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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 27, 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) 2508, as Filed by Representative Tan Parker - Relating to the powers and duties of the Alpha Ranch Water Control and Improvement District of Denton and Wise Counties; providing authority to issue bonds, impose a tax, and levy assessments for roadway purposes

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 codifies Alpha Ranch Water Control and Improvement District of Denton and Wise Counties (the "District") as Chapter 9064, Special District Local Laws Code, with the powers of a water control and improvement district operating under Chapters 49 and 51, Water Code.

The bill grants the District road powers, and specifies that the road projects of the District may include: bridges; drainage; landscaping; lights, signs, or signals; and sidewalks or trails. The bill specifies that the District may not undertake a road project authorized by the bill unless: the City of Fort Worth (the "City") has approved the plans and specifications of the road project, if the City or District will operate and maintain the road; or the Texas Transportation Commission has approved the plans and specifications of the road project, if the state will operate and maintain the road.

The bill allows the District to undertake a road project to a definable area in the District and collect a special assessment on the benefited property in the District. The District may not exercise the power to issue bonds or other obligations payable wholly or partly from ad valorem taxes or special assessments to finance road projects until the City adopts an ordinance or resolution consenting to the exercise of that power.

The bill specifies that Section 49.181 (TCEQ's bond review authority) and 49.182 (TCEQ's jurisdiction over construction of district projects) do not apply to a road project.

The bill validates and confirms: (1) the creation of the District; and (3) any act or proceeding of the District, including an election, not excepted by this section and taken not more than three years before the effective date of the bill, effective as of the date on which the act or proceeding occurred. The validation does not apply to: (1) an act, proceeding, director, other official, bond, or other obligation the validity of which or of whom is the subject of litigation that is pending on the effective date of the bill; or (2) an act or proceeding that, under a statute of this state or the United States, was a misdemeanor or felony at the time the act or proceeding occurred.

Sincerely,

Linda Brookins

Linda Brookins, Director
Water Supply Division
Texas Commission on Environmental Quality

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

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

HB 2508
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.

3/12/2015
Date transmitted to
Governor's Office

Robert Haney
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.

March 16, 2015
Date transmitted to
Texas Commission on Environmental Quality

Greg Abbott
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.

Linda Brookins
Texas Commission on Environmental Quality

By: Parker H.B. No. 2508

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Alpha Ranch Water Control and Improvement District of Denton and Wise Counties; providing authority to issue bonds, impose a tax, and levy assessments for roadway purposes.

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

SECTION 1. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9064 to read as follows:

CHAPTER 9064. ALPHA RANCH WATER CONTROL AND IMPROVEMENT DISTRICT OF DENTON AND WISE COUNTIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9064.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "City" means the City of Fort Worth, Texas.

(3) "Director" means a board member.

(4) "District" means the Alpha Ranch Water Control and Improvement District of Denton and Wise Counties.

Sec. 9064.002. NATURE OF DISTRICT. The district is a water control and improvement district with road district powers created under Section 59, Article XVI, Texas Constitution.

Sec. 9064.003. APPLICABILITY OF OTHER LAW. (a) Except as otherwise provided by this chapter, the following laws apply to the district:

(1) Chapters 49 and 51, Water Code; and

(2) Chapter 257, Transportation Code, and other general laws applicable to road districts created under Section 52, Article III, Texas Constitution, to the extent those provisions can apply to the district.

(b) If a provision of general law relating to road districts is in conflict or inconsistent with this chapter or Chapter 49 or 51, Water Code, this chapter prevails.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 9064.051. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements in aid of or incidental to those roads, including:

(1) bridges;

(2) drainage;

(3) landscaping;

(4) lights, signs, or signals; and

(5) sidewalks or trails.

Sec. 9064.052. JOINT ROAD PROJECTS. (a) A district may contract with a state agency, political subdivision, or corporation created under Chapter 431, Transportation Code, for a joint road project.

(b) The contract may:

(1) provide for joint payment of project costs; and

(2) require the state agency, political subdivision, or corporation to design, construct, or improve a project,

including landscaping, as provided by the contract.

