

1-1 By: Aycock (Senate Sponsor - Fraser) H.B. No. 3990  
1-2 (In the Senate - Received from the House May 18, 2007;  
1-3 May 18, 2007, read first time and referred to Committee on Natural  
1-4 Resources; May 21, 2007, reported favorably by the following vote:  
1-5 Yeas 8, Nays 0; May 21, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the creation of the Burnet County Water Control and  
1-9 Improvement District No. 1; providing authority to impose a tax and  
1-10 issue bonds.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle I, Title 6, Special District Local Laws  
1-13 Code, is amended by adding Chapter 9030 to read as follows:

1-14 CHAPTER 9030. BURNET COUNTY WATER CONTROL AND  
1-15 IMPROVEMENT DISTRICT NO. 1

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 9030.001. DEFINITIONS. In this chapter:

1-18 (1) "Board" means the board of directors of the  
1-19 district.

1-20 (2) "Director" means a member of the board.

1-21 (3) "District" means the Burnet County Water Control  
1-22 and Improvement District No. 1.

1-23 (4) "Project" means a program or project authorized by  
1-24 this chapter or general law, to be undertaken inside or outside the  
1-25 boundaries of the district, that is necessary to accomplish the  
1-26 public purposes of the district.

1-27 Sec. 9030.002. NATURE OF DISTRICT. The district is a water  
1-28 control and improvement district in Burnet County created under and  
1-29 essential to accomplish the purposes of Section 52, Article III,  
1-30 and Section 59, Article XVI, Texas Constitution.

1-31 Sec. 9030.003. LEGISLATIVE FINDINGS. The legislature finds  
1-32 that:

1-33 (1) all of the land and other property included in the  
1-34 boundaries of the district will be benefited by the works and  
1-35 projects that are to be accomplished by the district pursuant to the  
1-36 powers conferred by Section 52, Article III, and Section 59,  
1-37 Article XVI, Texas Constitution; and

1-38 (2) the district serves a public use and benefit.

1-39 Sec. 9030.004. CONFIRMATION ELECTION REQUIRED. If the  
1-40 creation of the district is not confirmed at a confirmation  
1-41 election held under Section 9030.023 before September 1, 2011:

1-42 (1) the district is dissolved September 1, 2011,  
1-43 except that:

1-44 (A) any debts incurred shall be paid;

1-45 (B) any assets that remain after the payment of  
1-46 debts shall be transferred to Burnet County; and

1-47 (C) the organization of the district shall be  
1-48 maintained until all debts are paid and remaining assets are  
1-49 transferred; and

1-50 (2) this chapter expires September 1, 2014.

1-51 Sec. 9030.005. INITIAL DISTRICT TERRITORY. (a) The  
1-52 district is initially composed of the territory described by  
1-53 Section 2 of the Act creating this chapter.

1-54 (b) The boundaries and field notes contained in Section 2 of  
1-55 the Act creating this chapter form a closure. A mistake made in the  
1-56 field notes or in copying the field notes in the legislative process  
1-57 does not affect:

1-58 (1) the organization, existence, or validity of the  
1-59 district;

1-60 (2) the right of the district to impose taxes; or

1-61 (3) the legality or operation of the district or the  
1-62 board.

1-63 Sec. 9030.006. APPLICABILITY OF ADMINISTRATIVE PROVISIONS  
1-64 OF OTHER LAW; CONFLICT OF LAW. The district shall operate as a

2-1 water control and improvement district and comply with the  
2-2 administrative provisions of Chapter 51, Water Code, except as  
2-3 otherwise provided by this chapter. The district shall also comply  
2-4 with Chapter 49, Water Code, to the extent that chapter does not  
2-5 conflict with Chapter 51 of that code. If there is a conflict  
2-6 between Chapters 49 and 51, Water Code, Chapter 51 controls.

2-7 Sec. 9030.007. LIBERAL CONSTRUCTION OF CHAPTER. This  
2-8 chapter shall be liberally construed in conformity with the  
2-9 legislative findings and purposes stated in this chapter.

2-10 [Sections 9030.008-9030.020 reserved for expansion]

2-11 SUBCHAPTER A-1. TEMPORARY PROVISIONS

2-12 Sec. 9030.021. TEMPORARY DIRECTORS. (a) The temporary  
2-13 board is composed of:

- 2-14 (1) Brian Carlton;
- 2-15 (2) Brandon Myers;
- 2-16 (3) Brent Wicker;
- 2-17 (4) Bob Sewell; and
- 2-18 (5) Brandon Raney.

