

By: Brown of Kaufman

H.B. No. 4095

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, functions, operations, and financing of the Gastonia-Scurry Special Utility District.

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

SECTION 1. Subtitle C, Title 6, Special District Local Laws Code, is amended by adding Chapter 720X to read as follows:

CHAPTER 720X. GASTONIA-SCURRY SPECIAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 720X.001. DEFINITION. In this chapter, "district" means the Gastonia-Scurry Special Utility District.

Sec. 720X.002. NATURE OF DISTRICT. The district is a special utility district in Kaufman County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. The district is created to serve a public use and benefit.

Sec. 720X.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation and initial directors' election held before September 1, 2009:

(1) the district is dissolved on September 1, 2009, except that:

(A) any debts of the district incurred shall be paid;

(B) any assets of the district that remain after

1 the payment of debts shall be transferred to Kaufman County as
2 appropriate; and

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

6 (2) this chapter expires September 1, 2012.

7 Sec. 720X.004. APPLICABILITY OF OTHER SPECIAL UTILITY
8 DISTRICT LAW. Except as otherwise provided by this chapter,
9 Chapters 49 and 65, Water Code, apply to the district.

10 Sec. 720X.005. INITIAL DISTRICT TERRITORY. (a) The
11 district is initially composed of the territory described by
12 Section 2 of the Act creating this chapter.

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

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

19 (2) the right of the district to issue any type of
20 bond, including a refunding bond, for a purpose for which the
21 district is created or to pay the principal of and interest on a
22 bond; or

23 (3) the legality or operation of the district or the
24 board of directors of the district.

25 [Sections 720X.006-720X.020 reserved for expansion]

26 SUBCHAPTER A-1. TEMPORARY PROVISIONS

27 Sec. 720X.021. TEMPORARY DIRECTORS. (a) The temporary

1 board of directors of the district is composed of:

- 2 (1) Roger Roberts;
- 3 (2) Thomas Kintz;
- 4 (3) Rhonda Davenport;
- 5 (4) Carole Giddings;
- 6 (5) Angel McKinnon;
- 7 (6) Roger Brock; and
- 8 (7) Michael Reese.

9 (b) Each temporary director shall qualify for office as
10 provided by Section 49.055, Water Code.

11 (c) If a temporary director fails to qualify for office, the
12 temporary directors who have qualified shall appoint a person to
13 fill the vacancy. If at any time there are fewer than four
14 qualified temporary directors, the Texas Commission on
15 Environmental Quality shall appoint the necessary number of
16 directors to fill all vacancies on the board.

17 (d) Temporary directors serve until initial directors are
18 elected under Section 720X.022.

19 (e) ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS. As soon
20 as practicable after all the temporary directors have qualified
21 under Section 49.055, Water Code, the temporary directors shall
22 meet and elect officers from their membership.

23 Sec. 720X.022. CONFIRMATION AND INITIAL DIRECTORS'
24 ELECTION. (a) The temporary directors shall hold an election to
25 confirm the creation of the district and to elect seven initial
26 directors in accordance with Chapters 49 and 65, Water Code, on or
27 before September 1, 2009.

1 (b) The temporary board of directors shall determine the
2 method for determining the initial term of each person on the
3 initial board of directors. The terms must be clearly stated on the
4 ballot for the confirmation and directors' election.

5 (c) Section 41.001(a), Election Code, does not apply to a
6 confirmation election held as provided by this section.

7 (d) Initial directors serve until the first regularly
8 scheduled election of directors under Subchapter C, Chapter 65,
9 Water Code.

10 Sec. 720X.023. TRANSFER OF ASSETS; DISSOLUTION. (a) If
11 the district's creation is confirmed under Section 720X.022, the
12 Gastonia-Scurry Water Supply Corporation shall transfer the
13 assets, debts, and contractual rights and obligations of the
14 corporation to the district.

15 (b) Not later than the 30th day after the date of the
16 transfer under Subsection (a), the board of directors of the
17 Gastonia-Scurry Water Supply Corporation shall commence
18 dissolution proceedings of the corporation.

19 (c) On dissolution of the Gastonia-Scurry Water Supply
20 Corporation, Certificate of Convenience and Necessity No. 10837 is
21 considered to be held by the district.

