

1 AN ACT

2 relating to the creation of the West Fort Bend Water Authority;
3 providing authority to issue bonds; granting the power of eminent
4 domain; providing an administrative penalty.

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

6 SECTION 1. Subtitle H, Title 6, Special District Local Laws
7 Code, is amended by adding Chapter 8878 to read as follows:

8 CHAPTER 8878. WEST FORT BEND WATER AUTHORITY

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 8878.001. DEFINITIONS. In this chapter:

11 (1) "Authority" means the West Fort Bend Water
12 Authority.

13 (2) "Board" means the board of directors of the
14 authority.

15 (3) "Commission" means the Texas Commission on
16 Environmental Quality or its successor.

17 (4) "Director" means a member of the board.

18 (5) "District" means any district created under
19 Sections 52(b)(1) and (2), Article III, or Section 59, Article XVI,
20 Texas Constitution, regardless of the manner of creation, other
21 than:

22 (A) a navigation district or port authority;

23 (B) a district governed by Chapter 36, Water
24 Code; or

1 (C) a district that does not have the legal
2 authority to supply water.

3 (6) "Groundwater reduction plan" means a plan adopted
4 or implemented to supply water, reduce reliance on groundwater,
5 regulate groundwater pumping and usage, or require and allocate
6 water usage among persons in order to comply with or exceed
7 requirements imposed by the Fort Bend Subsidence District or
8 applicable subsidence district, including any applicable
9 groundwater reduction requirements.

10 (7) "Large tract" means a tract of land of at least
11 1,000 acres owned by a single landowner.

12 (8) "Local government" means a municipality, county,
13 district, or other political subdivision of this state or a
14 combination of two or more of those entities.

15 (9) "Subsidence" means the lowering in elevation of
16 the surface of land by the withdrawal of groundwater.

17 (10) "System" means a network of pipelines, conduits,
18 valves, canals, pumping stations, force mains, treatment plants,
19 and any other construction, device, or related appurtenance used to
20 treat or transport water.

21 (11) "Water" includes:

22 (A) groundwater, percolating or otherwise;

23 (B) any surface water, natural or artificial,
24 navigable or nonnavigable; and

25 (C) industrial and municipal wastewater.

26 (12) "Well" includes a facility, device, or method
27 used to withdraw groundwater from a groundwater source within the

1 boundaries of the authority.

2 Sec. 8878.002. NATURE OF AUTHORITY. The authority is a
3 regional water authority in Fort Bend County created under and
4 essential to accomplish the purposes of Section 59, Article XVI,
5 Texas Constitution, including the acquisition and provision of
6 surface water and groundwater for residential, commercial,
7 industrial, agricultural, and other uses, the reduction of
8 groundwater withdrawals, the conservation, preservation,
9 protection, and recharge of groundwater and of groundwater
10 reservoirs or their subdivisions, the prevention of waste of
11 groundwater, the control of subsidence caused by the withdrawal of
12 water from groundwater reservoirs or their subdivisions, and other
13 public purposes stated in this chapter. The authority is a
14 political subdivision of this state.

15 Sec. 8878.003. CONFIRMATION ELECTION NOT REQUIRED. An
16 election to confirm the creation of the authority is not required.

17 Sec. 8878.004. INITIAL AUTHORITY TERRITORY. (a) The
18 authority is initially composed of the territory described by
19 Section 2 of the Act creating this chapter.

20 (b) The boundaries and field notes contained in Section 2 of
21 the Act creating this chapter form a closure. A mistake made in the
22 field notes or in copying the field notes in the legislative process
23 does not affect:

24 (1) the organization, existence, or validity of the
25 authority;

26 (2) the right of the authority to issue any type of
27 bond or note for the purposes for which the authority is created or

1 to pay the principal of and interest on a bond or note;

2 (3) the right of the authority to impose or collect a
3 fee, user fee, rate, or charge; or

4 (4) the legality or operation of the authority.

5 (c) All of the territory of a local government created after
6 the effective date of the Act creating this chapter that
7 encompasses any territory within the boundaries of the authority,
8 immediately on the creation and without any action required of the
9 authority, is subject to all of the rights, powers, privileges, and
10 rules of the authority to the same extent as the territory was
11 before the local government was created.

12 Sec. 8878.005. EXCLUSION OF CERTAIN TERRITORY. (a) The
13 governing body of a district or municipality or the owner of a large
14 tract may petition for exclusion of all of the territory of the
15 municipality, district, or large tract from the authority's
16 boundaries if, on the effective date of the Act creating this
17 chapter, all or any part of the municipality, district, or large
18 tract is located in the territory described by Section 2 of the Act
19 creating this chapter. The petition must be signed, as applicable,
20 by a majority of the members of the governing body of the district
21 or municipality or by the landowner of the large tract.

22 (b) The board shall:

23 (1) not later than the 180th day after the effective
24 date of the Act creating this chapter, grant the petition and order
25 the territory excluded if the petition:

26 (A) includes an accurate legal description of the
27 boundaries of the territory to be excluded; and

1 (B) is filed with the authority not later than
2 the 120th day after the effective date of the Act creating this
3 chapter; and

4 (2) if the board grants the petition, file for
5 recording in the office of the county clerk for the applicable
6 county or counties a copy of the order and a description of the
7 authority's boundaries as they exist after the exclusion of the
8 territory.

9 (c) If a district, municipality, or large tract is excluded
10 from the authority's boundaries under this section, the authority
11 is not required to:

12 (1) provide water or any other service to the
13 district, municipality, or large tract; or

14 (2) include the district, municipality, or large tract
15 in any groundwater reduction plan adopted or implemented by the
16 authority.

17 (d) If, not later than the 120th day after the effective
18 date of this chapter, the governing body of a district or
19 municipality or the owner of a large tract files a petition for
20 exclusion under this section, the authority may not impose fees,
21 user fees, rates, or charges on the district, municipality, or
22 large tract after the petition is filed with the authority unless
23 the district, municipality, or large tract is annexed by the
24 authority under Section 8878.006.

25 (e) If a district or municipality excluded or the owner of a
26 large tract excluded from the authority's boundaries under this
27 section petitions the authority to be annexed under Section

1 8878.006, the authority may annex the district, municipality, or
2 large tract. The authority may, as a condition of annexation,
3 require terms and conditions the board considers appropriate. The
4 authority may require the district, municipality, or owner of the
5 large tract to pay the authority the fees, user fees, and charges,
6 with interest, that, as determined by the authority, the district,
7 municipality, or owner of the large tract would have been charged by
8 the authority if the district, municipality, or large tract had not
9 been excluded from the authority under this section.

10 Sec. 8878.006. ANNEXATION. (a) Except to the extent the
11 authority agrees in writing, a municipality's annexation of
12 territory within the authority does not affect:

13 (1) the authority's powers inside or outside the
14 annexed territory;

15 (2) the authority's boundaries or contracts; or

16 (3) the authority's ability to assess fees, user fees,
17 rates, or charges inside or outside the territory annexed by the
18 municipality.

19 (b) Territory may be annexed to the authority, regardless of
20 whether the territory is contiguous to the authority, as provided
21 by Chapter 49, Water Code.

22 (c) In addition to the authority granted by Subsection (b),
23 regardless of whether the territory is contiguous to the authority,
24 the authority may annex some or all of the territory located within
25 a district or municipality if the district or municipality files
26 with the authority a petition requesting the annexation signed by a
27 majority of the members of the governing body of the district or

1 municipality. The petition must include an accurate legal
2 description of the boundaries of the territory to be included. If
3 the authority has bonds, notes, or other obligations outstanding,
4 the authority shall require the petitioning district or
5 municipality to be obligated to pay its share of the principal of
6 and interest on the outstanding bonds, notes, or other obligations,
7 and related costs. The board may grant the petition and order the
8 territory described by the petition annexed to the authority if it
9 is feasible, practicable, and to the advantage of the authority.

