

By: Williams

S.B. No. 745

A BILL TO BE ENTITLED

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AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the East Montgomery County Municipal Utility District No. 4.

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 East Montgomery County Municipal Utility District No. 4.

SECTION 2. CREATION. (a) A municipal utility district, to be known as the East Montgomery County Municipal Utility District No. 4, is created in Montgomery 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

1 conferred by Section 59, Article XVI, Texas Constitution.

2 SECTION 4. BOUNDARIES. The boundaries of the district are  
3 as follows:

4 A tract or parcel of land containing 610 acres, more or less, of  
5 land out of the William S. Taylor Survey, A-552, the Henry A. Peters  
6 Survey, A-434, the James Moffett Survey, A-382, the Thomas Ives  
7 Survey, A-286, and the Pryor Bryan Survey, A-76, being all of the  
8 called 2114.195 acres described in Correction Deed dated February  
9 3, 1972, recorded in Volume 767 at Page 891 of the Montgomery County  
10 Deed Records (MCDR), all of a called 247.94 acres described in Deed  
11 dated March 19, 1973, recorded in Volume 811 at Page 714, MCDR, all  
12 of a called 338.4582 acres described in the Deed dated June 18, 1971  
13 recorded in Volume 740, Page 370, MCDR, all of a called 35.739 acres  
14 described in Deed dated June 18, 1971, recorded in Volume 740 at  
15 Page 364, MCDR, and all of a called 58.3106 acres and a called  
16 9.9854 acres described in the Special Warranty Deed dated February  
17 1, 2000, recorded under County Clerk's File Number (CCF No.)  
18 2000-010182, of the Montgomery County Real Property Records  
19 (MCRPR); SAVE AND EXCEPT the following lands: all of a called  
20 420.000 acres described in Deed recorded under CCF No. 9770118,  
21 MCRPR, all of a called 70.250 acres described in Correction Deed  
22 recorded under CCF No. 9782449, all of a called 971.824 acres  
23 described in Correction Deed recorded under CCF No. 9893308, MCRPR,  
24 all of a called 712.571 acres described in deed recorded under CCF  
25 9982074, MCRPR, and all of a called 20.000 acres described in Deed  
26 recorded under CCF No. 2002-117268, MCRPR, and containing within  
27 these calls 610 acres of land.

1           SECTION 5. FINDINGS RELATING TO BOUNDARIES.       The  
2 legislature finds that the boundaries and field notes of the  
3 district form a closure. If a mistake is made in the field notes or  
4 in copying the field notes in the legislative process, the mistake  
5 does not affect in any way:

6           (1) the organization, existence, or validity of the  
7 district;

8           (2) the right of the district to impose taxes; or

9           (3) the legality or operation of the district or the  
10 board.

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

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

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

18          (c) Directors serve terms of office as provided by Section  
19 49.103, Water Code.

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

22          (e) A director serves until the director's successor has  
23 qualified.

24          SECTION 8. APPOINTMENT OF TEMPORARY DIRECTORS. (a) On or  
25 after the effective date of this Act, a person who owns land  
26 included in the district may petition the Texas Commission on  
27 Environmental Quality to appoint the five temporary directors

1 listed in the petition. The commission shall appoint the directors  
2 listed in the petition. If the commission receives more than one  
3 petition under this subsection, the commission shall appoint the  
4 directors listed in the first petition the commission receives.

5 (b) A person appointed to be a temporary director shall take  
6 the oath of office as soon as practicable.

7 (c) If an appointee of the Texas Commission on Environmental  
8 Quality fails to qualify or if a vacancy occurs in the office of  
9 temporary director, the commission shall appoint an individual to  
10 fill the vacancy.

11 (d) As soon as all temporary directors have qualified, the  
12 directors shall meet and elect officers from among their  
13 membership.

14 SECTION 9. CONFIRMATION AND DIRECTORS' ELECTION. (a) The  
15 temporary board shall call and hold an election to confirm  
16 establishment of the district and to elect directors under Section  
17 49.102, Water Code.

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

21 SECTION 10. ELECTION OF DIRECTORS. (a) On the uniform  
22 election date in May of the first even-numbered year after the year  
23 in which the district is authorized to be created at a confirmation  
24 election, an election shall be held in the district for the election  
25 of the appropriate number of directors to replace the directors  
26 serving shorter terms from the confirmation election as provided by  
27 Section 49.102(h), Water Code.

1           (b) On the uniform election date in May of each subsequent  
2 even-numbered year following the election, the appropriate number  
3 of directors shall be elected.

4           (c) The board of directors by order may postpone the first  
5 election under Subsection (a) of this section following the  
6 confirmation and directors' election held in accordance with the  
7 provisions of Section 9 of this Act if:

8                 (1) the election will occur within 60 days after the  
9 date on which the confirmation election is held; or

10                (2) the board determines that there is not sufficient  
11 time to comply with the requirements of law and to order the  
12 election.

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

18           SECTION 12. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCES OR  
19 RESOLUTIONS. Subject to the limitations of Section 54.016, Water  
20 Code, the district shall comply with all applicable requirements of  
21 any ordinance or resolution adopted by a municipality in the  
22 corporate limits or extraterritorial jurisdiction of which the  
23 district is located, including an ordinance or resolution adopted  
24 before the effective date of this Act, that consents to the creation  
25 of the district or to the inclusion of lands within the district.

26           SECTION 13. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

27           (a) The legal notice of the intention to introduce this Act,

1 setting forth the general substance of this Act, has been published  
2 as provided by law, and the notice and a copy of this Act have been  
3 furnished to all persons, agencies, officials, or entities to which  
4 they are required to be furnished under Section 59, Article XVI,  
5 Texas Constitution, and Chapter 313, Government Code. The  
6 governor, one of the required recipients, has submitted the notice  
7 and Act to the Texas Commission on Environmental Quality.

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

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

16 SECTION 14. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act  
17 takes effect September 1, 2003.

18 (b) If the creation of the district is not confirmed at a  
19 confirmation election held under Section 9 of this Act before  
20 September 1, 2008, this Act expires on that date.