

By: Uresti

S.B. No. 271

A BILL TO BE ENTITLED

AN ACT

relating to the board of directors of the Bexar Metropolitan Water District.

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

SECTION 1. Sections 1 and 8, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945, are amended to read as follows:

Sec. 1. In obedience to the provisions of Article 16, Section 59 of the Constitution of Texas, there is hereby created Bexar Metropolitan Water District. ~~[, hereinafter in this Act sometimes called the "District."]~~

Sec. 8. (a) ~~[-]~~ The seven ~~[five (5)]~~ members of the Board of Directors are ~~[shall hereafter be]~~ elected to staggered two-year terms in an election held on the uniform election date in November. Directors are elected from numbered single-member districts established by the Board. The Board shall revise each single-member district after each decennial census to reflect population changes and to conform with state law, the federal Voting Rights Act of 1965 (42 U.S.C. Section 1973 et seq.), and any applicable court order ~~[for a term of six (6) years each, provided that an election for two (2) Directors for a term of six (6) years shall be held on the first Tuesday in April, 1954, the terms of three (3) members of the present Board shall be, and are, hereby, extended to the first Tuesday in April, 1957, and the present Directors shall determine such three (3) by lot. Three (3)]~~

1 ~~Directors shall be elected on the first Tuesday in April, 1957, and~~
2 ~~two (2) Directors and three (3) Directors, alternately, shall be~~
3 ~~elected each three (3) years thereafter on the first Tuesday in~~
4 ~~April as the six-year terms expire]. At an election of Directors,~~
5 ~~the candidate from each single-member district who receives [The~~
6 ~~two (2) or three (3) persons, respectively, receiving]~~ the greatest
7 number of votes is ~~[shall be declared]~~ elected to represent that
8 single-member district. Each Director shall hold office until his
9 successor is ~~[shall have been]~~ elected or appointed and has ~~[shall~~
10 ~~have]~~ qualified.

11 (a-1) A person is not eligible to serve as a Director for
12 more than three terms or for more than a total of seven years of
13 service. [↗]

14 (b) Such ~~[such]~~ elections shall be called, conducted and
15 canvassed in the manner provided by the Election Code. ~~[Chapter 25,~~
16 ~~General Laws of the Thirty-ninth Legislature, Regular Session,~~
17 ~~1925, and any amendments thereto,]~~

18 (c) The ~~[the]~~ Board of Directors shall fill all vacancies on
19 the Board by appointment and such appointees shall hold office
20 until a successor elected at the next scheduled election date has
21 qualified. ~~[for the unexpired term for which they were appointed,]~~

22 (d) Any four ~~[any three]~~ members of the Board are ~~[shall~~
23 ~~constitute]~~ a quorum for the adoption or ~~[of]~~ passage of any
24 resolution or order or the transaction of any business of the
25 District. [↗]

26 (e) A Director must ~~[Directors succeeding the first Board,~~
27 ~~whether now or hereafter elected, shall]~~ be a qualified voter of the

1 single-member district from which the Director is elected [~~resident~~
2 ~~electors of Bexar County, Texas, and owners of taxable property~~
3 ~~within the area comprising said District, and shall organize in~~
4 ~~like manner~~].

5 (f) A payment to a Director for fees of office under Section
6 49.060, Water Code, may not be made for a meeting that occurs in a
7 different fiscal year from the one in which the payment is made.

8 SECTION 2. Section 33A, Chapter 306, Acts of the 49th
9 Legislature, Regular Session, 1945, is amended by amending
10 Subsection (c) and adding Subsection (g) to read as follows:

11 (c) The oversight committee is comprised of seven [~~5~~]
12 members appointed as follows [~~to represent the following members~~]:

13 (1) two Senators who represent Senate districts that
14 include territory within the Bexar Metropolitan Water District,
15 [~~the Senator sponsor of this Act, or, in the event this Senator~~
16 ~~cannot serve, a Senator~~] appointed by the Lieutenant Governor;

17 (2) two Representatives who represent [~~the~~]
18 districts that include territory within the District, [~~author of~~
19 ~~this Act, or, in the event this Representative cannot serve, a~~
20 ~~Representative~~] appointed by the Speaker of the Texas House of
21 Representatives;

22 (3) one member with special expertise in the operation
23 of public water utilities appointed by the Governor;

24 (4) one member appointed by the Governor to represent
25 the public; and

26 (5) one [~~a~~] member of the Bexar County Commissioners
27 Court who represents a precinct in which customers of the District

1 reside.