10 (d) Any territory that a district located within the
11 authority annexes becomes territory of the authority on the
12 effective date of the annexation without any action required of the
13 authority. The authority by rule may require all districts located
14 within the authority to send to the authority written notice of the
15 effective date of an annexation and require the districts to send to
16 the authority copies of any necessary documents describing the
17 annexed land and describing the districts' boundaries as they exist
18 after inclusion of the annexed land.

19 (e) The annexation to the authority of territory under this
20 section does not affect the validity of the authority's bonds
21 issued before or after the annexation.

22 (f) A municipality that annexes territory of the authority
23 for limited purposes under Subchapter F, Chapter 43, Local
24 Government Code, does not have the right to:

25 (1) receive notices from the authority under Section
26 8878.103(c);

27 (2) participate in the appointment of directors under

1 Subchapter B; or

2 (3) receive information about or have the opportunity
3 to fund its share of capital costs in the manner provided by the
4 authority under Section 8878.104.

5 Sec. 8878.007. APPLICABILITY OF OTHER LAW. (a) Except as
6 otherwise provided by this chapter, Chapter 49, Water Code, applies
7 to the authority.

8 (b) This chapter does not prevail over or preempt a
9 provision of Chapter 36, Water Code, or of Chapter 8801 or 8834 of
10 this code that is being implemented by the Fort Bend Subsidence
11 District or applicable subsidence district.

12 (c) Chapter 36, Water Code, does not apply to the authority.

13 Sec. 8878.008. FINDING OF BENEFIT. All the land, property,
14 and persons included within the boundaries of the authority will be
15 directly benefited by the works, projects, improvements, and
16 services to be provided by the authority under powers conferred by
17 Section 59, Article XVI, Texas Constitution, and this chapter. The
18 authority is created to serve a public use and benefit. The
19 creation of the authority will serve to promote the health, safety,
20 and general welfare of persons within the authority and the general
21 public. Any fees, user fees, rates, or charges imposed by the
22 authority under this chapter are necessary to pay for the costs of
23 accomplishing the purposes of the authority as set forth in Section
24 59, Article XVI, Texas Constitution, and this chapter, including:

25 (1) the reduction of groundwater withdrawals;

26 (2) the facilitation of compliance with the
27 requirements of the Fort Bend Subsidence District or applicable

1 subsidence district; and

2 (3) the provision of services, facilities, and
3 systems.

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Sec. 8878.051. DIRECTORS; TERMS. (a) The authority is
6 governed by a board of five directors.

7 (b) The directors serve staggered four-year terms, with two
8 or three directors' terms expiring May 15 of each even-numbered
9 year.

10 Sec. 8878.052. ELIGIBILITY TO SERVE AS DIRECTOR. To be
11 eligible to serve as a director of the authority or to be listed as
12 provided by Section 8878.056 on a ballot as a candidate for director
13 of the authority representing a director precinct, an individual
14 must:

15 (1) be at least 18 years of age;

16 (2) be a resident of the authority; and

17 (3) have served as a director of one or more districts
18 or as a member of the governing body of a municipality within the
19 authority for a total of at least four years.

20 Sec. 8878.053. DISQUALIFICATION OF DIRECTORS. Subject to
21 Section 8878.061, the common law doctrine of incompatibility does
22 not disqualify an official or an employee of a public entity from
23 serving as a director of the authority. A director who is also an
24 official or an employee of a public entity may not participate in
25 the discussion of or vote on a matter regarding a contract with that
26 public entity.

27 Sec. 8878.054. CONFLICTS OF INTEREST. Chapter 171, Local

1 Government Code, governs conflicts of interest of board members.

2 Sec. 8878.055. SINGLE-MEMBER DIRECTOR PRECINCTS. (a) The
3 authority is divided into five single-member director precincts,
4 the initial territories of which are described by Section 3 of the
5 Act creating this chapter.

6 (b) The board may redraw the single-member director
7 precincts in a manner that is reasonable and equitable:

8 (1) after any change in the boundaries of the
9 authority; or

10 (2) by a resolution redrawing the director precincts
11 adopted by a two-thirds majority of the board, based on changed
12 circumstances.

13 (c) The boundaries and field notes for each precinct
14 contained in Section 3 of the Act creating this chapter form a
15 closure. A mistake made in the field notes or in copying the field
16 notes in the legislative process does not affect the selection of a
17 director under this chapter.

18 Sec. 8878.056. METHOD OF APPOINTMENT OF DIRECTORS.

19 (a) Except as provided by Section 8878.057, the governing bodies
20 of the districts and municipalities located within each director
21 precinct jointly shall appoint one director to represent the
22 precinct by a vote conducted as provided by this section.

23 (b) If a district or municipality is located within two or
24 more director precincts, the district or municipality is
25 considered, for purposes of this section, to be located only within
26 the director precinct in which the greatest amount of territory of
27 the district or municipality is located.

1 (c) For the appointment of a director for a director
2 precinct, the board shall determine the number of votes each
3 district or municipality may cast. The number of votes for a
4 governing body of a district or municipality within the precinct is
5 equal to the number computed by dividing the total number of units
6 of water, as determined by the board, used within the precinct by
7 the district or municipality during the calendar year preceding the
8 year in which the director is selected by the total number of units
9 of water used within the precinct by all districts and
10 municipalities in the precinct, multiplying that quotient by 100,
11 and rounding that result to the nearest one-tenth. The board shall
12 provide the presiding officer of each governing body of a district
13 or municipality within each director precinct written notice of the
14 number of votes computed for that governing body to cast.

15 (d) For purposes of Subsection (c), the board shall
16 determine the amount of water usage of all districts and
17 municipalities within each director precinct.

18 (e) In the appropriate even-numbered year, the governing
19 body of each district or municipality in a director precinct by
20 resolution may nominate one candidate for the position of director
21 for that director precinct. Each district or municipality shall
22 submit the name of its candidate, if any, to the presiding officer
23 of the authority by February 15 of that year. If by February 15 of
24 that year only one candidate's name is submitted for the position of
25 director for a director precinct, the board may declare the
26 unopposed candidate elected and may cancel the director appointment
27 procedures generally required by this section for that position.

1 If more than one candidate's name is submitted for the position of
2 director for a director precinct, before March 15 of that year the
3 board shall prepare, for the director precinct or precincts from
4 which a director is being appointed, a ballot listing all of the
5 candidates for that director precinct and shall provide a copy of
6 the appropriate ballot to the presiding officer of the governing
7 body of each district or municipality located within the director
8 precinct from which a director is being appointed.

9 (f) An individual may not be listed as a candidate on the
10 ballot for more than one director position. If a candidate is
11 nominated for more than one director position, the candidate must
12 choose to be on the ballot for only one director position.

13 (g) The governing body of each district or municipality
14 shall determine its votes for director by resolution and submit
15 them to the presiding officer of the authority before May 1 of the
16 appropriate even-numbered year. In casting its votes for director,
17 the governing body of each district or municipality may vote for
18 only one candidate on the ballot for the director precinct in which
19 the district or municipality is located. For each director
20 precinct from which a director is being appointed, the board shall
21 count the votes, declare elected the candidate who received the
22 greatest number of votes from districts and municipalities located
23 within that director precinct, and submit the results before May 15
24 of that year to the governing body of each district or municipality
25 within that director precinct.

