

1-1 By: Uresti S.B. No. 271
1-2 (In the Senate - Filed December 17, 2010; February 14, 2011,
1-3 read first time and referred to Committee on Natural Resources;
1-4 March 14, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 10, Nays 0; March 14, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 271 By: Uresti

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the board of directors of the Bexar Metropolitan Water
1-11 District.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Sections 1 and 8, Chapter 306, Acts of the 49th
1-14 Legislature, Regular Session, 1945, are amended to read as follows:

1-15 Sec. 1. In obedience to the provisions of Article 16,
1-16 Section 59 of the Constitution of Texas, there is hereby created
1-17 Bexar Metropolitan Water District. ~~[, hereinafter in this Act~~
1-18 ~~sometimes called the "District."]~~

1-19 Sec. 8. (a) ~~[.]~~ The ~~seven~~ ~~[five (5)]~~ members of the Board of
1-20 Directors ~~are~~ ~~[shall hereafter be]~~ elected to staggered two-year
1-21 terms in an election held on the uniform election date in November.
1-22 Directors are elected from numbered single-member districts
1-23 established by the Board. The Board shall revise each
1-24 single-member district after each decennial census to reflect
1-25 population changes and to conform with state law, the federal
1-26 Voting Rights Act of 1965 (42 U.S.C. Section 1973 et seq.), and any
1-27 applicable court order [for a term of six (6) years each, provided
1-28 that an election for two (2) Directors for a term of six (6) years
1-29 shall be held on the first Tuesday in April, 1954; the terms of
1-30 three (3) members of the present Board shall be, and are, hereby,
1-31 extended to the first Tuesday in April, 1957; and the present
1-32 Directors shall determine such three (3) by lot. Three (3)
1-33 Directors shall be elected on the first Tuesday in April, 1957, and
1-34 two (2) Directors and three (3) Directors, alternately, shall be
1-35 elected each three (3) years thereafter on the first Tuesday in
1-36 April as the six-year terms expire]. At an election of Directors,
1-37 the candidate from each single-member district who receives [The
1-38 two (2) or three (3) persons, respectively, receiving] the greatest
1-39 number of votes is [shall be declared] elected to represent that
1-40 single-member district. Each Director shall hold office until his
1-41 successor is [shall have been] elected or appointed and has [shall
1-42 have] qualified.

1-43 (a-1) A person is not eligible to serve as a Director for
1-44 more than three terms or for more than a total of seven years of
1-45 service. [.]

1-46 (b) Such [such] elections shall be called, conducted and
1-47 canvassed in the manner provided by the Election Code. [Chapter 25,
1-48 General Laws of the Thirty-ninth Legislature, Regular Session,
1-49 1925, and any amendments thereto,]

1-50 (c) The [the] Board of Directors shall fill all vacancies on
1-51 the Board by appointment and such appointees shall hold office
1-52 until a successor elected at the next scheduled election date has
1-53 qualified. [for the unexpired term for which they were appointed,]

1-54 (d) Any four [any three] members of the Board are [shall
1-55 constitute] a quorum for the adoption or [of] passage of any
1-56 resolution or order or the transaction of any business of the
1-57 District. [.]

1-58 (e) A Director must [Directors succeeding the first Board,
1-59 whether now or hereafter elected, shall] be a qualified voter of the
1-60 single-member district from which the Director is elected [resident
1-61 electors of Bexar County, Texas, and owners of taxable property
1-62 within the area comprising said District, and shall organize in
1-63 like manner].

2-1 (f) A payment to a Director for fees of office under Section
2-2 49.060, Water Code, may not be made for a meeting that occurs in a
2-3 different fiscal year from the one in which the payment is made.

2-4 SECTION 2. Section 33A, Chapter 306, Acts of the 49th
2-5 Legislature, Regular Session, 1945, is amended by amending
2-6 Subsection (c) and adding Subsection (g) to read as follows:

2-7 (c) The oversight committee is comprised of ~~seven~~ [5]
2-8 members appointed as follows [~~to represent the following members~~]:

2-9 (1) two Senators who represent Senate districts that
2-10 include territory within the Bexar Metropolitan Water District,
2-11 [~~the Senator sponsor of this Act, or, in the event this Senator~~
2-12 ~~cannot serve, a Senator~~] appointed by the Lieutenant Governor;

2-13 (2) two Representatives who represent [~~the~~] House
2-14 districts that include territory within the District, [~~author of~~
2-15 ~~this Act, or, in the event this Representative cannot serve, a~~
2-16 ~~Representative~~] appointed by the Speaker of the Texas House of
2-17 Representatives;

2-18 (3) one member with special expertise in the operation
2-19 of public water utilities appointed by the Governor;

2-20 (4) one member appointed by the Governor to represent
2-21 the public; and

2-22 (5) one [~~a~~] member of the Bexar County Commissioners
2-23 Court who represents a precinct in which customers of the District
2-24 reside.