2-19 (b) If a temporary director fails to qualify for office, the  
2-20 temporary directors who have qualified shall appoint a person to  
2-21 fill the vacancy. If at any time there are fewer than three  
2-22 qualified temporary directors, the Texas Commission on  
2-23 Environmental Quality shall appoint the necessary number of persons  
2-24 to fill all vacancies on the board.

2-25 Sec. 9030.022. ORGANIZATIONAL MEETING OF TEMPORARY  
2-26 DIRECTORS. As soon as practicable after all the temporary  
2-27 directors have qualified under Section 49.055, Water Code, the  
2-28 temporary directors shall meet at a location in the district  
2-29 agreeable to a majority of the directors. If a location cannot be  
2-30 agreed upon, the meeting shall be at the Burnet County Courthouse.  
2-31 At the meeting the temporary directors shall elect officers from  
2-32 among the temporary directors and conduct any other district  
2-33 business.

2-34 Sec. 9030.023. CONFIRMATION AND INITIAL DIRECTORS'  
2-35 ELECTION. (a) The temporary directors shall hold an election to  
2-36 confirm the creation of the district and to elect five directors as  
2-37 provided by Section 49.102, Water Code.

2-38 (b) Section 41.001(a), Election Code, does not apply to a  
2-39 confirmation election held under this section.

2-40 Sec. 9030.024. INITIAL ELECTED DIRECTORS; TERMS. The  
2-41 directors elected under Section 9030.023 shall draw lots to  
2-42 determine which two shall serve until the first regularly scheduled  
2-43 election of directors and which three shall serve until the second  
2-44 regularly scheduled election of directors.

2-45 Sec. 9030.025. EXPIRATION OF SUBCHAPTER. This subchapter  
2-46 expires September 1, 2014.

2-47 [Sections 9030.026-9030.050 reserved for expansion]

2-48 SUBCHAPTER B. BOARD OF DIRECTORS

2-49 Sec. 9030.051. DIRECTORS; TERMS. (a) The district is  
2-50 governed by a board of five directors.

2-51 (b) Directors serve staggered four-year terms.

2-52 Sec. 9030.052. 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 9030.053-9030.100 reserved for expansion]

2-56 SUBCHAPTER C. POWERS AND DUTIES

2-57 Sec. 9030.101. WATER CONTROL AND IMPROVEMENT DISTRICT AND  
2-58 MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has all  
2-59 of the rights, powers, privileges, authority, functions, and duties  
2-60 provided by the general law of this state applicable to:

- 2-61 (1) water control and improvement districts,  
2-62 including Chapters 49 and 51, Water Code; and
- 2-63 (2) municipal utility districts, including Chapter  
2-64 54, Water Code.

2-65 Sec. 9030.102. ROAD PROJECTS. To the extent authorized by  
2-66 Section 52, Article III, Texas Constitution, the district may  
2-67 construct, acquire, improve, maintain, or operate macadamized,  
2-68 graveled, or paved roads, or improvements in aid of those roads.

2-69 Sec. 9030.103. CONTRACT WITH POLITICAL SUBDIVISION FOR

3-1 WATER OR SEWER SERVICES. (a) The district may enter into a  
3-2 contract to allow a political subdivision to provide retail water  
3-3 or sewer service in the district. The contract may contain terms  
3-4 the board considers desirable, fair, and advantageous to the  
3-5 district.

3-6 (b) The contract may provide that the district will  
3-7 construct or acquire and convey to the political subdivision a  
3-8 water supply or treatment system, a water distribution system, or a  
3-9 sanitary sewage collection or treatment system, as necessary to  
3-10 provide water or sewer service in the district.

3-11 (c) The district may use bond proceeds or other available  
3-12 district money to pay for its obligations under, or for services or  
3-13 facilities provided under, the contract.

3-14 (d) If the contract requires the district to make payments  
3-15 from taxes other than operation and maintenance taxes, the contract  
3-16 is subject to Section 49.108, Water Code.

3-17 [Sections 9030.104-9030.150 reserved for expansion]

3-18 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-19 Sec. 9030.151. TAX TO REPAY BONDS. The district may impose  
3-20 a tax to pay the principal of or interest on bonds or other  
3-21 obligations issued under Section 9030.201.

3-22 [Sections 9030.152-9030.200 reserved for expansion]

3-23 SUBCHAPTER E. BONDS

3-24 Sec. 9030.201. AUTHORITY TO ISSUE BONDS AND OTHER  
3-25 OBLIGATIONS. (a) The district may issue bonds or other obligations  
3-26 as provided by Chapters 49, 51, and 54, Water Code, to finance:

3-27 (1) the construction, maintenance, or operation of  
3-28 projects under Sections 9030.101 and 9030.102; or

3-29 (2) the district's contractual obligations under  
3-30 Section 9030.103.

