

1-1 By: Gattis (Senate Sponsor - Ogden) H.B. No. 3548
1-2 (In the Senate - Received from the House May 20, 2005;
1-3 May 20, 2005, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 21, 2005, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 21, 2005, sent to printer.)

1-6 HOUSE COMMITTEE SUBSTITUTE FOR H.B. NO. 3548 RECEIVED IN THE FORM OF
1-7 ENGROSSED RIDER IN LIEU OF A FULL ENGROSSMENT

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation of the Williamson County Municipal Utility
1-11 District No. 16; providing authority to impose a tax and issue
1-12 bonds.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-14 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-15 Code, is amended by adding Chapter 8133 to read as follows:

1-16 CHAPTER 8133. WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 16
1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8133.001. DEFINITIONS. In this chapter:

1-19 (1) "Board" means the board of directors of the
1-20 district.

1-21 (2) "Director" means a member of the board.

1-22 (3) "District" means the Williamson County Municipal
1-23 Utility District No. 16.

1-24 Sec. 8133.002. NATURE OF DISTRICT. The district is a
1-25 municipal utility district in Williamson County created under and
1-26 essential to accomplish the purposes of Section 59, Article XVI,
1-27 Texas Constitution.

1-28 Sec. 8133.003. CONFIRMATION ELECTION REQUIRED. If the
1-29 creation of the district is not confirmed at a confirmation
1-30 election held under Section 8133.023 before September 1, 2009:

1-31 (1) the district is dissolved September 1, 2009,
1-32 except that:

1-33 (A) any debts incurred shall be paid;

1-34 (B) any assets that remain after the payment of
1-35 debts shall be transferred to Williamson County; and

1-36 (C) the organization of the district shall be
1-37 maintained until all debts are paid and remaining assets are
1-38 transferred; and

1-39 (2) this chapter expires September 1, 2012.

1-40 Sec. 8133.004. INITIAL DISTRICT TERRITORY. (a) The
1-41 district is initially composed of the territory described by
1-42 Section 2 of the Act creating this chapter.

1-43 (b) The boundaries and field notes contained in Section 2 of
1-44 the Act creating this chapter form a closure. A mistake made in the
1-45 field notes or in copying the field notes in the legislative process
1-46 does not affect:

1-47 (1) the organization, existence, or validity of the
1-48 district;

1-49 (2) the right of the district to impose taxes; or

1-50 (3) the legality or operation of the board.

1-51 Sec. 8133.005. APPLICABILITY OF OTHER LAW. Except as
1-52 otherwise provided by this chapter, Chapters 30, 49, and 54, Water
1-53 Code, apply to the district.

1-54 [Sections 8133.006-8133.020 reserved for expansion]

1-55 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-56 Sec. 8133.021. TEMPORARY DIRECTORS. (a) The temporary
1-57 board consists of:

1-58 (1) Glynn D. Buie;

1-59 (2) Jim Caskey;

1-60 (3) James A. Davidson, Jr.;

1-61 (4) John W. Stewart; and

2-1 (5) Tom W. Swinbank.

2-2 (b) Temporary directors of the district are not required to
 2-3 own land in or be residents of the district.

2-4 (c) If a temporary director fails to qualify for office, the
 2-5 temporary directors who have qualified shall appoint a person to
 2-6 fill the vacancy. If at any time there are fewer than three
 2-7 qualified temporary directors, the Texas Commission on
 2-8 Environmental Quality shall appoint the necessary number of persons
 2-9 to fill all vacancies on the board.

2-10 (d) Temporary directors serve until the earlier of:

2-11 (1) the date directors are elected under Section
 2-12 8133.023; or

2-13 (2) the date this chapter expires under Section
 2-14 8133.003.

2-15 Sec. 8133.022. ORGANIZATIONAL MEETING OF TEMPORARY
 2-16 DIRECTORS. As soon as practicable after all the temporary
 2-17 directors have qualified under Section 49.055, Water Code, a
 2-18 majority of the temporary directors shall convene the
 2-19 organizational meeting of the district at a location in the
 2-20 district agreeable to a majority of the directors. If a location
 2-21 cannot be agreed upon, the organizational meeting shall be at the
 2-22 Williamson County Courthouse.

2-23 Sec. 8133.023. CONFIRMATION AND INITIAL DIRECTORS'
 2-24 ELECTION. (a) The temporary directors shall hold an election to
 2-25 confirm the creation of the district and to elect five initial
 2-26 directors as provided by Section 49.102, Water Code. If the
 2-27 creation of the district is not confirmed at the initial election,
 2-28 the temporary directors may hold a second election not sooner than
 2-29 the first anniversary of the initial election.

2-30 (b) At the confirmation and initial directors' election the
 2-31 board may submit to the voters a proposition to authorize:

2-32 (1) an issuance of bonds;

2-33 (2) a maintenance tax; or

2-34 (3) a tax to fund payments required under a contract.

2-35 (c) Section 41.001(a), Election Code, does not apply to a
 2-36 confirmation and initial directors' election held under this
 2-37 section.

2-38 Sec. 8133.024. INITIAL ELECTED DIRECTORS; TERMS. The
 2-39 directors elected under Section 8133.023 shall draw lots to
 2-40 determine which two shall serve terms expiring June 1 following the
 2-41 first regularly scheduled election of directors under Section
 2-42 8133.052 and which three shall serve until June 1 following the
 2-43 second regularly scheduled election of directors.

2-44 Sec. 8133.025. EXPIRATION OF SUBCHAPTER. This subchapter
 2-45 expires September 1, 2012.

