

By: Armbrister

S.B. No. 1891

Substitute the following for S.B. No. 1891:

By: Puente

C.S.S.B. No. 1891

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the La Salle Water Control and Improvement District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

SECTION 1. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9008 to read as follows:

CHAPTER 9008. LA SALLE WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9008.001. DEFINITIONS. In this chapter:

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

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

(3) "District" means the La Salle Water Control and Improvement District No. 1.

Sec. 9008.002. NATURE OF DISTRICT. The La Salle Water Control and Improvement District No. 1 is a water control and improvement district in Calhoun County created under and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 9008.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 9008.024 before September 1, 2007:

(1) the district is dissolved September 1, 2007,

1 except that:

2 (A) any debts incurred shall be paid;

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

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

8 (2) this chapter expires September 1, 2010.

9 Sec. 9008.004. INITIAL DISTRICT TERRITORY. (a) The
10 district is initially composed of the territory described by
11 Section 2 of the Act creating this chapter.

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

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

18 (2) the right of the district to impose ad valorem
19 taxes;

20 (3) the validity of the district's bonds, notes, or
21 indebtedness; or

22 (4) the legality or operation of the district or the
23 board.

24 [Sections 9008.005-9008.020 reserved for expansion]

25 SUBCHAPTER A1. TEMPORARY PROVISIONS

26 Sec. 9008.021. TEMPORARY DIRECTORS. (a) The temporary
27 board consists of:

- 1 (1) Douglas A. Baker;
- 2 (2) W. H. "Bill" Bauer, Jr.;
- 3 (3) Waymond Boyd;
- 4 (4) Lawrence A. Korenek; and
- 5 (5) Edwin A. Wagner.

6 (b) If a temporary director fails to qualify for office, the
7 Texas Commission on Environmental Quality shall appoint a person to
8 fill the vacancy.

9 (c) Temporary directors serve until the earlier of:

- 10 (1) the date directors are elected under Section
11 9008.024; or
- 12 (2) the date this chapter expires under Section
13 9008.003.

14 Sec. 9008.022. ORGANIZATIONAL MEETING OF TEMPORARY
15 DIRECTORS. As soon as practicable after all the temporary
16 directors have qualified under Section 49.055, Water Code, the
17 temporary directors shall meet at a location in the district
18 agreeable to a majority of the directors. If a location cannot be
19 agreed upon, the meeting shall be at the Calhoun County Courthouse.
20 At the meeting, the temporary directors shall elect officers from
21 among the temporary directors and conduct any other district
22 business.

23 Sec. 9008.023. CONSENT OF MUNICIPALITY OR COUNTY REQUIRED.

24 (a) The temporary directors may not hold an election under Section
25 9008.024 until each municipality in whose corporate limits or
26 extraterritorial jurisdiction the district is located has adopted a
27 resolution consenting to the creation of the district.

1 (b) If the district is located outside the extraterritorial
2 jurisdiction of a municipality, the temporary directors may not
3 hold the election until the county in which the district is located
4 has adopted a resolution consenting to the creation of the
5 district.

6 (c) A municipality or county may not adopt a resolution
7 under this section before the effective date of the Act creating
8 this chapter.

9 Sec. 9008.024. CONFIRMATION AND INITIAL DIRECTORS'
10 ELECTION. If each municipality or county has consented to the
11 creation of the district under Section 9008.023, the temporary
12 directors shall hold an election to confirm the creation of the
13 district and to elect five directors as provided by Section 49.102,
14 Water Code.

15 Sec. 9008.025. INITIAL ELECTED DIRECTORS; TERMS. The
16 directors elected under Section 9008.024 shall draw lots to
17 determine which two shall serve until the first regularly scheduled
18 election of directors under Section 9008.052 and which three shall
19 serve until the second regularly scheduled election of directors.

