, corporation, trust, or partnership that
20 owns or leases real property within the district; or be a resident
21 of the City of Irving and shall qualify by subscribing the
22 constitutional oath of office and by giving bond in the amount of
23 \$5,000 for the faithful performance of his duties. At least three
24 of the five directors shall be qualified as directors under Section

1 49.052(a), Water Code, without consideration of any exceptions from
2 that subsection provided by other provisions of Section 49.052,
3 Water Code. Section 49.052, Water Code, applies to the extent of
4 this section and for no other purpose. All directors' bonds shall
5 be approved by the district's board of directors and recorded in the
6 official bond records of the County Clerk of Dallas County. The
7 five directors serving on the effective date of this Act shall
8 continue as directors of the district and shall remain as directors
9 until their successors are duly appointed and take office on
10 October 1, 1999. Beginning with the first day of October, 1999, the
11 City Council of the City of Irving shall appoint three directors for
12 terms of four years and two directors for terms of two years. On the
13 first day of October of each odd-numbered year thereafter, the
14 directors whose terms expire shall be appointed by the City Council
15 of the City of Irving and shall serve for a term of four years and
16 until their successors are appointed and take office. All
17 vacancies on the board of directors shall be filled by appointment
18 to the unexpired term by the City Council of the City of Irving.
19 ~~[The City Council of the City of Irving may remove and replace any~~
20 ~~director it appoints at any time without cause.]~~ The city by its
21 appointment ~~[and removal]~~ of directors and any other action taken,
22 except the action to dissolve the district under state law or any
23 other specific action taken by the city, which action must be
24 evidenced in writing, directly relating to any bond, note,
25 financial obligation, or contractual obligation of the district,
26 does not assume, agree to pay, or guarantee the payment of any bond,
27 note, or other financial obligation or undertaking of the district,

1 whether in the form of securities or in other contractual forms,
2 including the district's bonds. The directors shall establish in
3 the district's bylaws what shall constitute a quorum for any
4 meeting, and a concurrence of a majority of the quorum shall be
5 necessary in all district matters. The board of directors shall
6 prescribe the method of execution of all contracts, the signing of
7 checks, and the handling of any other matters approved by the board
8 of directors as shown in the official minutes of the district.
9 Annually in the month of October, the board shall reorganize and
10 elect new officers as soon as practicable. The board of directors
11 may designate one or more assistant secretaries and an assistant
12 treasurer, who may but need not be a member of the board of
13 directors. The secretary of the board of directors or one of the
14 assistant secretaries shall be responsible for keeping the minutes
15 of the meetings of the board of directors and all official records
16 of the board and may certify to any action taken by the board of
17 directors. Each member of the board of directors shall receive a
18 per diem payment of \$50 for each regular or special board or
19 committee meeting and shall be reimbursed for actual expenses
20 approved by the board of directors. The board of directors shall
21 hold regular and special meetings at such times and on such dates as
22 the board shall determine upon giving of notice as required by the
23 district's bylaws.

24 SECTION 2. Section 14, Chapter 628, Acts of the 68th
25 Legislature, Regular Session, 1983, is amended to read as follows:

26 Sec. 14. The district shall obtain the approval of the City
27 of Irving in the form of a city council resolution as a condition

1 precedent to the annexation of any additional land [~~and the~~
2 ~~approval of the district's annual operation and maintenance~~
3 ~~budget~~].

4 SECTION 3. Section 15, Chapter 628, Acts of the 68th
5 Legislature, Regular Session, 1983, is amended to read as follows:

6 Sec. 15. The district may be abolished and dissolved on a
7 specified effective date by the mutual consent of a three-fourths
8 majority of the district's board of directors and a three-fourths
9 majority of the members of the city council of the City of Irving.
10 In the event of those consents, on the agreed effective date, the
11 district is abolished and dissolved and the City of Irving:

12 (1) owns all the property and assets of the district;

13 (2) assumes all the debts, liabilities, and
14 obligations of the district; and

15 (3) performs all the functions of the district,
16 including the provision of services [~~The City of Irving shall have~~
17 ~~the right to abolish and dissolve the district and to assume all~~
18 ~~bonded indebtedness and other district obligations pursuant to and~~
19 ~~in accordance with Section 2a, Chapter 128, Acts of the 50th~~
20 ~~Legislature, Regular Session, 1947, as amended (Article 1182c-1,~~
21 ~~Vernon's Texas Civil Statutes)] .~~

22 SECTION 4. (a) The following actions of the Dallas County
23 Utility and Reclamation District are validated and confirmed as if
24 the actions had been done as authorized by law:

25 (1) all acts and governmental proceedings of the
26 district taken before the effective date of this Act; and

27 (2) the election or appointment of directors or other

1 officials of the district who took office before the effective date
2 of this Act.

3 (b) This Act does not apply to:

4 (1) an act or proceeding that was void at the time it
5 occurred;

6 (2) an act or proceeding that, under a statute of this
7 state or the United States, was a misdemeanor or felony at the time
8 the act or proceeding occurred;

9 (3) a rule that, at the time it was passed, was
10 preempted by a statute of this state or the United States; or

11 (4) a matter that on the effective date of this Act:

12 (A) is involved in litigation if the litigation
13 ultimately results in the matter being held invalid by a final
14 judgment of a court; or

15 (B) has been held invalid by a final judgment of a
16 court.

17 SECTION 5. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2003.