26 (h) The board may adopt rules regarding:

27 (1) the manner and timing of determinations and

1 calculations required by this section;

2 (2) the reporting of water usage to the authority by
3 districts and municipalities; and

4 (3) the conduct and process of the appointment of
5 directors.

6 Sec. 8878.057. APPOINTMENT OF DIRECTORS IN SPARSELY
7 POPULATED PRECINCTS. (a) For each precinct with a population of
8 less than 25,000, the Commissioners Court of Fort Bend County shall
9 appoint the director for that precinct. When the population within
10 a precinct reaches 25,000, as determined by federal census
11 information or as otherwise determined by the county, that precinct
12 is eligible to nominate and appoint a director in accordance with
13 Section 8878.056, who shall serve upon the expiration of the
14 appointed director's term.

15 (b) To be eligible for appointment under this section, a
16 person must be a resident of the county. Sections 8878.052(2) and
17 (3) do not apply to the eligibility of a person for appointment
18 under this section.

19 Sec. 8878.058. VACANCY IN OFFICE OF DIRECTOR. (a) A
20 vacancy in the office of director shall be filled by appointment by
21 the governing bodies of the districts and municipalities that are
22 located within the director precinct for which the vacancy
23 occurred. The appointment process shall follow the procedures of
24 Section 8878.056. The board may establish dates different from
25 those specified by Sections 8878.056(e) and (g), but the date for
26 the board's submission of the voting results to each district and
27 municipality may not be later than the 120th day after the date the

1 vacancy occurs.

2 (b) A vacancy in the office of director appointed by the
3 county under Section 8878.057 shall be filled by appointment by the
4 Commissioners Court of Fort Bend County.

5 Sec. 8878.059. MEETINGS AND ACTIONS OF BOARD. (a) The
6 board may meet as many times each year as the board considers
7 appropriate.

8 (b) Directors of the authority are public officials and are
9 entitled to governmental immunity for their actions in their
10 capacity as directors and officers of the authority.

11 Sec. 8878.060. GENERAL MANAGER. (a) The board may employ
12 a general manager of the authority or contract with a person to
13 perform the duties of a general manager. The board may delegate to
14 the general manager full authority to manage and operate the
15 affairs of the authority subject only to orders of the board.

16 (b) The board may delegate to the general manager the
17 authority to employ all persons necessary for the proper handling
18 of the business and operation of the authority and to determine the
19 compensation to be paid to all employees, other than the general
20 manager.

21 Sec. 8878.061. COMPENSATION; EXPENSES. A director who is
22 also an official of another public entity serves without
23 compensation but may be reimbursed for actual expenses incurred in
24 the performance of official duties. The expenses must be:

- 25 (1) reported in the authority's records; and
26 (2) approved by the board.

1 SUBCHAPTER C. POWERS AND DUTIES

2 Sec. 8878.101. GENERAL POWERS AND DUTIES. (a) The
3 authority may:

4 (1) provide for the conservation, preservation,
5 protection, recharge, and prevention of waste of groundwater, and
6 for the reduction of groundwater withdrawals as necessary to
7 develop, implement, or enforce a groundwater reduction plan, in a
8 manner consistent with the purposes of Section 59, Article XVI,
9 Texas Constitution, and facilitate compliance with Fort Bend
10 Subsidence District or applicable subsidence district rules,
11 orders, regulations, or requirements;

12 (2) acquire or develop surface water and groundwater
13 supplies from sources inside or outside the boundaries of the
14 authority, conserve, store, transport, treat, purify, distribute,
15 sell, and deliver water to or among persons inside and outside the
16 boundaries of the authority, and allocate water among persons
17 participating in the authority's groundwater reduction plan
18 whether they are located inside or outside the authority's
19 boundaries;

20 (3) enter into contracts with persons inside or
21 outside the authority on terms and conditions the board considers
22 desirable, fair, and advantageous for the performance of its
23 rights, powers, and authority under this chapter;

24 (4) coordinate water services provided inside,
25 outside, or into the authority;

26 (5) provide wholesale and retail water services to any
27 users or customers within the authority's boundaries without being

1 required to execute contracts with those users or customers;

2 (6) adopt policies establishing whether, when, and the
3 manner in which the authority uses requests for proposals in
4 obtaining services, including professional services;

5 (7) determine whether to adopt administrative
6 policies in addition to those required by Section 49.199, Water
7 Code; and

8 (8) administer and enforce this chapter.

9 (b) Sections 49.451-49.455, Water Code, do not apply to the
10 authority.

11 (c) Notwithstanding Subsection (a)(5), the authority may
12 not provide retail water service to a retail user within the
13 authority's boundaries that is located within the boundaries of a
14 district or municipality on the date the authority awards a
15 contract for the construction or executes a contract for the
16 acquisition of water facilities to serve that retail user, unless:

17 (1) the district or municipality consents in writing
18 to the authority's provision of retail water service; or

19 (2) the retail user owns or operates a well.

20 (d) If a retail user that does not own or operate a well is
21 added to the boundaries of a district or municipality after the date
22 the authority awards a contract for the construction or executes a
23 contract for the acquisition of water facilities to serve that
24 retail user, the authority may provide retail service to that
25 retail user without the written consent of the district or
26 municipality.

27 Sec. 8878.102. AUTHORITY RULES. The authority may adopt

1 and enforce rules reasonably required to implement this chapter,
2 including rules governing procedures before the board and rules
3 regarding implementation, enforcement, and any other matters
4 related to the authority's water supply or groundwater reduction
5 plan.

6 Sec. 8878.103. FEES, USER FEES, RATES, AND CHARGES.

7 (a) The authority may establish fees, user fees, rates, and
8 charges and classifications of payers of fees and rates as
9 necessary to enable the authority to fulfill the authority's
10 purposes and regulatory functions provided by this chapter. The
11 authority may impose fees, user fees, rates, and charges on any
12 person within the authority.

13 (b) The authority may charge the owner of a well located
14 within the authority's boundaries a fee or user fee according to the
15 amount of water pumped from the well. If ownership of a well
16 changes, both the prior and subsequent well owners are liable to the
17 authority, jointly and severally, for all fees and user fees
18 imposed by the authority under this subsection, and any related
19 penalties and interest, for water pumped from that well before the
20 change in well ownership. Notwithstanding Subsection (d), the
21 authority may impose a charge under this subsection on a well or
22 class of wells located in Fort Bend County that, on or after
23 February 1, 2013:

24 (1) ceases to be subject to a groundwater reduction
25 requirement imposed by the Fort Bend Subsidence District or
26 applicable subsidence district; or

27 (2) is no longer subject to the regulatory provisions,

1 permitting requirements, or jurisdiction of the Fort Bend
2 Subsidence District or applicable subsidence district.

3 (c) The board shall make reasonable efforts to send
4 districts and municipalities written notice of the date, time, and
5 location of the meeting at which the board intends to adopt a
6 proposed charge under Subsection (b) and the amount of the proposed
7 charge. The board's failure to comply with this subsection does not
8 invalidate a charge adopted by the board under Subsection (b).

9 (d) For wells located in Fort Bend County, the board shall
10 exempt from the charge under Subsection (b) classes of wells that
11 are not subject to any groundwater reduction requirement imposed by
12 the Fort Bend Subsidence District or applicable subsidence
13 district. If any of those classes of wells become subject to a
14 groundwater reduction requirement imposed by the applicable
15 subsidence district, the authority may impose the charge under
16 Subsection (b) on those classes. The board by rule may exempt any
17 other classes of wells from the charge under Subsection (b). The
18 board may not apply the charge under Subsection (b) to a well:

19 (1) with a casing diameter of less than five inches
20 that serves only a single-family dwelling; or

21 (2) regulated under Chapter 27, Water Code.

