

1-1 By: Lavender (Senate Sponsor - Eltife) H.B. No. 3847
1-2 (In the Senate - Received from the House May 4, 2011;
1-3 May 5, 2011, read first time and referred to Committee on Natural
1-4 Resources; May 11, 2011, reported favorably by the following vote:
1-5 Yeas 10, Nays 0; May 11, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the Riverbend Water Resources District.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 9601.001, Special District Local Laws
1-11 Code, is amended by adding Subdivision (6) to read as follows:

1-12 (6) "Temporary administrator" means a person
1-13 appointed under Subchapter B-1.

1-14 SECTION 2. Subchapter A, Chapter 9601, Special District
1-15 Local Laws Code, is amended by adding Section 9601.008 to read as
1-16 follows:

1-17 Sec. 9601.008. MEMBER IMMUNITY. A member has immunity from
1-18 suit and immunity from liability in any action or proceeding
1-19 brought by another member arising out of or relating to the changes
1-20 in law made by the Act enacting this section.

1-21 SECTION 3. Section 9601.051, Special District Local Laws
1-22 Code, is amended by amending Subsections (b) and (f) and adding
1-23 Subsections (b-1), (b-2), and (g) to read as follows:

1-24 (b) The board consists of five directors, appointed as
1-25 follows:

1-26 (1) two directors appointed by the City of Texarkana;
1-27 (2) one director appointed by the City of New Boston;
1-28 (3) one director appointed by the Red River
1-29 Redevelopment Authority or its successor; and

1-30 (4) one director appointed by the members not named in
1-31 Subdivisions (1) through (3), including any members added under
1-32 Section 9601.005(b).

1-33 (b-1) The governing body of each member required to [~~shall~~]
1-34 appoint a director under Subsection (b)(1), (2), or (3) shall
1-35 appoint the required number of directors to represent the member on
1-36 the board. The members not named in Subsections (b)(1) through (3)
1-37 shall appoint a single director in the manner provided by
1-38 Subsection (b-2) to represent those members on the board. A [~~and~~
1-39 shall promptly fill a] vacancy in a [~~that~~] board position shall be
1-40 promptly filled in accordance with the [~~member's~~] policies,
1-41 resolutions, and procedures of the applicable member or members.

1-42 (b-2) The members not named in Subsections (b)(1) through
1-43 (3) may each nominate a person qualified to serve as a director.
1-44 The governing body of each of those members shall cast one vote for
1-45 a candidate chosen from the list of nominees. The nominee receiving
1-46 a majority of the votes cast by the governing bodies of those
1-47 members becomes the director representing those members on the
1-48 board.

1-49 (f) A director may not serve more than two consecutive
1-50 terms. A former director may not serve again before the fourth
1-51 anniversary of the last day of the director's previous term.

1-52 (g) The initial directors shall draw lots to achieve
1-53 staggered terms, with three of the directors serving three-year
1-54 terms and two of the directors serving four-year terms.

1-55 SECTION 4. Section 9601.052, Special District Local Laws
1-56 Code, is amended to read as follows:

1-57 Sec. 9601.052. QUALIFICATIONS FOR OFFICE. (a) To be
1-58 eligible to be appointed or to serve as a director, a person must be
1-59 a resident, qualified voter of the district.

1-60 (b) A person is not eligible to be appointed or to serve as a
1-61 director while the person:

1-62 (1) is serving as an elected official of a political
1-63 subdivision or other governmental body; or

1-64 (2) is an employee of a member.

2-1 SECTION 5. Section 9601.057, Special District Local Laws
2-2 Code, is amended to read as follows:

2-3 Sec. 9601.057. RECALL. (a) A director appointed under
2-4 Section 9601.051(b)(1), (2), or (3) may be recalled at any time by a
2-5 two-thirds vote of the governing body of the member that appointed
2-6 the director.

2-7 (b) A director appointed under Section 9601.051(b)(4) may
2-8 be recalled by a two-thirds vote of the members that appoint a
2-9 director under that section.

2-10 SECTION 6. Chapter 9601, Special District Local Laws Code,
2-11 is amended by adding Subchapter B-1 to read as follows:

2-12 SUBCHAPTER B-1. TEMPORARY ADMINISTRATOR

2-13 Sec. 9601.071. DEFINITION. In this subchapter,
2-14 "commission" means the Texas Commission on Environmental Quality.

2-15 Sec. 9601.072. APPOINTMENT. On the effective date of the
2-16 Act enacting this subchapter, Clyde M. Siebman is appointed as
2-17 temporary administrator for the district, and the term of each
2-18 person who is serving as a director expires on that date.

2-19 Sec. 9601.073. TERM. (a) The temporary administrator
2-20 shall serve until the 180th day after the date that a board
2-21 conforming to the structure described by Section 9601.051(b), as
2-22 amended by the Act enacting this subchapter, is appointed and the
2-23 directors have qualified.

2-24 (b) The commission may extend the term of the temporary
2-25 administrator if the commission determines, after consultation
2-26 with each state senator and representative who represents a
2-27 district that includes territory in the district, that an extension
2-28 is necessary to manage the transition between boards.

2-29 Sec. 9601.074. POWERS AND DUTIES. (a) The temporary
2-30 administrator shall have the same powers and duties of the board,
2-31 except that the temporary administrator may not issue bonds.

2-32 (b) The temporary administrator shall:

2-33 (1) complete an inventory of:

2-34 (A) the contracts to which the district is a
2-35 party, including an evaluation of the benefit to the district of
2-36 each contract; and

2-37 (B) district assets and liabilities;

2-38 (2) retrieve district assets that are in the
2-39 possession or under the control of persons not authorized by the
2-40 temporary administrator, including keys, passwords, books,
2-41 records, and personal, real, and intangible property;

2-42 (3) work to secure and protect the assets of the
2-43 district;

2-44 (4) obtain a financial audit of the district;

2-45 (5) determine the current operational, functional,
2-46 and financial condition of the district;

2-47 (6) recruit a qualified executive director and other
2-48 management personnel;

2-49 (7) provide oversight and supervision of the board;

2-50 (8) provide for a program to educate the incoming
2-51 board and management personnel on laws applicable to the district,
2-52 sound management strategies, negotiation skills, conflict of
2-53 interest policies and law, financial integrity, and contracting
2-54 issues;

2-55 (9) develop and implement strategies to carry out the
2-56 purposes of the district and to provide a safe, secure, and
2-57 plentiful supply of water for use within the northeast area of this
2-58 state;

2-59 (10) review and accept new member petitions from
2-60 political subdivisions; and

2-61 (11) at least every three months, report to the
2-62 commission on the progress of the duties described by this section.

2-63 (c) In the period after the appointment of a new board and
2-64 before the end of the temporary administrator's term, the temporary
2-65 administrator shall work cooperatively with the board in performing
2-66 the duties under Subsection (b).

2-67 Sec. 9601.075. PERSONNEL. The temporary administrator may
2-68 employ persons to assist the temporary administrator in carrying
2-69 out the duties assigned by this subchapter.

3-1 Sec. 9601.076. COMPENSATION AND REIMBURSEMENT. (a) The
 3-2 temporary administrator and any person hired under Section 9601.075
 3-3 is entitled to reasonable compensation, based on the education,
 3-4 training, and experience of the person, and reimbursement of the
 3-5 reasonable and necessary expenses incurred in carrying out the
 3-6 duties assigned by this subchapter.

3-7 (b) The district shall pay the cost of compensation and
 3-8 reimbursement.

3-9 (c) The amount of compensation and reimbursement shall be
 3-10 determined by agreement of the temporary administrator and the
 3-11 board, except that before the appointment and qualification of the
 3-12 board as provided by Section 9601.051, as amended by the Act
 3-13 enacting this subchapter, the amount of compensation and
 3-14 reimbursement shall be determined by agreement of the temporary
 3-15 administrator and the executive director of the commission. In the
 3-16 event an agreement cannot be reached, the commission shall
 3-17 determine the compensation and reimbursement, after obtaining the
 3-18 approval of each state senator and representative who represents a
 3-19 district that includes territory in the district.

3-20 Sec. 9601.077. REMOVAL AND REPLACEMENT. The commission
 3-21 may, after obtaining the consent of each state senator and
 3-22 representative who represents a district that includes territory in
 3-23 the district, remove the temporary administrator and:

3-24 (1) appoint a new temporary administrator; or

3-25 (2) return control of the district to the board.

3-26 Sec. 9601.078. IMMUNITY FROM SUIT. For acts or omissions
 3-27 undertaken in the course and scope of carrying out the duties
 3-28 assigned by this subchapter, the temporary administrator is
 3-29 entitled to the same immunity from suit and liability that applies
 3-30 to a state district judge acting in a judicial capacity.

3-31 Sec. 9601.079. EXPIRATION OF SECTIONS. Sections 9601.071
 3-32 through 9601.077 and this section expire September 1, 2013.

3-33 SECTION 7. Section 9601.104(a), Special District Local Laws
 3-34 Code, is amended to read as follows:

3-35 (a) A person, entity, public agency, [~~or a~~] county,
 3-36 municipality, or other political subdivision of this state or
 3-37 another state may enter into a contract or agreement with the
 3-38 district, on terms agreed to by the parties, for:

3-39 (1) the purchase or sale of water;

3-40 (2) waste collection, transportation, processing, or
 3-41 disposal; or

3-42 (3) any purpose relating to the district's powers or
 3-43 functions.

3-44 SECTION 8. Sections 9601.051(d) and 9601.059, Special
 3-45 District Local Laws Code, are repealed.

3-46 SECTION 9. Not sooner than the 150th day and not later than
 3-47 the 180th day after the effective date of this Act, the City of
 3-48 Texarkana, the City of New Boston, the Red River Redevelopment
 3-49 Authority or its successor, and the members described by Section
 3-50 9601.051, Special District Local Laws Code, as amended by this Act,
 3-51 shall appoint members, as appropriate, to the board of directors of
 3-52 the Riverbend Water Resources District.

3-53 SECTION 10. (a) The legal notice of the intention to
 3-54 introduce this Act, setting forth the general substance of this
 3-55 Act, has been published as provided by law, and the notice and a
 3-56 copy of this Act have been furnished to all persons, agencies,
 3-57 officials, or entities to which they are required to be furnished
 3-58 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 3-59 Government Code.

3-60 (b) The governor has submitted the notice and Act to the
 3-61 Texas Commission on Environmental Quality.

3-62 (c) The Texas Commission on Environmental Quality has filed
 3-63 its recommendations relating to this Act with the governor,
 3-64 lieutenant governor, and speaker of the house of representatives
 3-65 within the required time.

3-66 (d) All requirements of the constitution and laws of this
 3-67 state and the rules and procedures of the legislature with respect
 3-68 to the notice, introduction, and passage of this Act are fulfilled
 3-69 and accomplished.

4-1 SECTION 11. This Act takes effect immediately if it
4-2 receives a vote of two-thirds of all the members elected to each
4-3 house, as provided by Section 39, Article III, Texas Constitution.
4-4 If this Act does not receive the vote necessary for immediate
4-5 effect, this Act takes effect September 1, 2011.

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