

By: Aycock

H.B. No. 3990

Substitute the following for H.B. No. 3990:

By: Puente

C.S.H.B. No. 3990

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the creation of the Burnet County Water Control and
3 Improvement District No. 1; providing authority to impose a tax and
4 issue bonds.

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

6 SECTION 1. Subtitle I, Title 6, Special District Local Laws
7 Code, is amended by adding Chapter 9030 to read as follows:

8 CHAPTER 9030. BURNET COUNTY WATER CONTROL AND

9 IMPROVEMENT DISTRICT NO. 1

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 9030.001. DEFINITIONS. In this chapter:

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

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

15 (3) "District" means the Burnet County Water Control
16 and Improvement District No. 1.

17 (4) "Project" means a program or project authorized by
18 this chapter or general law, to be undertaken inside or outside the
19 boundaries of the district, that is necessary to accomplish the
20 public purposes of the district.

21 Sec. 9030.002. NATURE OF DISTRICT. The district is a water
22 control and improvement district in Burnet County created under and
23 essential to accomplish the purposes of Section 52, Article III,
24 and Section 59, Article XVI, Texas Constitution.

1 Sec. 9030.003. LEGISLATIVE FINDINGS. The legislature finds
2 that:

3 (1) all of the land and other property included in the
4 boundaries of the district will be benefited by the works and
5 projects that are to be accomplished by the district pursuant to the
6 powers conferred by Section 52, Article III, and Section 59,
7 Article XVI, Texas Constitution; and

8 (2) the district serves a public use and benefit.

9 Sec. 9030.004. CONFIRMATION ELECTION REQUIRED. If the
10 creation of the district is not confirmed at a confirmation
11 election held under Section 9030.023 before September 1, 2011:

12 (1) the district is dissolved September 1, 2011,
13 except that:

14 (A) any debts incurred shall be paid;

15 (B) any assets that remain after the payment of
16 debts shall be transferred to Burnet County; and

17 (C) the organization of the district shall be
18 maintained until all debts are paid and remaining assets are
19 transferred; and

20 (2) this chapter expires September 1, 2014.

21 Sec. 9030.005. INITIAL DISTRICT TERRITORY. (a) The
22 district is initially composed of the territory described by
23 Section 2 of the Act creating this chapter.

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

- 1 (1) the organization, existence, or validity of the
2 district;
3 (2) the right of the district to impose taxes; or
4 (3) the legality or operation of the district or the
5 board.

6 Sec. 9030.006. APPLICABILITY OF ADMINISTRATIVE PROVISIONS
7 OF OTHER LAW; CONFLICT OF LAW. The district shall operate as a
8 water control and improvement district and comply with the
9 administrative provisions of Chapter 51, Water Code, except as
10 otherwise provided by this chapter. The district shall also comply
11 with Chapter 49, Water Code, to the extent that chapter does not
12 conflict with Chapter 51 of that code. If there is a conflict
13 between Chapters 49 and 51, Water Code, Chapter 51 controls.

14 Sec. 9030.007. LIBERAL CONSTRUCTION OF CHAPTER. This
15 chapter shall be liberally construed in conformity with the
16 legislative findings and purposes stated in this chapter.

17 [Sections 9030.008-9030.020 reserved for expansion]

18 SUBCHAPTER A-1. TEMPORARY PROVISIONS

19 Sec. 9030.021. TEMPORARY DIRECTORS. (a) The temporary
20 board is composed of:

- 21 (1) Brian Carlton;
22 (2) Brandon Myers;
23 (3) Brent Wicker;
24 (4) Bob Sewell; and
25 (5) Brandon Raney.

26 (b) If a temporary director fails to qualify for office, the
27 temporary directors who have qualified shall appoint a person to

1 fill the vacancy. If at any time there are fewer than three
2 qualified temporary directors, the Texas Commission on
3 Environmental Quality shall appoint the necessary number of persons
4 to fill all vacancies on the board.

5 Sec. 9030.022. ORGANIZATIONAL MEETING OF TEMPORARY
6 DIRECTORS. As soon as practicable after all the temporary
7 directors have qualified under Section 49.055, Water Code, the
8 temporary directors shall meet at a location in the district
9 agreeable to a majority of the directors. If a location cannot be
10 agreed upon, the meeting shall be at the Burnet County Courthouse.
11 At the meeting the temporary directors shall elect officers from
12 among the temporary directors and conduct any other district
13 business.

14 Sec. 9030.023. CONFIRMATION AND INITIAL DIRECTORS'
15 ELECTION. (a) The temporary directors shall hold an election to
16 confirm the creation of the district and to elect five directors as
17 provided by Section 49.102, Water Code.

18 (b) Section 41.001(a), Election Code, does not apply to a
19 confirmation election held under this section.

20 Sec. 9030.024. INITIAL ELECTED DIRECTORS; TERMS. The
21 directors elected under Section 9030.023 shall draw lots to
22 determine which two shall serve until the first regularly scheduled
23 election of directors and which three shall serve until the second
24 regularly scheduled election of directors.

25 Sec. 9030.025. EXPIRATION OF SUBCHAPTER. This subchapter
26 expires September 1, 2014.

27 [Sections 9030.026-9030.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 9030.051. DIRECTORS; TERMS. (a) The district is
3 governed by a board of five directors.

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

5 Sec. 9030.052. ELECTION OF DIRECTORS. On the uniform
6 election date in May of each even-numbered year, the appropriate
7 number of directors shall be elected.

8 [Sections 9030.053-9030.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 9030.101. WATER CONTROL AND IMPROVEMENT DISTRICT AND
11 MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has all
12 of the rights, powers, privileges, authority, functions, and duties
13 provided by the general law of this state applicable to:

14 (1) water control and improvement districts,
15 including Chapters 49 and 51, Water Code; and

16 (2) municipal utility districts, including Chapter
17 54, Water Code.

18 Sec. 9030.102. ROAD PROJECTS. To the extent authorized by
19 Section 52, Article III, Texas Constitution, the district may
20 construct, acquire, improve, maintain, or operate macadamized,
21 graveled, or paved roads, or improvements in aid of those roads.

22 Sec. 9030.103. CONTRACT WITH POLITICAL SUBDIVISION FOR
23 WATER OR SEWER SERVICES. (a) The district may enter into a
24 contract to allow a political subdivision to provide retail water
25 or sewer service in the district. The contract may contain terms
26 the board considers desirable, fair, and advantageous to the
27 district.

1 (b) The contract may provide that the district will
2 construct or acquire and convey to the political subdivision a
3 water supply or treatment system, a water distribution system, or a
4 sanitary sewage collection or treatment system, as necessary to
5 provide water or sewer service in the district.

6 (c) The district may use bond proceeds or other available
7 district money to pay for its obligations under, or for services or
8 facilities provided under, the contract.

9 (d) If the contract requires the district to make payments
10 from taxes other than operation and maintenance taxes, the contract
11 is subject to Section 49.108, Water Code.

12 [Sections 9030.104-9030.150 reserved for expansion]

13 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

14 Sec. 9030.151. TAX TO REPAY BONDS. The district may impose
15 a tax to pay the principal of or interest on bonds or other
16 obligations issued under Section 9030.201.

17 [Sections 9030.152-9030.200 reserved for expansion]

18 SUBCHAPTER E. BONDS

19 Sec. 9030.201. AUTHORITY TO ISSUE BONDS AND OTHER
20 OBLIGATIONS. (a) The district may issue bonds or other obligations
21 as provided by Chapters 49, 51, and 54, Water Code, to finance:

22 (1) the construction, maintenance, or operation of
23 projects under Sections 9030.101 and 9030.102; or

24 (2) the district's contractual obligations under
25 Section 9030.103.