Sec. 9064.053. APPROVAL OF ROAD PROJECT. (a) The district may not undertake a road project authorized by Section 9064.051, 9064.052, or 9064.055 unless:

(1) the city has approved the plans and specifications of the road project, if the city or district will operate and maintain the road; or

(2) the Texas Transportation Commission has approved the plans and specifications of the road project, if the state will operate and maintain the road.

(b) Except as provided by Subsection (a), the district is not required to obtain approval from the Texas Transportation Commission to design, acquire, construct, finance, issue bonds for, improve, or convey a road project.

Sec. 9064.054. ROAD CONTRACTS. The district may enter into a contract for a road project in the same manner as a road district under Chapter 257, Transportation Code, except that competitive bidding for a road project contract is governed by Subchapter I, Chapter 49, Water Code.

Sec. 9064.055. IMPROVEMENT PROJECT AND SERVICE IN DEFINABLE AREA. The district may undertake an improvement project or service authorized under Section 9064.051 that confers a special benefit on a definable area in the district and levy and collect a special assessment on benefited property in the district in accordance with:

(1) Chapter 372, Local Government Code;

(2) Chapter 375, Local Government Code; or

(3) both chapters.

SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

Sec. 9064.101. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 49.107, Water Code, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code, except that Section 49.107(f), Water Code, does not apply to reimbursements for a project constructed or acquired under Section 9064.051.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 9064.102. TAX TO REPAY BONDS. The district may impose a tax to pay the principal of or interest on bonds issued under Section 9064.151.

Sec. 9064.103. ASSESSMENT TO REPAY BONDS. The district may levy a special assessment to pay the principal of and interest on bonds issued under Section 9064.151.

SUBCHAPTER D. BONDS AND OTHER OBLIGATIONS

Sec. 9064.151. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, special assessments, impact fees, revenue, grants, or other district money, or any combination of those sources, to pay for a road project authorized by Section 9064.051, 9064.052, or 9064.055.

(b) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an

election held for that purpose.

(c) At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

(d) The district may not exercise the power to issue bonds or other obligations payable wholly or partly from ad valorem taxes or special assessments to finance projects authorized by Section 9064.051, 9064.052, or 9064.055 until the city adopts an ordinance or resolution consenting to the exercise of that power.

(e) Sections 49.181 and 49.182, Water Code, do not apply to a project authorized by Section 9064.051, 9064.052, or 9064.055, or to bonds issued for the project.

SECTION 2. The Alpha Ranch Water Control and Improvement District of Denton and Wise Counties retains all rights, powers, privileges, authority, duties, and functions that it had before the effective date of this Act.

SECTION 3. (a) The following are validated and confirmed in all respects:

(1) the creation of the Alpha Ranch Water Control and Improvement District of Denton and Wise Counties; and

(2) any act or proceeding of the district, including an election, not excepted by this section and taken not more than three years before the effective date of this Act, effective as of the date on which the act or proceeding occurred.

(b) This section does not apply to:

(1) an act, proceeding, director, other official, bond, or other obligation the validity of which or of whom is the subject of litigation that is pending on the effective date of this Act; or

(2) an act or proceeding that, under a statute of this state or the United States, was a misdemeanor or felony at the time the act or proceeding occurred.

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

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

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

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

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as

provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

AR

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS §
§
COUNTY OF DENTON §

BEFORE ME the undersigned authority on this day personally appeared Chris Brumfield of *The Denton Record Chronicle*, who, being by me duly sworn, upon oath deposes and says:

That *The Denton Record Chronicle* is a newspaper published for the County of Denton, Texas and is of general circulation in the County of Denton, Texas, and that the attached NOTICE OF INTENT TO INTRODUCE LEGISLATION" was published in said newspaper in its issues of

12/11/2014 ;

and said newspaper is a newspaper that complies with the provisions of Section 2051.044, Texas Government Code, in that:

(1) it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items,

(2) it is published not less frequently than once each week,

(3) it is entered as second-class postal matter in the county where it is published, and

(4) it has been published regularly and continuously for not less than twelve (12) months prior to the date of the first publication of the "NOTICE OF INTENT TO INTRODUCE LEGISLATION."

Title: Business Manager

SWORN TO AND SUBSCRIBED BEFORE ME, this the 12 day of December, 2014

Notary Public, State of Texas

(Notary Seal)

BRENDA GARZA
Notary Public
State of Texas
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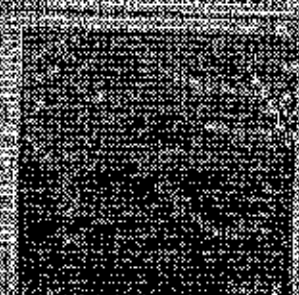


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NOTICE OF INTENT TO INTRODUCE LEGISLATION

This is to give notice of intent to introduce in the 84th Legislature, Regular Session, a bill to be entitled an Act relating to the Powers, Duties, Operation and Financing of Aqua Bella Water Control and Improvement District of Denton and Wise Counties; … conservation and reclamation district operating under Article XVI, Section 59 and … Constitution … to authorize the District to Acquire, Construct, Finance and Operate Road Improvements for 1296.736 acres in the extraterritorial jurisdiction of the City of Fort Worth, Texas, including lands within the Joshua King Survey, Abstract Number 712, the … Survey, Abstract Number … and Abstract Number 445, the Thomas Peoples Survey, Abstract No. 577, and the … Survey, Abstract … 604, … in Denton … Texas.

DRC 12/11/14

NOTICE OF INTENT TO INTRODUCE LEGISLATION

This is to give notice of intent to introduce in the 84th Legislature, Regular Session, a bill to be entitled an Act relating to the Powers, Duties, Operation and Financing of South Denton County Water Control and Improvement District No. … a conservation and reclamation district operating under Article XVI, Section 59 and Article III, Section 52 of the Texas Constitution and Chapters 49 and 51 Texas Water Code; to Authorize the District as a Water Control and Improvement District and to further authorize the District to Acquire, Construct, Finance and Operate Road Improvements for … acres in the … jurisdiction of the City of Fort Worth, Texas including lands within the William … Survey, Abstract Number … located in Denton County, Texas.

DRC 12/11/14

CAUSE NO. PR-2014-…

IN RE
ESTATE OF
JAMES WOODROW BURNS
DECEASED

IN THE PROBATE COURT

DENTON COUNTY

NOTICE TO ALL PERSONS HAVING CLAIMS AGAINST THE ESTATE OF JAMES WOODROW BURNS

CON…

Dear A… sometimes print… who are loo… cent, honor… ing other … have recomm… ing, joining … to church … bars — some… see mentione… based arts or…

Someone … inclined migh… band, orchest… chorus. But … word for com… person doesn'… former, these … ple to build … tumes, locate … backstage ope… performance, … of the house, t… for promotion… ushering and … tions from spo…

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Even if you … special someone … dozens of new fri… the satisfaction o… ing something … time.

Dear Always … your suggestion … is meant to be in… footlights, but … mean one can't b… tant member of th… community theate… ly a team effort.

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7 SCORPIO (Oct. 23-Nov. 21) Work faster and make more money. Exceed expectations. Invest in high quality and efficiency. Learn skills by participating hands-on.

8 SAGITTARIUS (Nov. 22-Dec. 21) An unexpected trip could be just the thing to clear your head. There's a puzzle, and you have the tools to solve it.

7 CAPRICORN (Dec. 22-Jan. 19) Review the facts with your partner, and you can deduce what's needed. Listen and learn. Budget for the future you've invented together.

8 AQUARIUS (Jan. 20-Feb. 18) Strengthen your social infrastructure. Reconnect with a partner, and renew a bond. Follow a strong recommendation. Get a good deal by pulling strings.

9 PISCES (Feb. 19-March 20) A partner explains what's in your blind spot. Provide excellent service with a smile. A brilliant insight helps you achieve a goal. Wrap up a job and request a bonus for extra efforts.

— Tribune Content Agency

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12-11