

By: Parker

H.B. No. 2509

A BILL TO BE ENTITLED

AN ACT

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.

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 9054 to read as follows:

CHAPTER 9054. BROOKFIELD WATER CONTROL AND IMPROVEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9054.001. 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 Brookfield Water Control and Improvement District.

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

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

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

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.