26 (b) The district may issue bonds or other obligations
27 payable wholly or partly from ad valorem taxes, impact fees,

1 revenue, grants, or other district money.

2 (c) The district may not issue bonds or other obligations
3 secured wholly or partly by ad valorem taxation to finance projects
4 authorized by Section 9030.102 unless the issuance is approved by a
5 vote of a two-thirds majority of the voters of the district voting
6 at an election called for that purpose.

7 (d) Bonds or other obligations issued or incurred to finance
8 projects authorized by Section 9030.101 or 9030.102 or contractual
9 obligations under Section 9030.103 may not exceed one-fourth of the
10 assessed value of the real property in the district.

11 SECTION 2. The Burnet County Water Control and Improvement
12 District No. 1 initially includes all the territory contained in
13 the following area:

14 FIELD NOTES TO DESCRIBE A 324.621 ACRE TRACT OF LAND, CONSISTING OF
15 APPROXIMATELY 149.768 ACRES OF LAND, OUT OF THE F. LEUDERS SURVEY
16 NO. 602, ABSTRACT NO. 560 AND APPROXIMATELY 174.852 ACRES OF LAND,
17 OUT OF THE F ENGLEKING SURVEY NO. 611, ABSTRACT NO. 284, BOTH OF
18 WHICH ARE SITUATED IN BURNET COUNTY, TEXAS, AND BEING A PORTION OF
19 THAT CALLED 414.78 ACRE TRACT OF LAND, DESCRIBED IN A DEED TO SEALY
20 KRUMM PARTNERS, L.P., A GEORGIA LIMITED PARTNERSHIP, AS RECORDED IN
21 VOLUME 1382, PAGE 439 OF THE OFFICIAL PUBLIC RECORDS OF BURNET
22 COUNTY, TEXAS (O.P.R.B.C.T.), SAID 324.621 ACRES BEING MORE
23 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

24 BEGINNING AT A ½" IRON ROD FOUND, LYING IN THE SOUTH RIGHT-OF-WAY,
25 DESCRIBED IN A DEED TO THE STATE OF TEXAS, AS RECORDED IN VOLUME
26 129, PAGE 551 OF THE DEED RECORDS OF BURNET COUNTY TEXAS
27 (D.R.B.C.T.), THE APPROXIMATE WEST LINE OF THE JASON WORMSLEY

1 SURVEY NO. 601, ABSTRACT NO. 959 AND THE APPROXIMATE EAST LINE OF
2 SAID F. LEUDERS SURVEY, FOR THE NORTHWEST CORNER OF THAT CALLED 470
3 ACRE TRACT OF LAND, DESCRIBED IN A DEED TO H. R. ANDERSON, AS
4 RECORDED IN VOLUME 80, PAGE 593 D.R.B.C.T., THE NORTHEAST CORNER OF
5 SAID 414.7 ACRE TRACT, AND THE NORTHEAST CORNER HEREOF.

6 THENCE S01°52'16"E [S01°52'16"E], WITH THE APPROXIMATE WEST LINE OF
7 SAID JASON WORMSLEY SURVEY, THE WEST LINE OF SAID 470 ACRE TRACT,
8 THE APPROXIMATE EAST LINE OF SAID F. LEUDERS SURVEY, THE EAST LINE
9 OF SAID 414.78 ACRE TRACT, AND THE EAST LINE HEREOF, A DISTANCE OF
10 2,643.85 FEET, TO A CALCULATED POINT, IN THE CITY OF HORSESHOE BAY'S
11 APPROXIMATE EXTRA TERRITORIAL JURISDICTION (ETJ) LINE, FOR THE
12 EASTERLY SOUTHEAST CORNER HEREOF, FROM WHICH A ½" IRON ROD FOUND, FOR
13 THE NORTHEAST CORNER OF HORSESHOE BAY SOUTH PLAT K10.1, AS RECORDED
14 IN VOLUME 4 PAGE 87-B OF THE PLAT RECORDS OF BURNET COUNTY, TEXAS
15 (P.R.B.C.T.) AND THE EASTERLY SOUTHEAST CORNER OF SAID 414.78 ACRE
16 TRACT, BEARS S01°52'16"E [S01°52'16"E]. A DISTANCE OF 1,628.02
17 FEET;

18 THENCE, OVER AND ACROSS, SAID 414.78 ACRE TRACT, WITH SAID CITY OF
19 HORSESHOE BAY'S APPROXIMATE ETJ LINE, THE FOLLOWING TWO (2) CALLS
20 NUMBERED 1 AND 2:

21 1. S88°25'56"W, WITH A SOUTH LINE HEREOF, A DISTANCE
22 OF 2,117.67 FEET. TO A CALCULATED POINT, AT THE BEGINNING OF
23 A NON-TANGENT CURVE TO THE RIGHT, FOR AN INTERIOR CONER
24 HEREOF, AND

25 2. WITH AN INTERIOR LINE HEREOF AND SAID NON-TANGENT
26 CURVE TO THE RIGHT, AN ARC LENGTH OF 1,262.09 FEET, HAVING A
27 RADIUS OF 2,545.06 FEET, THROUGH A CENTRAL ANGLE OF 28°24'47",

1 A CHORD BEARING S32°48'10"W, A DISTANCE OF 1,249.20 FEET, TO A
2 CALCULATED POINT, IN THE APPROXIMATE NORTH LINE OF THE J.
3 HARRELL SURVEY NO. 570, ABSTRACT NO. 454, THE NORTH LINE OF
4 HORSESHOE BAY SOUTH PLAT K8.1, AS RECODED IN VOLUME 3, PAGE 86
5 P.R.B.C.T., THE APPROXIMATE SOUTH LINE OF SAID F. ENGLEKING
6 SURVEY, A SOUTH LINE OF SAID 414.78 ACRE TRACT, FOR THE
7 WESTERLY SOUTHEAST CONER HEREOF;
8 THENCE S88°51'32"W [S88°51'32"W], WITH THE APPROXIMATE NORTH LINE OF
9 SAID J. HARRELL SURVEY, THE NORTH LINE OF SAID HORSESHOE BAY PLAT
10 K8.1, A NORTH LINE OF HORSESHOE BAY PLAT K11.1, AS RECORDED IN
11 VOLUME 4, PAGE 103 P.R.B.C.T., THE APPROXIMATE SOUTH LINE OF SAID F.
12 ENGLEKING SURVEY, A SOUTH LINE OF SAID 414.78 ACRE TRACT, AND A
13 SOUTH LINE HEREOF, A DISTANCE OF 1,727.31 FEET, TO A STONE MOUND
14 FOUND, LYING WITHIN SAID HORSESHOE BAY PLAT K11.1, IN THE
15 APPROXIMATE EAST LINE OF THE A.C. FUCHS SURVEY NO. 1448, ABSTRACT
16 NO. 1484, FOR THE SOUTHWEST CONER OF SAID F. ENGLEKING SURVEY, THE
17 SOUTHWEST CORNER OF SAID 414.78 ACRE TRACT, AND THE SOUTHWEST
18 CORNER HEREOF;
19 THENCE, N01°59'42"W [N01°59'42"W], WITH THE APPROXIMATE EAST LINE OF
20 SAID A. C. FUCHS SURVEY, THE EAST LINE OF SAID HORSESHOE BAY SOUTH
21 PLAT K11.1, THE EAST LINE OF HORSESHOE BAY PLAT K13.1, AS RECORDED
22 IN VOLUME 4, PAGE 135 P.R.B.C.T., THE EAST LINE OF CASTLE TERRACE,
23 AS RECODED IN VOLUME 1, PAGE 135 P.R.B.C.T., THE EAST LINE OF CASTLE
24 TERRACE, AS RECORDED IN VOLUME 1 PAGE 198 P.R.B.C.T., THE
25 APPROXIMATE WEST LINE OF SAID F. ENGLEKING SURVEY, THE WEST LINE OF
26 SAID 414.78 ACRE TRACT, AND THE WEST LINE HEREOF, A DISTANCE OF
27 3,529.55 FEET, TO A PK NAIL FOUND, LYING IN THE SOUTH RIGHT-OF-WAY