22 (d) The board of directors of the Gastonia-Scurry Water
23 Supply Corporation shall notify the Texas Commission on
24 Environmental Quality of the dissolution of the corporation and of
25 the transfer of Certificate of Convenience and Necessity No. 10837
26 to the district.

27 (e) On receipt of notice under Subsection (d), the Texas

1 Commission on Environmental Quality shall note in its records that
2 Certificate of Convenience and Necessity No. 10837 is held by the
3 district and shall reissue the certificate in the name of the
4 district without further application, notice or hearing. A person,
5 party, or entity does not have any right of protest, objection or
6 administrative review of the transfer prescribed by this section.

7 Sec. 720X.024. EXPIRATION OF SUBCHAPTER. This subchapter
8 expires September 1, 2012.

9 [Sections 720X.025-720X.050 reserved for expansion]

10 SUBCHAPTER B. BOARD OF DIRECTORS

11 Sec. 720X.051. DIRECTORS. The district is governed by a
12 board of not fewer than five and not more than 11 directors.

13 [Sections 720X.052-720X.100 reserved for expansion]

14 SUBCHAPTER C. POWERS AND DUTIES

15 Sec. 720X.101. GENERAL POWERS. Except as otherwise
16 provided by this subchapter, the district has all of the rights,
17 powers, privileges, authority, functions, and duties provided by
18 the general law of this state, including Chapters 49 and 65, Water
19 Code, applicable to special utility districts created under Section
20 59, Article XVI, Texas Constitution.

21 Sec. 720X.102. WATER SERVICE IMPACT FEE. (a) The district
22 may charge a water service impact fee that is not more than the
23 equity buy-in fee charged by the Gastonia-Scurry Water Supply
24 Corporation on December 31, 2006, under that corporation's tariff.

25 (b) Chapter 395, Local Government Code, does not apply to
26 the initial water service impact fee set under this section.

27 (c) The district may increase the water service impact fee

1 only as provided by Chapter 395, Local Government Code, or as
2 approved by the Texas Commission on Environmental Quality.

3 SECTION 2. The Gastonia-Scurry Special Utility District
4 initially includes all the territory contained in the following
5 area:

6 BEING that portion of Kaufman County, Texas, which has a boundary
7 more particularly described as follows:

8 Being a boundary comprised of three tracts, located in
9 Kaufman County, Texas, set forth in and described as follows:

10 Tract 1

11 BEGINNING at the southernmost point of the Gastonia Scurry
12 Water Supply Corporation CCN No. 10837 boundary, being S 26° 22' 32"
13 E 16,233.35 feet from the intersection of County Road 2451 and
14 Highway 34;

