

By: Hegar

S.B. No. 1870

A BILL TO BE ENTITLED

AN ACT

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

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

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

CHAPTER 8878. WEST FORT BEND WATER AUTHORITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8878.001. DEFINITIONS. In this chapter:

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

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

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

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

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

(A) a navigation district or port authority;

(B) a district governed by Chapter 36, Water 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, charge, or special assessment; 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(a) or (b)
19 of the Act creating this chapter. The petition must be signed, as
20 applicable, by a majority of the members of the governing body of
21 the district 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, charges, or special assessments on the district,
22 municipality, or large tract after the petition is filed with the
23 authority unless the district, municipality, or large tract is
24 annexed by the 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, charges, and
6 special assessments, with interest, that, as determined by the
7 authority, the district, municipality, or owner of the large tract
8 would have been charged by the authority if the district,
9 municipality, or large tract had not been excluded from the
10 authority under this section.

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

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

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

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

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

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

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

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

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

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

26 (1) receive notices from the authority under Section
27 8878.103(c);

1 (2) participate in the appointment of directors under
2 Subchapter B; or

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

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

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

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

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

27 (1) the reduction of groundwater withdrawals;

1 (2) the facilitation of compliance with the
2 requirements of the Fort Bend Subsidence District or applicable
3 subsidence district; and

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

6 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

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

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

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

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

1 Sec. 8878.054. CONFLICTS OF INTEREST. Chapter 171, Local
2 Government Code, governs conflicts of interest of board members.

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

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

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

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

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

19 Sec. 8878.056. METHOD OF APPOINTMENT OF DIRECTORS. (a)
20 Except as provided by Section 8878.057, the governing bodies of the
21 districts and municipalities located within each director precinct
22 jointly shall appoint one director to represent the precinct by a
23 vote conducted as provided by this section.

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

1 the district or municipality is located.

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

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

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

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

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

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

27 (h) The board may adopt rules regarding:

1 (1) the manner and timing of determinations and
2 calculations required by this section;

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

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

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

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

20 Sec. 8878.058. VACANCY IN OFFICE OF DIRECTOR. (a) A
21 vacancy in the office of director shall be filled by appointment by
22 the governing bodies of the districts and municipalities that are
23 located within the director precinct for which the vacancy
24 occurred. The appointment process shall follow the procedures of
25 Section 8878.056. The board may establish dates different from
26 those specified by Sections 8878.056(e) and (g), but the date for
27 the board's submission of the voting results to each district and

1 municipality may not be later than the 120th day after the date the
2 vacancy occurs.

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

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

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

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

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

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

26 (1) reported in the authority's records; and

27 (2) approved by the board.

SUBCHAPTER C. POWERS AND DUTIES

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

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

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

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

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

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

12 (b) The authority may charge the owner of a well located
13 within the authority's boundaries a fee or user fee according to the
14 amount of water pumped from the well. If ownership of a well
15 changes, both the prior and subsequent well owners are liable to the
16 authority, jointly and severally, for all fees and user fees
17 imposed by the authority under this subsection, and any related
18 penalties and interest, for water pumped from that well before the
19 change in well ownership. Notwithstanding Subsection (d), the
20 authority may impose the charge under this subsection on a well or
21 class of wells that cease to be subject to a groundwater reduction
22 requirement on or after June 30, 2013.

23 (c) The board shall make reasonable efforts to send
24 districts and municipalities written notice of the date, time, and
25 location of the meeting at which the board intends to adopt a
26 proposed charge under Subsection (b) and the amount of the proposed
27 charge. The board's failure to comply with this subsection does not

1 invalidate a charge adopted by the board under Subsection (b).

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

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

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

15 (e) For purposes of Subsection (d), a well is subject to a
16 groundwater reduction requirement if the applicable subsidence
17 district has adopted or adopts a requirement or rule that
18 groundwater withdrawals from the well, or from the well and other
19 wells collectively, be reduced, including a groundwater reduction
20 that is not required until a future date.

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

23 (1) achieve water conservation;

24 (2) prevent waste of water;

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

26 (4) develop, implement, or enforce a groundwater
27 reduction plan;

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

3 (6) enable the authority to meet operation and
4 maintenance expenses;

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

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

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

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

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

19 Sec. 8878.104. PURCHASE OF WATER FROM ANOTHER ENTITY. (a)
20 If the authority purchases water from another entity for resale to
21 local governments, the authority shall use its best efforts in
22 negotiating with the entity to determine the amount of capital
23 costs included in any rates or charges paid by the authority. The
24 authority shall determine the amount of expected capital costs of
25 its own system.

