

By: Phillips

H.B. No. 4097

Substitute the following for H.B. No. 4097:

By: Puente

C.S.H.B. No. 4097

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Gunter Municipal Utility District No. 2; providing authority to impose taxes and issue bonds.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8239 to read as follows:

CHAPTER 8239. GUNTER MUNICIPAL UTILITY DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8239.001. 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 Gunter Municipal Utility District No. 2.

Sec. 8239.002. NATURE OF DISTRICT. The district is a municipal utility district in Grayson County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8239.003. CONFIRMATION ELECTION REQUIRED. The board shall hold an election to confirm the creation of the district as provided by Section 49.102, Water Code.

Sec. 8239.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) All land and other property included in the district will benefit from the improvements and services to be provided by the district.

1       (b) The district is created to accomplish:

2               (1) the purposes of a municipal utility district as  
3 provided by general law; and

4               (2) to the extent authorized by Section 52, Article  
5 III, Texas Constitution, the construction, acquisition,  
6 improvement, maintenance, or operation of macadamized, graveled,  
7 or paved roads or improvements in aid of those roads.

8       Sec. 8239.005. INITIAL DISTRICT TERRITORY. (a) The  
9 district is initially composed of the territory described by  
10 Section 2 of the Act creating this chapter.

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

15               (1) organization, existence, or validity;

16               (2) right to issue any type of bond for the purposes  
17 for which the district is created or to pay the principal of and  
18 interest on a bond;

19               (3) right to impose or collect an assessment or tax; or

20               (4) legality or operation.

21       Sec. 8239.006. ANNEXATION BY CITY OF GUNTER.  
22 Notwithstanding any other law, if all of the territory of the  
23 district is annexed by the City of Gunter into the corporate limits  
24 of that municipality before the date of the election under Section  
25 8239.003, the district may not be dissolved and shall continue  
26 until the district is dissolved under Section 43.074, Local  
27 Government Code.

1 [Sections 8239.007-8239.050 reserved for expansion]

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 8239.051. DIRECTORS; TERMS. (a) The district is  
4 governed by a board of five directors.

5 (b) Except as provided by Section 8239.053, directors serve  
6 staggered four-year terms.

7 Sec. 8239.052. ELECTION OF DIRECTORS. On the uniform  
8 election date in May of each even-numbered year, the appropriate  
9 number of directors shall be elected.

10 Sec. 8239.053. INITIAL DIRECTORS. (a) The initial board  
11 consists of:

- 12 (1) Jennifer Milstead;
- 13 (2) Collette Sallas;
- 14 (3) Eddie Collins;
- 15 (4) Herschel Pierce; and
- 16 (5) Todd Cook.

17 (b) Unless the initial board otherwise agrees, the initial  
18 directors shall draw lots to determine which two directors shall  
19 serve until the first regularly scheduled election of directors and  
20 which three directors shall serve until the second regularly  
21 scheduled election of directors.

22 Sec. 8239.054. CONSENT OF MUNICIPALITY REQUIRED. The  
23 initial directors may not hold an election under Section 8239.003  
24 until:

- 25 (1) all of the territory of the district is included in  
26 the corporate limits of the City of Gunter; and
- 27 (2) the City of Gunter has adopted a resolution

1 consenting to the creation of the district.

2 [Sections 8239.055-8239.100 reserved for expansion]

3 SUBCHAPTER C. POWERS AND DUTIES

4 Sec. 8239.101. MUNICIPAL UTILITY DISTRICT POWERS AND  
5 DUTIES. (a) The district has the powers and duties provided by the  
6 general law of this state, including Chapters 49 and 54, Water Code,  
7 applicable to municipal utility districts created under Section 59,  
8 Article XVI, Texas Constitution.

9 (b) The district has the powers and duties necessary to  
10 accomplish the purposes for which the district is created.

11 (c) Notwithstanding Subsection (a), the district may not  
12 act as a retail provider of water or wastewater service.

