

1 AN ACT

2 relating to the creation, administration, powers, duties,
3 operation, and financing of the East Montgomery County Municipal
4 Utility District No. 4; authorizing the issuance of bonds and the
5 imposition of taxes.

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

7 SECTION 1. DEFINITIONS. In this Act:

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

10 (2) "District" means the East Montgomery County
11 Municipal Utility District No. 4.

12 SECTION 2. CREATION. (a) A municipal utility district, to
13 be known as the East Montgomery County Municipal Utility District
14 No. 4, is created in Montgomery County, subject to approval at a
15 confirmation election under Section 9 of this Act.

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

18 SECTION 3. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

19 (a) The district is created to serve a public use and benefit.

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

23 (c) All of the land and other property included within the
24 boundaries of the district will be benefited by the works and

1 projects that are to be accomplished by the district under powers
2 conferred by Section 59, Article XVI, Texas Constitution.

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

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

1 these calls 610 acres of land.

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

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

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

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

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

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

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

19 (c) Directors serve terms of office as provided by Section
20 49.103, Water Code.

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

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

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

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

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

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

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

15 SECTION 9. CONFIRMATION AND DIRECTORS' ELECTION. (a) The
16 temporary board shall call and hold an election to confirm
17 establishment of the district and to elect directors under Section
18 49.102, Water Code.

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

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

1 Section 49.102(h), Water Code.

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

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

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

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

14 SECTION 11. GENERAL POWERS. The district has all of the
15 rights, powers, privileges, authority, functions, and duties
16 provided by the general law of this state, including Chapters 49 and
17 54, Water Code, applicable to municipal utility districts created
18 under Section 59, Article XVI, Texas Constitution.

19 SECTION 12. UTILITIES. The district may not impose an
20 impact fee or assessment on the property, equipment, rights of way,
21 facilities, or improvements of an electric utility as defined by
22 Section 31.002, Utilities Code, a gas utility as defined by Section
23 101.003 or 121.001, Utilities Code, a telecommunications provider
24 as defined by Section 51.002, Utilities Code, or a cable operator as
25 defined by 47 U.S.C. Section 522, as amended.

26 SECTION 13. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCES OR
27 RESOLUTIONS. Subject to the limitations of Section 54.016, Water

1 Code, the district shall comply with all applicable requirements of
2 any ordinance or resolution adopted by a municipality in the
3 corporate limits or extraterritorial jurisdiction of which the
4 district is located, including an ordinance or resolution adopted
5 before the effective date of this Act, that consents to the creation
6 of the district or to the inclusion of lands within the district.

7 SECTION 14. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

8 (a) The legal notice of the intention to introduce this Act,
9 setting forth the general substance of this Act, has been published
10 as provided by law, and the notice and a copy of this Act have been
11 furnished to all persons, agencies, officials, or entities to which
12 they are required to be furnished under Section 59, Article XVI,
13 Texas Constitution, and Chapter 313, Government Code. The
14 governor, one of the required recipients, has submitted the notice
15 and Act to the Texas Commission on Environmental Quality.

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

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

24 SECTION 15. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act
25 takes effect September 1, 2003.

26 (b) If the creation of the district is not confirmed at a
27 confirmation election held under Section 9 of this Act before

1 September 1, 2008, this Act expires on that date.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 745 passed the Senate on April 16, 2003, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 26, 2003, by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 745 passed the House, with amendment, on May 23, 2003, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor