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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) 2509, as Filed by Representative Tan Parker - Relating to the powers and duties of the Brookfield Water Control and Improvement District; 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 Brookfield Water Control and Improvement District (the "District") as Chapter 9054, 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 renames the District from South Denton Water Control and Improvement District No. 1.

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 Honorable Joe Straus  
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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 South Denton Water Control and Improvement District No. 1; (2) the renaming of the South Denton Water Control and Improvement District No. 1 as 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, 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 2509

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



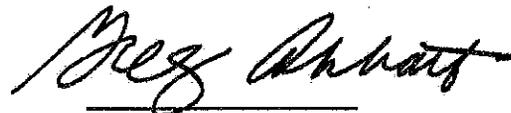
Chief Clerk  
House of Representatives

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



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 Brooks  
Texas Commission on Environmental Quality



84R HB 02509

By: Parker

H.B. No. 2509

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the powers and duties of the Brookfield Water Control  
3 and Improvement District; providing authority to issue bonds,  
4 impose a tax, and levy assessments for roadway purposes.

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

6 SECTION 1. Subtitle I, Title 6, Special District Local Laws  
7 Code, is amended by adding Chapter 9054 to read as follows:

8 CHAPTER 9054. BROOKFIELD WATER CONTROL AND IMPROVEMENT DISTRICT

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 9054.001. DEFINITIONS. In this chapter:

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

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

13 (3) "Director" means a board member.

14 (4) "District" means the Brookfield Water Control and  
15 Improvement District.

16 Sec. 9054.002. NATURE OF DISTRICT. (a) The district is a  
17 water control and improvement district with road district powers  
18 created under Section 59, Article XVI, Texas Constitution.

19 (b) The district created as South Denton County Water  
20 Control and Improvement District No. 1 is renamed the Brookfield  
21 Water Control and Improvement District.

22 Sec. 9054.003. APPLICABILITY OF OTHER LAW. (a) Except as  
23 otherwise provided by this chapter, the following laws apply to the  
24 district:

1           (1) Chapters 49 and 51, Water Code; and  
2           (2) Chapter 257, Transportation Code, and other  
3 general laws applicable to road districts created under Section 52,  
4 Article III, Texas Constitution, to the extent those provisions can  
5 apply to the district.

6           (b) If a provision of general law relating to road districts  
7 is in conflict or inconsistent with this chapter or Chapter 49 or  
8 51, Water Code, this chapter prevails.

9                           SUBCHAPTER B. POWERS AND DUTIES

10           Sec. 9054.051. AUTHORITY FOR ROAD PROJECTS. Under Section  
11 52, Article III, Texas Constitution, the district may design,  
12 acquire, construct, finance, issue bonds for, improve, operate,  
13 maintain, and convey to this state, a county, or a municipality for  
14 operation and maintenance macadamized, graveled, or paved roads, or  
15 improvements in aid of or incidental to those roads, including:

- 16                   (1) bridges;  
17                   (2) drainage;  
18                   (3) landscaping;  
19                   (4) lights, signs, or signals; and  
20                   (5) sidewalks or trails.

21           Sec. 9054.052. JOINT ROAD PROJECTS. (a) A district may  
22 contract with a state agency, political subdivision, or corporation  
23 created under Chapter 431, Transportation Code, for a joint road  
24 project.

- 25           (b) The contract may:  
26                   (1) provide for joint payment of project costs; and  
27                   (2) require the state agency, political subdivision,

1 or corporation to design, construct, or improve a project,  
2 including landscaping, as provided by the contract.

3 Sec. 9054.053. APPROVAL OF ROAD PROJECT. (a) The district  
4 may not undertake a road project authorized by Section 9054.051,  
5 9054.052, or 9054.055 unless:

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

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

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

16 Sec. 9054.054. ROAD CONTRACTS. The district may enter into  
17 a contract for a road project in the same manner as a road district  
18 under Chapter 257, Transportation Code, except that competitive  
19 bidding for a road project contract is governed by Subchapter I,  
20 Chapter 49, Water Code.

21 Sec. 9054.055. IMPROVEMENT PROJECT AND SERVICE IN DEFINABLE  
22 AREA. The district may undertake an improvement project or service  
23 authorized under Section 9054.051 that confers a special benefit on  
24 a definable area in the district and levy and collect a special  
25 assessment on benefited property in the district in accordance  
26 with:

27 (1) Chapter 372, Local Government Code;

- 1           (2) Chapter 375, Local Government Code; or
- 2           (3) both chapters.

3           SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

4           Sec. 9054.101. OPERATION AND MAINTENANCE TAX. (a) If  
5 authorized at an election held under Section 49.107, Water Code,  
6 the district may impose an operation and maintenance tax on taxable  
7 property in the district in accordance with Section 49.107, Water  
8 Code, except that Section 49.107(f), Water Code, does not apply to  
9 reimbursements for a project constructed or acquired under Section  
10 9054.051.

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

13           Sec. 9054.102. TAX TO REPAY BONDS. The district may impose  
14 a tax to pay the principal of or interest on bonds issued under  
15 Section 9054.151.

16           Sec. 9054.103. ASSESSMENT TO REPAY BONDS. The district may  
17 levy a special assessment to pay the principal of and interest on  
18 bonds issued under Section 9054.151.

19           SUBCHAPTER D. BONDS AND OTHER OBLIGATIONS

20           Sec. 9054.151. AUTHORITY TO ISSUE BONDS AND OTHER  
21 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or  
22 other obligations payable wholly or partly from ad valorem taxes,  
23 special assessments, impact fees, revenue, grants, or other  
24 district money, or any combination of those sources, to pay for a  
25 road project authorized by Section 9054.051, 9054.052, or 9054.055.

26           (b) The district may not issue bonds payable from ad valorem  
27 taxes to finance a road project unless the issuance is approved by a

1 vote of a two-thirds majority of the district voters voting at an  
2 election held for that purpose.

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

8 (d) The district may not exercise the power to issue bonds  
9 or other obligations payable wholly or partly from ad valorem taxes  
10 or special assessments to finance projects authorized by Section  
11 9054.051, 9054.052, or 9054.055 until the city adopts an ordinance  
12 or resolution consenting to the exercise of that power.

13 (e) Sections 49.181 and 49.182, Water Code, do not apply to  
14 a project authorized by Section 9054.051, 9054.052, or 9054.055, or  
15 to bonds issued for the project.

16 SECTION 2. The Brookfield Water Control and Improvement  
17 District retains all rights, powers, privileges, authority,  
18 duties, and functions that it had before the effective date of this  
19 Act.

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

22 (1) the creation of the South Denton County Water  
23 Control and Improvement District No. 1;

24 (2) the renaming of the South Denton County Water  
25 Control and Improvement District No. 1 as the Brookfield Water  
26 Control and Improvement District; and

27 (3) any act or proceeding of the district, including

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

4 (b) This section does not apply to:

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

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

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

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

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

26 (d) All requirements of the constitution and laws of this  
27 state and the rules and procedures of the legislature with respect

H.B. No. 2509

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

3           SECTION 5. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2015.

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS

§

COUNTY OF DENTON

§

§

BEFORE ME, the undersigned authority on this day personally appeared Chris Brounfield 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."

[Signature]  
Title: Business Manager

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

[Signature]  
Notary Public, State of Texas

(Notary Seal)



THE ATHER SINGER

The Ather Singer is a church choir...

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