1 LINE OF SAID FM HIGHWAY NO. 2147, FOR THE NORTHEAST CORNER OF SAID
2 CASTLE TERRACE, THE NORTHWEST CORNER OF SAID 414.78 ACRE TRACT AND
3 THE NORTHWEST CORNER HEREOF;
4 THENCE, WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID FM HIGHWAY NO.
5 2147, THE NORTHERLY LINE OF SAID 414.78 ACRE TRACT, AND THE
6 NORTHERLY LINE HEREOF, THE FOLLOWING SIX (6) CALLS, NUMBERED 3 THRU
7 8:

8 3. N79°32'49"E [N79°32'49"E], A DISTANCE OF 37.51 FEET
9 [37.51 FEET], TO A TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)
10 TYPE I CONCRETE MARKER FOUND;

11 4. N80°43'47"E [N80°43'47"E], A DISTANCE OF 370.69 FEET
12 [370.69 FEET], TO A TXDOT TPE I CONCRETE MARKER FOUND, AT THE
13 BEGINNING OF A TANGENT CURVE TO THE LEFT, 50 FEET RIGHT OF
14 ENGINEER'S PC STATION NO. 31+69.60, FROM WHICH A TXDOT TYPE I
15 CONCRETE MARKER FOUND, LYING IN THE NORTH RIGHT-OF-WAY LINE
16 OF SAID FM HIGHWAY NO. 2147, BEARS N09°21'04"W, A DISTANCE OF
17 100.01 FEET;

18 5. WITH SAID CURVE TO THE LEFT, AN ARC LENGTH OF 740.00
19 FEET [740 FEET], HAVING A RADIUS OF 5,679.58 FEET [5,679.58
20 FEET], THROUGH A CENTRAL ANGLE OF 07°27'54" [07°27'54"], A
21 CHORD BEARING N84°22'32"E [N84°22'32"E], A DISTANCE OF 739.47
22 FEET [739.47 FEET], TO A TXDOT TYPE I CONCRETE MARKER FOUND,
23 FOR A POINT OF TANGENCY HEREOF, FROM WHICH A TXDOT TYPE I
24 CONCRETE MARKER FOUND, LYING IN THE NORTH RIGHT-OF-WAY LINE
25 OF SAID FM HIGHWAY NO. 2147, BEARS N01°51'40"W, A DISTANCE OF
26 100.20 FEET;

27 6. N88°02'40"E [N88°02'40"E], A DISTANCE OF 983.60

1 FEET, TO A TXDOT TYPE I CONCRETE MARKER FOUND, FROM WHICH A
2 TXDOT TYPE I CONCRETE MARKER FOUND, LYING IN THE NORTH
3 RIGHT-OF-WAY LINE OF SAID FM HIGHWAY NO. 2147, BEARS
4 $N01^{\circ}44'07''W$, A DISTANCE OF 99.01 FEET;

5 7. $N88^{\circ}04'28''E$ [$N88^{\circ}04'28''E$], A DISTANCE OF 1,400.30
6 FEET [1,400.30 FEET], TO A TXDOT TYPE I CONCRETE MARKER
7 FOUND, AND

8 8. $N87^{\circ}54'44''E$ [$N87^{\circ}54'44''E$], A DISTANCE OF 1036.65
9 FEET, TO THE POINT OF BEGINNING, AND CONTAINING 324.621 ACRES
10 OF LAND, MORE OR LESS.

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

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

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

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

1 and accomplished.

2 SECTION 4. This Act takes effect September 1, 2007.