20 Sec. 9008.026. EXPIRATION OF SUBCHAPTER. This subchapter
21 expires September 1, 2010.

22 [Sections 9008.027-9008.050 reserved for expansion]

23 SUBCHAPTER B. BOARD OF DIRECTORS

24 Sec. 9008.051. DIRECTORS; TERMS. (a) The district is
25 governed by a board of five directors.

26 (b) Directors serve staggered four-year terms.

27 Sec. 9008.052. 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 9008.053-9008.100 reserved for expansion]

4 SUBCHAPTER C. POWERS AND DUTIES

5 Sec. 9008.101. WATER CONTROL AND IMPROVEMENT DISTRICT
6 POWERS AND DUTIES. The district has the powers and duties provided
7 by the general law of this state, including Chapters 49 and 51,
8 Water Code, applicable to water control and improvement districts
9 created under Section 59, Article XVI, Texas Constitution.

10 Sec. 9008.102. ROAD PROJECTS. (a) To the extent authorized
11 by Section 52, Article III, Texas Constitution, the district may
12 construct, acquire, improve, maintain, or operate macadamized,
13 graveled, or paved roads or turnpikes, or improvements in aid of
14 those roads or turnpikes, inside the district.

15 (b) A road project must meet or exceed all applicable
16 construction standards, zoning and subdivision requirements, and
17 regulatory ordinances of each municipality in whose corporate
18 limits or extraterritorial jurisdiction the district is located.
19 If the district is located outside the extraterritorial
20 jurisdiction of a municipality, a road project must meet all
21 applicable construction standards, zoning and subdivision
22 requirements, and regulatory ordinances of the county in which the
23 district is located.

24 (c) The district may not undertake a road project unless
25 each municipality in whose corporate limits or extraterritorial
26 jurisdiction the district is located consents by ordinance or
27 resolution. If the district is located outside the

1 extraterritorial jurisdiction of a municipality, the district may
2 not undertake a road project unless the county in which the district
3 is located consents by ordinance or resolution.

4 Sec. 9008.103. COMPLIANCE WITH MUNICIPAL ORDINANCES OR
5 RESOLUTIONS. Notwithstanding Section 51.714, Water Code, and
6 subject to the limitations of Section 54.016, Water Code, the
7 district shall comply with all applicable requirements of any
8 ordinance or resolution adopted by the governing body of a
9 municipality in whose corporate limits or extraterritorial
10 jurisdiction the district is partly or wholly located.

11 Sec. 9008.104. LIMITATION ON USE OF EMINENT DOMAIN. The
12 district may exercise the power of eminent domain outside the
13 district only to acquire an easement necessary for a pipeline that
14 serves the district.

15 [Sections 9008.105-9008.150 reserved for expansion]

16 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

17 Sec. 9008.151. TAX TO REPAY BONDS. The district may impose
18 a tax to pay the principal of or interest on bonds issued under
19 Section 9008.201.

20 [Sections 9008.152-9008.200 reserved for expansion]

21 SUBCHAPTER E. BONDS

22 Sec. 9008.201. AUTHORITY TO ISSUE BONDS AND OTHER
23 OBLIGATIONS. (a) The district may issue bonds or other obligations
24 as provided by Chapters 49 and 51, Water Code, to finance the
25 construction, maintenance, or operation of projects under Sections
26 9008.101 and 9008.102.

27 (b) The district may not issue bonds to finance projects

1 authorized by Section 9008.102 unless the issuance is approved by a
2 vote of a two-thirds majority of the voters of the district voting
3 at an election called for that purpose.

4 (c) Bonds or other obligations issued or incurred to finance
5 projects authorized by Section 9008.102 may not exceed one-fourth
6 of the assessed value of the real property in the district.

7 (d) Sections 49.181 and 49.182, Water Code, do not apply to
8 a project undertaken by the district under Section 9008.102 or to
9 bonds issued by the district to finance the project.

