

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 24, 2015

The Honorable Joe Straus
Texas House of Representatives
Capitol Station
PO Box 2910
Austin, Texas 78768-2910

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

House Bill (HB) 648, as Filed by Representative Matt Krause - Relating to the appointment of directors to the board of directors for the Viridian Municipal Management District

Dear Speaker Straus:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

The bill amends Special District Local Laws Code Section 3861, the enabling act of the Viridian Municipal Management District, (the "District") as follows: deletes the requirement that the terms of two or three of the directors expire on May 31st of each even-numbered year; removes the requirement that director elections must be held on the uniform May election date in even-numbered years and specifies that the mayor and members of the governing body of the City of Arlington shall appoint directors to fill vacancies from persons recommended by the District's board; and modifies the requirements for appointing new board members by the City of Arlington after an election in favor of the division of the District.

Sincerely,

A handwritten signature in cursive script that reads "Linda Brookins".

Linda Brookins, Director
Water Supply Division

cc: Honorable Doug Miller, Chairman, House Committee on Special Purpose Districts
Representative Matt Krause, Texas House of Representatives

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

HB 648

Bill Number

TO: The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

1/21/2015

Date transmitted to
Governor's Office

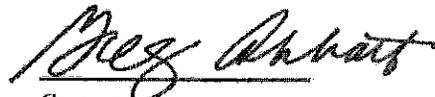

Chief Clerk
House of Representatives

TO: Texas Commission on Environmental Quality
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.

3.3.2015

Date transmitted to
Texas Commission on Environmental Quality


Governor

TO: The Honorable Speaker of the House
The Honorable President of the Senate
The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.


Texas Commission on Environmental Quality



By: Krause

H.B. No. 648

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the appointment of directors to the board of directors
3 for the Viridian Municipal Management District.

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

5 SECTION 1. Section 3861.051, Special District Local Laws
6 Code, is amended to read as follows:

7 Sec. 3861.051. GOVERNING BODY; TERMS. The district is
8 governed by a board of five directors who serve staggered terms of
9 four years [~~7, with two or three directors' terms expiring May 31 of~~
10 ~~each even-numbered year~~].

11 SECTION 2. Section 3861.052, Special District Local Laws
12 Code, is amended to read as follows:

13 Sec. 3861.052. APPOINTMENT OF DIRECTORS; VACANCY [~~ELECTION~~
14 ~~DATE~~]. (a) The mayor and members of the governing body of the city
15 shall appoint directors from persons recommended by the board. A
16 person is appointed if a majority of members and the mayor vote to
17 appoint that person.

18 (b) A vacancy on the board shall be filled for the remainder
19 of the unexpired term in the same manner as the original
20 appointment. [~~The board shall hold elections for directors on the~~
21 ~~uniform election date in May in even-numbered years.~~]

22 SECTION 3. Section 3861.203, Special District Local Laws
23 Code, is amended to read as follows:

24 Sec. 3861.203. APPOINTMENT [~~ELECTION~~] OF DIRECTORS OF NEW

1 DISTRICTS. (a) Not later than the 90th day after the date of an
2 election in favor of the division of the district, the mayor and
3 members of the governing body of the city ~~[board]~~ shall:

4 (1) appoint ~~[itself as]~~ the board of the original
5 district as the board of one of the new districts; and

6 (2) appoint five directors for each of the other new
7 districts in the manner prescribed by Section 3861.052.

8 (b) Directors appointed under Subsection (a)(1) serve the
9 remainder of the ~~[staggered]~~ terms to which they were appointed
10 [elected] in the original district. Notwithstanding Section
11 3861.053, a director appointed under Subsection (a)(1) is eligible
12 to serve only if the director owns land inside the area described by
13 the boundaries of the original district.

14 (c) The mayor and members of the governing body of the city
15 shall designate the initial terms of the directors appointed to
16 each board under Subsection (a)(2) so that:

17 (1) two of the directors serve a two-year term; and

18 (2) three of the directors serve a four-year term

19 ~~[Directors appointed under Subsection (a)(2) serve until the~~
20 ~~election for directors under Subsection (c)].~~

21 ~~[(c) On the uniform election date in May of the first~~
22 ~~even-numbered year after the year in which the directors are~~
23 ~~appointed, the appointed board shall hold an election to elect five~~
24 ~~directors in each district for which directors were appointed under~~
25 ~~Subsection (a)(2). The directors shall draw lots to determine~~
26 ~~which two shall serve until the next regularly scheduled election~~
27 ~~of directors and which three shall serve until the second regularly~~

1 ~~scheduled election of directors.]~~

2 SECTION 4. Section 3861.054, Special District Local Laws
3 Code, is repealed.

4 SECTION 5. (a) A member of a board of directors who was
5 elected under Section 3861.052 or 3861.203, Special District Local
6 Laws Code, or appointed to fill a vacancy under Section 3861.054,
7 Special District Local Laws Code, before the effective date of this
8 Act shall continue to serve until the expiration of the member's
9 term.

10 (b) The mayor and members of the governing body of the city
11 may make the appointments permitted by Section 3861.052, Special
12 District Local Laws Code, as amended by this Act, to fill a vacancy
13 occurring on the board of directors on or after the effective date
14 of this Act.

15 SECTION 6. This Act takes effect September 1, 2015.

STATE OF TEXAS
COUNTY OF TARRANT

Before me, a Notary Public in and for said County and State, this day

personally appeared Christine Lopez, Advertising Representative for the Star-Telegram, published by the Star-Telegram, Inc. at Fort Worth, in Tarrant County, Texas and distributed in other surrounding Counties; and who, after being duly sworn, did dispose and say that the following clipping of an advertisement was published in the above named paper on the following dates:

Fri Oct 24, 2014

Signed

Lopez

Subscribed and sworn to before me, this the 8 day of January 2015

Notary Public Debra W Morris
Tarrant County, Texas

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