

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~~] House  
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) open records law, Chapter 552, Government  
4 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 \$25 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 voters in the District  
17 submit a petition to the Board requesting the recall of a Director,  
18 the Board, not later than the 10th day after the date the petition  
19 is submitted, shall mail a written notice of the petition and the  
20 date of its submission to each registered voter in the District.

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

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

26 (e) If a majority of the District voters voting at an  
27 election held under this section favor the recall of the Director,



1 the Director is recalled and ceases to be a Director.

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

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

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

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

19 (c) For two of the numbered single-member district  
20 director's positions that expire in 2012, the district shall call  
21 and hold an election on a uniform election date in that year to  
22 elect the directors for those positions for terms that expire on the  
23 uniform election date in November 2013. For the other two  
24 director's positions that expire in 2012, the district shall call  
25 and hold an election on the same uniform election date in that year  
26 to elect the directors for those positions for terms that expire on  
27 the uniform election date in November 2014. The district shall

1 determine by lot which single-member districts shall elect  
2 directors to serve one-year terms and which shall elect directors  
3 to serve two-year terms.

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

11 (b) The governor, one of the required recipients, has  
12 submitted the notice and Act to the Texas Commission on  
13 Environmental Quality.

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

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

22 SECTION 6. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2011.