

By: Callegari (Senate Sponsor - Ogden) H.B. No. 3610
(In the Senate - Received from the House May 24, 2003;
May 24, 2003, read first time and referred to Committee on Natural
Resources; May 26, 2003, reported favorably by the following vote:
Yeas 7, Nays 0; May 26, 2003, sent to printer.)

A BILL TO BE ENTITLED
AN ACT

relating to the creation, administration, powers, duties,
operation, and financing of the Williamson County Municipal Utility
District No. 15.

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

SECTION 1. DEFINITIONS. In this Act:

(1) "Board" means the board of directors of the
district.

(2) "District" means the Williamson County Municipal
Utility District No. 15.

SECTION 2. CREATION. (a) A conservation and reclamation
district, to be known as the Williamson County Municipal Utility
District No. 15, is created in Williamson County, subject to
approval at a confirmation election under Section 9 of this Act.

(b) The district is a governmental agency and a political
subdivision of this state.

SECTION 3. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The
district is created to serve a public use and benefit.

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

(c) All of the land and other property included within the
boundaries of the district will be benefited by the works and
projects that are to be accomplished by the district under powers
conferred by Section 59, Article XVI, Texas Constitution.

SECTION 4. BOUNDARIES. The boundaries of the district
include the land within the following area, which is not located
within the extraterritorial jurisdiction of any municipality:
Approximately 546.69 acres of land, in Williamson County, Texas,
consisting of two tracts or parcels of land, more fully described as
follows:

Tract 1: Approximately 454.41 acres of land situated in the R.S.
Neighbors Survey, Abstract No. 483, the Charles Gerlack Survey,
Abstract No. 260, and the William Mullen Survey, Abstract No. 446,
in Williamson County, Texas, being out of and a part of the 506.25
acre tract or parcel of land conveyed to Max Boehm by The Federal
Land Bank of Houston by deed dated June 11, 1937, recorded in Volume
287, Page 182, Deed Records of Williamson County, Texas, and being
all of such 506.25 acre tract SAVE, LESS and EXCEPT (i) the tract of
land described as 51.08 acres in the deed dated October 9, 1974,
recorded in Volume 597, Page 183, Deed Records of Williamson
County, Texas; and (ii) the tracts of land described as .43 acres
and .33 acres by correction deed dated March 28, 1990, recorded in
Volume 1884, Page 195, Deed Records of Williamson County, Texas.
Reference is here made to each of the deeds described above for a
more particular metes and bounds description of the properties
therein conveyed; and

Tract 2: 92.278 acres of land situated in the John Kuykendall
Survey, Abstract No. 378, and the R. S. Neighbors Survey, Abstract
No. 483, in Williamson County, Texas, and more particularly
described by metes and bounds as follows:

COMMENCING at a 1/2" iron rod found at an interior corner in the
west line of said 156.8 acre Vorwerk tract and being the northeast
corner of a called 150.69 acre tract conveyed to Morris W. Krueger,
et al, by instrument recorded in Volume 1066, Page 457, Official
Records, Williamson County, Texas;

THENCE with the west line of said 156.8 acre Vorwerk tract and the
east line of said 150.69 acre Krueger tract, S 7°23'13" E for a

distance of 760.11 feet to a 1/2" iron rod set with plastic cap and being the POINT OF BEGINNING for the herein described tract; THENCE over and across said 156.8 acre Vorwerk tract, with the south line of a 20' wide access lane described in Volume 1066, Page 457, Official Records, Williamson County, Texas, and with the north line of the herein described tract for the following three (3) calls:

1. S 82°52'52" E for a distance of 580.39 feet to a 1/2" iron rod with plastic cap set for an angle point in said north line, from which point a 1/2" iron rod found near a fence post for an angle point in the north line of said 20' wide lane bears N 11°13'57" E a distance of 20.05 feet;

2. S 74°39'14" E for a distance of 323.07 feet to a 1/2" iron rod with plastic cap set for an angle point in said north line, from which point a 1/2" iron rod found near a fence post for an angle point in the north line of said 20' wide lane bears N 11°34'46" E at a distance of 20.04 feet;

3. S 82°11'14" E for a distance of 899.97 feet to a 1/2" iron rod with plastic cap set on the westerly right-of-way line of Farm-to-Market Road No. 3349 (100' wide right-of-way), conveyed to the State of Texas by instrument recorded in Volume 669, Page 359, Deed Records, Williamson County, Texas, said point being on the east line of said 156.8 Vorwerk tract for the northeast corner of the herein described tract;

