

By: Eiland

H.B. No. 3826

A BILL TO BE ENTITLED

AN ACT

relating to the board of directors of the Cedar Bayou Navigation District.

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

SECTION 1. Section 2, Chapter 589, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:

Sec. 2. DEFINITIONS [~~DEFINITION~~]. In this Act:

(1) "Council director" means the advisory board member appointed by the city council under Section 5(c).

(2) "District" [,"~~district~~"] means the Cedar Bayou Navigation District.

(3) "District director" means a person who serves in a numbered position on the district's board of directors.

(4) "Mayor director" means the advisory board member appointed by the mayor under Section 5(c).

SECTION 2. Section 5, Chapter 589, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:

Sec. 5. BOARD OF DIRECTORS. (a) The district is to be governed by a board of five district [~~seven~~] directors.

(b) The district [~~five~~] directors [~~serving in director positions 1, 2, 3, 4, and 5~~] shall be appointed by the Commissioners Court of Chambers County from a list of candidates recommended by the board in the manner provided by Sections 375.064(a), (b), (c), (d), and (e) [~~in Section 375.064~~], Local Government Code[~~, or, if~~

1 ~~the commissioners court is not satisfied with any of the~~  
2 ~~recommended candidates, from nominees submitted by members of the~~  
3 ~~commissioners court].~~ District ~~[Said]~~ directors shall serve  
4 staggered six ~~[(6)]~~ year terms with the terms of one or two district  
5 ~~[the]~~ directors expiring May 1 of each odd-numbered year as  
6 provided by Subsection (c) ~~[in positions 1 and 3 expiring May 1 of~~  
7 ~~an odd numbered year, the directors in positions 2 and 4 expiring~~  
8 ~~May 1 of another odd-numbered year, and the director in position 5~~  
9 ~~expiring May 1 of another odd-numbered year].~~ ~~[Each director so~~  
10 ~~appointed shall serve a term of office of six (6) years, and until~~  
11 ~~his or her successor is appointed and has qualified.]~~ Appointments  
12 to fill an unexpired term shall be made by the remaining district  
13 directors.

14 (b-1) The district directors serving in director positions  
15 1 and 2 must be representatives of a company or business in the  
16 district that has the highest and second highest taxable value of  
17 real and personal property located in the district, as certified by  
18 the Chambers County Appraisal District. The district directors  
19 serving in director positions 3 and 4 must be representatives of a  
20 company or business in the district that owns real or personal  
21 property that has a taxable value of at least \$25,000,000 but less  
22 than \$250,000,000, as certified by the Chambers County Appraisal  
23 District. The district director serving in director position 5  
24 must be a representative of a company or business that owns real or  
25 personal property in the district that has a taxable value of at  
26 least \$5,000,000 but less than \$25,000,000, as certified by the  
27 Chambers County Appraisal District.

(b-2) The district directors shall elect a chairperson from the district directors. The person elected serves a term of four years as chairperson. ~~[Beginning September 1, 2007, the chairperson shall be elected by the directors from among the directors in positions 1, 2, 3, 4, and 5. At the conclusion of the term of the initial chairperson elected under this subsection, the chairperson shall be elected by the directors from among the directors in positions 6 and 7. The group of directors from which the chairperson is elected shall continue to alternate between the directors in positions 1, 2, 3, 4, and 5, and the directors in positions 6 and 7.]~~

(c) The mayor ~~[One]~~ director is an advisory director ~~[, who shall serve in director position 6, shall be]~~ appointed by the mayor of the City of Baytown. The council ~~[, and one]~~ director is an advisory director ~~[, who shall serve in director position 7, shall be]~~ appointed by the city council of the City of Baytown. The two directors shall serve staggered six ~~[(6)]~~ year terms with the term of the mayor director ~~[in position 6]~~ expiring May 1 of the odd-numbered year in which the terms of district directors serving in positions 1 and 3 expire and with the term of the council director ~~[in position 7]~~ expiring May 1 of the odd-numbered year in which the terms of district directors serving in positions 2 and 4 expire. Each advisory director appointed ~~[to serve in position 6 or 7]~~ shall serve a term of office ~~[of six (6) years, and]~~ until his or her successor is appointed ~~[and has qualified]~~. Appointments to fill an unexpired term of the mayor director ~~[in position 6]~~ shall be made by the mayor of the City of Baytown, and appointments to

fill an unexpired term of the council director ~~[in position 7]~~ shall be made by the city council of the City of Baytown.

