

By: Lavender

H.B. No. 3847

Substitute the following for H.B. No. 3847:

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C.S.H.B. No. 3847

A BILL TO BE ENTITLED

AN ACT

relating to the Riverbend Water Resources District.

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

SECTION 1. Section 9601.001, Special District Local Laws Code, is amended by adding Subdivision (6) to read as follows:

(6) "Temporary administrator" means a person appointed under Subchapter B-1.

SECTION 2. Subchapter A, Chapter 9601, Special District Local Laws Code, is amended by adding Section 9601.008 to read as follows:

Sec. 9601.008. MEMBER IMMUNITY. A member has immunity from suit and immunity from liability in any action or proceeding brought by another member arising out of or relating to the changes in law made by the Act enacting this section.

SECTION 3. Section 9601.051, Special District Local Laws Code, is amended by amending Subsections (b) and (f) and adding Subsections (b-1), (b-2), and (g) to read as follows:

(b) The board consists of five directors, appointed as follows:

(1) two directors appointed by the City of Texarkana;
(2) one director appointed by the City of New Boston;
(3) one director appointed by the Red River Redevelopment Authority or its successor; and

(4) one director appointed by the members not named in

1 Subdivisions (1) through (3), including any members added under
2 Section 9601.005(b).

3 (b-1) The governing body of each member required to [shall]
4 appoint a director under Subsection (b)(1), (2), or (3) shall
5 appoint the required number of directors to represent the member on
6 the board. The members not named in Subsections (b)(1) through (3)
7 shall appoint a single director in the manner provided by
8 Subsection (b-2) to represent those members on the board. A [and
9 shall promptly fill a] vacancy in a [that] board position shall be
10 promptly filled in accordance with the [member's] policies,
11 resolutions, and procedures of the applicable member or members.

12 (b-2) The members not named in Subsections (b)(1) through
13 (3) may each nominate a person qualified to serve as a director.
14 The governing body of each of those members shall cast one vote for
15 a candidate chosen from the list of nominees. The nominee receiving
16 a majority of the votes cast by the governing bodies of those
17 members becomes the director representing those members on the
18 board.

19 (f) A director may not serve more than two consecutive
20 terms. A former director may not serve again before the fourth
21 anniversary of the last day of the director's previous term.

22 (g) The initial directors shall draw lots to achieve
23 staggered terms, with three of the directors serving three-year
24 terms and two of the directors serving four-year terms.

25 SECTION 4. Section 9601.052, Special District Local Laws
26 Code, is amended to read as follows:

27 Sec. 9601.052. QUALIFICATIONS FOR OFFICE. (a) To be

1 eligible to be appointed or to serve as a director, a person must be
2 a resident, qualified voter of the district.

3 (b) A person is not eligible to be appointed or to serve as a
4 director while the person:

5 (1) is serving as an elected official of a political
6 subdivision or other governmental body; or

7 (2) is an employee of a member.

8 SECTION 5. Section 9601.057, Special District Local Laws
9 Code, is amended to read as follows:

10 Sec. 9601.057. RECALL. (a) A director appointed under
11 Section 9601.051(b)(1), (2), or (3) may be recalled at any time by a
12 two-thirds vote of the governing body of the member that appointed
13 the director.

14 (b) A director appointed under Section 9601.051(b)(4) may
15 be recalled by a two-thirds vote of the members that appoint a
16 director under that section.

17 SECTION 6. Chapter 9601, Special District Local Laws Code,
18 is amended by adding Subchapter B-1 to read as follows:

19 SUBCHAPTER B-1. TEMPORARY ADMINISTRATOR

20 Sec. 9601.071. DEFINITION. In this subchapter,
21 "commission" means the Texas Commission on Environmental Quality.

22 Sec. 9601.072. APPOINTMENT. On the effective date of the
23 Act enacting this subchapter, Clyde M. Siebman is appointed as
24 temporary administrator for the district, and the term of each
25 person who is serving as a director expires on that date.

26 Sec. 9601.073. TERM. (a) The temporary administrator
27 shall serve until the 180th day after the date that a board

1 conforming to the structure described by Section 9601.051(b), as
2 amended by the Act enacting this subchapter, is appointed and the
3 directors have qualified.

4 (b) The commission may extend the term of the temporary
5 administrator if the commission determines, after consultation
6 with each state senator and representative who represents a
7 district that includes territory in the district, that an extension
8 is necessary to manage the transition between boards.

9 Sec. 9601.074. POWERS AND DUTIES. (a) The temporary
10 administrator shall have the same powers and duties of the board,
11 except that the temporary administrator may not issue bonds.