15 Thence N 82° 42' 40" W 12101.18 ft. for a point for corner;

16 Thence generally S 62° 32' 13" W 734.23 ft. meandering up
17 Trinity River for a point for corner;

18 Thence generally N 79° 37' 45" W 1880.96 ft. meandering up
19 Trinity River for a point for corner;

20 Thence generally N 57° 47' 01" W 7084.43 ft. meandering up
21 Trinity River for a point for corner;

22 Thence generally N 30° 28' 40" W 4110.34 ft. meandering up
23 Trinity River for a point for corner;

24 Thence generally N 36° 52' 59" E 911.81 ft. meandering up
25 Trinity River for a point for corner;

26 Thence generally N 10° 40' 29" W 1828.90 ft. meandering up
27 Trinity River for a point for corner;

1 Thence generally N 81° 52' 26" W 737.07 ft. meandering up
2 Trinity River for a point for corner;
3 Thence generally S 59° 02' 54" W 607.73 ft. meandering up
4 Trinity River for a point for corner;
5 Thence generally N 73° 49' 37" W 3328.45 ft. meandering up
6 Trinity River for a point for corner;
7 Thence generally N 47° 32' 50" E 2083.82 ft. meandering up
8 Trinity River for a point for corner;
9 Thence generally N 17° 02' 44" W 1689.12 ft. meandering up
10 Trinity River for a point for corner;
11 Thence generally N 22° 58' 25" E 1669.17 ft. meandering up
12 Trinity River for a point for corner;
13 Thence generally N 38° 03' 38" W 760.87 ft. meandering up
14 Trinity River for a point for corner;
15 Thence generally N 70° 41' 08" W 2126.27 ft. meandering up
16 Trinity River for a point for corner;
17 Thence generally N 26° 16' 39" W 2236.77 ft. meandering up
18 Trinity River for a point for corner;
19 Thence generally N 11° 18' 55" E 531.27 ft. meandering up
20 Trinity River for a point for corner;
21 Thence generally N 36° 52' 59" W 1693.35 ft. meandering up
22 Trinity River for a point for corner;
23 Thence generally N 81° 01' 54" W 501.26 ft. meandering up
24 Trinity River for a point for corner;
25 Thence generally N 32° 09' 53" W 1076.93 ft. meandering up
26 Trinity River for a point for corner;
27 Thence generally N 51° 02' 48" E 2278.70 ft. meandering up

1 Trinity River for a point for corner;
2 Thence generally N 82° 52' 42" E 840.39 ft. meandering up
3 Trinity River for a point for corner;
4 Thence generally N 4° 54' 05" W 914.99 ft. meandering up
5 Trinity River for a point for corner;
6 Thence generally N 84° 17' 32" W 1309.48 ft. meandering up
7 Trinity River for a point for corner;
8 Thence generally N 42° 48' 15" W 843.67 ft. meandering up
9 Trinity River for a point for corner;
10 Thence generally N 08° 45' 01" W 685.20 ft. meandering up
11 Trinity River for a point for corner;
12 Thence generally N 34° 55' 57" E 1683.88 ft. meandering up
13 Trinity River for a point for corner;
14 Thence generally N 70° 01' 33" E 305.00 ft. meandering up
15 Trinity River for a point for corner;
16 Thence generally S 05° 21' 30" E 837.16 ft. meandering up
17 Trinity River for a point for corner;
18 Thence generally S 55° 08' 16" E 1048.07 ft. meandering up
19 Trinity River for a point for corner;
20 Thence generally N 33° 42' 10" E 751.42 ft. meandering up
21 Trinity River for a point for corner;
22 Thence generally N 03° 05' 44" W 965.15 ft. meandering up
23 Trinity River for a point for corner;
24 Thence generally S 74° 03' 43" E 1138.26 ft. meandering up
25 Trinity River for a point for corner;
26 Thence generally N 78° 12' 44" E 4845.04 ft. meandering up
27 Trinity River for a point for corner;

1 Thence generally N 28° 15' 41" E 1981.33 ft. meandering up
2 Trinity River for a point for corner;
3 Thence generally N 05° 06' 17" W 1464.44 ft. meandering up
4 Trinity River for a point for corner;
5 Thence generally N 38° 52' 53" W 2241.84 ft. meandering up
6 Trinity River for a point for corner;
7 Thence generally N 02° 29' 27" E 2998.24 ft. meandering up
8 Trinity River for a point for corner;
9 Thence generally N 30° 01' 12" E 6523.79 ft. meandering up
10 Trinity River for a point for corner;
11 Thence generally N 04° 34' 34" E 4572.81 ft. meandering up
12 Trinity River for a point for corner;
13 Thence generally N 19° 59' 31" W 2134.23 ft. meandering up
14 Trinity River for a point for corner;
15 Thence generally N 19° 50' 27" E 1689.14 ft. meandering up
16 Trinity River for a point for corner;
17 Thence generally N 21° 43' 38" W 3308.61 ft. meandering up
18 Trinity River for a point for corner;
19 Thence N 46° 13' 58" E 1732.13 ft. for a point for corner;
20 Thence N 44° 16' 11" W 2837.29 f ft. or a point for corner;
21 Thence N 15° 27' 05" W 1074.13 ft. for a point for corner;
22 Thence N 45° 31' 24" E 14499.15 ft. for a point for corner;
23 Thence S 70° 21' 18" E 774.77 ft. for a point for corner;
24 Thence N 45° 00' 50" E 884.28 ft. for a point for corner;
25 Thence S 46° 24' 20" E 2835.40 ft. for a point for corner;
26 Thence N 43° 13' 55" E 4147.01 ft. for a point for corner;
27 Thence S 44° 06' 42" E 4679.86 ft. for a point for corner;