3-31 (b) The district may issue bonds or other obligations  
3-32 payable wholly or partly from ad valorem taxes, impact fees,  
3-33 revenue, grants, or other district money.

3-34 (c) The district may not issue bonds or other obligations  
3-35 secured wholly or partly by ad valorem taxation to finance projects  
3-36 authorized by Section 9030.102 unless the issuance is approved by a  
3-37 vote of a two-thirds majority of the voters of the district voting  
3-38 at an election called for that purpose.

3-39 (d) Bonds or other obligations issued or incurred to finance  
3-40 projects authorized by Section 9030.101 or 9030.102 or contractual  
3-41 obligations under Section 9030.103 may not exceed one-fourth of the  
3-42 assessed value of the real property in the district.

3-43 SECTION 2. The Burnet County Water Control and Improvement  
3-44 District No. 1 initially includes all the territory contained in  
3-45 the following area:

3-46 FIELD NOTES TO DESCRIBE A 324.621 ACRE TRACT OF LAND, CONSISTING OF  
3-47 APPROXIMATELY 149.768 ACRES OF LAND, OUT OF THE F. LEUDERS SURVEY  
3-48 NO. 602, ABSTRACT NO. 560 AND APPROXIMATELY 174.852 ACRES OF LAND,  
3-49 OUT OF THE F ENGLEKING SURVEY NO. 611, ABSTRACT NO. 284, BOTH OF  
3-50 WHICH ARE SITUATED IN BURNET COUNTY, TEXAS, AND BEING A PORTION OF  
3-51 THAT CALLED 414.78 ACRE TRACT OF LAND, DESCRIBED IN A DEED TO SEALY  
3-52 KRUMM PARTNERS, L.P., A GEORGIA LIMITED PARTNERSHIP, AS RECORDED IN  
3-53 VOLUME 1382, PAGE 439 OF THE OFFICIAL PUBLIC RECORDS OF BURNET  
3-54 COUNTY, TEXAS (O.P.R.B.C.T.), SAID 324.621 ACRES BEING MORE  
3-55 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

3-56 BEGINNING AT A ½" IRON ROD FOUND, LYING IN THE SOUTH RIGHT-OF-WAY,  
3-57 DESCRIBED IN A DEED TO THE STATE OF TEXAS, AS RECORDED IN VOLUME  
3-58 129, PAGE 551 OF THE DEED RECORDS OF BURNET COUNTY TEXAS  
3-59 (D.R.B.C.T.), THE APPROXIMATE WEST LINE OF THE JASON WORMSLEY  
3-60 SURVEY NO. 601, ABSTRACT NO. 959 AND THE APPROXIMATE EAST LINE OF  
3-61 SAID F. LEUDERS SURVEY, FOR THE NORTHWEST CORNER OF THAT CALLED 470  
3-62 ACRE TRACT OF LAND, DESCRIBED IN A DEED TO H. R. ANDERSON, AS  
3-63 RECORDED IN VOLUME 80, PAGE 593 D.R.B.C.T., THE NORTHEAST CORNER OF  
3-64 SAID 414.7 ACRE TRACT, AND THE NORTHEAST CORNER HEREOF.

3-65 THENCE S01°52'16"E [S01°52'16"E], WITH THE APPROXIMATE WEST LINE OF  
3-66 SAID JASON WORMSLEY SURVEY, THE WEST LINE OF SAID 470 ACRE TRACT,  
3-67 THE APPROXIMATE EAST LINE OF SAID F. LEUDERS SURVEY, THE EAST LINE  
3-68 OF SAID 414.78 ACRE TRACT, AND THE EAST LINE HEREOF, A DISTANCE OF  
3-69 2,643.85 FEET, TO A CALCULATED POINT, IN THE CITY OF HORSESHOE BAY'S

4-1 APPROXIMATE EXTRA TERRITORIAL JURISDICTION (ETJ) LINE, FOR THE  
 4-2 EASTERLY SOUTHEAST CORNER HEREOF, FROM WHICH A ½" IRON ROD FOUND, FOR  
 4-3 THE NORTHEAST CORNER OF HORSESHOE BAY SOUTH PLAT K10.1, AS RECORDED  
 4-4 IN VOLUME 4 PAGE 87-B OF THE PLAT RECORDS OF BURNET COUNTY, TEXAS  
 4-5 (P.R.B.C.T.) AND THE EASTERLY SOUTHEAST CORNER OF SAID 414.78 ACRE  
 4-6 TRACT, BEARS S01°52'16"E [S01°52'16"E]. A DISTANCE OF 1,628.02  
 4-7 FEET;  
 4-8 THENCE, OVER AND ACROSS, SAID 414.78 ACRE TRACT, WITH SAID CITY OF  
 4-9 HORSESHOE BAY'S APPROXIMATE ETJ LINE, THE FOLLOWING TWO (2) CALLS  
 4-10 NUMBERED 1 AND 2:

4-11 1. S88°25'56"W, WITH A SOUTH LINE HEREOF, A DISTANCE  
 4-12 OF 2,117.67 FEET. TO A CALCULATED POINT, AT THE BEGINNING OF  
 4-13 A NON-TANGENT CURVE TO THE RIGHT, FOR AN INTERIOR CONER  
 4-14 HEREOF, AND

4-15 2. WITH AN INTERIOR LINE HEREOF AND SAID NON-TANGENT  
 4-16 CURVE TO THE RIGHT, AN ARC LENGTH OF 1,262.09 FEET, HAVING A  
 4-17 RADIUS OF 2,545.06 FEET, THROUGH A CENTRAL ANGLE OF 28°24'47",  
 4-18 A CHORD BEARING S32°48'10"W, A DISTANCE OF 1,249.20 FEET, TO A  
 4-19 CALCULATED POINT, IN THE APPROXIMATE NORTH LINE OF THE J.  
 4-20 HARRELL SURVEY NO. 570, ABSTRACT NO. 454, THE NORTH LINE OF  
 4-21 HORSESHOE BAY SOUTH PLAT K8.1, AS RECODED IN VOLUME 3, PAGE 86  
 4-22 P.R.B.C.T., THE APPROXIMATE SOUTH LINE OF SAID F. ENGLEKING  
 4-23 SURVEY, A SOUTH LINE OF SAID 414.78 ACRE TRACT, FOR THE  
 4-24 WESTERLY SOUTHEAST CONER HEREOF;

4-25 THENCE S88°51'32"W [S88°51'32"W], WITH THE APPROXIMATE NORTH LINE OF  
 4-26 SAID J. HARRELL SURVEY, THE NORTH LINE OF SAID HORSESHOE BAY PLAT  
 4-27 K8.1, A NORTH LINE OF HORSESHOE BAY PLAT K11.1, AS RECORDED IN  
 4-28 VOLUME 4, PAGE 103 P.R.B.C.T., THE APPROXIMATE SOUTH LINE OF SAID F.  
 4-29 ENGLEKING SURVEY, A SOUTH LINE OF SAID 414.78 ACRE TRACT, AND A  
 4-30 SOUTH LINE HEREOF, A DISTANCE OF 1,727.31 FEET, TO A STONE MOUND  
 4-31 FOUND, LYING WITHIN SAID HORSESHOE BAY PLAT K11.1, IN THE  
 4-32 APPROXIMATE EAST LINE OF THE A.C. FUCHS SURVEY NO. 1448, ABSTRACT  
 4-33 NO. 1484, FOR THE SOUTHWEST CONER OF SAID F. ENGLEKING SURVEY, THE  
 4-34 SOUTHWEST CORNER OF SAID 414.78 ACRE TRACT, AND THE SOUTHWEST  
 4-35 CORNER HEREOF;

4-36 THENCE, N01°59'42"W [N01°59'42"W], WITH THE APPROXIMATE EAST LINE OF  
 4-37 SAID A. C. FUCHS SURVEY, THE EAST LINE OF SAID HORSESHOE BAY SOUTH  
 4-38 PLAT K11.1, THE EAST LINE OF HORSESHOE BAY PLAT K13.1, AS RECORDED  
 4-39 IN VOLUME 4, PAGE 135 P.R.B.C.T., THE EAST LINE OF CASTLE TERRACE,  
 4-40 AS RECODED IN VOLUME 1, PAGE 135 P.R.B.C.T., THE EAST LINE OF CASTLE  
 4-41 TERRACE, AS RECORDED IN VOLUME 1 PAGE 198 P.R.B.C.T., THE  
 4-42 APPROXIMATE WEST LINE OF SAID F. ENGLEKING SURVEY, THE WEST LINE OF  
 4-43 SAID 414.78 ACRE TRACT, AND THE WEST LINE HEREOF, A DISTANCE OF  
 4-44 3,529.55 FEET, TO A PK NAIL FOUND, LYING IN THE SOUTH RIGHT-OF-WAY  
 4-45 LINE OF SAID FM HIGHWAY NO. 2147, FOR THE NORTHEAST CORNER OF SAID  
 4-46 CASTLE TERRACE, THE NORTHWEST CORNER OF SAID 414.78 ACRE TRACT AND  
 4-47 THE NORTHWEST CORNER HEREOF;

