

By: Quintanilla

H.B. No. 3581

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties,
operation, and financing of the Rio Grande Municipal Utility
District.

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

SECTION 1. CREATION. (a) A conservation and reclamation
district, to be known as Rio Grande Municipal Utility District, is
created in El Paso County, subject to approval at a confirmation
election under Section 9 of this Act. The district is a
governmental agency and a body politic and corporate.

(b) The district is created under and is essential to
accomplish the purposes of Section 59, Article XVI, Texas
Constitution.

SECTION 2. DEFINITION. In this Act, "district" means the
Rio Grande Municipal Utility District.

SECTION 3. BOUNDARIES. The district includes the
territory contained within the following area within El Paso
County: Being Tracts 31, 32, 33, 34, 35, 36, 37, 38, 39 and the
Westerly two-thirds of Tract 30 LEIGH CLARK SURVEY NO. 298 and more
particularly described as follows:

COMMENCING at the Northwest corner of the LEIGH CLARK SURVEY
NO. 298;

THENCE, East along the North line of said survey a distance of
3,643.25 feet to a point on the Southwesterly right-of-way of State

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1 Highway F. M. No. 2233 (I-10); THENCE, South 33°35' West along said
2 right-of-way a distance of 716.50 feet to the North corner of said
3 Lot 39, to the POINT OF BEGINNING;

4 THENCE, South 33°35' West along said right-of-way a distance
5 of 1,933.30 feet to the South corner of the Westerly two-thirds of
6 said Tract 30;

7 THENCE, South 56°25' West a distance of 3,185.80 feet to the
8 South corner of the Westerly two-thirds of said Tract 30;

9 THENCE, North 31°44' West a distance of 1,934.34 feet to the
10 West corner of said Tract 39;

11 THENCE, North 56°25' East a distance of 3,123.36 feet to the
12 POINT OF BEGINNING containing 140.01 acres.

13 SECTION 4. FINDINGS RELATING TO BOUNDARIES. The
14 legislature finds that the boundaries of the district form a
15 closure. A mistake in the boundaries or in copying the boundaries
16 in the legislative process does not affect the organization,
17 existence, or validity of the district, the right of the district to
18 levy and collect taxes, or the legality or operation of the district
19 or its governing body.

20 SECTION 5. FINDING OF BENEFIT. All of the land and other
21 property included within the boundaries of the district will be
22 benefitted by the works and projects that are to be accomplished by
23 the district under powers conferred by Section 59, Article XVI,
24 Texas Constitution. The district is created to serve a public use
25 and benefit.

26 SECTION 6. POWERS. (a) The district is governed by and has
27 all of the rights, powers, privileges, authority, functions, and

1 duties provided by the general law of this state, including
2 Chapters 30, 49, 50, and 54, Water Code, applicable to municipal
3 utility districts created under Section 59, Article XVI, Texas
4 Constitution.

5 (b) The rights, powers, privileges, authority, functions,
6 and duties of the district are subject to the continuing right of
7 supervision of the state to be exercised by and through the Texas
8 Commission on Environmental Quality.

9 SECTION 7. BOARD OF DIRECTORS. (a) The district is
10 governed by a board of five directors.

11 (b) Temporary directors appointed in this Act shall serve
12 until permanent directors are elected as provided in this Act.
13 Temporary directors of the district need not own land in or be
14 residents of the district. Until permanent directors are elected
15 and qualified to hold office, the temporary directors shall
16 exercise all rights, powers, privileges, authority, functions, and
17 duties conferred upon the district by general law, including
18 Chapters 49 and 54, Water Code.

19 SECTION 8. APPOINTMENT OF TEMPORARY OFFICERS. (a) The
20 following persons are hereby appointed as the temporary directors
21 of the district:

- 22 1.
- 23 2.
- 24 3.
- 25 4.
- 26 5.

27 (b) The temporary directors shall take the oath of office

1 and execute bonds to qualify for holding their offices as soon as
2 possible after the effective date of this Act.

3 SECTION 9. CONFIRMATION AND INITIAL ELECTION. (a) The
4 temporary board of directors shall call and hold an election to
5 confirm establishment of the district and to elect five permanent
6 directors as provided by Section 49.102, Water Code. Also at that
7 election, the board may submit to the voters propositions to
8 authorize issuance of bonds, a maintenance tax, and a tax to make
9 payments under a contract.

10 (b) Section 41.001(a), Election Code, does not apply to an
11 election held as provided by this section.

12 SECTION 10. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.
13 (a) The proper and legal notice of the intention to introduce this
14 Act, setting forth the general substance of this Act, has been
15 published as provided by law, and the notice and a copy of this Act
16 have been furnished to all persons, agencies, officials, or
17 entities to which they are required to be furnished by the
18 constitution and other laws of this state, including the governor,
19 who has submitted the notice and Act to the Texas Commission on
20 Environmental Quality.

21 (b) The Texas Commission on Environmental Quality has filed
22 its recommendations relating to this Act with the governor,
23 lieutenant governor, and speaker of the house of representatives
24 within the required time.

25 (c) All requirements of the constitution and laws of this
26 state and the rules and procedures of the legislature with respect
27 to the notice, introduction, and passage of this Act are fulfilled

1 and accomplished.

2 SECTION 11. This Act takes effect immediately if it
3 receives a vote of two-thirds of all the members elected to each
4 house, as provided by Section 39, Article III, Texas Constitution.
5 If this Act does not receive the vote necessary for immediate
6 effect, this Act takes effect on September 1, 2003.