26 (b) The authority shall provide each district or
27 municipality within its boundaries information regarding the share

1 of the capital costs to be paid by the district or municipality, as
2 determined by the authority, and shall provide each district or
3 municipality the opportunity, in a manner and by a procedure
4 determined by the authority, to fund its share of the capital costs
5 with proceeds from the sale of bonds or fees and charges collected
6 by the districts or municipalities. A district or municipality may
7 use any lawful source of revenue, including bond funds, to pay any
8 sums due to the authority.

9 (c) The authority may adopt a procedure by which a district
10 or municipality may receive a credit from the authority. The board
11 may adopt any other procedure necessary to accomplish the goals of
12 this section.

13 (d) In complying with this section, the authority may use
14 any reasonable basis to calculate from time to time the share of the
15 capital costs of a district or municipality. The authority may
16 calculate the shares of the capital costs based on the amount of
17 water used within the authority by the district or municipality
18 during the calendar year preceding the year in which the
19 calculation is made.

20 (e) This section or any failure to comply with this section
21 does not limit or impede the authority's ability to issue bonds or
22 notes or invalidate any fees, user fees, charges, rates, or special
23 assessments imposed by the authority.

24 Sec. 8878.105. ASSESSMENTS. (a) The board may undertake
25 improvement projects and services that confer a special benefit on
26 all or a definable part of the authority. The board may impose
27 special assessments on property in that area, including property of

1 a local government, based on the benefit conferred by the
2 improvement project or services, to pay all or part of the cost of
3 the project and services. The board may provide improvements and
4 services to an area outside the boundaries of the authority if the
5 board determines that there is a benefit to the authority. The
6 authority may finance with special assessments any improvement
7 project or service authorized by this chapter or any other
8 applicable law.

9 (b) Services or improvement projects may be financed with
10 special assessments under this chapter only after the board holds a
11 public hearing on the advisability of the improvements and services
12 and the proposed assessments.

13 (c) The board shall publish notice of the hearing in a
14 newspaper or newspapers with general circulation in Fort Bend
15 County. The publication must be made not later than the 30th day
16 before the date of the hearing.

17 (d) Notice provided under this section must include:

18 (1) the time and place of the hearing;

19 (2) the general nature of the proposed improvement
20 project or services;

21 (3) the estimated cost of the improvement, including
22 interest during construction and associated financing costs; and

23 (4) the proposed method of assessment.

24 (e) Written notice containing the information required by
25 Subsection (d) shall be mailed by certified mail, return receipt
26 requested, not later than the 30th day before the date of the
27 hearing. The notice shall be mailed to each person within the

1 authority who holds a permit for a well issued by the Fort Bend
2 Subsidence District or applicable subsidence district and whose
3 well is subject to a groundwater reduction requirement imposed by
4 that district. The Fort Bend Subsidence District or applicable
5 subsidence district shall provide to the authority a list of
6 persons who hold such a permit.

7 (f) The board may establish rules regarding procedures for a
8 hearing. A hearing on the services or improvement project, whether
9 conducted by the board or a hearings examiner, may be adjourned from
10 time to time. At the conclusion of a hearing conducted by the
11 board, the board shall make written findings and conclusions
12 relating to the advisability of the improvement project or
13 services, the nature of the improvement project or services, the
14 estimated cost, and the area benefited. If the board appoints a
15 hearings examiner to conduct the hearing, after conclusion of the
16 hearing, the hearings examiner shall file with the board a written
17 report of the examiner's findings and conclusions.

18 (g) At a hearing on proposed assessments, on adjournment of
19 the hearing, or after consideration of the hearings examiner's
20 report, the board shall hear and rule on all objections to each
21 proposed assessment. The board may amend proposed assessments for
22 any property. After the board hears and takes action on those
23 objections, the board, by order:

24 (1) shall impose the assessments as special
25 assessments on the property;

26 (2) shall specify the method of payment of the
27 assessments; and

1 (3) may provide that those assessments, including
2 interest, be paid in periodic installments.

3 (h) Periodic installments must be in amounts sufficient to
4 meet annual costs for services and improvements as provided by
5 Subsection (j) and continue for the number of years required to
6 retire the indebtedness or pay for the services to be rendered. The
7 board may provide interest charges or penalties for failure to make
8 timely payment and may impose an amount to cover delinquencies and
9 expenses of collection.