10 SECTION 2. The La Salle Water Control and Improvement
11 District No. 1 initially includes all the territory contained in
12 the following described area:

13 All of that certain tract or parcel containing 3396.3 acres, being
14 1934.1 acres situated in the Faustino Albarado Survey, Abstract No.
15 1 and 1462.2 acres situated in the Cleto Garcia Survey, Abstract No.
16 14 of Calhoun County, Texas and being a part of the same property
17 described as 13,326.88 acres in Exhibit "A" in Deed dated December
18 13, 1995 from W. H. Bauer, et ux, to Bauer Family Ranches, LTD., a
19 Texas Limited Partnership recorded in Volume 153, Page 15 of the
20 Official Records of Calhoun County, Texas. This 3396.3 acres is
21 more particularly described by metes and bounds as follows:

22 BEGINNING in the North line of the above referenced 13,326.88 acre
23 tract at the intersection of the Northerly projection of the West
24 line of a 1019.707 acre tract described in deed recorded in Volume
25 175, Page 521 of the Calhoun County Official Records and in the
26 North line of 8.163 acre tract described as Part II in Right-of-Way
27 Easement described in Volume 263, Page 509 of the Calhoun County

1 Deed Records for Northeast corner of this 3396.3 acres being
2 described;

3 THENCE South 25° 50' 49" East, with the Northerly projection of the
4 West line of the said 1,019.707 acre tract, pass the South line of
5 the said 8.163 acre tract and the present Right-of-Way of State
6 Highway No. 185 and the Northwest corner of the said 1,019.707 acre
7 tract at a distance of 13.00 feet, and continuing with the West line
8 of the said 1,019.707 acre tract and continuing a total distance of
9 6,706.96 feet to the Northwest line of the Intracoastal Waterway
10 (Volume 33, Page 618 of the Calhoun County Deed Records) and the
11 Southwest corner of the said 1,019.707 acre tract for the Southeast
12 corner of this 3396.3 acres being described;

13 THENCE South 61° 15' 14" West, with the Northwest line of the said
14 Intracoastal Waterway a distance of 1,613.99 feet to a point of
15 curve for corner of this 3396.3 acres being described;

16 THENCE with the Northwest line of the said Intracoastal Waterway
17 along a curve to the right with a Delta of 00° 50' 41"; a Radius of
18 5,423.42 feet; and a Long Chord of South 61° 40' 35" West a distance
19 of 79.95 feet to a point of tangency for a corner of this 3396.3
20 acres being described;

21 THENCE South 62° 05' 55" West, with the Northwest line of the said
22 Intracoastal Waterway a distance of 13,506.22 feet to a point for a
23 corner of this 3396.3 acres being described;

24 THENCE North 25° 50' 49" West, a distance of 12,751.14 feet to a
25 point in the North line of the 13,326.88 acre tract and the North
26 line of the said Right-of-Way Easement for the West corner of this
27 3396.3 acres being described;

1 THENCE North 83° 58' 28" East, with the North line of the said
2 13,326.88 acre tract and the North line of said Right-of-Way
3 Easement a distance of 16,145.90 feet to the PLACE OF BEGINNING,
4 containing within these metes and bounds 3396.3 acres.

5 The bearings and distances recited herein refer to Texas State
6 Plane Lambert Grid Nad 83 (1986) and are based on NGS Monument
7 "Porto 2" with published coordinates of (Northing = 13,348,963.42)
8 and (Easting = 2,779,103.72).

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

16 (b) The governor, one of the required recipients, has
17 submitted the notice and Act to the Texas Commission on
18 Environmental Quality.

19 (c) The Texas Commission on Environmental Quality has filed
20 its recommendations relating to this Act with the governor, the
21 lieutenant governor, and the speaker of the house of
22 representatives within the required time.

23 (d) All requirements of the constitution and laws of this
24 state and the rules and procedures of the legislature with respect
25 to the notice, introduction, and passage of this Act are fulfilled
26 and accomplished.

27 SECTION 4. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2005.