

By: Watson

S.B. No. 2474

A BILL TO BE ENTITLED

1 AN ACT
2 relating to changes in the territory, board of directors, and water
3 use fees of the Barton Springs-Edwards Aquifer Conservation
4 District.

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

6 ARTICLE 1. DISTRICT TERRITORY; RATIFICATION ELECTION

7 SECTION 1.01. Section 8802.003, Special District Local Laws
8 Code, is amended to read as follows:

9 Sec. 8802.003. DISTRICT TERRITORY. (a) The district is
10 composed of the territory described by the Texas Water Commission's
11 August 15, 1986, order, as that territory may have been modified
12 under:

13 (1) Subchapter J, Chapter 36, Water Code; or

14 (2) other law.

15 (b) In addition, the district includes the territory
16 described by Section 2.01, S.B. No. 2474, Acts of the 81st
17 Legislature, Regular Session, 2009.

18 SECTION 1.02. Subchapter A, Chapter 8802, Special District
19 Local Laws Code, is amended by adding Section 8802.005 to read as
20 follows:

21 Sec. 8802.005. RATIFICATION ELECTION. (a) Before August
22 31, 2011, the board shall hold an election to ratify the annexation
23 of the territory described by Section 2.02, S.B. No. 2474, Acts of
24 the 81st Legislature, Regular Session, 2009. If a majority of the

1 voters voting at the election do not vote in favor of ratifying the
2 annexation, the board may hold another election for the same
3 purpose.

4 (b) Except as provided by this section, a ratification
5 election must be conducted as provided by Section 36.328, Water
6 Code, and the Election Code.

7 (c) This section expires September 1, 2011.

8 SECTION 1.03. Section 8802.053, Special District Local Laws
9 Code, is amended by amending Subsection (c) and adding Subsection
10 (c-1) to read as follows:

11 (c) As soon as practicable after the publication of each
12 federal decennial census, the board shall revise the single-member
13 districts as the board considers appropriate to reflect population
14 changes.

15 (c-1) When the board revises the single-member districts
16 [~~under this subsection~~], the board shall place two of the districts
17 wholly within the territory described by Section 2.04, S.B. No.
18 2474, Acts of the 81st Legislature, Regular Session, 2009[+]

19 [~~(1) entirely within the boundaries of the city of~~
20 Austin, as those boundaries exist at that time, or

21 [~~(2) within the boundaries of the city of Austin, as~~
22 those boundaries exist at that time, but also including
23 unincorporated areas or other municipalities that are surrounded
24 wholly or partly by the boundaries of the city of Austin if the
25 areas or municipalities are noncontiguous to the territory of any
26 other single-member district].

27 SECTION 1.04. Subchapter B, Chapter 8802, Special District

1 Local Laws Code, is amended by adding Section 8802.054 to read as
2 follows:

3 Sec. 8802.054. APPLICABILITY OF OTHER LAW. Section 36.059,
4 Water Code, does not apply to the district.

5 SECTION 1.05. Subsection (b), Section 8802.051, and
6 Subsection (d), Section 8802.053, Special District Local Laws Code,
7 are repealed.

8 SECTION 1.06. This article takes effect September 1, 2009.

9 ARTICLE 1A. FEES; DIRECTORS AND TERRITORY CONTINGENT ON

10 ANNEXATION

11 SECTION 1A.01. This article takes effect only if the
12 annexation of the territory described by Section 2.02 of this Act is
13 ratified at an election held under Section 8802.005, Special
14 District Local Laws Code, as added by Article 1 of this Act. If the
15 annexation of the territory described by Section 2.02 of this Act is
16 not ratified, this article has no effect.

17 SECTION 1A.02. Section 8802.003, Special District Local
18 Laws Code, is amended by adding Subsection (c) to read as follows:

19 (c) In addition, the district includes the territory
20 described by Section 2.02, S.B. No. 2474, Acts of the 81st
21 Legislature, Regular Session, 2009.

22 SECTION 1A.03. Subchapter B, Chapter 8802, Special District
23 Local Laws Code, is amended by adding Sections 8802.0511,
24 8802.0541, and 8802.055 to read as follows:

25 Sec. 8802.0511. DIRECTORS; TERMS. (a) The district is
26 governed by a board of seven directors who serve staggered
27 four-year terms.

1 (b) Three directors must be elected by voters residing in
2 the territory described by Section 2.03, S.B. No. 2474, Acts of the
3 81st Legislature, Regular Session, 2009.