10 (i) If assessments are imposed for more than one service or
11 improvement project, the board may provide that assessments
12 collected for one service or improvement project may be borrowed to
13 be used for another service or improvement project. The board shall
14 establish a procedure for the distribution or use of any
15 assessments in excess of those necessary to finance the services or
16 improvement project for which those assessments were collected.

17 (j) The board shall apportion the cost of an improvement
18 project or services to be assessed against the property in the
19 authority according to the special benefits that accrue to the
20 property because of the improvement project or services. The board
21 may assess the cost only according to the number of gallons of
22 groundwater pumped from wells within the authority that are subject
23 to a groundwater reduction requirement imposed by the Fort Bend
24 Subsidence District or applicable subsidence district. The board
25 may not assess the cost according to groundwater pumped from:

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

1 (2) a well that is regulated by Chapter 27, Water Code.

2 (k) The area of the authority to be assessed according to
3 the findings of the board may be the entire authority or any part of
4 the authority and may be less than the area proposed in the notice
5 of the hearing.

6 (l) The area to be assessed may not include property that is
7 not within the authority boundaries at the time of the hearing
8 unless there is an additional hearing, following the required
9 notice.

10 (m) Notwithstanding Subsection (l), the owner of land
11 annexed to the authority after the authority has imposed
12 assessments may waive the right to notice and an assessment hearing
13 and may agree to the imposition and payment of assessments at an
14 agreed rate for land annexed to the authority. A district or
15 municipality may waive the right to notice and an assessment
16 hearing for land within its boundaries annexed to the authority and
17 may agree to the imposition and payment of assessments at an agreed
18 rate for the annexed land.

19 (n) The board shall have prepared an assessment roll showing
20 the assessments against each property and the board's basis for the
21 assessment. The assessment roll shall be:

22 (1) filed with the secretary of the board or other
23 officer who performs the function of secretary; and

24 (2) open for public inspection.

25 (o) After notice and hearing in the manner required for an
26 original assessment, the board may make supplemental assessments to
27 correct omissions or mistakes in the assessment:

1 (1) relating to the total cost of the improvement
2 project or services; or

3 (2) covering delinquencies or costs of collection.

4 Sec. 8878.106. INTEREST AND PENALTIES. The board may
5 require the payment of interest on any late or unpaid fees, user
6 fees, rates, charges, and special assessments due the authority,
7 but the interest rate may not exceed the interest rate permitted by
8 Section 2251.025, Government Code. The board may also impose
9 penalties for the failure to make a complete or timely payment to
10 the authority. In addition, the board may exclude a person, or any
11 territory or well owned or controlled by a person, from the
12 authority's groundwater reduction plan for failure to make a
13 complete or timely payment to the authority.

14 Sec. 8878.107. 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. 8878.108. 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. 8878.109. 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. 8878.110. 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. 8878.111. 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, charges, and special
8 assessments of the authority may be imposed under this chapter for a
9 person's participation in and benefit derived from the authority's
10 groundwater reduction plan, a groundwater reduction plan in which
11 the authority participates, or the authority's works, projects,
12 improvements, and services to be provided by the authority under
13 powers conferred by Section 59, Article XVI, Texas Constitution,
14 and this chapter.

15 Sec. 8878.112. ACQUISITION, CONSTRUCTION, AND OPERATION OF
16 SYSTEMS. (a) The authority may:

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

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

27 (3) lease or sell a water treatment or supply system or

1 any other works, plants, improvements, or facilities necessary or
2 convenient to accomplish the purposes of the authority that the
3 authority constructs or acquires inside or outside the authority's
4 boundaries;

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

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

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

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

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

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

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

26 Sec. 8878.113. SALE OR REUSE OF WATER OR BY-PRODUCT. The
27 authority may store, sell, or reuse:

1 (1) water; or

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

3 Sec. 8878.114. CONTRACTS. (a) The authority may enter into
4 a contract with a person for the performance of a purpose or
5 function of the authority, including a contract to design,
6 construct, finance, lease, own, manage, operate, or maintain works,
7 improvements, facilities, plants, equipment, or appliances
8 necessary to accomplish a purpose or function of the authority. A
9 contract may be of unlimited duration.