THENCE with the east line of said 156.8 acre Vorwerk tract and the westerly right-of-way line of Farm-to-Market Road No. 3349, S 7°26'31" W for a distance of 2214.64 feet to a 1/2" iron rod with plastic cap set on said right-of-way line for southeast corner of the herein described tract, from which point a Texas Department of Transportation Type 1 right-of-way monument bears S 1°44'23" W a distance of 4.96 feet;

THENCE leaving said right-of-way line, and with the south line of said 156.8 acre Vorwerk tract, N 82°40'43" W for a distance of 1230.12 feet to a 1/2" iron rod found for the northwest corner of a called 72.78 acre tract of land conveyed to Herbert Raesz, et ux, by instrument recorded in Volume 1019, Page 352, Official Records, Williamson County, Texas, said point also being on the east line of a tract of land conveyed Edna Werchan, et al, by instrument recorded in Document No. 96007756, Official Records, Williamson County, Texas; and being an angle point in the south line of the herein described tract;

THENCE with the east line of said Werchan tract and the south line of said 156.8 acre Vorwerk tract, N 7°19'17" E for a distance of 14.44 feet to a 1/2" iron rod with plastic cap set for the northeast corner of said Werchan tract and being an angle point in the south line of the herein described tract;

THENCE with the north line of said Werchan Tract and the south line of said 156.8 acre Vorwerk tract, N 82°40'43" W for a distance of 568.02 feet to a 1/2" iron rod found near a 3" diameter steel post for the southeast corner of said 150.69 acre Krueger tract and being the southwest corner of the said 156.8 acre Vorwerk tract and the herein described tract;

THENCE with the east line of said 150.69 acre Krueger tract and the west line of said 156.8 acre Vorwerk tract, N 7°23'13" E for a distance of 2250.96 feet to the POINT OF BEGINNING of the herein described tract and containing 92.278 ACRES of land, more or less.

SECTION 5. FINDINGS RELATIVE TO BOUNDARIES. The legislature finds that the boundaries and field notes of the district form one or more closures. If a mistake is made in the field notes or in copying the field notes in the legislative process, the mistake does not affect in any way:

- (1) the organization, existence, or validity of the district;
- (2) the right of the district to impose taxes; or
- (3) the legality or operation of the district or the board.

SECTION 6. APPLICABILITY OF OTHER LAW. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

SECTION 7. BOARD OF DIRECTORS. (a) The district is

governed by a board of five directors.

(b) Temporary directors serve until directors are elected under Section 9 of this Act.

(c) Temporary directors of the district, or of a new district created by division of the district under Section 13 of this Act, are not required to own land in or be residents of the district.

(d) Permanent directors serve staggered four-year terms.

(e) Each director must qualify to serve as director in the manner provided by Section 49.055, Water Code.

SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board consists of:

- (1) Todd Routh;
- (2) Chien Lee;
- (3) Carey Gambrell;
- (4) Elton Malish; and
- (5) Karen Bradley.

(b) If a temporary director fails to qualify for office, the temporary directors who have qualified shall appoint a person to fill the vacancy. If at any time there are fewer than three qualified temporary directors, the Texas Commission on Environmental Quality shall appoint the necessary number of persons to fill all vacancies on the board.

SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. (a) The temporary board shall call and hold an election to confirm establishment of the district and to elect initial directors under Section 49.102, Water Code.

(b) At the confirmation and initial directors' election the board may submit to the voters a proposition to authorize:

- (1) the issuance of bonds;
- (2) a maintenance tax; or
- (3) a tax to fund payments required under a contract.

(c) Section 41.001(a), Election Code, does not apply to a confirmation and initial directors' election held as provided by this section.

(d) The elected initial directors shall draw lots to determine which two directors serve until the election of directors under Section 10(a) of this Act and which three serve until the following election of directors.

SECTION 10. ELECTION OF DIRECTORS. (a) On the first Saturday in May of the first even-numbered year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election of two directors to replace the two initial directors serving shorter terms from the confirmation election.

(b) On the first Saturday in May of each subsequent even-numbered year following the election under Subsection (a) of this section, the appropriate number of directors shall be elected.

SECTION 11. GENERAL POWERS. The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 30, 49, 50, and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

SECTION 12. ANNEXATION. The board may annex land as provided by Chapter 49 or Chapter 54, Water Code.

