

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 East Montgomery County Municipal Utility District No. 4, of Montgomery County, Texas.

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

SECTION 1. CREATION. (a) A conservation and reclamation district, to be known as East Montgomery County Municipal Utility District No. 4, of Montgomery County, Texas, is created in Montgomery 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 Article XVI, Section 59, of the Texas Constitution.

SECTION 2. DEFINITION. In this Act, "district" means East Montgomery County Municipal Utility District No. 4, of Montgomery County, Texas.

SECTION 3. BOUNDARIES. The district includes the territory contained within the following area:

A tract or parcel of land containing 610 acres, more or less, of land out of the William S. Taylor Survey, A-552, the Henry A. Peters Survey, A-434, the James Moffett Survey, A-382, the Thomas Ives Survey, A-286, and the Pryor Bryan Survey, A-76, being all of the called 2114.195 acres described in Correction Deed dated February

1 3, 1972, recorded in Volume 767 at Page 891 of the Montgomery County
2 Deed Records (MCDR), all of a called 247.94 acres described in Deed
3 dated March 19, 1973, recorded in Volume 811 at Page 714, MCDR, all
4 of a called 338.4582 acres described in the Deed dated June 18, 1971
5 recorded in Volume 740, Page 370, MCDR, all of a called 35.739 acres
6 described in Deed dated June 18, 1971, recorded in Volume 740 at
7 Page 364, MCDR, and all of a called 58.3106 acres and a called
8 9.9854 acres described in the Special Warranty Deed dated February
9 1, 2000, recorded under County Clerk's File Number (CCF No.)
10 2000-010182, of the Montgomery County Real Property Records
11 (MCRPR); SAVE AND EXCEPT the following lands: all of a called
12 420.000 acres described in Deed recorded under CCF No. 9770118,
13 MCRPR, all of a called 70.250 acres described in Correction Deed
14 recorded under CCF No. 9782449, all of a called 971.824 acres
15 described in Correction Deed recorded under CCF No. 9893308, MCRPR,
16 all of a called 712.571 acres described in deed recorded under CCF
17 9982074, MCRPR, and all of a called 20.000 acres described in Deed
18 recorded under CCF No. 2002-117268, MCRPR, and containing within
19 these calls 610 acres of land.

20 SECTION 4. FINDINGS RELATING TO BOUNDARIES. The
21 legislature finds that the boundaries and field notes of the
22 district form a closure. A mistake in the field notes or in copying
23 the field notes in the legislative process does not affect the
24 organization, existence, or validity of the district, the validity
25 of its bonds, notes, or indebtedness, the right of the district to
26 levy and collect taxes, or the legality or operation of the district
27 or its governing body.

1 SECTION 5. FINDING OF BENEFIT. All of the land and other
2 property included within the boundaries of the district will be
3 benefited by the works and projects that are to be accomplished by
4 the district under powers conferred by Article XVI, Section 59, of
5 the Texas Constitution. The district is created to serve a public
6 use and benefit.

7 SECTION 6. POWERS. (a) The district has all of the rights,
8 powers, privileges, authority, functions, and duties provided by
9 the general law of this state, including Chapters 49, 50 and 54,
10 Water Code, applicable to municipal utility districts created under
11 Article XVI, Section 59, of the Texas Constitution. This Act
12 prevails over any provision of general law that is in conflict or
13 inconsistent with this Act.

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

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

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

22 (c) Permanent directors serve terms of office as provided in
23 Section 49.103, Water Code.

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

26 (e) A director serves until the director's successor has
27 qualified.

1 SECTION 8. APPOINTMENT OF TEMPORARY DIRECTORS. (a) On or
2 after the effective date of this Act, a person who owns land
3 included in the district may petition the Texas Commission on
4 Environmental Quality to appoint the five temporary directors
5 listed in the petition. The commission shall appoint the directors
6 listed in the petition. If the commission receives more than one
7 petition under this subsection, the commission shall appoint the
8 directors listed in the first petition the commission receives.

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

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

15 (d) As soon as all temporary directors have qualified, the
16 directors shall meet and elect officers from among their
17 membership.

18 SECTION 9. CONFIRMATION AND DIRECTORS' ELECTION.

19 (a) The temporary board of directors shall call and hold an
20 election to confirm establishment of the district and to elect five
21 permanent directors as provided by Section 49.102, Water Code.

22 (b) Section 41.001(a) Election Code, does not apply to a
23 confirmation and director's election held as provided by this
24 section.

25 SECTION 10. ELECTION OF DIRECTORS. (a) An election shall
26 be held in the district on the uniform election date, established by
27 the Election Code, in May of each even-numbered year, to elect the

1 appropriate number of directors.

2 (b) The Board of directors by order may postpone the first
3 such election following the Confirmation and Directors Election
4 held in accordance with the provisions of Section 9 hereof if:

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

7 (2) the board determines that there is not sufficient
8 time to comply with the requirements of law and to order the
9 election.

10 SECTION 11. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCES OR
11 RESOLUTIONS. Subject to the limitations of Section 54.016, Water
12 Code, the district shall comply with all valid and applicable
13 requirements of any ordinance or resolution adopted by any
14 municipality in whose corporate limits or extraterritorial
15 jurisdiction the district is located, including an ordinance or
16 resolution adopted before the effective date of this Act,
17 consenting to the creation of the district or to the inclusion of
18 lands within the district.

19 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

20 (a) The proper and legal notice of the intention to introduce this
21 Act, setting forth the general substance of this Act, has been
22 published as provided by law, and the notice and a copy of this Act
23 have been furnished to all persons, agencies, officials, or
24 entities to which they are required to be furnished by the
25 constitution and other laws of this state, including the governor,
26 who has submitted the notice and Act to the Texas Commission on
27 Environmental Quality.

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

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

9 SECTION 13. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act
10 takes effect September 1, 2003.

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