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

13 (c) The authority may contract for:

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

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

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

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

27 Sec. 8878.115. COOPERATION WITH AND ASSISTANCE OF OTHER

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

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

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

23 Sec. 8878.116. GIFTS AND GRANTS. The authority may accept a
24 gift or grant from money collected by the Fort Bend Subsidence
25 District or applicable subsidence district to fund the
26 construction, maintenance, or operation of a water treatment or
27 supply system.

1 Sec. 8878.117. EXPENDITURES. (a) The authority's money
2 may be disbursed only by check, draft, order, federal reserve wire
3 system, or other instrument or authorization.

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

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

15 Sec. 8878.118. AD VALOREM TAXATION. The authority may not
16 impose an ad valorem tax.

17 Sec. 8878.119. EMINENT DOMAIN. (a) The authority may
18 acquire by condemnation any land, easements, or other property
19 inside the authority's boundaries to further authorized purposes,
20 powers, or duties of the authority. The authority may acquire by
21 condemnation any land, easements, or other property outside the
22 authority's boundaries for the purposes of pumping, storing,
23 treating, or transporting water. When exercising the power of
24 eminent domain granted by this section, the authority may elect to
25 condemn either the fee simple title or a lesser property interest.

26 (b) The authority may exercise the power of eminent domain
27 in the manner provided by Chapter 21, Property Code. The authority

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

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

8 Sec. 8878.120. ACTION AGAINST PERSON, DISTRICT, OR
9 POLITICAL SUBDIVISION. (a) The authority may bring an action in a
10 district court against a person, including a district or other
11 political subdivision located in the authority's territory or
12 included in the authority's groundwater reduction plan, to:

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

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

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

20 SUBCHAPTER D. BONDS AND NOTES

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

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

26 (2) the sale of water, water services, water rights or
27 capacity, water transmission rights or services, water pumping, or

1 any other service or product of the authority provided inside or
2 outside the boundaries of the authority;

3 (3) grants or gifts;

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

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

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

10 (c) In connection with any bonds or notes of the authority,
11 the authority may exercise any power of an issuer under Chapter
12 1371, Government Code.

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

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

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

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

27 (h) Bonds and notes may be additionally secured by deed of

1 trust or mortgage on any or all of the authority's facilities.

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

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

8 SECTION 2. The West Fort Bend Water Authority initially
9 includes the territory that is contained in the following area,
10 regardless of whether the territory contains noncontiguous parcels
11 of land or whether the territory is located within the boundaries of
12 any other governmental entity or political subdivision of the
13 state:

14 Fort Bend County, save and except the following:

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

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

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

- f. City of Richmond,
- g. City of Rosenberg,
- h. City of Stafford, and
- i. City of Sugar Land; and

4. Territory included in Oak Bend Forest, a subdivision per plat or map recorded under Slide 1214 A&B of the Plat Records of Fort Bend County, Texas that lies within Fort Bend County; and

5. All of the H.T.&B. RR. Co. Survey, Abstract No. 622, Fort Bend County, Texas; and

6. Territory included within that portion of the extraterritorial jurisdiction limits of the City of Houston bounded on the East by the corporate and extraterritorial limits of the City of Pearland, bounded on the South by the extraterritorial limits of the City of Arcola, the South right-of-way of State Highway No. 6, and the corporate limits of the City of Missouri City, bounded on the West by the corporate and extraterritorial limits of the City of Missouri City and the corporate limits of the City of Houston, and bounded on North by the corporate limits of the City of Houston.

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

Precinct 1

Description

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

THENCE, in a general Easterly direction, along and with the South line of said Waller County, same being the North line of said Fort

1 Bend County to the intersection of said County line with the West
2 limits of the City of Fulshear Extraterritorial Jurisdiction (all
3 references to the limits of the City of Fulshear Extraterritorial
4 Jurisdiction are as of January 1, 2013);

5 THENCE, Southerly and Easterly, along and with the West limits of
6 said City of Fulshear Extraterritorial Jurisdiction to the
7 intersection of an interior South line of said City of Fulshear
8 Extraterritorial Jurisdiction with the West line of the North Fort
9 Bend Water Authority;

10 THENCE, Southerly, along and with the West line of said North Fort
11 Bend Water Authority to the intersection of said West line with an
12 interior North line of said City of Fulshear Extraterritorial
13 Jurisdiction in the centerline of North Fulshear Drive;