2-46 [Sections 8133.026-8133.050 reserved for expansion]

2-47 SUBCHAPTER B. BOARD OF DIRECTORS

2-48 Sec. 8133.051. DIRECTORS; TERMS. (a) The district is
 2-49 governed by a board of five directors.

2-50 (b) Directors serve staggered four-year terms that expire
 2-51 June 1 of even-numbered years.

2-52 Sec. 8133.052. ELECTION OF DIRECTORS. On the uniform
 2-53 election date in May of each even-numbered year, the appropriate
 2-54 number of directors shall be elected.

2-55 [Sections 8133.053-8133.100 reserved for expansion]

2-56 SUBCHAPTER C. POWERS AND DUTIES

2-57 Sec. 8133.101. WASTEWATER TREATMENT FACILITY DESIGN
 2-58 APPROVAL. The district must obtain the approval of the Brazos River
 2-59 Authority for the design of any district wastewater treatment
 2-60 facility.

2-61 Sec. 8133.102. WASTEWATER SERVICE PROVIDERS. Only the
 2-62 Brazos River Authority or a provider approved by the Brazos River
 2-63 Authority may provide wastewater service in the district.

2-64 Sec. 8133.103. COMPLIANCE WITH SEWER SERVICE AGREEMENT.
 2-65 The district shall comply with the terms and conditions of the
 2-66 "Agreement Regarding Sewer Service Areas and Customers by and
 2-67 between Lower Colorado River Authority, Brazos River Authority,
 2-68 City of Georgetown, City of Liberty Hill and Chisholm Trail Special
 2-69 Utility District" dated February 1, 2005.

3-1 SECTION 2. The Williamson County Municipal Utility District
 3-2 No. 16 initially includes the territory contained within the
 3-3 following area:
 3-4 BEING 151.62 acres of the John F. Furguson Survey, A-231, in
 3-5 Williamson County, Texas. This property contains a 101.02 acre
 3-6 Tract II which is described in a deed to Sam L. Pfiester and Rebecca
 3-7 K. Pfiester, of record in Vol. 842, Pg. 469; and a 50.51 acre tract
 3-8 which was conveyed in Vol. 907, Pg. 610, Deed Records of Williamson
 3-9 County, Texas. Surveyed on the ground in January of 2005, by
 3-10 William F. Forest, Jr., Registered Professional Land Surveyor No.
 3-11 1847. Said 151.62 acres being more particularly described by metes
 3-12 and bounds as follows:

3-13 BEGINNING at an iron pin which was set for the northeast
 3-14 corner of the said 50.51 acre Pfiester tract, on or near the North
 3-15 line of the J.F. Furguson Survey. According to record data the
 3-16 Northeast corner of the said J.F. Furguson Survey stands about N 72
 3-17 deg. E 2465.0 feet, more or less. THENCE with the East line of the
 3-18 said 50.51 acre tract, S 18°52' E 1246.96' to an iron pin set; S
 3-19 18°42' E 351.09' to an iron pin found; S 21°50' E 320.42' to an iron
 3-20 pin set; and S 21°48'50" E 2743.22' to a concrete right-of-way
 3-21 monument found. THENCE with the North line of State Highway 29, S
 3-22 78°26'31" W 1288.84 feet to an iron pin set; S 83°15' W 244.62' to a
 3-23 concrete right-of-way monument found at the beginning of a curve to
 3-24 the right having a radius of 1074.84' and a tangent of 141.69 feet,
 3-25 continuing with the arc of the curve 281.75 feet, the chord bears S
 3-26 85 deg. 57 min. 05 sec. W 280.95 feet to an iron pin found at the
 3-27 Southeast corner of the William Gardiner property described in Vol.
 3-28 728, Pg. 153. THENCE with the West line of the 101.02 acre Tract II
 3-29 described in Vol. 842, Pg. 469, as follows; N 12° 18' W 419.87' to an
 3-30 iron pin set; N 31°22'15" W 892.74 feet to an iron pin found; S
 3-31 86°33'24" W 177.85' to an iron pin found; finding iron pins as
 3-32 follows; N 03°28'48" W 382.43'; N 03°17' W 1131.12'; N 70°50'58" E
 3-33 277.62'; N 72°10' E 403.68' to an iron pin set; and N 17°53'59" W
 3-34 1592.82' to an iron pin set. THENCE along or near the North line of
 3-35 the J.F. Furguson Survey, N 71°51' E 332.05' to an iron pin set; and
 3-36 N 71°51' E 503.82' to the POINT OF BEGINNING, containing a total of
 3-37 151.62 acres (6,604,567 total square feet) of land, more or less.

3-38 SECTION 3. (a) The legal notice of the intention to
 3-39 introduce this Act, setting forth the general substance of this
 3-40 Act, has been published as provided by law, and the notice and a
 3-41 copy of this Act have been furnished to all persons, agencies,
 3-42 officials, or entities to which they are required to be furnished
 3-43 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 3-44 Government Code.

3-45 (b) The governor, one of the required recipients, has
 3-46 submitted the notice and Act to the Texas Commission on
 3-47 Environmental Quality.

3-48 (c) The Texas Commission on Environmental Quality has filed
 3-49 its recommendations relating to this Act with the governor, the
 3-50 lieutenant governor, and the speaker of the house of
 3-51 representatives within the required time.

3-52 (d) All requirements of the constitution and laws of this
 3-53 state and the rules and procedures of the legislature with respect
 3-54 to the notice, introduction, and passage of this Act are fulfilled
 3-55 and accomplished.

3-56 SECTION 4. This Act takes effect September 1, 2005.

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