1 Thence N 44° 47' 00" E 5442.90 ft. for a point for corner;
2 Thence N 87° 57' 20" E 730.13 ft. for a point for corner;
3 Thence N 45° 00' 50" E 3389.74 ft. for a point for corner;
4 Thence N 00° 00' 00" E 4896.85 ft. for a point for corner;
5 Thence N 88° 14' 51" W 2555.04 ft. for a point for corner;
6 Thence N 58° 00' 25" W 245.81 ft. for a point for corner;
7 Thence N 43° 36' 32" W 3476.83 ft. for a point for corner;
8 Thence N 46° 59' 20" E 534.58 ft. for a point for corner;
9 Thence N 47° 08' 06" W 1991.03 ft. for a point for corner;
10 Thence N 45° 00' 50" E 2579.15 ft. for a point for corner;
11 Thence N 44° 31' 42" W 4347.85 ft. for a point for corner;
12 Thence N 47° 16' 52" E 3724.33 ft. for a point for corner;
13 Thence S 47° 18' 16" E 1382.82 ft. for a point for corner;
14 Thence N 43° 24' 28" E 1971.96 ft. for a point for corner
15 (being defined as Point No. 68);
16 Thence generally S 45° 07' 06" E 10113.98 ft. meandering up
17 Big Brushy for a point for corner;
18 Thence generally S 12° 12' 22" W 986.03 ft. meandering up Big
19 Brushy for a point for corner;
20 Thence generally S 15° 57' 10" E 568.90 ft. meandering up Big
21 Brushy for a point for corner;
22 Thence generally S 45° 00' 50" E 700.06 ft. meandering up Big
23 Brushy for a point for corner;
24 Thence generally S 12° 29' 06" E 3254.71 ft. meandering up Big
25 Brushy for a point for corner;
26 Thence generally S27° 05' 00" W 1316.48 ft. meandering up Big
27 Brushy for a point for corner;