(d) A district director appointed ~~[Directors serving in director positions 1, 2, 3, 4, and 5]~~ for either a full or partial term must ~~[shall meet the following qualifications:]~~

~~[(i)]~~ be at least 21 ~~[eighteen (18)]~~ years of age~~+~~ and meet one or more of the following qualifications:

(1) [(ii)] be an owner of real property or taxable non-exempt personal property in the district; [or]

(2) [(iii)] be an owner of at least 60 percent of the outstanding shares of voting stock or equity [stock], whether beneficial or otherwise, of a corporation or limited liability company or a limited partnership or a partner of a general partnership that is an owner of real property or taxable non-exempt personal [corporate owner of] property in the district; [or]

(3) [(iv)] be an owner of a beneficial interest in a trust that owns real property in the district; [or]

(4) [(v)] be an [agent,] employee, working at least 30 hours a week, [or tenant] of an entity [a person] described in Subdivision (2) [the foregoing Subdivisions (ii), (iii), or (iv)]; or

(5) be a former employee with at least 10 years of former service who is retired from an entity described in Subdivision (2).

(e) An advisory director must ~~[Directors serving in director positions 6 and 7 shall meet the following qualifications]:~~

(1) be at least 21 ~~[18]~~ years of age; and

(2) be a resident of the City of Baytown.

(e-1) An advisory director shall provide counsel, information, and general policy advice to the board of district directors on any matters the board considers appropriate and requests. An advisory director shall perform the duties assigned by the board, except that an advisory director may not vote on district matters, manage the business and affairs of the district, or otherwise exercise the power of the board of district directors. An advisory director may attend meetings of the board. The board of district directors may, but is not required to, give notice of board meetings to an advisory director.

(f) No person may be appointed as a director or continue to serve as a director unless they satisfy the requirements prescribed by this section. ~~[Each director shall qualify for office as provided in Subchapter D, Chapter 375, Local Government Code.]~~

(g) The board shall be governed by the terms and conditions set forth in Subchapter C, Chapter 63, Water Code, to the extent such provisions do not conflict with the provisions of this Act.

(h) Directors shall be compensated in the manner provided by Section 63.098, Water Code.

~~[(i) On September 1, 2007, the board is expanded from five members to seven members by adding director positions 6 and 7 as provided by Subsections (c) and (e) of this section. Regardless of the length of the term prescribed by Subsection (c), the initial term of the director serving in position 6 begins September 1, 2007, and expires May 1, 2011, and the initial term of the director~~

1 ~~serving in position 7 begins September 1, 2007, and expires May 1,~~  
2 ~~2013.]~~

3         SECTION 3. (a) The change in law made by this Act does not  
4 affect the term of office of a director serving on the board of  
5 directors of the Cedar Bayou Navigation District on the effective  
6 date of this Act.

7         (b) On the effective date of this Act, a director serving in  
8 position 6 of the board of directors of the Cedar Bayou Navigation  
9 District becomes the mayor director, who is an advisory director,  
10 as provided by Section 5(c), Chapter 589, Acts of the 75th  
11 Legislature, Regular Session, 1997, as amended by this Act, and  
12 Section 5(e-1) of that chapter, as added by this Act.

13         (c) On the effective date of this Act, a director serving in  
14 position 7 of the board of directors of the Cedar Bayou Navigation  
15 District becomes the council director, who is an advisory director,  
16 as provided by Section 5(c), Chapter 589, Acts of the 75th  
17 Legislature, Regular Session, 1997, as amended by this Act, and  
18 Section 5(e-1) of that chapter, as added by this Act.

19         (d) Sections 5(d) and (e), Chapter 589, Acts of the 75th  
20 Legislature, Regular Session, 1997, as amended by this Act, apply  
21 only to a director who is appointed on or after the effective date  
22 of this Act.

23         SECTION 4. (a) The legal notice of the intention to  
24 introduce this Act, setting forth the general substance of this  
25 Act, has been published as provided by law, and the notice and a  
26 copy of this Act have been furnished to all persons, agencies,  
27 officials, or entities to which they are required to be furnished

1 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
2 Government Code.

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

6 (c) The Texas Commission on Environmental Quality has filed  
7 its recommendations relating to this Act with the governor, the  
8 lieutenant governor, and the speaker of the house of  
9 representatives within the required time.

10 (d) All requirements of the constitution and laws of this  
11 state and the rules and procedures of the legislature with respect  
12 to the notice, introduction, and passage of this Act are fulfilled  
13 and accomplished.

14 SECTION 5. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2011.