14 THENCE, Westerly, Southerly, and Easterly, along and with the
15 Westerly limits of said City of Fulshear Extraterritorial
16 Jurisdiction and partly along and with the Easterly limits of the
17 City of Weston Lakes Extraterritorial Jurisdiction (all references
18 to the limits of the City of Weston Lakes Extraterritorial
19 Jurisdiction are as of January 1, 2013) to a point in the centerline
20 of Farm to Market (FM) Highway No. 1093;

21 THENCE, Westerly, along and with the centerline of said FM 1093, to
22 the intersection of said centerline with the centerline of said
23 Brazos River, same being the East line of said Austin County and the
24 West line of said Fort Bend County;

25 THENCE, in a general Northerly direction, upstream and along and
26 with the centerline of said Brazos River, same being the East line
27 of said Austin County and the West line of said Fort Bend County to

1 the San Bernard River, same being the East line of Wharton County
2 and the West line of said Fort Bend County;

3 THENCE, in a general Northerly direction and upstream along and
4 with the centerline of said San Bernard River, same being the East
5 line of said Wharton County and the West line of said Fort Bend
6 County to a point for the common West corner of said Austin County
7 and said Fort Bend County;

8 THENCE, Easterly and Northerly, along and with South and East lines
9 of said Austin County, same being an interior North line and the
10 West line of said Fort Bend County to a point in the centerline of
11 said Brazos River;

12 THENCE, in a general Northerly direction, upstream and along and
13 with the centerline of said Brazos River, same being the East line
14 of said Austin County and the West line of said Fort Bend County to
15 the POINT OF BEGINNING.

16 Precinct 3

17 Description

18 PART 1

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

23 THENCE, in an Easterly Northeast direction, along and with the
24 centerline of said US Highway 90 to the intersection of said
25 centerline with a Northerly extension of the West right-of-way line
26 of Beasley - West End Road, same being an interior West line of the
27 City of Rosenberg Extraterritorial Jurisdiction (all references to

1 the limits of the City of Rosenberg Extraterritorial Jurisdiction
2 are as of January 1, 2013), same also being an interior East line of
3 the City of Orchard Extraterritorial Jurisdiction (all references
4 to the limits of the City of Orchard Extraterritorial Jurisdiction
5 are as of January 1, 2013) ;

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

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

15 Southwesterly, along and with the Northwesterly right-of-way
16 line of said Drachenberg Road to the intersection of said
17 Northwesterly right-of-way line with the Northeasterly
18 right-of-way line of Hopkins Road;

19 Northwesterly and Westerly, along and with the Northeasterly
20 and Northerly line of Hopkins Road to the intersection of said
21 Northerly right-of-way line with the East right-of-way of Engle
22 Road;

23 Southerly, along and with the East right-of-way line of said
24 Engle Road to the intersection of said East right-of-way line with
25 the North right-of-way of Koym Road;

26 Westerly, along and with the North right-of-way line of said
27 Koym Road, approximately 4,580 feet to a Northwest corner of the

1 limits of said City of Rosenberg Extraterritorial Jurisdiction;
2 THENCE, in a general Southerly, Easterly, and Northerly directions,
3 along and with the West and South corporate limits of the City of
4 Rosenberg (all references to the corporate limits of the City of
5 Rosenberg are as of January 1, 2013) and the limits of said City of
6 Rosenberg Extraterritorial Jurisdiction to the intersection of the
7 South limits of said City of Rosenberg with the intersection of the
8 centerline of State Highway No. 36;

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

12 THENCE, in a general Southwesterly direction, along and with the
13 North line of said Brazoria County, same being the south line of
14 said Fort Bend County to a point in the centerline of said San
15 Bernard River, same being the Easterly line of said Wharton County
16 for the Southwest corner of said Fort Bend County;

17 THENCE, in a general Northwesterly direction, upstream and along
18 and with the centerline of said San Bernard River, same being the
19 Easterly line of said Wharton County and the Westerly line of said
20 Fort Bend County to the POINT OF BEGINNING.

21 PART 2

22 BEGINNING at a point in the centerline of said US Highway 90, being
23 the intersection of said centerline with an interior West line of
24 the limits of said City of Rosenberg Extraterritorial Jurisdiction
25 and being located West Southwesterly along the centerline of said
26 US Highway 90 approximately 3,820 feet from the intersection of the
27 centerlines of said US Highway 90 and Spencer Road;

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

4 THENCE, Westerly, along and with an interior North line of said City
5 of Rosenberg Extraterritorial Jurisdiction and generally along the
6 Randon School Road approximately 1,900 feet to an interior corner
7 of the limits of said City of Rosenberg Extraterritorial
8 Jurisdiction;

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

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

14 PART 3

15 All of the corporate limits of the City of Beasley and all of that
16 land within the limits of the City of Beasley Extraterritorial
17 Jurisdiction (all references to the corporate limits of the City of
18 Beasley and the limits of the City of Orchard Extraterritorial
19 Jurisdiction are as of January 1, 2013.