1 Thence generally S 10° 24' 45" E 1297.68 ft. meandering up Big
2 Brushy for a point for corner;

3 Thence generally S 19° 24' 23" E 1960.74 ft. meandering up Big
4 Brushy for a point for corner;

5 Thence generally S 23° 47' 16" E 3181.26 ft. meandering up Big
6 Brushy for a point for corner;

7 Thence generally S 01° 07' 26" E 1328.66 ft. meandering up Big
8 Brushy for a point for corner;

9 Thence generally S 29° 12' 33" E 1014.62 ft. meandering up Big
10 Brushy for a point for corner;

11 Thence generally S 08° 32' 05" W 526.78 ft. meandering up Big
12 Brushy for a point for corner;

13 Thence generally S 62° 06' 51" W 501.21 ft. meandering up Big
14 Brushy for a point for corner;

15 Thence generally S 17° 45' 10" E 1367.47 ft. meandering up Big
16 Brushy for a point for corner;

17 Thence generally S 34° 29' 32" E 2623.02 ft. meandering up Big
18 Brushy for a point for corner;

19 Thence generally S 42° 53' 34" E 497.74 ft. meandering up Big
20 Brushy for a point for corner;

21 Thence S 83° 27' 25" E 1600.06 ft. for a point for corner;

22 Thence N 18° 18' 50" E 3649.09 ft. for a point for corner;

23 Thence N 34° 13' 43" W 1575.17 ft. for a point for corner;

24 Thence S 75° 12' 36" W 1428.49 ft. for a point for corner;

25 Thence N 14° 02' 34" W 536.99 ft. for a point for corner;

26 Thence N 75° 58' 13" E 2578.65 ft. for a point for corner;

27 Thence N 43° 53' 26" E 1879.44 ft. for a point for corner;

1 Thence S 29° 29' 16" E 688.24 ft. for a point for corner;
2 Thence S 17° 35' 16" W 2759.76 ft. for a point for corner;
3 Thence S 31° 26' 31" E 549.54 ft. for a point for corner;
4 Thence S 43° 09' 58" E 1714.16 ft. for a point for corner;
5 Thence S 48° 22' 49" W 627.47 ft. for a point for corner;
6 Thence S 37° 14' 53" E 818.04 ft. for a point for corner;
7 Thence N 46° 20' 46" E 792.39 ft. for a point for corner;
8 Thence S 47° 44' 24" E 387.32 ft. for a point for corner;
9 Thence S 45° 55' 24" W 1160.77 ft. for a point for corner;
10 Thence N 46° 48' 13" W 1179.63 ft. for a point for corner;
11 Thence S 45° 00' 50" W 1031.66 ft. for a point for corner;
12 Thence N 86° 25' 31" W 417.77 ft. for a point for corner;
13 Thence N 20° 33' 55" W 445.12 ft. for a point for corner;
14 Thence S 15° 46' 10" W 3356.15 ft. for a point for corner;
15 Thence S 80° 10' 16" E 3967.18 ft. for a point for corner;
16 Thence S 06° 10' 23" W 969.36 ft. for a point for corner;
17 Thence S 88° 48' 25" W 1251.13 ft. for a point for corner;
18 Thence N 78° 07' 01" W 4047.81 ft. for a point for corner;
19 Thence S 45° 50' 25" W 9670.86 ft. for a point for corner;
20 Thence S 11° 56' 22" E 12363.66 ft. for a point for corner;
21 Thence S 53° 32' 53" E 16243.50 ft. for a point for corner;
22 Thence S 28° 06' 19" E 8297.65 ft. for a point for corner;
23 Thence S 01° 19' 29" W 7837.10 ft. for a point for corner;
24 Thence S 39° 17' 25" W 8312.75 ft. for a point for corner;
25 Thence N 85° 36' 31" W 5553.17 ft. for a point for corner;
26 Thence S 55° 43' 52" W 22389.01 ft. to PLACE OF BEGINNING.
27 Also including;

1 Tract Two
2 BEGINNING at the west corner of this tract N 45° 52' 54" E
3 3325.19 feet from the previously defined Point No. 68;
4 Thence N 45° 52' 54" E 3325.19 ft. for a point for corner;
5 Thence S 46° 52' 51" E 5823.43 ft. for a point for corner;
6 Thence N 45° 00' 50" E 901.59 ft. for a point for corner;
7 Thence N 14° 56' 18" W 1060.17 ft. for a point for corner
8 (being defined as Point No. 122);
9 Thence N 45° 12' 11" W 4878.30 ft. for a point for corner;
10 Thence S 45° 52' 54" W 1606.72 ft. for a point being the PLACE
11 OF BEGINNING.

12 Also including;
13 Tract Three
14 Beginning at the south corner of this tract N 53° 08' 36 W
15 2390.87 feet from the previously defined Point No. 122
16 Thence N 53° 08' 36" W 2390.87 ft. for a point for corner;
17 Thence N 39° 49' 09" W 355.64 ft. for a point for corner;
18 Thence N 42° 00' 03" E 306.31 ft. for a point for corner;
19 Thence N 59° 02' 54" W 2257.23 ft. for a point for corner;
20 Thence N 40° 49' 44" E 661.84 ft. for a point for corner;
21 Thence N 59° 36' 04" W 2429.18 ft. for a point for corner;
22 Thence N 46° 12' 56" E 2302.81 ft. for a point for corner;
23 Thence N 87° 08' 20" E 456.05 ft. for a point for corner;
24 Thence S 38° 40' 24" E 291.57 ft. for a point for corner;
25 Thence N 90° 00' 00" E 364.39 ft. for a point for corner;
26 Thence S 42° 17' 15" E 4061.68 ft. for a point for corner;
27 Thence S 45° 00' 58" W 2511.58 ft. ending at PLACE OF

1 BEGINNING.

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

9 (b) The governor has submitted the notice and Act to the
10 Texas Commission on Environmental Quality.

11 (c) The Texas Commission on Environmental Quality has filed
12 its recommendations relating to this Act with the governor,
13 lieutenant governor, and speaker of the house of representatives
14 within the required time.

15 (d) The general law relating to consent by political
16 subdivisions to the creation of a conservation and reclamation
17 district and the inclusion of land in the district has been complied
18 with. All requirements of the constitution and laws of this state
19 and the rules and procedures of the legislature with respect to the
20 notice, introduction, and passage of this Act are fulfilled and
21 accomplished.

22 SECTION 4. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2007.