12 (b) The temporary administrator shall:

13 (1) complete an inventory of:

14 (A) the contracts to which the district is a
15 party, including an evaluation of the benefit to the district of
16 each contract; and

17 (B) district assets and liabilities;

18 (2) retrieve district assets that are in the
19 possession or under the control of persons not authorized by the
20 temporary administrator, including keys, passwords, books,
21 records, and personal, real, and intangible property;

22 (3) work to secure and protect the assets of the
23 district;

24 (4) obtain a financial audit of the district;

25 (5) determine the current operational, functional,
26 and financial condition of the district;

27 (6) recruit a qualified executive director and other

1 management personnel;

2 (7) provide oversight and supervision of the board;

3 (8) provide for a program to educate the incoming
4 board and management personnel on laws applicable to the district,
5 sound management strategies, negotiation skills, conflict of
6 interest policies and law, financial integrity, and contracting
7 issues;

8 (9) develop and implement strategies to carry out the
9 purposes of the district and to provide a safe, secure, and
10 plentiful supply of water for use within the northeast area of this
11 state;

12 (10) review and accept new member petitions from
13 political subdivisions; and

14 (11) at least every three months, report to the
15 commission on the progress of the duties described by this section.

16 (c) In the period after the appointment of a new board and
17 before the end of the temporary administrator's term, the temporary
18 administrator shall work cooperatively with the board in performing
19 the duties under Subsection (b).

20 Sec. 9601.075. PERSONNEL. The temporary administrator may
21 employ persons to assist the temporary administrator in carrying
22 out the duties assigned by this subchapter.

23 Sec. 9601.076. COMPENSATION AND REIMBURSEMENT. (a) The
24 temporary administrator and any person hired under Section 9601.075
25 is entitled to reasonable compensation, based on the education,
26 training, and experience of the person, and reimbursement of the
27 reasonable and necessary expenses incurred in carrying out the

1 duties assigned by this subchapter.

2 (b) The district shall pay the cost of compensation and
3 reimbursement.

4 (c) The amount of compensation and reimbursement shall be
5 determined by agreement of the temporary administrator and the
6 board, except that before the appointment and qualification of the
7 board as provided by Section 9601.051, as amended by the Act
8 enacting this subchapter, the amount of compensation and
9 reimbursement shall be determined by agreement of the temporary
10 administrator and the executive director of the commission. In the
11 event an agreement cannot be reached, the commission shall
12 determine the compensation and reimbursement, after obtaining the
13 approval of each state senator and representative who represents a
14 district that includes territory in the district.

15 Sec. 9601.077. REMOVAL AND REPLACEMENT. The commission
16 may, after obtaining the consent of each state senator and
17 representative who represents a district that includes territory in
18 the district, remove the temporary administrator and:

- 19 (1) appoint a new temporary administrator; or
20 (2) return control of the district to the board.

21 Sec. 9601.078. IMMUNITY FROM SUIT. For acts or omissions
22 undertaken in the course and scope of carrying out the duties
23 assigned by this subchapter, the temporary administrator is
24 entitled to the same immunity from suit and liability that applies
25 to a state district judge acting in a judicial capacity.

26 Sec. 9601.079. EXPIRATION OF SECTIONS. Sections 9601.071
27 through 9601.077 and this section expire September 1, 2013.

1 SECTION 7. Section 9601.104(a), Special District Local Laws
2 Code, is amended to read as follows:

3 (a) A person, entity, public agency, [~~or a~~] county,
4 municipality, or other political subdivision of this state or
5 another state may enter into a contract or agreement with the
6 district, on terms agreed to by the parties, for:

7 (1) the purchase or sale of water;

8 (2) waste collection, transportation, processing, or
9 disposal; or

10 (3) any purpose relating to the district's powers or
11 functions.

12 SECTION 8. Sections 9601.051(d) and 9601.059, Special
13 District Local Laws Code, are repealed.

14 SECTION 9. Not sooner than the 150th day and not later than
15 the 180th day after the effective date of this Act, the City of
16 Texarkana, the City of New Boston, the Red River Redevelopment
17 Authority or its successor, and the members described by Section
18 9601.051, Special District Local Laws Code, as amended by this Act,
19 shall appoint members, as appropriate, to the board of directors of
20 the Riverbend Water Resources District.

21 SECTION 10. (a) The legal notice of the intention to
22 introduce this Act, setting forth the general substance of this
23 Act, has been published as provided by law, and the notice and a
24 copy of this Act have been furnished to all persons, agencies,
25 officials, or entities to which they are required to be furnished
26 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
27 Government Code.

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

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

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

11 SECTION 11. This Act takes effect immediately if it
12 receives a vote of two-thirds of all the members elected to each
13 house, as provided by Section 39, Article III, Texas Constitution.
14 If this Act does not receive the vote necessary for immediate
15 effect, this Act takes effect September 1, 2011.