20 Precinct 4

21 Description

22 BEGINNING at a point in the North line of Brazoria County, same
23 being the South line of Fort Bend County and being the intersection
24 of said common County line with the centerline of State Highway No.
25 36;

26 THENCE, Northwesterly and Northerly, along and with the centerline
27 of said State Highway No. 36 to the intersection of said centerline

1 Road;

2 THENCE, Northeasterly and Easterly, along and with the centerline
3 of said FM 1462 to the intersection of said centerline with the
4 centerline of FM 762;

5 THENCE, in a general Northerly direction, along and with the
6 centerline of said FM 762 to the intersection of said centerline
7 with the East line of the City of Rosenberg Extraterritorial
8 Jurisdiction (all references to the limits of the City of Rosenberg
9 Extraterritorial Jurisdiction are as of January 1, 2013);

10 THENCE, Northeasterly, Southerly, Easterly, and Northerly, along
11 and with the East line of said City of Rosenberg Extraterritorial
12 Jurisdiction and the East corporate limits of the City of Rosenberg
13 (all references to the corporate limits of the City of Rosenberg are
14 as of January 1, 2013) to the intersection of said East corporate
15 limits with the South line of the City of Sugar Land
16 Extraterritorial Jurisdiction (all references to the limits of the
17 City of Sugarland Extraterritorial Jurisdiction are as of January
18 1, 2013);

19 THENCE, in a general Easterly direction, along and with the South
20 line of said City of Sugar Land Extraterritorial Jurisdiction to
21 the intersection of said South line with the West line of the City
22 of Missouri City Extraterritorial Jurisdiction (all references to
23 the limits of the City of Missouri City Extraterritorial
24 Jurisdiction are as of January 1, 2013);

25 THENCE, in a general Southerly direction, along and with the West
26 line of said City of Missouri City Extraterritorial Jurisdiction
27 and the West corporate limits of the City of Missouri City (all

1 references to the corporate limits of the City of Missouri City are
2 as of January 1, 2013) to a point for the common West corner of said
3 City of Missouri City Extraterritorial Jurisdiction and the City of
4 Alvin Extraterritorial Jurisdiction (all references to the limits
5 of the City of Alvin Extraterritorial Jurisdiction are as of
6 January 1, 2013);

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

12 THENCE, Westerly, Southerly, and Northwesterly along and with the
13 North line of said Brazoria County and the South line of said Fort
14 Bend County (said common County line partly being the centerline of
15 said Cow Creek) to POINT OF BEGINNING.

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

23 (b) The governor, one of the required recipients, has
24 submitted the notice and Act to the Texas Commission on
25 Environmental Quality.

26 (c) The Texas Commission on Environmental Quality has filed
27 its recommendations relating to this Act with the governor,

1 lieutenant governor, and speaker of the house of representatives
2 within the required time.

3 (d) The general law relating to consent by political
4 subdivisions to the creation of districts with conservation,
5 reclamation, and road powers and the inclusion of land in those
6 districts has been complied with.

7 (e) All requirements of the constitution and laws of this
8 state and the rules and procedures of the legislature with respect
9 to the notice, introduction, and passage of this Act have been
10 fulfilled and accomplished.

11 SECTION 5. (a) Section 8878.119, Special District Local
12 Laws Code, as added by Section 1 of this Act, takes effect only if
13 this Act receives a two-thirds vote of all the members elected to
14 each house.

15 (b) If this Act does not receive a two-thirds vote of all the
16 members elected to each house, Subchapter C, Chapter 8878, Special
17 District Local Laws Code, as added by Section 1 of this Act, is
18 amended by adding Section 8878.119 to read as follows:

19 Sec. 8878.119. NO EMINENT DOMAIN POWER. The district may
20 not exercise the power of eminent domain.

21 (c) This section is not intended to be an expression of a
22 legislative interpretation of the requirements of Section 17(c),
23 Article I, Texas Constitution.

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

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

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