4 (c) Four directors must be elected by voters of the district
5 who reside outside the territory described by Section 2.03, S.B.
6 No. 2474, Acts of the 81st Legislature, Regular Session, 2009.

7 Sec. 8802.054. SINGLE-MEMBER DISTRICTS. (a) The district
8 is divided into seven numbered, single-member districts for
9 electing directors.

10 (b) The board may revise the single-member districts as
11 necessary or appropriate.

12 (c) When the board revises the single-member districts, the
13 board shall place three of the districts entirely inside and four of
14 the districts entirely outside the territory described by Section
15 2.03, S.B. No. 2474, Acts of the 81st Legislature, Regular Session,
16 2009.

17 (d) When the boundaries of the single-member districts are
18 changed, a director in office on the effective date of the change,
19 or elected or appointed before the effective date of the change to a
20 term of office beginning on or after the effective date of the
21 change, is entitled to serve the term or the remainder of the term
22 in the numbered single-member district to which elected or
23 appointed even though the change in boundaries places the person's
24 residence outside the numbered single-member district for which the
25 person was elected or appointed.

26 (e) At the first regularly scheduled election of directors
27 after the board of the district is expanded from five to seven

1 directors, directors elected to fill any vacant director positions
2 shall draw lots to determine which of those directors shall serve a
3 two-year term and which shall serve a four-year term. Lots must be
4 determined so that not more than four directors' terms expire in any
5 even-numbered year.

6 Sec. 8802.055. APPOINTMENT OF TEMPORARY DIRECTORS.

7 (a) Not later than three months after the date of the election
8 under Section 8802.005, the board shall appoint two temporary
9 directors to the board to represent the territory the annexation of
10 which was ratified at the election.

11 (b) The temporary directors shall serve at large until the
12 next general election of directors of the district under Section
13 8802.052.

14 SECTION 1A.04. Subsection (a), Section 8802.105, Special
15 District Local Laws Code, is amended to read as follows:

16 (a) Each year the board may assess against the City of
17 Austin a water use fee in an amount not to exceed the lesser of
18 \$900,000 or 60 percent of the total funding the district expects to
19 receive for the next fiscal year from water use fees assessed
20 against Austin and other nonexempt users in that year as computed
21 subject to the computation] under Subsection (b).

22 SECTION 1A.05. Sections 8802.051 and 8802.053, Special
23 District Local Laws Code, are repealed.

24 SECTION 1A.06. (a) Except as provided by Section 1A.01 of
25 this Act, this article takes effect on the date the annexation of
26 the territory described by Section 2.02 of this Act is ratified at
27 an election held under Section 8802.005, Special District Local

1 Laws Code, as added by Article 1 of this Act.

2 (b) If the annexation of territory is ratified at an
3 election described by Subsection (a) of this section, the board of
4 directors of the Barton Springs-Edwards Aquifer Conservation
5 District shall notify the Texas Commission on Environmental Quality
6 of the changes in territory and board members.

7 ARTICLE 2. DESCRIPTION OF TERRITORIES

8 SECTION 2.01. The territory annexed to the Barton
9 Springs-Edwards Aquifer Conservation District under Subsection
10 (b), Section 8802.003, Special District Local Laws Code, as added
11 by Section 1.01 of this Act, is described as follows:

12 (1) 1.8750 acres described as Lot 1, Block 1 of Vanisha
13 Development Subdivision, as recorded in Book No. 14, Pages 98-99,
14 Hays County, Texas;

15 (2) 21.003 acres of land situated in the Thomas G. Allen
16 Survey, Hays County, Texas, being a portion of that certain tract of
17 land in a deed to South Corridor Park, Ltd., recorded in Document
18 No. 00025896, Hays County, Texas; and

19 (3) 24.628 acres of land situated in the Elisha Pruett
20 Survey, Abstract 23, described in a deed to Hays Consolidated
21 Independent School District, recorded in Document No. 05001881,
22 Hays County, Texas.

23 SECTION 2.02. The territory annexed to the Barton
24 Springs-Edwards Aquifer Conservation District if ratified at an
25 election under Section 8802.005, Special District Local Laws Code,
26 as added by Article 1 of this Act, is described as follows:

27 (1) Beginning at the current eastern district boundary and

1 the Colorado River, running east along the Colorado River to a point
2 where the district boundary intersects Interstate Highway 35, then
3 south along Interstate Highway 35 to William Cannon Drive, then
4 west along Old Lockhart Road, then north on Congress Avenue, then
5 west on Ben White Boulevard, then north on South First Street, then
6 east on Elizabeth Street, then north on Congress Avenue following
7 along the district boundary to the place of beginning; and

8 (2) Beginning at the current western district boundary and
9 the Colorado River, then following westerly along the southern
10 border of the Colorado River to a point due north of the
11 intersection of Weston Lane and Brightman Lane, then south on that
12 line to said intersection, then south on Weston Lane to its
13 intersection with FM 2244, then west on FM 2244 to its intersection
14 with State Highway 71, then west on State Highway 71 until the
15 intersection with the extraterritorial jurisdiction limits of the
16 City of Bee Cave as of the date of the ratification election under
17 Section 8802.005, Special District Local Laws Code, as added by
18 Article 1 of this Act, then generally south and west following the
19 extraterritorial jurisdiction limits of the City of Bee Cave, to
20 exclude the City of Bee Cave and its extraterritorial jurisdiction
21 as of the date of the ratification election under Section 8802.005,
22 Special District Local Laws Code, as added by Article 1 of this Act,
23 until it intersects with State Highway 71, then west on Highway 71
24 until it intersects with Bee Creek Road, then north on Bee Creek
25 Road until it intersects with Siesta Shores Drive, then due east
26 from that intersection to the southern boundary of Lake Travis,
27 then following the southern boundary of Lake Travis until it

1 intersects the Blanco County line, then following the Blanco County
2 line until it intersects the Hays County line, then east along the
3 Hays County line until its intersection of the district boundary
4 existing before the effective date of this Act, then north
5 following the western district boundary to the Colorado River, the
6 point of beginning.

7 (3) Any boundary reference to a highway, street, road,
8 avenue, boulevard, or lane shall mean the center line of the
9 boundary.

10 SECTION 2.03. If the annexation of territory is ratified by
11 an election held under Section 8802.005, Special District Local
12 Laws Code, as added by Article 1 of this Act, the territory for
13 certain voting districts under Subsections (b) and (c), Section
14 8802.0511, and Subsection (c), Section 8802.0545, Special District
15 Local Laws Code, as added by Article 1A of this Act, is described as
16 follows:

17 (1) Beginning at a point where Interstate Highway 35 crosses
18 the Colorado River in Travis County, then south along Interstate
19 Highway 35 to Slaughter Lane, then west along Slaughter Lane to FM
20 1826, then north along FM 1826 to U.S. Highway 290, then east along
21 U.S. Highway 290 to Old Bee Cave Road, then northwest along Old Bee
22 Cave Road to Travis Cook Road, then north along Travis Cook Road to
23 Barton Creek Boulevard, then north along Barton Creek Boulevard to
24 FM 2244, then west along FM 2244 to Weston Lane, then north along
25 Weston Lane to Brightman Lane, then due north from that
26 intersection to the Colorado River, then east along the Colorado
27 River to the place of the beginning.

1 (2) Any boundary reference to a highway, street, road,
2 avenue, boulevard, or lane shall mean the center line of the
3 boundary.

4 SECTION 2.04. The territory for voting districts under
5 Subsection (c-1), Section 8802.053, Special District Local Laws
6 Code, as added by Section 1.03 of this Act, is described as follows:

7 (1) Beginning at the eastern district boundary and the
8 Colorado River, then south along the eastern district boundary to
9 the intersection of Interstate Highway 35 and Slaughter Lane; then
10 west along Slaughter Lane to the district boundary, then north
11 along the district boundary to the Colorado River, then east along
12 the Colorado River following the district boundary to the point of
13 the beginning.

14 (2) Any boundary reference to a highway, street, road,
15 avenue, boulevard, or lane shall mean the center line of the
16 boundary.

17 ARTICLE 3. INTENT, NOTICE, AND EFFECTIVE DATE

18 SECTION 3.01. (a) The legal notice of the intention to
19 introduce this Act, setting forth the general substance of this
20 Act, has been published as provided by law, and the notice and a
21 copy of this Act have been furnished to all persons, agencies,
22 officials, or entities to which they are required to be furnished
23 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
24 Government Code.

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

27 (c) The Texas Commission on Environmental Quality has filed

1 its recommendations relating to this Act with the governor,
2 lieutenant governor, and speaker of the house of representatives
3 within the required time.

4 (d) All requirements of the constitution and laws of this
5 state and the rules and procedures of the legislature with respect
6 to the notice, introduction, and passage of this Act are fulfilled
7 and accomplished.

8 SECTION 3.02. Except as provided by Section 1.06, 1A.01, or
9 1A.06 of this Act, this Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2009, except as provided by Section
14 1A.01 or 1A.06 of this Act.