22 (e) For purposes of Subsection (d), a well is subject to a
23 groundwater reduction requirement if the applicable subsidence
24 district has adopted or adopts a requirement or rule that
25 groundwater withdrawals from the well, or from the well and other
26 wells collectively, be reduced, including a groundwater reduction
27 that is not required until a future date.

1 (f) The authority may establish fees, user fees, rates, and
2 charges that are sufficient to:

3 (1) achieve water conservation;

4 (2) prevent waste of water;

5 (3) serve as a disincentive to pumping groundwater;

6 (4) develop, implement, or enforce a groundwater
7 reduction plan;

8 (5) accomplish the purposes of this chapter, including
9 making available alternative water supplies;

10 (6) enable the authority to meet operation and
11 maintenance expenses;

12 (7) pay the principal of and interest on notes, bonds,
13 and other obligations issued in connection with the exercise of the
14 authority's general powers and duties; and

15 (8) satisfy all rate covenants relating to the
16 issuance of notes, bonds, and other obligations.

17 (g) The authority may charge rates established by the
18 authority for water purchased from the authority.

19 (h) The authority may impose fees, user fees, or charges for
20 the importation of water into the authority's boundaries from a
21 source located outside the authority's boundaries.

22 (i) The authority may impose a reasonable export fee or
23 surcharge for groundwater transferred out of the authority, in an
24 amount not to exceed 150 percent of the surface water fee charged by
25 the North Fort Bend Water Authority.

26 Sec. 8878.104. PURCHASE OF WATER FROM ANOTHER ENTITY.

27 (a) If the authority purchases water from another entity for

1 resale to local governments, the authority shall use its best
2 efforts in negotiating with the entity to determine the amount of
3 capital costs included in any rates or charges paid by the
4 authority. The authority shall determine the amount of expected
5 capital costs of its own system.

6 (b) The authority shall provide each district or
7 municipality within its boundaries information regarding the share
8 of the capital costs to be paid by the district or municipality, as
9 determined by the authority, and shall provide each district or
10 municipality the opportunity, in a manner and by a procedure
11 determined by the authority, to fund its share of the capital costs
12 with proceeds from the sale of bonds or fees and charges collected
13 by the districts or municipalities. A district or municipality may
14 use any lawful source of revenue, including bond funds, to pay any
15 sums due to the authority.

16 (c) The authority may adopt a procedure by which a district
17 or municipality may receive a credit from the authority. The board
18 may adopt any other procedure necessary to accomplish the goals of
19 this section.

20 (d) In complying with this section, the authority may use
21 any reasonable basis to calculate from time to time the share of the
22 capital costs of a district or municipality. The authority may
23 calculate the shares of the capital costs based on the amount of
24 water used within the authority by the district or municipality
25 during the calendar year preceding the year in which the
26 calculation is made.

27 (e) This section or any failure to comply with this section

1 does not limit or impede the authority's ability to issue bonds or
2 notes or invalidate any fees, user fees, charges, or rates imposed
3 by the authority.

4 Sec. 8878.105. INTEREST AND PENALTIES. The board may
5 require the payment of interest on any late or unpaid fees, user
6 fees, rates, or charges due the authority, but the interest rate may
7 not exceed the interest rate permitted by Section 2251.025,
8 Government Code. The board may also impose penalties for the
9 failure to make a complete or timely payment to the authority. In
10 addition, the board may exclude a person, or any territory or well
11 owned or controlled by a person, from the authority's groundwater
12 reduction plan for failure to make a complete or timely payment to
13 the authority.

14 Sec. 8878.106. ATTORNEY'S FEES AND COLLECTION EXPENSES.
15 (a) The authority is entitled to reasonable attorney's fees
16 incurred by the authority in enforcing its rules.

17 (b) The authority is entitled to collection expenses and
18 reasonable attorney's fees incurred by the authority in collecting
19 any delinquent fees, user fees, rates, and charges and any related
20 penalties and interest.

21 Sec. 8878.107. LIEN. (a) Fees and user fees imposed by the
22 authority under Section 8878.103(b), any related penalties and
23 interest, and collection expenses and reasonable attorney's fees
24 incurred by the authority:

25 (1) are a first and prior lien against the well to
26 which the fees or user fees apply;

27 (2) are superior to any other lien or claim other than

1 a lien or claim for county, school district, or municipal ad valorem
2 taxes; and

3 (3) are the personal liability of and a charge against
4 the owner of the well.

5 (b) A lien under this section is effective from the date of
6 the resolution or order of the board imposing the fee or user fee
7 until the fee or user fee is paid.

8 (c) The board may enforce the lien in the same manner that a
9 municipal utility district operating under Chapter 54, Water Code,
10 may enforce an ad valorem tax lien against real property.

11 Sec. 8878.108. ADMINISTRATIVE PENALTY; INJUNCTION. (a) A
12 person who violates a rule or order of the authority is subject to
13 an administrative penalty of not more than \$5,000, as determined by
14 the board, for each violation or each day of a continuing violation.
15 The person shall pay the penalty to the authority.

16 (b) The authority may bring an action to recover the penalty
17 in a district court in the county where the violation occurred.

18 (c) The authority may bring an action for injunctive relief
19 in a district court in the county where a violation of an authority
20 rule or order occurs or is threatened to occur. The court may grant
21 to the authority, without bond or other undertaking, a prohibitory
22 or mandatory injunction that the facts warrant, including a
23 temporary restraining order, temporary injunction, or permanent
24 injunction.

25 (d) The authority may bring an action for an administrative
26 penalty and injunctive relief in the same proceeding.

27 Sec. 8878.109. WATER SUPPLY OR DROUGHT CONTINGENCY PLANS.

1 The authority by rule may develop, prepare, revise, adopt,
2 implement, enforce, and manage comprehensive water supply or
3 drought contingency plans for the authority, or any portion of the
4 authority.

5 Sec. 8878.110. GROUNDWATER REDUCTION PLAN. (a) The
6 authority may wholly or partly develop, prepare, revise, adopt,
7 implement, enforce, manage, or participate in a groundwater
8 reduction plan that is applicable only to the authority and one or
9 more persons outside the authority. The authority may require that
10 any groundwater reduction plan that the authority wholly or partly
11 develops, prepares, revises, adopts, implements, enforces, or
12 manages or in which the authority participates be the exclusive
13 groundwater reduction plan that is binding and mandatory on some or
14 all of the territory, persons, or wells located within the
15 authority. A groundwater reduction plan may:

16 (1) specify the measures to be taken to reduce
17 groundwater withdrawals;

18 (2) identify alternative sources of water, including
19 water from the authority, to be provided to those affected;

20 (3) identify the rates, terms, and conditions under
21 which alternative sources of water will be provided, which may be
22 changed from time to time as considered necessary by the authority;

23 (4) specify the dates and extent to which persons or
24 districts within the authority's boundaries shall reduce or cease
25 reliance on groundwater and accept water from alternative sources,
26 including water from the authority;

27 (5) include other terms and measures that are

1 consistent with the powers and duties of the authority;

2 (6) exceed the minimum requirements imposed by the
3 Fort Bend Subsidence District or applicable subsidence district,
4 including any applicable groundwater reduction requirements; and

5 (7) be amended from time to time at the discretion of
6 the authority.

7 (b) Fees, user fees, rates, and charges of the authority may
8 be imposed under this chapter for a person's participation in and
9 benefit derived from the authority's groundwater reduction plan, a
10 groundwater reduction plan in which the authority participates, or
11 the authority's works, projects, improvements, and services to be
12 provided by the authority under powers conferred by Section 59,
13 Article XVI, Texas Constitution, and this chapter.

