

By: Smith of Harris

H.B. No. 3158

A BILL TO BE ENTITLED

AN ACT

relating to the name, powers, and board of directors of the Chambers County-Cedar Bayou Navigation District.

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

SECTION 1. Section 1(a), Chapter 589, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:

(a) The [~~There is created and established a~~] special district [~~to be~~] known as the "Cedar" [~~"Chambers County-Cedar~~] Bayou Navigation District" [~~that~~] is a governmental agency, a body politic and corporate, and a political subdivision of the state.

SECTION 2. Section 2, Chapter 589, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:

Sec. 2. DEFINITION. In this Act, "district" means the Cedar [~~Chambers County-Cedar~~] Bayou Navigation District.

SECTION 3. Section 5, Chapter 589, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:

Sec. 5. BOARD OF DIRECTORS. (a) The district is to be governed by a board of seven [~~five (5)~~] directors.

(b) The five directors serving in director positions 1, 2, 3, 4, and 5 [~~Except for the initial directors, each director~~] shall be appointed by the Commissioners Court of Chambers County from a list of candidates recommended by the board in the manner provided in Section 375.064, Local Government Code, or, if the commissioners court is not satisfied with any of the recommended candidates, from

1 nominees submitted by members of the commissioners court. Said
2 directors shall serve staggered six (6) year terms with the terms of
3 the directors in positions 1 and 3 expiring May 1 of an odd-numbered
4 year, the directors in positions 2 and 4 expiring May 1 of another
5 odd-numbered year, and the director in position 5 expiring May 1 of
6 another odd-numbered year [~~either 2 directors or 1 director~~
7 ~~expiring on May 1 of each odd-numbered year as provided below~~].
8 Each director so appointed shall serve a term of office of six (6)
9 years, and until his or her successor is appointed and has
10 qualified. Appointments to fill an unexpired term shall be made by
11 the remaining directors.

12 (b-1) The directors serving in director positions 1 and 2
13 must be representatives of a company or business in the district
14 that has the highest and second highest taxable value of real and
15 personal property located in the district, as certified by the
16 Chambers County Appraisal District. The directors serving in
17 director positions 3 and 4 must be representatives of a company or
18 business in the district that owns real or personal property that
19 has a taxable value of at least \$25,000,000 but less than
20 \$250,000,000, as certified by the Chambers County Appraisal
21 District. The director serving in director position 5 must be a
22 representative of a company or business that owns real or personal
23 property in the district that has a taxable value of at least
24 \$5,000,000 but less than \$25,000,000, as certified by the Chambers
25 County Appraisal District.

26 (b-2) The directors shall elect a chairperson from the
27 directors. The person elected serves a term of four years as

1 chairperson. Beginning September 1, 2007, the chairperson shall be
2 elected by the directors from among the directors in positions 1, 2,
3 3, 4, and 5. At the conclusion of the term of the initial
4 chairperson elected under this subsection, the chairperson shall be
5 elected by the directors from among the directors in positions 6 and
6 7. The group of directors from which the chairperson is elected
7 shall continue to alternate between the directors in positions 1,
8 2, 3, 4, and 5, and the directors in positions 6 and 7.

9 (c) One director, who shall serve in director position 6,
10 shall be appointed by the mayor of the City of Baytown, and one
11 director, who shall serve in director position 7, shall be
12 appointed by the city council of the City of Baytown. The two
13 directors shall serve staggered six (6) year terms with the term of
14 the director in position 6 expiring May 1 of the odd-numbered year
15 in which the terms of positions 1 and 3 expire and with the term of
16 the director in position 7 expiring May 1 of the odd-numbered year
17 in which the terms of positions 2 and 4 expire. Each director
18 appointed to serve in position 6 or 7 shall serve a term of office of
19 six (6) years, and until his or her successor is appointed and has
20 qualified. Appointments to fill an unexpired term in position 6
21 shall be made by the mayor of the City of Baytown, and appointments
22 to fill an unexpired term in position 7 shall be made by the city
23 council of the City of Baytown. [At the time this Act takes effect,
24 the following persons shall constitute the initial board of
25 directors of the district and are hereby appointed for the terms
26 prescribed by Subsection (d) of this section:

27 [Director Position

Name of Director

1 [1 ~~Jim Molnar~~
2 [2 ~~David Baker~~
3 [3 ~~Johnnie Jennings~~
4 [4 ~~Joseph S. Antoline~~
5 [5 ~~Gordon Christman]~~

6 (d) Directors serving in director positions 1, 2, 3, 4, and
7 5 ~~[Of the initial directors, the directors appointed for director~~
8 ~~positions 1 and 3 shall serve until May 1, 1999; the directors~~
9 ~~appointed for director positions 2 and 4 shall serve until May 1,~~
10 ~~2001; and the director appointed for director position 5 shall~~
11 ~~serve until May 1, 2003.]~~

12 ~~[(c) Each initial director and each subsequent director~~
13 ~~appointed]~~ for either a full or partial term shall meet the
14 following qualifications:

- 15 (i) be at least eighteen (18) years of age; and
16 (ii) be an owner of property in the district; or
17 (iii) be an owner of stock, whether beneficial or
18 otherwise, of a corporate owner of property in the district; or
19 (iv) be an owner of a beneficial interest in a trust
20 that owns property in the district; or
21 (v) be an agent, employee or tenant of a person
22 described in the foregoing Subdivisions (ii), (iii), or (iv).

23 (e) Directors serving in director positions 6 and 7 shall
24 meet the following qualifications:

- 25 (1) be at least 18 years of age; and
26 (2) be a resident of the City of Baytown.

27 (f) No person may be appointed as a director or continue to

1 serve as a director unless they satisfy the [~~these~~] requirements
2 prescribed by this section. Each director shall qualify for office
3 as provided in Subchapter D, Chapter 375, Local Government Code.

4 (g) [~~(f)~~] The board shall be governed by the terms and
5 conditions set forth in Subchapter C, Chapter 63, Water Code, to the
6 extent such provisions do not conflict with the provisions of this
7 Act.

8 (h) [~~(g)~~] Directors shall be compensated in the manner
9 provided by Section 63.098, Water Code.

10 (i) On September 1, 2007, the board is expanded from five
11 members to seven members by adding director positions 6 and 7 as
12 provided by Subsections (c) and (e) of this section. Regardless of
13 the length of the term prescribed by Subsection (c), the initial
14 term of the director serving in position 6 begins September 1, 2007,
15 and expires May 1, 2011, and the initial term of the director
16 serving in position 7 begins September 1, 2007, and expires May 1,
17 2013.

18 SECTION 4. Section 6, Chapter 589, Acts of the 75th
19 Legislature, Regular Session, 1997, is amended by adding
20 Subsections (a-1) and (e) to read as follows:

21 (a-1) The district may:

22 (1) develop navigation and improve bayous, bays,
23 creeks, and streams inside or adjacent to the district;

24 (2) construct and maintain harbors, basins, and
25 waterways to permit or aid navigation; and

26 (3) purchase or otherwise acquire, establish,
27 construct, own, maintain, operate, develop, and regulate wharves,

1 piers, docks, fleeting areas, land, roadways, and other structures
2 and facilities incident to or accommodating of commerce or
3 navigation.

4 (e) The rights, powers, privileges, and authority conferred
5 on the district by this Act do not supersede or diminish the rights,
6 powers, privileges, and authority of the Port of Houston Authority
7 of Harris County, Texas, the United States Army Corps of Engineers,
8 or any state agency or other federal agency. The district may not
9 exercise its powers inside the boundaries of another navigation
10 district without that district's agreement.

11 SECTION 5. Chapter 589, Acts of the 75th Legislature,
12 Regular Session, 1997, is amended by adding Section 6A to read as
13 follows:

14 Sec. 6A. CONTRACT WITH ANOTHER DISTRICT. The district may
15 make a contract with another navigation district created under
16 Section 52 of Article III or Section 59 of Article XVI, Texas
17 Constitution, or both, for the performance of any service that is
18 authorized to be provided by the districts. Any payments due under
19 the contract may be made from and secured by ad valorem taxes or
20 other revenues of the districts or by a combination of revenues. If
21 the constitution of this state requires an election to permit the
22 payment and security, an election shall be held substantially in
23 accordance with the requirements of Subchapter F, Chapter 62, Water
24 Code.

25 SECTION 6. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2007.