2-25 (g) On or before December 31, 2012, the oversight committee
2-26 shall provide a report under Subsection (e) of this section to the
2-27 legislature. The committee is abolished and this section expires
2-28 January 1, 2013.

2-29 SECTION 3. Chapter 306, Acts of the 49th Legislature,
2-30 Regular Session, 1945, is amended by adding Sections 1A, 8A, 8B, 8C,
2-31 10A, and 10B to read as follows:

2-32 Sec. 1A. In this Act:

2-33 (1) "Board" means the District's Board of Directors.

2-34 (2) "Commission" means the Texas Commission on
2-35 Environmental Quality.

2-36 (3) "Director" means a Board member.

2-37 (4) "District" means the Bexar Metropolitan Water
2-38 District.

2-39 Sec. 8A. (a) To be eligible to be a candidate for or to be
2-40 elected or appointed as a Director, a person must have:

2-41 (1) resided continuously in the single-member
2-42 district that the person seeks to represent for 12 months
2-43 immediately preceding the date of the regular filing deadline for
2-44 the candidate's application for a place on the ballot;

2-45 (2) viewed the open government training video provided
2-46 by the attorney general and provided to the Board a signed affidavit
2-47 stating that the candidate viewed the video;

2-48 (3) obtained 200 signatures from individuals living in
2-49 the District; and

2-50 (4) paid a filing fee of \$250 or filed a petition in
2-51 lieu of the filing fee that satisfies the requirements prescribed
2-52 by Section 141.062, Election Code.

2-53 (b) In this subsection, "political contribution" and
2-54 "specific-purpose committee" have the meanings assigned by Section
2-55 251.001, Election Code. A Director or a candidate for the office of
2-56 Director may not knowingly accept political contributions from a
2-57 person that in the aggregate exceed \$500 in connection with each
2-58 election in which the person is involved. For purposes of this
2-59 subsection, a contribution to a specific-purpose committee for the
2-60 purpose of supporting a candidate for the office of Director,
2-61 opposing the candidate's opponent, or assisting the candidate as an
2-62 officeholder is considered to be a contribution to the candidate.

2-63 Sec. 8B. (a) A person who is elected or appointed to and
2-64 qualifies for office as a Director on or after the effective date of
2-65 this section may not vote, deliberate, or be counted as a member in
2-66 attendance at a meeting of the Board until the person completes a
2-67 training program on District management issues. The training
2-68 program must provide information to the person regarding:

2-69 (1) the enabling legislation that created the

3-1 District;
 3-2 (2) the operation of the District;
 3-3 (3) the role and functions of the Board;
 3-4 (4) the rules of the Board;
 3-5 (5) the current budget for the Board;
 3-6 (6) the results of the most recent formal audit of the
 3-7 Board;
 3-8 (7) the requirements of the:
 3-9 (A) open meetings law, Chapter 551, Government
 3-10 Code;
 3-11 (B) public information law, Chapter 552,
 3-12 Government Code; and
 3-13 (C) administrative procedure law, Chapter 2001,
 3-14 Government Code;
 3-15 (8) the requirements of the conflict of interest laws
 3-16 and other laws relating to public officials; and
 3-17 (9) any applicable ethics policies adopted by the
 3-18 Board or the Texas Ethics Commission.
 3-19 (b) The Texas Commission on Environmental Quality may
 3-20 create an advanced training program designed for a person who has
 3-21 previously completed a training program described by Subsection (a)
 3-22 of this section. If the commission creates an advanced training
 3-23 program under this subsection, a person who completes that advanced
 3-24 training program is considered to have met the person's obligation
 3-25 under Subsection (a) of this section.
 3-26 (c) Each Director who is elected or appointed on or after
 3-27 the effective date of this section shall complete a training
 3-28 program described by Subsection (a) or (b) of this section at least
 3-29 once in each term the Director serves.
 3-30 (d) The Board shall adopt rules regarding the completion of
 3-31 the training program described by Subsection (a) or (b) of this
 3-32 section by a person who is elected or appointed to and qualifies for
 3-33 office as a Director before the effective date of this section. A
 3-34 Director described by this subsection who does not comply with
 3-35 Board rules shall be considered incompetent as to the performance
 3-36 of the duties of a Director in any action to remove the Director
 3-37 from office.
 3-38 (e) A Director may not:
 3-39 (1) accept or solicit a gift, favor, or service, the
 3-40 value of which exceeds \$50 per gift, favor, or service, that:
 3-41 (A) might reasonably influence the Director in
 3-42 the discharge of an official duty; or
 3-43 (B) the Director knows or should know is being
 3-44 offered with the intent to influence the Director's official
 3-45 conduct;
 3-46 (2) accept other employment or engage in a business or
 3-47 professional activity that the Director might reasonably expect
 3-48 would require or induce the Director to disclose confidential
 3-49 information acquired by reason of the official position;
 3-50 (3) accept other employment or compensation that could
 3-51 reasonably be expected to impair the Director's independence of
 3-52 judgment in the performance of the Director's official duties;
 3-53 (4) make personal investments that could reasonably be
 3-54 expected to create a substantial conflict between the Director's
 3-55 private interest and the interest of the District;
 3-56 (5) intentionally or knowingly solicit, accept, or
 3-57 agree to accept any benefit for having exercised the Director's
 3-58 official powers or performed the Director's official duties in
 3-59 favor of another; or
 3-60 (6) have a personal interest in an agreement executed
 3-61 by the District.
 3-62 (f) Not later than April 30 each year, a Director shall file
 3-63 with the Bexar County clerk a verified financial statement
 3-64 complying with Sections 572.022, 572.023, 572.024, and 572.0252,
 3-65 Government Code. The District shall keep a copy of a financial
 3-66 statement filed under this section in the main office of the
 3-67 District.
 3-68 Sec. 8C. (a) A Director may be recalled for:
 3-69 (1) incompetency or official misconduct as described

4-1 by Section 21.022, Local Government Code;
4-2 (2) conviction of a felony;
4-3 (3) incapacity;
4-4 (4) failure to file a financial statement as required
4-5 by Section 8B(f) of this Act;
4-6 (5) failure to complete a training program described
4-7 by Section 8B(a) or (b) of this Act; or
4-8 (6) failure to maintain residency in the District.
4-9 (b) If at least 10 percent of the registered voters in a
4-10 single-member voting district of the District submit a petition to
4-11 the Board requesting the recall of the Director who serves that
4-12 single-member voting district, the Board, not later than the 10th
4-13 day after the date the petition is submitted, shall mail a written
4-14 notice of the petition and the date of its submission to each
4-15 registered voter in the single-member voting district.
4-16 (c) Not later than the 30th day after the date a petition
4-17 requesting the recall of a Director is submitted, the Board shall
4-18 order an election on the question of recalling the Director.
4-19 (d) A recall election under this section may be held on any
4-20 uniform election date.
4-21 (e) If a majority of the voters of a single-member voting
4-22 district voting at an election held under this section favor the
4-23 recall of the Director who serves that single-member voting
4-24 district, the Director is recalled and ceases to be a Director.
4-25 Sec. 10A. All Board reimbursements and expenditures must be
4-26 approved by the Board in a regularly scheduled meeting.
4-27 Sec. 10B. The Board may not select the same auditor to
4-28 conduct an audit required by Section 49.191, Water Code, for more
4-29 than three consecutive annual audits.
4-30 SECTION 4. (a) Section 8, Chapter 306, Acts of the 49th
4-31 Legislature, Regular Session, 1945, as amended by this Act, applies
4-32 only to a member of the board of directors of the Bexar Metropolitan
4-33 Water District who is elected to the board on or after the effective
4-34 date of this Act.
4-35 (b) Section 8A, Chapter 306, Acts of the 49th Legislature,
4-36 Regular Session, 1945, as added by this Act, applies only to a
4-37 member of the board of directors of the Bexar Metropolitan Water
4-38 District who is elected to the board on or after the effective date
4-39 of this Act. A director who is elected before the effective date of
4-40 this Act is governed by the law in effect when the director was
4-41 elected, and the former law is continued in effect for that purpose.
4-42 (c) For two of the numbered single-member district
4-43 director's positions that expire in 2012, the Bexar Metropolitan
4-44 Water District shall call and hold an election on a uniform election
4-45 date in that year to elect the directors for those positions for
4-46 terms that expire on the uniform election date in November 2013.
4-47 For the other two director's positions that expire in 2012, the
4-48 district shall call and hold an election on the same uniform
4-49 election date in that year to elect the directors for those
4-50 positions for terms that expire on the uniform election date in
4-51 November 2014. The district shall determine by lot which
4-52 single-member districts shall elect directors to serve one-year
4-53 terms and which shall elect directors to serve two-year terms.
4-54 SECTION 5. (a) The legal notice of the intention to
4-55 introduce this Act, setting forth the general substance of this
4-56 Act, has been published as provided by law, and the notice and a
4-57 copy of this Act have been furnished to all persons, agencies,
4-58 officials, or entities to which they are required to be furnished
4-59 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4-60 Government Code.
4-61 (b) The governor, one of the required recipients, has
4-62 submitted the notice and Act to the Texas Commission on
4-63 Environmental Quality.
4-64 (c) The Texas Commission on Environmental Quality has filed
4-65 its recommendations relating to this Act with the governor, the
4-66 lieutenant governor, and the speaker of the house of
4-67 representatives within the required time.
4-68 (d) All requirements of the constitution and laws of this
4-69 state and the rules and procedures of the legislature with respect

5-1 to the notice, introduction, and passage of this Act are fulfilled
5-2 and accomplished.

5-3 SECTION 6. This Act takes effect immediately if it receives
5-4 a vote of two-thirds of all the members elected to each house, as
5-5 provided by Section 39, Article III, Texas Constitution. If this
5-6 Act does not receive the vote necessary for immediate effect, this
5-7 Act takes effect September 1, 2011.

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