14 Sec. 8878.111. ACQUISITION, CONSTRUCTION, AND OPERATION OF
15 SYSTEMS. (a) The authority may:

16 (1) acquire by purchase, gift, lease, contract, or any
17 other legal means a water treatment or supply system, or any other
18 works, plants, improvements, or facilities necessary or convenient
19 to accomplish the purposes of the authority, or any interest of the
20 authority, inside or outside the authority's boundaries;

21 (2) design, finance, operate, maintain, or construct a
22 water treatment or supply system or any other works, plants,
23 improvements, or facilities necessary or convenient to accomplish
24 the purposes of the authority and provide water services inside or
25 outside the authority's boundaries;

26 (3) lease or sell a water treatment or supply system or
27 any other works, plants, improvements, or facilities necessary or

1 convenient to accomplish the purposes of the authority that the
2 authority constructs or acquires inside or outside the authority's
3 boundaries;

4 (4) contract with any person to operate or maintain a
5 water treatment or supply system the person owns; or

6 (5) acquire water rights under any law or permit.

7 (b) The authority may contract, according to terms and
8 conditions the board considers desirable, fair, and advantageous,
9 with a person outside the authority's boundaries:

10 (1) to allow the person, or the person's well, to be
11 included in a groundwater reduction plan adopted or implemented
12 wholly or partly by the authority or in a groundwater reduction plan
13 in which the authority participates;

14 (2) to sell water to the person; or

15 (3) to sell the person available excess capacity or
16 additional capacity of the authority's water treatment or supply
17 system.

18 (c) The authority by rule may require that the plans and
19 specifications of water lines to be constructed within the
20 authority that are designed or intended to serve more than one
21 district or more than one person owning or holding a well permit
22 issued by the Fort Bend Subsidence District or applicable
23 subsidence district be approved by the authority before the
24 commencement of construction of the water lines.

25 Sec. 8878.112. SALE OR REUSE OF WATER OR BY-PRODUCT. The
26 authority may store, sell, or reuse:

27 (1) water; or

1 (2) any by-product from the authority's operations.

2 Sec. 8878.113. CONTRACTS. (a) The authority may enter
3 into a contract with a person for the performance of a purpose or
4 function of the authority, including a contract to design,
5 construct, finance, lease, own, manage, operate, or maintain works,
6 improvements, facilities, plants, equipment, or appliances
7 necessary to accomplish a purpose or function of the authority. A
8 contract may be of unlimited duration.

9 (b) The authority may purchase, acquire, finance, or lease
10 an interest in a project used for a purpose or function of the
11 authority.

12 (c) The authority may contract for:

13 (1) the purchase, sale, or lease of water or water
14 rights;

15 (2) the performance of activities within the powers of
16 the authority through the purchase, construction, or installation
17 of works, improvements, facilities, plants, equipment, or
18 appliances; or

19 (3) the design, construction, ownership, management,
20 maintenance, or operation of any works, improvements, facilities,
21 plants, equipment, or appliances of the authority or another
22 person.

23 (d) The authority may purchase surplus property from this
24 state, the United States, or another public entity through a
25 negotiated contract without bids.

26 Sec. 8878.114. COOPERATION WITH AND ASSISTANCE OF OTHER
27 GOVERNMENTAL ENTITIES. (a) In implementing this chapter, the

1 board may cooperate with and request the assistance of the Texas
2 Water Development Board, the commission, the United States
3 Geological Survey, the Fort Bend Subsidence District or applicable
4 subsidence district, other local governments, and other agencies of
5 the United States and this state.

6 (b) The Fort Bend Subsidence District or applicable
7 subsidence district may enter into an interlocal contract with the
8 authority to carry out the authority's purposes and may carry out
9 the governmental functions and services specified in the interlocal
10 contract.

11 (c) For the purpose of reducing costs associated with
12 preparing a groundwater reduction plan, the board may consider the
13 usefulness of a water supply study or plan prepared by or on behalf
14 of the North Fort Bend Water Authority, the Central Harris County
15 Regional Water Authority, the North Harris County Regional Water
16 Authority, the West Harris County Regional Water Authority, the
17 City of Houston, the City of Sugar Land, the City of Missouri City,
18 Fort Bend County Water Control and Improvement District No. 2, the
19 City of Richmond, the City of Rosenberg, Pecan Grove Municipal
20 Utility District, or another governmental entity to the extent the
21 study or plan is available and applicable to the authority.

22 Sec. 8878.115. GIFTS AND GRANTS. The authority may accept a
23 gift or grant from money collected by the Fort Bend Subsidence
24 District or applicable subsidence district to fund the
25 construction, maintenance, or operation of a water treatment or
26 supply system.

27 Sec. 8878.116. EXPENDITURES. (a) The authority's money

1 may be disbursed only by check, draft, order, federal reserve wire
2 system, or other instrument or authorization.

3 (b) Disbursements of the authority must be signed by at
4 least a majority of the directors. The board by resolution may
5 allow the general manager, treasurer, bookkeeper, or other employee
6 of the authority to sign disbursements, except as limited by
7 Subsection (c).

8 (c) The board by resolution may allow disbursements to be
9 transferred by federal reserve wire system to accounts in the name
10 of the authority without the necessity of any directors signing the
11 disbursement. Disbursements of the authority's money by federal
12 reserve wire system to any accounts not in the name of the authority
13 must be signed by at least a majority of the directors.

14 Sec. 8878.117. AD VALOREM TAXATION. The authority may not
15 impose an ad valorem tax.

16 Sec. 8878.118. EMINENT DOMAIN. (a) The authority may
17 acquire by condemnation any land, easements, or other property
18 inside the authority's boundaries to further authorized purposes,
19 powers, or duties of the authority. The authority may acquire by
20 condemnation any land, easements, or other property outside the
21 authority's boundaries for the purposes of pumping, storing,
22 treating, or transporting water. When exercising the power of
23 eminent domain granted by this section, the authority may elect to
24 condemn either the fee simple title or a lesser property interest.

25 (b) The authority may exercise the power of eminent domain
26 in the manner provided by Chapter 21, Property Code. The authority
27 is not required to give bond for appeal or bond for costs in a

1 condemnation suit or other suit to which it is a party. The
2 authority is not required to deposit more than the amount of an
3 award in a suit.

4 (c) The authority may not use the power of eminent domain
5 for the condemnation of land for the purpose of acquiring rights to
6 groundwater or for the purpose of acquiring water or water rights.

7 Sec. 8878.119. ACTION AGAINST PERSON, DISTRICT, OR
8 POLITICAL SUBDIVISION. (a) The authority may bring an action in a
9 district court against a person, including a district or other
10 political subdivision located in the authority's territory or
11 included in the authority's groundwater reduction plan, to:

12 (1) recover any fees, rates, charges, collection
13 expenses, attorney's fees, interest, penalties, or administrative
14 penalties due the authority; or

15 (2) enforce the authority's rules or orders.

16 (b) Governmental immunity from suit or liability of a
17 district or other political subdivision is waived for the purposes
18 of an action under this section.

19 SUBCHAPTER D. BONDS AND NOTES

20 Sec. 8878.151. REVENUE BONDS AND NOTES. (a) The authority
21 may issue bonds or notes payable solely from revenue from any
22 source, including:

23 (1) tolls, charges, rates, fees, and user fees the
24 authority imposes or collects;

25 (2) the sale of water, water services, water rights or
26 capacity, water transmission rights or services, water pumping, or
27 any other service or product of the authority provided inside or

1 outside the boundaries of the authority;

2 (3) grants or gifts;

3 (4) the ownership or operation of all or a designated
4 part of the authority's works, improvements, facilities, plants, or
5 equipment; and

6 (5) contracts between the authority and any person.

