

1-1 By: Harper-Brown (Senate Sponsor - Shapiro) H.B. No. 1832  
1-2 (In the Senate - Received from the House April 14, 2003;  
1-3 April 15, 2003, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 7, 2003, reported favorably by  
1-5 the following vote: Yeas 4, Nays 0; May 7, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to certain powers of the City of Irving with regard to and  
1-9 validating certain acts of the Dallas County Utility and  
1-10 Reclamation District.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 5, Chapter 628, Acts of the 68th  
1-13 Legislature, Regular Session, 1983, is amended to read as follows:

1-14 Sec. 5. All powers of the district shall be exercised by a  
1-15 board of five directors. Each director shall serve for his term of  
1-16 office as herein provided and thereafter until his successor shall  
1-17 be appointed and qualified. If any director ceases to possess the  
1-18 qualifications prescribed herein, his office shall be declared  
1-19 vacant by the board of directors and his successor shall be  
1-20 appointed by the City Council of the City of Irving. Each director  
1-21 shall be at least 18 years of age and possess one of the following  
1-22 qualifications: own land within the district subject to taxation;  
1-23 be a qualified voter residing within the district at the time of his  
1-24 qualification as a director; be an agent, employee, officer, or  
1-25 director of any individual, corporation, trust, or partnership that  
1-26 owns or leases real property within the district; or be a resident  
1-27 of the City of Irving and shall qualify by subscribing the  
1-28 constitutional oath of office and by giving bond in the amount of  
1-29 \$5,000 for the faithful performance of his duties. At least three  
1-30 of the five directors shall be qualified as directors under Section  
1-31 49.052(a), Water Code, without consideration of any exceptions from  
1-32 that subsection provided by other provisions of Section 49.052,  
1-33 Water Code. Section 49.052, Water Code, applies to the extent of  
1-34 this section and for no other purpose. All directors' bonds shall  
1-35 be approved by the district's board of directors and recorded in the  
1-36 official bond records of the County Clerk of Dallas County. The  
1-37 five directors serving on the effective date of this Act shall  
1-38 continue as directors of the district and shall remain as directors  
1-39 until their successors are duly appointed and take office on  
1-40 October 1, 1999. Beginning with the first day of October, 1999, the  
1-41 City Council of the City of Irving shall appoint three directors for  
1-42 terms of four years and two directors for terms of two years. On the  
1-43 first day of October of each odd-numbered year thereafter, the  
1-44 directors whose terms expire shall be appointed by the City Council  
1-45 of the City of Irving and shall serve for a term of four years and  
1-46 until their successors are appointed and take office. All  
1-47 vacancies on the board of directors shall be filled by appointment  
1-48 to the unexpired term by the City Council of the City of Irving.  
1-49 ~~[The City Council of the City of Irving may remove and replace any~~  
1-50 ~~director it appoints at any time without cause.]~~ The city by its  
1-51 appointment ~~[and removal]~~ of directors and any other action taken,  
1-52 except the action to dissolve the district under state law or any  
1-53 other specific action taken by the city, which action must be  
1-54 evidenced in writing, directly relating to any bond, note,  
1-55 financial obligation, or contractual obligation of the district,  
1-56 does not assume, agree to pay, or guarantee the payment of any bond,  
1-57 note, or other financial obligation or undertaking of the district,  
1-58 whether in the form of securities or in other contractual forms,  
1-59 including the district's bonds. The directors shall establish in  
1-60 the district's bylaws what shall constitute a quorum for any  
1-61 meeting, and a concurrence of a majority of the quorum shall be  
1-62 necessary in all district matters. The board of directors shall  
1-63 prescribe the method of execution of all contracts, the signing of  
1-64 checks, and the handling of any other matters approved by the board  
1-65 of directors as shown in the official minutes of the district.  
1-66 Annually in the month of October, the board shall reorganize and

2-1 elect new officers as soon as practicable. The board of directors  
2-2 may designate one or more assistant secretaries and an assistant  
2-3 treasurer, who may but need not be a member of the board of  
2-4 directors. The secretary of the board of directors or one of the  
2-5 assistant secretaries shall be responsible for keeping the minutes  
2-6 of the meetings of the board of directors and all official records  
2-7 of the board and may certify to any action taken by the board of  
2-8 directors. Each member of the board of directors shall receive a  
2-9 per diem payment of \$50 for each regular or special board or  
2-10 committee meeting and shall be reimbursed for actual expenses  
2-11 approved by the board of directors. The board of directors shall  
2-12 hold regular and special meetings at such times and on such dates as  
2-13 the board shall determine upon giving of notice as required by the  
2-14 district's bylaws.

2-15 SECTION 2. Section 14, Chapter 628, Acts of the 68th  
2-16 Legislature, Regular Session, 1983, is amended to read as follows:

2-17 Sec. 14. The district shall obtain the approval of the City  
2-18 of Irving in the form of a city council resolution as a condition  
2-19 precedent to the annexation of any additional land [~~and the~~  
2-20 ~~approval of the district's annual operation and maintenance~~  
2-21 ~~budget~~].

2-22 SECTION 3. Section 15, Chapter 628, Acts of the 68th  
2-23 Legislature, Regular Session, 1983, is amended to read as follows:

2-24 Sec. 15. The district may be abolished and dissolved on a  
2-25 specified effective date by the mutual consent of a three-fourths  
2-26 majority of the district's board of directors and a three-fourths  
2-27 majority of the members of the city council of the City of Irving.  
2-28 In the event of those consents, on the agreed effective date, the  
2-29 district is abolished and dissolved and the City of Irving:

- 2-30 (1) owns all the property and assets of the district;
- 2-31 (2) assumes all the debts, liabilities, and  
2-32 obligations of the district; and
- 2-33 (3) performs all the functions of the district,  
2-34 including the provision of services [~~The City of Irving shall have~~  
2-35 ~~the right to abolish and dissolve the district and to assume all~~  
2-36 ~~bonded indebtedness and other district obligations pursuant to and~~  
2-37 ~~in accordance with Section 2a, Chapter 128, Acts of the 50th~~  
2-38 ~~Legislature, Regular Session, 1947, as amended (Article 1182c-1,~~  
2-39 ~~Vernon's Texas Civil Statutes)].~~

2-40 SECTION 4. (a) The following actions of the Dallas County  
2-41 Utility and Reclamation District are validated and confirmed as if  
2-42 the actions had been done as authorized by law:

- 2-43 (1) all acts and governmental proceedings of the  
2-44 district taken before the effective date of this Act; and
- 2-45 (2) the election or appointment of directors or other  
2-46 officials of the district who took office before the effective date  
2-47 of this Act.

2-48 (b) This Act does not apply to:

- 2-49 (1) an act or proceeding that was void at the time it  
2-50 occurred;
- 2-51 (2) an act or proceeding that, under a statute of this  
2-52 state or the United States, was a misdemeanor or felony at the time  
2-53 the act or proceeding occurred;
- 2-54 (3) a rule that, at the time it was passed, was  
2-55 preempted by a statute of this state or the United States; or
- 2-56 (4) a matter that on the effective date of this Act:
  - 2-57 (A) is involved in litigation if the litigation  
2-58 ultimately results in the matter being held invalid by a final  
2-59 judgment of a court; or
  - 2-60 (B) has been held invalid by a final judgment of a  
2-61 court.

2-62 SECTION 5. This Act takes effect immediately if it receives  
2-63 a vote of two-thirds of all the members elected to each house, as  
2-64 provided by Section 39, Article III, Texas Constitution. If this  
2-65 Act does not receive the vote necessary for immediate effect, this  
2-66 Act takes effect September 1, 2003.

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