13 (d) The district shall make the district's water and  
14 wastewater facilities available to an entity holding the applicable  
15 certificate of public convenience and necessity.

16 Sec. 8239.102. ROAD PROJECTS. (a) To the extent authorized  
17 by Section 52, Article III, Texas Constitution, the district may  
18 construct, acquire, improve, maintain, or operate macadamized,  
19 graveled, or paved roads or improvements in aid of those roads.

20 (b) A road project must meet all applicable construction  
21 standards, regulations, and ordinances of the municipality or  
22 county in whose jurisdiction the district is located.

23 (c) If a portion of the territory of the district is  
24 excluded from the corporate limits of the City of Gunter, the  
25 district at its sole expense shall improve, maintain, and operate  
26 the roads located in that portion of territory in accordance with  
27 the ordinances and rules of the political subdivision that has

1 jurisdiction over those roads.

2 Sec. 8239.103. COMPLIANCE WITH MUNICIPAL CONSENT  
3 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section  
4 54.016, Water Code, the district shall comply with all applicable  
5 requirements of any ordinance or resolution adopted by the  
6 governing body of the municipality that consents to the creation of  
7 the district or to the inclusion of lands within the district.

8 [Sections 8239.104-8239.150 reserved for expansion]

9 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

10 Sec. 8239.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
11 district may issue, without an election, bonds and other  
12 obligations secured by revenue or contract payments from any source  
13 other than ad valorem taxation.

14 (b) The district must hold an election in the manner  
15 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
16 before the district may impose an operation and maintenance tax or  
17 issue bonds payable from ad valorem taxes.

18 Sec. 8239.152. OPERATION AND MAINTENANCE TAX. (a) If  
19 authorized at an election held under Section 8239.151, the district  
20 may impose an operation and maintenance tax on taxable property in  
21 the district in accordance with Section 49.107, Water Code.

22 (b) The board shall determine the tax rate. The rate may not  
23 exceed the rate approved at the election.

24 [Sections 8239.153-8239.200 reserved for expansion]

25 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

26 Sec. 8239.201. AUTHORITY TO ISSUE BONDS AND OTHER  
27 OBLIGATIONS. (a) The district may issue bonds or other obligations

1 payable wholly or partly from ad valorem taxes, impact fees,  
2 revenue, grants, or other district money, or any combination of  
3 those sources, to pay for any authorized district purpose.

4 (b) The district may not issue bonds to finance projects  
5 authorized by Section 8239.102 unless the issuance is approved by a  
6 vote of a two-thirds majority of the voters of the district voting  
7 at an election called for that purpose.

8 (c) Bonds or other obligations issued or incurred to finance  
9 projects authorized by Section 8239.102 may not exceed one-fourth  
10 of the assessed value of the real property in the district.

11 Sec. 8239.202. TAXES FOR BONDS. At the time bonds payable  
12 wholly or partly from ad valorem taxes are issued:

13 (1) the board shall impose a continuing direct annual  
14 ad valorem tax, without limit as to rate or amount, for each year  
15 that all or part of the bonds are outstanding; and

16 (2) the district annually shall impose an ad valorem  
17 tax on all taxable property in the district in an amount sufficient  
18 to:

19 (A) pay the interest on the bonds as the interest  
20 becomes due;

21 (B) create a sinking fund for the payment of the  
22 principal of the bonds when due or the redemption price at any  
23 earlier required redemption date; and

24 (C) pay the expenses of imposing the taxes.