4-48 THENCE, WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID FM HIGHWAY NO.  
 4-49 2147, THE NORTHERLY LINE OF SAID 414.78 ACRE TRACT, AND THE  
 4-50 NORTHERLY LINE HEREOF, THE FOLLOWING SIX (6) CALLS, NUMBERED 3 THRU  
 4-51 8:

4-52 3. N79°32'49"E [N79°32'49"E], A DISTANCE OF 37.51 FEET  
 4-53 [37.51 FEET], TO A TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)  
 4-54 TYPE I CONCRETE MARKER FOUND;

4-55 4. N80°43'47"E [N80°43'47"E], A DISTANCE OF 370.69 FEET  
 4-56 [370.69 FEET], TO A TXDOT TPE I CONCRETE MARKER FOUND, AT THE  
 4-57 BEGINNING OF A TANGENT CURVE TO THE LEFT, 50 FEET RIGHT OF  
 4-58 ENGINEER'S PC STATION NO. 31+69.60, FROM WHICH A TXDOT TYPE I  
 4-59 CONCRETE MARKER FOUND, LYING IN THE NORTH RIGHT-OF-WAY LINE  
 4-60 OF SAID FM HIGHWAY NO. 2147, BEARS N09°21'04"W, A DISTANCE OF  
 4-61 100.01 FEET;

4-62 5. WITH SAID CURVE TO THE LEFT, AN ARC LENGTH OF 740.00  
 4-63 FEET [740 FEET], HAVING A RADIUS OF 5,679.58 FEET [5,679.58  
 4-64 FEET], THROUGH A CENTRAL ANGLE OF 07°27'54" [07°27'54"], A  
 4-65 CHORD BEARING N84°22'32"E [N84°22'32"E], A DISTANCE OF 739.47  
 4-66 FEET [739.47 FEET], TO A TXDOT TYPE I CONCRETE MARKER FOUND,  
 4-67 FOR A POINT OF TANGENCY HEREOF, FROM WHICH A TXDOT TYPE I  
 4-68 CONCRETE MARKER FOUND, LYING IN THE NORTH RIGHT-OF-WAY LINE  
 4-69 OF SAID FM HIGHWAY NO. 2147, BEARS N01°51'40"W, A DISTANCE OF

5-1 100.20 FEET;

5-2 6. N88°02'40"E [N88°02'40"E], A DISTANCE OF 983.60  
5-3 FEET, TO A TXDOT TYPE I CONCRETE MARKER FOUND, FROM WHICH A  
5-4 TXDOT TYPE I CONCRETE MARKER FOUND, LYING IN THE NORTH  
5-5 RIGHT-OF-WAY LINE OF SAID FM HIGHWAY NO. 2147, BEARS  
5-6 N01°44'07"W, A DISTANCE OF 99.01 FEET;

5-7 7. N88°04'28"E [N88°04'28"E], A DISTANCE OF 1,400.30  
5-8 FEET [1,400.30 FEET], TO A TXDOT TYPE I CONCRETE MARKER  
5-9 FOUND, AND

5-10 8. N87°54'44"E [N87°54'44"E], A DISTANCE OF 1036.65  
5-11 FEET, TO THE POINT OF BEGINNING, AND CONTAINING 324.621 ACRES  
5-12 OF LAND, MORE OR LESS.

5-13 SECTION 3. (a) The legal notice of the intention to  
5-14 introduce this Act, setting forth the general substance of this  
5-15 Act, has been published as provided by law, and the notice and a  
5-16 copy of this Act have been furnished to all persons, agencies,  
5-17 officials, or entities to which they are required to be furnished  
5-18 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
5-19 Government Code.

5-20 (b) The governor, one of the required recipients, has  
5-21 submitted the notice and Act to the Texas Commission on  
5-22 Environmental Quality.

5-23 (c) The Texas Commission on Environmental Quality has filed  
5-24 its recommendations relating to this Act with the governor, the  
5-25 lieutenant governor, and the speaker of the house of  
5-26 representatives within the required time.

5-27 (d) All requirements of the constitution and laws of this  
5-28 state and the rules and procedures of the legislature with respect  
5-29 to the notice, introduction, and passage of this Act are fulfilled  
5-30 and accomplished.

5-31 SECTION 4. This Act takes effect September 1, 2007.

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