

By: Gattis

H.B. No. 3548

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the creation of the Williamson County Municipal Utility  
3 District No. 16; providing authority to impose a tax and issue  
4 bonds.

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

6 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
7 Code, is amended by adding Chapter 8133 to read as follows:

8 CHAPTER 8133. WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 16

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 8133.001. DEFINITIONS. In this chapter:

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

13 (2) "Director" means a member of the board.

14 (3) "District" means the Williamson County Municipal  
15 Utility District No. 16.

16 Sec. 8133.002. NATURE OF DISTRICT. The district is a  
17 municipal utility district in Williamson County created under and  
18 essential to accomplish the purposes of Section 59, Article XVI,  
19 Texas Constitution.

20 Sec. 8133.003. CONFIRMATION ELECTION REQUIRED. If the  
21 creation of the district is not confirmed at a confirmation  
22 election held under Section 8133.023 before September 1, 2009:

23 (1) the district is dissolved September 1, 2009,  
24 except that:

1           (A) any debts incurred shall be paid;

2           (B) any assets that remain after the payment of  
3 debts shall be transferred to Williamson County; and

4           (C) the organization of the district shall be  
5 maintained until all debts are paid and remaining assets are  
6 transferred; and

7           (2) this chapter expires September 1, 2012.

8           Sec. 8133.004. INITIAL DISTRICT TERRITORY. (a) The  
9 district is initially composed of the territory described by  
10 Section 2 of the Act creating this chapter.

11           (b) The boundaries and field notes contained in Section 2 of  
12 the Act creating this chapter form a closure. A mistake made in the  
13 field notes or in copying the field notes in the legislative process  
14 does not affect:

15           (1) the organization, existence, or validity of the  
16 district;

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

18           (3) the legality or operation of the board.

19           Sec. 8133.005. APPLICABILITY OF OTHER LAW. Except as  
20 otherwise provided by this chapter, Chapters 30, 49, and 54, Water  
21 Code, apply to the district.

22           [Sections 8133.006-8133.020 reserved for expansion]

23           SUBCHAPTER A-1. TEMPORARY PROVISIONS

24           Sec. 8133.021. TEMPORARY DIRECTORS. (a) The temporary  
25 board consists of:

26           (1) Glynn D. Buie;

27           (2) Jim Caskey;

1           (3) James A. Davidson, Jr.;

2           (4) John W. Stewart; and

3           (5) Tom W. Swinbank.

4           (b) Temporary directors of the district are not required to  
5 own land in or be residents of the district.

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

12           (d) Temporary directors serve until the earlier of:

13           (1) the date directors are elected under Section  
14 8133.023; or

15           (2) the date this chapter expires under Section  
16 8133.003.

17           Sec. 8133.022. ORGANIZATIONAL MEETING OF TEMPORARY  
18 DIRECTORS. As soon as practicable after all the temporary  
19 directors have qualified under Section 49.055, Water Code, a  
20 majority of the temporary directors shall convene the  
21 organizational meeting of the district at a location in the  
22 district agreeable to a majority of the directors. If a location  
23 cannot be agreed upon, the organizational meeting shall be at the  
24 Williamson County Courthouse.

25           Sec. 8133.023. CONFIRMATION AND INITIAL DIRECTORS'  
26 ELECTION. (a) The temporary directors shall hold an election to  
27 confirm the creation of the district and to elect five initial

1 directors as provided by Section 49.102, Water Code. If the  
2 creation of the district is not confirmed at the initial election,  
3 the temporary directors may hold a second election not sooner than  
4 the first anniversary of the initial election.

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

7 (1) an issuance of bonds;

8 (2) a maintenance tax; or

9 (3) a tax to fund payments required under a contract.

10 (c) Section 41.001(a), Election Code, does not apply to a  
11 confirmation and initial directors' election held under this  
12 section.

13 Sec. 8133.024. INITIAL ELECTED DIRECTORS; TERMS. The  
14 directors elected under Section 8133.023 shall draw lots to  
15 determine which two shall serve terms expiring June 1 following the  
16 first regularly scheduled election of directors under Section  
17 8133.052 and which three shall serve until June 1 following the  
18 second regularly scheduled election of directors.

19 Sec. 8133.025. EXPIRATION OF SUBCHAPTER. This subchapter  
20 expires September 1, 2012.

21 [Sections 8133.026-8133.050 reserved for expansion]

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Sec. 8133.051. DIRECTORS; TERMS. (a) The district is  
24 governed by a board of five directors.

25 (b) Directors serve staggered four-year terms that expire  
26 June 1 of even-numbered years.

27 Sec. 8133.052. ELECTION OF DIRECTORS. On the uniform

1 election date in May of each even-numbered year, the appropriate  
2 number of directors shall be elected.

3 [Sections 8133.053-8133.100 reserved for expansion]

4 SUBCHAPTER C. POWERS AND DUTIES

5 Sec. 8133.101. WASTEWATER TREATMENT FACILITY DESIGN  
6 APPROVAL. The district must obtain the approval of the Brazos River  
7 Authority for the design of any district wastewater treatment  
8 facility.

9 Sec. 8133.102. WASTEWATER SERVICE PROVIDERS. Only the  
10 Brazos River Authority or a provider approved by the Brazos River  
11 Authority may provide wastewater service in the district.

12 Sec. 8133.103. COMPLIANCE WITH OCTOBER 2003 AGREEMENT. The  
13 district shall comply with the terms and conditions of the  
14 "Agreement Regarding Sewer Services Areas and Customers" among the  
15 Lower Colorado River Authority, the Brazos River Authority, the  
16 City of Georgetown, the City of Liberty Hill, and the Chisholm Trail  
17 Special Utility District dated October 31, 2003.

18 SECTION 2. The Williamson County Municipal Utility District  
19 No. 16 initially includes the territory contained within the  
20 following area:

21 BEING 151.62 acres of the John F. Furguson Survey, A-231, in  
22 Williamson County, Texas. This property contains a 101.02 acre  
23 Tract II which is described in a deed to Sam L. Pfiester and Rebecca  
24 K. Pfiester, of record in Vol. 842, Pg. 469; and a 50.51 acre tract  
25 which was conveyed in Vol. 907, Pg. 610, Deed Records of Williamson  
26 County, Texas. Surveyed on the ground in January of 2005, by  
27 William F. Forest, Jr., Registered Professional Land Surveyor No.

1 1847. Said 151.62 acres being more particularly described by metes  
2 and bounds as follows:

3 BEGINNING at an iron pin which was set for the northeast  
4 corner of the said 50.51 acre Pfiester tract, on or near the North  
5 line of the J.F. Furguson Survey. According to record data the  
6 Northeast corner of the said J.F. Furguson Survey stands about N 72  
7 deg. E 2465.0 feet, more or less. THENCE with the East line of the  
8 said 50.51 acre tract, S 18°52' E 1246.96' to an iron pin set; S  
9 18°42' E 351.09' to an iron pin found; S 21°50' E 320.42' to an iron  
10 pin set; and S 21°48'50" E 2743.22' to a concrete right-of-way  
11 monument found. THENCE with the North line of State Highway 29, S  
12 78°26'31" W 1288.84 feet to an iron pin set; S 83°15' W 244.62' to a  
13 concrete right-of-way monument found at the beginning of a curve to  
14 the right having a radius of 1074.84' and a tangent of 141.69 feet,  
15 continuing with the arc of the curve 281.75 feet, the chord bears S  
16 85 deg. 57 min. 05 sec. W 280.95 feet to an iron pin found at the  
17 Southeast corner of the William Gardiner property described in Vol.  
18 728, Pg. 153. THENCE with the West line of the 101.02 acre Tract II  
19 described in Vol. 842, Pg. 469, as follows; N 12° 18' W 419.87' to an  
20 iron pin set; N 31°22'15" W 892.74 feet to an iron pin found; S  
21 86°33'24" W 177.85' to an iron pin found; finding iron pins as  
22 follows; N 03°28'48" W 382.43'; N 03°17' W 1131.12'; N 70°50'58" E  
23 277.62'; N 72°10' E 403.68' to an iron pin set; and N 17°53'59" W  
24 1592.82' to an iron pin set. THENCE along or near the North line of  
25 the J.F. Furguson Survey, N 71°51' E 332.05' to an iron pin set; and  
26 N 71°51' E 503.82' to the POINT OF BEGINNING, containing a total of  
27 151.62 acres (6,604,567 total square feet) of land, more or less.

1           SECTION 3. (a)    The legal notice of the intention to  
2 introduce this Act, setting forth the general substance of this  
3 Act, has been published as provided by law, and the notice and a  
4 copy of this Act have been furnished to all persons, agencies,  
5 officials, or entities to which they are required to be furnished  
6 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
7 Government Code.

8           (b) The governor, one of the required recipients, has  
9 submitted the notice and Act to the Texas Commission on  
10 Environmental Quality.

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

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

19          SECTION 4. This Act takes effect September 1, 2005.