2 (g) On or before December 31, 2012, the oversight committee
3 shall provide a report under Subsection (e) of this section to the
4 legislature. The committee is abolished and this section expires
5 January 1, 2013.

6 SECTION 3. Chapter 306, Acts of the 49th Legislature,
7 Regular Session, 1945, is amended by adding Sections 1A, 8A, 8B, 8C,
8 10A, and 10B to read as follows:

9 Sec. 1A. In this Act:

10 (1) "Board" means the District's Board of Directors.

11 (2) "Commission" means the Texas Commission on
12 Environmental Quality.

13 (3) "Director" means a Board member.

14 (4) "District" means the Bexar Metropolitan Water
15 District.

16 Sec. 8A. (a) To be eligible to be a candidate for or to be
17 elected or appointed as a Director, a person must have:

18 (1) resided continuously in the single-member
19 district that the person seeks to represent for 12 months
20 immediately preceding the date of the regular filing deadline for
21 the candidate's application for a place on the ballot;

22 (2) viewed the open government training video provided
23 by the attorney general and provided to the Board a signed affidavit
24 stating that the candidate viewed the video;

25 (3) obtained 200 signatures from individuals living in
26 the District; and

27 (4) paid a filing fee of \$250 or filed a petition in

1 lieu of the filing fee that satisfies the requirements prescribed
2 by Section 141.062, Election Code.

3 (b) In this subsection, "political contribution" and
4 "specific-purpose committee" have the meanings assigned by Section
5 251.001, Election Code. A Director or a candidate for the office of
6 Director may not knowingly accept political contributions from a
7 person that in the aggregate exceed \$500 in connection with each
8 election in which the person is involved. For purposes of this
9 subsection, a contribution to a specific-purpose committee for the
10 purpose of supporting a candidate for the office of Director,
11 opposing the candidate's opponent, or assisting the candidate as an
12 officeholder is considered to be a contribution to the candidate.

13 Sec. 8B. (a) A person who is elected or appointed to and
14 qualifies for office as a Director on or after the effective date of
15 this section may not vote, deliberate, or be counted as a member in
16 attendance at a meeting of the Board until the person completes a
17 training program on District management issues. The training
18 program must provide information to the person regarding:

19 (1) the enabling legislation that created the
20 District;

21 (2) the operation of the District;

22 (3) the role and functions of the Board;

23 (4) the rules of the Board;

24 (5) the current budget for the Board;

25 (6) the results of the most recent formal audit of the
26 Board;

27 (7) the requirements of the:

1 (A) open meetings law, Chapter 551, Government
2 Code;

3 (B) public information law, Chapter 552,
4 Government Code; and

5 (C) administrative procedure law, Chapter 2001,
6 Government Code;

7 (8) the requirements of the conflict of interest laws
8 and other laws relating to public officials; and

9 (9) any applicable ethics policies adopted by the
10 Board or the Texas Ethics Commission.

11 (b) The Texas Commission on Environmental Quality may
12 create an advanced training program designed for a person who has
13 previously completed a training program described by Subsection (a)
14 of this section. If the commission creates an advanced training
15 program under this subsection, a person who completes that advanced
16 training program is considered to have met the person's obligation
17 under Subsection (a) of this section.

18 (c) Each Director who is elected or appointed on or after
19 the effective date of this section shall complete a training
20 program described by Subsection (a) or (b) of this section at least
21 once in each term the Director serves.

22 (d) The Board shall adopt rules regarding the completion of
23 the training program described by Subsection (a) or (b) of this
24 section by a person who is elected or appointed to and qualifies for
25 office as a Director before the effective date of this section. A
26 Director described by this subsection who does not comply with
27 Board rules shall be considered incompetent as to the performance

1 of the duties of a Director in any action to remove the Director
2 from office.