25 SECTION 2. The Gunter Municipal Utility District No. 2  
26 initially includes all the territory contained in the following  
27 area:

1 BEING a tract of land located in the W.H. CAMPBELL SURVEY,  
2 ABSTRACT NO. 243, W.M. LAKIN SURVEY, ABSTRACT NO. 714, JOHN  
3 McMULLEN AND JAMES McGLOIN SURVEY, ABSTRACT NO. 761, ROBERT MASON  
4 SURVEY, ABSTRACT NO. 784 and the THOMAS POLK SURVEY, ABSTRACT NO.  
5 938, Grayson County, Texas and being all of a tract of land  
6 described as Tract 1 and being part of a tract of land described as  
7 Tract 2 in Deed to Crooked Cross Partners, LTD., recorded in Volume  
8 3491, Page 263, Deed Records, Grayson County, Texas and being more  
9 particularly described as follows:

10 BEGINNING at a PK nail found in the approximate center line of  
11 Marilee Road, at the Southwest corner of said Tract 2;

12 THENCE North 00 degrees 11 minutes 49 seconds West, a  
13 distance of 2,905.02 feet to a railroad tie fence post found for  
14 corner;

15 THENCE North 00 degrees 20 minutes 00 seconds West, a  
16 distance of 1,448.81 feet to a 1/2 inch iron rod found at the  
17 Northeast corner of a tract of land described in Deed to D.B. Tate,  
18 Jr. and Betty Jane Tate, recorded in Volume 2460, Page 683, Deed  
19 Records, Grayson County, Texas;

20 THENCE North 42 degrees 04 minutes 28 seconds East, a  
21 distance of 3,007.40 feet to a 1/2 inch iron rod found at the  
22 Southwest corner of a tract of land described in deed to Longhorn  
23 Trail Ranch II, LTD., recorded in Volume 3768, Page 454, Deed  
24 Records, Grayson County, Texas;

25 THENCE South 89 degrees 02 minutes 27 seconds East, a  
26 distance of 1,756.30 feet to a 1/2 inch iron rod found at the most  
27 Easterly Northeast corner of said Tract 2 and the Northwest corner

1 of said Tract 1;

2           THENCE South 88 degrees 58 minutes 07 seconds East, a  
3 distance of 2,459.10 feet to a 1/2 inch iron rod with a yellow  
4 plastic cap stamped "#5439" found in the approximate centerline of  
5 Longhorn Trail Drive at the Northeast corner of said Tract 1 and the  
6 Northwest corner of a tract of land described as Tract 2 in Deed to  
7 Jenchin Partners, LTD., recorded in Volume 3014, Page 569, Deed  
8 Records, Grayson County, Texas;

9           THENCE South 00 degrees 33 minutes 16 seconds East, along the  
10 West line of said Jenchin Tract 2 and said approximate centerline of  
11 said Longhorn Trail Drive, a distance of 2,473.20 feet to a 5/8 inch  
12 iron rod found at the Southeast corner of said Tract 1 and the  
13 Northeast corner of a tract of land described in Deed to J.B. Hunn  
14 and wife, Mitzi M. Hunn, recorded in Volume 2625, Page 182, Deed  
15 Records, Grayson County, Texas;

16           THENCE North 89 degrees 28 minutes 11 seconds West, a  
17 distance of 2,498.95 feet to a 5/8 inch iron rod found at the  
18 Southwest corner of said Tract 1 in the East line of said Tract 2 at  
19 the Northwest corner of said Hunn tract

20           THENCE South 00 degrees 32 minutes 49 seconds West, a  
21 distance of 2,235.87 feet to a metal fence post found at the  
22 Southwest corner of said Hunn tract and the Northwest corner of a  
23 tract of a tract of land described in Deed to Thomas O. Eller,  
24 recorded in Volume 1281, Page 315, Deed Records, Grayson County,  
25 Texas;

26           THENCE South 00 degrees 08 minutes 34 seconds East, a  
27 distance of 1,878.75 feet to a 1/2 inch iron rod found in the



1 approximate centerline of said Marilee Road at the Southeast corner  
2 of said Tract 2 and the Southwest corner of said Eller tract;

3 THENCE North 89 degrees 11 minutes 55 seconds West, a  
4 distance of 3,720.37 feet To the POINT OF BEGINNING and containing  
5 657.166 acres of land, more or less.

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

13 (b) The governor, one of the required recipients, has  
14 submitted the notice and Act to the Texas Commission on  
15 Environmental Quality.

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

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

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

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1 Act takes effect September 1, 2007.