7 (b) Notes issued by the authority may be first or
8 subordinate lien notes at the board's discretion.

9 (c) In connection with any bonds or notes of the authority,
10 the authority may exercise any power of an issuer under Chapter
11 1371, Government Code.

12 (d) The authority may conduct a public, private, or
13 negotiated sale of the bonds or notes.

14 (e) The authority may enter into one or more indentures of
15 trust to further secure its bonds or notes.

16 (f) The authority may issue bonds or notes in more than one
17 series as necessary to carry out the purposes of this chapter. In
18 issuing bonds or notes secured by revenue of the authority, the
19 authority may reserve the right to issue additional bonds or notes
20 secured by the authority's revenue that are on a parity with or are
21 senior or subordinate to the bonds or notes issued earlier.

22 (g) A resolution of the board authorizing the bonds or notes
23 or a trust indenture securing the bonds or notes may specify
24 additional provisions that constitute a contract between the
25 authority and its bondholders or noteholders.

26 (h) Bonds and notes may be additionally secured by deed of
27 trust or mortgage on any or all of the authority's facilities.

1 (i) The authority may issue refunding bonds or notes to
2 refund any of its bonds or notes in any manner provided by law.

3 (j) Sections 49.153, 49.154, and 49.181, Water Code, do not
4 apply to bonds or notes issued by the authority. Commission rules
5 regarding bonds or notes do not apply to bonds or notes issued by
6 the authority.

7 SECTION 2. The West Fort Bend Water Authority initially
8 includes the territory that is contained in all five of the
9 single-member director precincts described in Section 3 of this Act
10 and may contain noncontiguous parcels of land and territory that is
11 located within the boundaries of any other governmental entity or
12 political subdivision of the state. The following areas are
13 specifically excluded from the boundaries of the West Fort Bend
14 Water Authority:

15 1. Territory included within the boundaries of North Fort Bend
16 Water Authority and the West Harris County Regional Water Authority
17 as of January 1, 2013; and

18 2. Territory included within the corporate limits of the City of
19 Houston as of January 1, 2013; and

20 3. Territory included within the corporate or extraterritorial
21 jurisdiction limits of the following municipalities as of January
22 1, 2013:

- 23 a. City of Alvin
- 24 b. City of Arcola
- 25 c. City of Fulshear
- 26 d. City of Missouri City
- 27 e. City of Pearland

- 1 f. City of Richmond
- 2 g. City of Rosenberg
- 3 h. City of Stafford and
- 4 i. City of Sugar Land; and
- 5 4. Territory included within Booth Ranch Municipal Utility
- 6 District as of January 1, 2013; and
- 7 5. All of that land owned by the George Foundation and described in
- 8 Exhibit A of a Memorandum of Agreement between the George
- 9 Foundation and the North Fort Bend Water Authority dated October 1,
- 10 2007 and recorded under Fort Bend County Clerk's File No.
- 11 2008035000; and
- 12 6. Territory included within Fort Bend County Water Control and
- 13 Improvement District No. 2 as of January 1, 2013.

14 (2) In SECTION 3 of the bill, strike the Precincts 4 and 5
 15 descriptions (page 16, line 17, through page 17, line 24), and
 16 substitute the following:

17 Precinct 4
 18 Description

19 PART 1
 20 BEGINNING at a point in the North line of Brazoria County, same
 21 being the South line of Fort Bend County and being the intersection
 22 of said common County line with the centerline of State Highway No.
 23 36;
 24 THENCE, Northwesterly and Northerly, along and with the centerline
 25 of said State Highway No. 36 to the intersection of said centerline
 26 with the South corporate limits of the City of Rosenberg (all
 27 references to the corporate limits of the City of Rosenberg are as

1 of January 1, 2013);
2 THENCE, Southerly and Easterly along and with the Westerly and
3 Southerly lines of the South corporate limits of said City of
4 Rosenberg and the City of Rosenberg Extraterritorial Jurisdiction
5 (all references to the limits of the City of Rosenberg
6 Extraterritorial Jurisdiction are as of January 1, 2013) to the
7 intersection of said Southerly limits with the West line of the Town
8 of Thompsons Extraterritorial Jurisdiction;
9 THENCE, Southerly and Easterly, along and with the Westerly and
10 Southerly lines of said Town of Thompsons Extraterritorial
11 Jurisdiction to the intersection of said Southerly line and the
12 centerline of Farm to Market Highway (FM) 762;
13 THENCE, in a general Southerly direction, along and with the
14 centerline of said FM 762 to the intersection of said centerline
15 with the centerline of FM 1462;
16 THENCE, Westerly and Southwesterly, along and with the centerline
17 of said FM 1462 to the intersection of said centerline with the
18 North line of said Brazoria County, same being the South line of
19 said Fort Bend County;
20 THENCE, Northwesterly, along and with the North line of said
21 Brazoria County, same being the South line of said Fort Bend County
22 to the POINT OF BEGINNING.

23 PART 2

24 BEGINNING at the intersection of the centerline of Ricefield Road
25 with an interior Southeast line of the City of Rosenberg
26 Extraterritorial Jurisdiction, being approximately 4,000 feet
27 Southeast from the intersection of the centerline of said Ricefield

1 Road with the centerline of FM 2977;
2 THENCE, Northeasterly along and with the an interior Southeast line
3 of said City of Rosenberg Extraterritorial Jurisdiction to the
4 intersection of said Southeast line with a South line in the
5 Southeast Corporate limits of said City of Rosenberg;
6 THENCE, Easterly along and with the South line of said Southeast
7 Corporate limits of said City of Rosenberg to the intersection of
8 said South line with an interior West line of the City of Rosenberg
9 Extraterritorial Jurisdiction;
10 THENCE, Southeast along and with a West line of the City of
11 Rosenberg Extraterritorial Jurisdiction to the intersection of
12 said West line with the centerline of said Ricefield Road.
13 THENCE, Northeasterly along and with the centerline of said
14 Ricefield Road to the POINT OF BEGINNING.

15 PART 3

16 All of that land described as 195 acres in Exhibit A of said
17 Memorandum of Agreement and labeled as Tract 4 in Exhibit A-2 of a
18 Memorandum of Agreement between the George Foundation and the North
19 Fort Bend Water Authority dated October 1, 2007 and recorded under
20 Fort Bend County Clerk's File No. 2008035000.

21 Precinct 5
22 Description

23 PART 1

24 BEGINNING at a point in the North line of Brazoria County, same
25 being the South line of Fort Bend County and being the Southwesterly
26 intersection of said common County line with the centerline Farm to
27 Market Highway (FM) 1462 and being located approximately 250 feet

1 Southwesterly from the intersection of said FM 1462 with Nordt
2 Road;
3 THENCE, Northeasterly and Easterly, along and with the centerline
4 of said FM 1462 to the intersection of said centerline with the
5 centerline of FM 762;
6 THENCE, in a general Northerly direction, along and with the
7 centerline of said FM 762 to the intersection of said centerline
8 with a the Southwesterly extension of a Southeast line of that land
9 owned by the George Foundation and described as Tract 1 in Exhibit A
10 of a Memorandum of Agreement between the George Foundation and the
11 North Fort Bend Water Authority dated October 1, 2007 and recorded
12 under Fort Bend County Clerk's File No. 2008035000;
13 THENCE, Northeasterly over and across the right-of-way of said FM
14 762 to a Southerly corner of said Tract 1 in the Northeast
15 right-of-way line of said FM 762;
16 THENCE, in a general Northeasterly direction along and with the
17 Southerly and Easterly lines of said Tract 1 to the intersection of
18 said Easterly line with the South line of the City of Sugar Land
19 Extraterritorial Jurisdiction (all references to the limits of the
20 City of Sugar Land Extraterritorial Jurisdiction are as of January
21 1, 2013), same being the north line of the Town of Thompsons
22 Extraterritorial Jurisdiction (all references to the limits of the
23 Town of Thompsons Extraterritorial Jurisdiction are as of January
24 1, 2013);
25 THENCE, in a general Southeasterly direction, along and with the
26 Northerly and Easterly lines of said Town of Thompsons
27 Extraterritorial Jurisdiction and the Northeast corporate limits