3 (e) A Director may not:

4 (1) accept or solicit a gift, favor, or service, the
5 value of which exceeds \$50 per gift, favor, or service, that:

6 (A) might reasonably influence the Director in
7 the discharge of an official duty; or

8 (B) the Director knows or should know is being
9 offered with the intent to influence the Director's official
10 conduct;

11 (2) accept other employment or engage in a business or
12 professional activity that the Director might reasonably expect
13 would require or induce the Director to disclose confidential
14 information acquired by reason of the official position;

15 (3) accept other employment or compensation that could
16 reasonably be expected to impair the Director's independence of
17 judgment in the performance of the Director's official duties;

18 (4) make personal investments that could reasonably be
19 expected to create a substantial conflict between the Director's
20 private interest and the interest of the District;

21 (5) intentionally or knowingly solicit, accept, or
22 agree to accept any benefit for having exercised the Director's
23 official powers or performed the Director's official duties in
24 favor of another; or

25 (6) have a personal interest in an agreement executed
26 by the District.

27 (f) Not later than April 30 each year, a Director shall file

1 with the Bexar County clerk a verified financial statement
2 complying with Sections 572.022, 572.023, 572.024, and 572.0252,
3 Government Code. The District shall keep a copy of a financial
4 statement filed under this section in the main office of the
5 District.

6 Sec. 8C. (a) A Director may be recalled for:

7 (1) incompetency or official misconduct as described
8 by Section 21.022, Local Government Code;

9 (2) conviction of a felony;

10 (3) incapacity;

11 (4) failure to file a financial statement as required
12 by Section 8B(f) of this Act;

13 (5) failure to complete a training program described
14 by Section 8B(a) or (b) of this Act; or

15 (6) failure to maintain residency in the District.

16 (b) If at least 10 percent of the registered voters in a
17 single-member voting district of the District submit a petition to
18 the Board requesting the recall of the Director who serves that
19 single-member voting district, the Board, not later than the 10th
20 day after the date the petition is submitted, shall mail a written
21 notice of the petition and the date of its submission to each
22 registered voter in the single-member voting district.

23 (c) Not later than the 30th day after the date a petition
24 requesting the recall of a Director is submitted, the Board shall
25 order an election on the question of recalling the Director.

26 (d) A recall election under this section may be held on any
27 uniform election date.

1 (e) If a majority of the voters of a single-member voting
2 district voting at an election held under this section favor the
3 recall of the Director who serves that single-member voting
4 district, the Director is recalled and ceases to be a Director.

5 Sec. 10A. All Board reimbursements and expenditures must be
6 approved by the Board in a regularly scheduled meeting.

7 Sec. 10B. The Board may not select the same auditor to
8 conduct an audit required by Section 49.191, Water Code, for more
9 than three consecutive annual audits.

10 SECTION 4. (a) Section 8, Chapter 306, Acts of the 49th
11 Legislature, Regular Session, 1945, as amended by this Act, applies
12 only to a member of the board of directors of the Bexar Metropolitan
13 Water District who is elected to the board on or after the effective
14 date of this Act.

15 (b) Section 8A, Chapter 306, Acts of the 49th Legislature,
16 Regular Session, 1945, as added by this Act, applies only to a
17 member of the board of directors of the Bexar Metropolitan Water
18 District who is elected to the board on or after the effective date
19 of this Act. A director who is elected before the effective date of
20 this Act is governed by the law in effect when the director was
21 elected, and the former law is continued in effect for that purpose.

22 (c) For two of the numbered single-member district
23 director's positions that expire in 2012, the Bexar Metropolitan
24 Water District shall call and hold an election on a uniform election
25 date in that year to elect the directors for those positions for
26 terms that expire on the uniform election date in November 2013.
27 For the other two director's positions that expire in 2012, the

1 district shall call and hold an election on the same uniform
2 election date in that year to elect the directors for those
3 positions for terms that expire on the uniform election date in
4 November 2014. The district shall determine by lot which
5 single-member districts shall elect directors to serve one-year
6 terms and which shall elect directors to serve two-year terms.

7 SECTION 5. (a) The legal notice of the intention to
8 introduce this Act, setting forth the general substance of this
9 Act, has been published as provided by law, and the notice and a
10 copy of this Act have been furnished to all persons, agencies,
11 officials, or entities to which they are required to be furnished
12 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
13 Government Code.

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

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

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

25 SECTION 6. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2011.