SECTION 13. DIVISION OF DISTRICT. (a) Notwithstanding any other law, either before or after annexing land into the district under Section 12 of this Act, and before issuing indebtedness secured by taxes or net revenues, the board may divide the territory of the district, including any annexed territory, into two or more new districts as provided by this Act.

(b) A new district created by division of the district must be at least 100 acres in size.

SECTION 14. ELECTION FOR DIVISION OF DISTRICT. (a) After the board adopts a resolution consenting to the terms and conditions of a division under Section 13 of this Act, including a plan for payment and performance of any outstanding obligations of the district, and a metes and bounds description of the proposed new

districts, the board shall order an election to be held in the district to determine if the district should be divided as proposed.

(b) The board shall give notice of the election not later than the 20th day before the date of the election in the manner provided by Section 49.102, Water Code.

(c) If the district's voters approve the division of the district, the board shall, not later than the 30th day after the date of the election, provide written notice of the plan for division to:

- (1) the Texas Commission on Environmental Quality;
- (2) the attorney general;
- (3) the commissioners court of each county in which each new district is located; and
- (4) any municipality having extraterritorial jurisdiction over the land within each new district.

SECTION 15. GOVERNANCE OF DISTRICTS AFTER DIVISION. (a) If a majority of the qualified voters of the district voting in an election held under Section 14 of this Act vote in favor of dividing the district, the district shall be divided.

(b) The resulting new districts shall be assigned consecutive letters, corresponding to the number of the original district.

(c) The resulting new districts shall be separate districts and shall be governed as separate districts.

(d) Until the 91st day after the date of the election approving the division of the district, the board shall continue to act on behalf of the district to wind up the affairs of the district.

SECTION 16. ELECTION OF DIRECTORS OF NEW DISTRICT. (a) After an election approving the division of the district, the directors of the board shall:

- (1) continue to act as directors of one of the new districts; and
- (2) appoint temporary directors for each of the other new districts not later than the 90th day after the date of the election approving the division of the district.

(b) Temporary directors appointed under Subsection (a) of this section shall serve until an election for permanent directors is held on the next uniform election date under Section 41.001(a), Election Code. The temporary directors of each new district must qualify under Section 49.055, Water Code, not later than the 90th day after the date of the election approving the district. The temporary directors shall take office at the expiration of this 90-day period.

(c) Of the directors elected under Subsection (b) of this section, the three directors receiving the greatest number of votes shall serve until May of the first even-numbered year that is four years after the date of the election and two directors shall serve until May of the first even-numbered year that is two years after the date of the election.

(d) The board of each new district shall approve the bond of each of its directors.

SECTION 17. CONTINUING POWERS AND OBLIGATIONS OF NEW DISTRICTS. (a) Each new district shall have the power to incur and pay debts and shall in every respect have the full power and authority of the district created and governed by this Act.

(b) If the district is divided in an election under Section 14 of this Act, the current obligations and any bond authorizations of the district are not impaired. The debts shall be paid by taxes, revenues, or assessments levied on the land in the district as if the district had not been divided or by contributions from each new district on terms stated and agreed to in the division plan proposed by the board and approved by an election under Section 14 of this Act.

(c) Any other obligation of the district shall be divided pro rata among the new districts on an acreage basis or on other terms that are satisfactory to the new districts.

SECTION 18. CONTRACT AUTHORITY OF NEW DISTRICTS. The new

districts may contract with each other for water, wastewater, and any other matters the board of each new district considers appropriate.

SECTION 19. BOND ISSUANCE BY NEW DISTRICT. (a) A new district that is created as a result of an election approving the division of the district under Section 14 of this Act may issue bonds payable wholly or partly from ad valorem taxes on the approval of a majority of the qualified voters of the new district voting in an election called and held for that purpose.

(b) Notice of the bond election shall be given as provided by Section 49.106, Water Code.

SECTION 20. MAINTENANCE TAX APPROVAL FOR NEW DISTRICT. A new district that is created as a result of an election approving the division of the district under Section 14 of this Act may levy a maintenance tax on the approval of a majority of the qualified voters of the new district voting in an election called and held for that purpose.

SECTION 21. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code. The governor has submitted the notice and Act to the Texas Commission on Environmental Quality.

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

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

SECTION 22. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act takes effect September 1, 2003.

(b) If the creation of the district is not confirmed at a confirmation election held under Section 9 of this Act before September 1, 2007, this Act expires on that date.

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