1 of the Town of Thompsons (all references to the limits of the Town
2 of Thompsons are as of January 1, 2013) to the intersection of said
3 Easterly line and the North line of line of that land owned by the
4 George Foundation and described as Tract 2 in Exhibit A of said
5 Memorandum of Agreement;

6 THENCE, Westerly, Southerly, and Easterly, along and with the
7 Northerly, Westerly, and Southerly lines of said land owned by the
8 George Foundation to the West line of the City of Alvin
9 Extraterritorial Jurisdiction (all references to the limits of the
10 City of Alvin Extraterritorial Jurisdiction are as of January 1,
11 2013);

12 THENCE, in a general Southerly direction, along and with the West
13 line of said City of Alvin Extraterritorial Jurisdiction to a point
14 in the centerline of Cow Creek just upstream from its confluence
15 with the Brazos River, same being the North line of said Brazoria
16 County and the South line of said Fort Bend County;

17 THENCE, Westerly, Southerly, and Northwesterly along and with the
18 North line of said Brazoria County and the South line of said Fort
19 Bend County (said common County line partly being the centerline of
20 said Cow Creek) to the POINT OF BEGINNING.

21 SAVE AND EXCEPT that land owned by the George Foundation and
22 described as Tract 3 and Tract 6 in Exhibit A of said Memorandum of
23 Agreement.

24 PART 2

25 BEGINNING at the intersection of the East corporate limits of the
26 City of Rosenberg (all references to the corporate limits of the
27 City of Rosenberg are as of January 1, 2013) with the South line of

1 said City of Sugar Land Extraterritorial Jurisdiction, and being
2 approximately 2,000 feet east of the intersection of said FM 762 and
3 FM 2759;

4 THENCE, Easterly and Southerly along and with the South and West
5 lines of said City of Sugar Land Extraterritorial Jurisdiction to a
6 point in the Northeast line of said Tract 1;

7 THENCE, Northwesterly along and with the Northeast line of said
8 Tract 1 to the to its intersection with said East corporate limits
9 of the City of Rosenberg;

10 THENCE, Northeasterly, Northwesterly, and Northerly along and with
11 said East Corporate Limits to the POINT OF BEGINNING.

12 PART 3

13 BEGINNING at the intersection of an East line of said City of Sugar
14 Land Extraterritorial Jurisdiction with the South line of the Booth
15 Ranch Municipal Utility District;

16 THENCE, Easterly and Northerly along and with the South and East
17 lines of said Booth Ranch Municipal Utility District to the
18 intersection of said East line with the South line of said City of
19 Sugar Land Extraterritorial Jurisdiction;

20 THENCE, Easterly and Southerly along and with the South and West
21 lines of said City of Sugar Land Extraterritorial Jurisdiction to
22 the intersection of said West line with the North line of said Tract
23 1;

24 THENCE, in a general Westerly direction along and with the
25 Northerly lines of said Tract 1 to the intersection of said North
26 line with said East line of the City of Sugar Land Extraterritorial
27 Jurisdiction;

1 THENCE, Northerly along and with said East line of the City of Sugar
2 Land Extraterritorial Jurisdiction to the POINT OF BEGINNING.

3 SECTION 3. The West Fort Bend Water Authority includes five
4 single-member director precincts as follows:

5 Precinct 1

6 Description

7 BEGINNING at a point in the centerline of the Brazos River, same
8 being the East line of Austin County for the common West corner of
9 Waller and Fort Bend Counties;

10 THENCE, in a general Easterly direction, along and with the South
11 line of said Waller County, same being the North line of said Fort
12 Bend County to the intersection of said County line with the West
13 limits of the City of Fulshear Extraterritorial Jurisdiction (all
14 references to the limits of the City of Fulshear Extraterritorial
15 Jurisdiction are as of January 1, 2013);

16 THENCE, Southerly and Easterly, along and with the West limits of
17 said City of Fulshear Extraterritorial Jurisdiction to the
18 intersection of an interior South line of said City of Fulshear
19 Extraterritorial Jurisdiction with the West line of the North Fort
20 Bend Water Authority;

21 THENCE, Southerly, along and with the West line of said North Fort
22 Bend Water Authority to the intersection of said West line with an
23 interior North line of said City of Fulshear Extraterritorial
24 Jurisdiction in the centerline of North Fulshear Drive;

25 THENCE, Westerly, Southerly, and Easterly, along and with the
26 Westerly limits of said City of Fulshear Extraterritorial
27 Jurisdiction and partly along and with the Easterly limits of the

1 City of Weston Lakes Extraterritorial Jurisdiction (all references
2 to the limits of the City of Weston Lakes Extraterritorial
3 Jurisdiction are as of January 1, 2013) to a point in the centerline
4 of Farm to Market (FM) Highway No. 1093;
5 THENCE, Westerly, along and with the centerline of said FM 1093, to
6 the intersection of said centerline with the centerline of said
7 Brazos River, same being the East line of said Austin County and the
8 West line of said Fort Bend County;
9 THENCE, in a general Northerly direction, upstream and along and
10 with the centerline of said Brazos River, same being the East line
11 of said Austin County and the West line of said Fort Bend County to
12 the POINT OF BEGINNING.

Precinct 2

Description

15 BEGINNING at a point in the centerline of the Brazos River, same
16 being the East line of Austin County and the West line of said Fort
17 Bend County for the intersection of the centerline of said Brazos
18 River with the centerline of Farm to Market (FM) Highway No. 1093;
19 THENCE, in an Easterly direction, along and with the centerline of
20 said FM 1093 to the intersection of said centerline with an interior
21 West line of the City of Fulshear Extraterritorial Jurisdiction
22 (all references to the limits of the City of Fulshear
23 Extraterritorial Jurisdiction are as of January 1, 2013);
24 THENCE, in a Southeasterly direction, along and with the West
25 limits of said City of Fulshear Extraterritorial Jurisdiction to
26 the intersection of said West limits with the West line of the North
27 Fort Bend Water Authority;

1 THENCE, Southerly and Easterly, along and with the West and South
2 lines of said North Fort Bend Water Authority to the intersection of
3 the South line of said North Fort Bend Water Authority with the West
4 line of the City of Rosenberg Extraterritorial Jurisdiction (all
5 references to the limits of the City of Rosenberg Extraterritorial
6 Jurisdiction are as of January 1, 2013);
7 THENCE, Southerly, along and with the Westerly limits of said City
8 of Rosenberg Extraterritorial Jurisdiction to a point in the
9 centerline of U.S. Highway 90A;
10 THENCE, Westerly, along and with the centerline of U.S. Highway
11 90A, to the intersection of said centerline with the centerline of
12 the San Bernard River, same being the East line of Wharton County
13 and the West line of said Fort Bend County;
14 THENCE, in a general Northerly direction and upstream along and
15 with the centerline of said San Bernard River, same being the East
16 line of said Wharton County and the West line of said Fort Bend
17 County to a point for the common West corner of said Austin County
18 and said Fort Bend County;
19 THENCE, Easterly and Northerly, along and with South and East lines
20 of said Austin County, same being an interior North line and the
21 West line of said Fort Bend County to a point in the centerline of
22 said Brazos River;
23 THENCE, in a general Northerly direction, upstream and along and
24 with the centerline of said Brazos River, same being the East line
25 of said Austin County and the West line of said Fort Bend County to
26 the POINT OF BEGINNING.

Precinct 3

Description

PART 1

BEGINNING at a point in the center of the San Bernard River, same being the East line of Wharton County and the West line of Fort Bend County for the intersection of the centerline of said San Bernard River with the centerline of US Highway 90;

THENCE, in an Easterly Northeast direction, along and with the centerline of said US Highway 90 to the intersection of said centerline with a Northerly extension of the West right-of-way line of Beasley - West End Road, same being an interior West line of the City of Rosenberg Extraterritorial Jurisdiction (all references to the limits of the City of Rosenberg Extraterritorial Jurisdiction are as of January 1, 2013), same also being an interior East line of the City of Orchard Extraterritorial Jurisdiction (all references to the limits of the City of Orchard Extraterritorial Jurisdiction are as of January 1, 2013);

THENCE, along and with the common line between the Extraterritorial Jurisdiction limits of said City of Rosenberg and said City of Orchard and along and with the Extraterritorial Jurisdiction Boundary Agreement between said cities as established and described in City of Orchard Ordinance No. 68-2003 the following courses;

Southerly along and with the Westerly right-of-way line of said Beasley - West End Road to the intersection of said Westerly right-of-way line with the Northwesterly right-of-way line of Drachenberg Road;

Southwesterly, along and with the Northwesterly right-of-way

1 line of said Drachenberg Road to the intersection of said
2 Northwesterly right-of-way line with the Northeasterly
3 right-of-way line of Hopkins Road;

4 Northwesterly and Westerly, along and with the Northeasterly
5 and Northerly line of Hopkins Road to the intersection of said
6 Northerly right-of-way line with the East right-of-way of Engle
7 Road;

8 Southerly, along and with the East right-of-line of said
9 Engle Road to the intersection of said East right-of-way line with
10 the North right-of-way of Koym Road;

11 Westerly, along and with the North right-of-way line of said
12 Kyom Road, approximately 4,580 feet to a Northwest corner of the
13 limits of said City of Rosenberg Extraterritorial Jurisdiction;

14 THENCE, in a general Southerly, Easterly, and Northerly directions,
15 along and with the West and South corporate limits of the City of
16 Rosenberg (all references to the corporate limits of the City of
17 Rosenberg are as of January 1, 2013) and the limits of said City of
18 Rosenberg Extraterritorial Jurisdiction to the intersection of the
19 South limits of said City of Rosenberg with the intersection of the
20 centerline of State Highway No. 36;

21 THENCE, Southerly and Southeasterly, along and with the centerline
22 of said State Highway No. 36 to a point in the North line of Brazoria
23 County, same being the south line of said Fort Bend County;

24 THENCE, in a general Southwesterly direction, along and with the
25 North line of said Brazoria County, same being the south line of
26 said Fort Bend County to a point in the centerline of said San
27 Bernard River, same being the Easterly line of said Wharton County

1 for the Southwest corner of said Fort Bend County;
2 THENCE, in a general Northwesterly direction, upstream and along
3 and with the centerline of said San Bernard River, same being the
4 Easterly line of said Wharton County and the Westerly line of said
5 Fort Bend County to the POINT OF BEGINNING.

6 PART 2

7 BEGINNING at a point in the centerline of said US Highway 90, being
8 the intersection of said centerline with an interior West line of
9 the limits of said City of Rosenberg Extraterritorial Jurisdiction
10 and being located West Southwesterly along the centerline of said
11 US Highway 90 approximately 3,820 feet from the intersection of the
12 centerlines of said US Highway 90 and Spencer Road;

13 THENCE, Southerly, along and with an interior West line of the
14 limits said City of Rosenberg Extraterritorial Jurisdiction to a
15 point in the right-of-way of Randon School Road;

16 THENCE, Westerly, along and with an interior North line of said City
17 of Rosenberg Extraterritorial Jurisdiction and generally along the
18 Randon School Road approximately 1,900 feet to an interior corner
19 of the limits of said City of Rosenberg Extraterritorial
20 Jurisdiction;

21 THENCE, Northerly, along and with an interior East line of the
22 limits said City of Rosenberg Extraterritorial Jurisdiction to a
23 point in the centerline of said US Highway 90;

24 THENCE, East Northeasterly, along and with the centerline of said
25 US Highway 90 to the POINT OF BEGINNING.

26 PART 3

27 All of the corporate limits of the City of Beasley and all of that

1 Extraterritorial Jurisdiction (all references to the limits of the
2 City of Sugarland Extraterritorial Jurisdiction are as of January
3 1, 2013);
4 THENCE, in a general Easterly direction, along and with the South
5 line of said City of Sugar Land Extraterritorial Jurisdiction to
6 the intersection of said South line with the West line of the City
7 of Missouri City Extraterritorial Jurisdiction (all references to
8 the limits of the City of Missouri City Extraterritorial
9 Jurisdiction are as of January 1, 2013);
10 THENCE, in a general Southerly direction, along and with the West
11 line of said City of Missouri City Extraterritorial Jurisdiction
12 and the West corporate limits of the City of Missouri City (all
13 references to the corporate limits of the City of Missouri City are
14 as of January 1, 2013) to a point for the common West corner of said
15 City of Missouri City Extraterritorial Jurisdiction and the City of
16 Alvin Extraterritorial Jurisdiction (all references to the limits
17 of the City of Alvin Extraterritorial Jurisdiction are as of
18 January 1, 2013);
19 THENCE, in a general Southerly direction, along and with the West
20 line of said City of Alvin Extraterritorial Jurisdiction to a point
21 in the centerline of Cow Creek just upstream from its confluence
22 with the Brazos River, same being the North line of said Brazoria
23 County and the South line of said Fort Bend County;
24 THENCE, Westerly, Southerly, and Northwesterly along and with the
25 North line of said Brazoria County and the South line of said Fort
26 Bend County (said common County line partly being the centerline of
27 said Cow Creek) to POINT OF BEGINNING.

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

8 (b) The governor, one of the required recipients, has
9 submitted the notice and Act to the Texas Commission on
10 Environmental Quality.

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

15 (d) The general law relating to consent by political
16 subdivisions to the creation of districts with conservation,
17 reclamation, and road powers and the inclusion of land in those
18 districts has been complied with.

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

23 SECTION 5. (a) Section 8878.118, Special District Local
24 Laws Code, as added by Section 1 of this Act, takes effect only if
25 this Act receives a two-thirds vote of all the members elected to
26 each house.

27 (b) If this Act does not receive a two-thirds vote of all the

1 members elected to each house, Subchapter C, Chapter 8878, Special
2 District Local Laws Code, as added by Section 1 of this Act, is
3 amended by adding Section 8878.118 to read as follows:

4 Sec. 8878.118. NO EMINENT DOMAIN POWER. The authority may
5 not exercise the power of eminent domain.

6 (c) This section is not intended to be an expression of a
7 legislative interpretation of the requirements of Subsection (c),
8 Section 17, Article I, Texas Constitution.

9 SECTION 6. Except as provided by Section 5 of this Act:

10 (1) this Act takes effect immediately if it receives a
11 vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution; and

13 (2) if this Act does not receive the vote necessary for
14 immediate effect, this Act takes effect September 1, 2013.

S.B. No. 1870

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1870 passed the Senate on April 24, 2013, by the following vote: Yeas 29, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 1870 passed the House on May 20, 2013, by the following vote: Yeas 147, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor