

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 2, 2019

The Honorable Dan Patrick
Lieutenant Governor of Texas
Capitol Station
PO Box 12068
Austin, Texas 78711

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

Senate Bill (SB) 2455, as Filed by Senator Dawn Buckingham - Relating to the territory and board of directors of the Bell County Water Control and Improvement District No. 1.

Dear Governor Patrick:

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.

This bill amends Section 9005, Special District Local Laws Code, related to the Bell County Water Control and Improvement District No. 1 (District). The bill defines "director" as a member of the board of directors of the District. The bill specifies that the District is governed by a board of seven elected directors. Additionally, a nonvoting member chosen by the Fort Hood Military Reservation represents the interest of the reservation. The appropriate number of directors will be elected on the uniform election date in November of each even-numbered year, with the first election on the uniform election date in November 2020. The terms of the directors serving on the board of the District on the effective date of this Act expire on the date the directors are elected pursuant to this bill.

A director elected to a term that expires in May 2020 serves until the director's successor has qualified after the November 2020 election. The bill requires the board to divide the District into seven single-member director precincts, each containing an approximately equal number of voters with the population of the City of Killeen divided into three precincts composed only of residents of the City of Killeen. The bill specifies that the territory of the District is to include the territory inside the corporate boundaries of the City of Harker Heights, the City of Copperas Cove, the City of Belton, the City of Killeen, the service area of the 439 Water Supply Corporation, the territory of the Bell County Water Control and Improvement District No. 3, and the Bell County portion of the Fort Hood Military Reservation.

Hon. Dan Patrick
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May 2, 2019

The bill makes several changes to the District's authority to annex territory to correspond with the changes made by the bill regarding the District's territory. The bill specifies that in the territory of the District that coincides with the territory of the Bell County Water Control and Improvement District No. 3, the powers of the District, including the power to issue bonds and exercise eminent domain, are limited to the powers necessary to provide wholesale water service.

Sincerely,



Cari-Michel La Caille, Director
Water Supply Division

cc: Honorable Eddie Lucio, Jr., Chairman, Senate Intergovernmental Relations Committee
Senator Dawn Buckingham, Texas Senate

LETTER OF TRANSMITTAL
TEXAS SENATE
STATE OF TEXAS

SB 2455

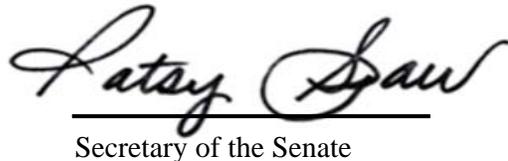
Bill Number

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.

3/27/2019

Date transmitted to
Governor's Office



Secretary of the Senate

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.

April 3, 2019

Date transmitted to
Texas Commission on Environmental Quality



Governor

TO: The Honorable President of the Senate
The Honorable Speaker of the House of Representatives
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: Buckingham

S.B. No. 2455

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the territory and board of directors of the Bell County
3 Water Control and Improvement District No. 1.

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

5 SECTION 1. Section 9005.001, Special District Local Laws
6 Code, is amended by adding Subdivision (1-a) to read as follows:

7 (1-a) "Director" means a member of the board of
8 directors of the district.

9 SECTION 2. Subchapter A, Chapter 9005, Special District
10 Local Laws Code, is amended by adding Section 9005.0025 to read as
11 follows:

12 Sec. 9005.0025. BOARD. (a) The district is governed by a
13 board of seven elected directors. In addition to the elected board
14 members, a nonvoting member chosen by the Fort Hood Military
15 Reservation represents the interests of the reservation.

16 (b) The district shall hold an election to elect the
17 appropriate number of directors on the uniform election date in
18 November of each even-numbered year.

19 (c) The board shall divide the district into seven
20 single-member director precincts that comply with the federal
21 Voting Rights Act of 1965 (52 U.S.C. Sections 10101 and 10301 et
22 seq.) with:

23 (1) the precincts each containing an approximately
24 equal number of voters; and

1 (2) the population of the City of Killeen divided into
2 three precincts composed only of residents of the City of Killeen.

3 (d) The board may redraw the single-member director
4 precincts in a manner that is reasonable and equitable:

5 (1) after any change in the boundaries of the district
6 or of the City of Killeen; or

7 (2) by a resolution redrawing the director precincts
8 adopted by a two-thirds majority of the board based on changed
9 circumstances.

10 SECTION 3. Sections 9005.003 and 9005.004, Special District
11 Local Laws Code, are amended to read as follows:

12 Sec. 9005.003. DISTRICT TERRITORY. (a) The district is
13 composed of the territory described by Subsection (b) and Section
14 1, Chapter 523, Acts of the 54th Legislature, Regular Session, 1955
15 (Article 8280-189, Vernon's Texas Civil Statutes), as that
16 territory may have been modified under:

17 (1) Subchapter J, Chapter 49, Water Code;

18 (2) Subchapter O, Chapter 51, Water Code, before
19 September 1, 1995;

20 (3) former Section 4A, Chapter 523, Acts of the 54th
21 Legislature, Regular Session, 1955 (Article 8280-189, Vernon's
22 Texas Civil Statutes); or

23 (4) other law.

24 (b) Effective September 1, 2019, the territory of the
25 district includes the following areas as those areas are legally
26 described on that date:

27 (1) the territory inside the corporate boundaries of:

1 (A) the City of Harker Heights;

2 (B) the City of Copperas Cove;

3 (C) the City of Belton; and

4 (D) the City of Killeen;

5 (2) the service area of the 439 Water Supply
6 Corporation;

7 (3) the territory of the Bell County Water Control and
8 Improvement District No. 3; and

9 (4) the Bell County portion of the Fort Hood Military
10 Reservation.

11 Sec. 9005.004. ANNEXATION OF TERRITORY. (a) The [~~If an~~
12 ~~election concerning the annexation of territory to the district~~
13 ~~would result in the district boundaries becoming coterminous with~~
14 ~~the boundaries of the City of Killeen, the] board[, ~~in a separate~~~~
15 ~~proposition,~~] may submit for approval at an election the question
16 of whether to automatically annex to [~~extend the boundaries of~~] the
17 district [~~to include~~] territory later annexed by the City of
18 Killeen or a political subdivision described by Section 9005.003(b)
19 or to include territory added to the service area of the 439 Water
20 Supply Corporation [~~the City of Killeen annexes~~] that is not
21 already included in the district.

22 (b) An automatic annexation authorized [~~Land annexed by the~~
23 ~~City of Killeen~~] under Subsection (a) is effective [~~part of the~~
24 ~~district~~] only after:

25 (1) the annexed area assumes its pro rata share of all
26 bonds, notes, or other obligations or taxes owed, contracted, or
27 authorized by the district; and

1 (2) that assumption is approved by a majority of the
2 voters voting at an election held in the district territory as
3 enlarged as a result of the annexation.

4 SECTION 4. Subchapter B, Chapter 9005, Special District
5 Local Laws Code, is amended by adding Section 9005.0515 to read as
6 follows:

7 Sec. 9005.0515. LIMITATION OF DISTRICT POWER. In the
8 territory of the district that coincides with the territory of the
9 Bell County Water Control and Improvement District No. 3, the
10 powers of the district, including the power to issue bonds and
11 exercise eminent domain, are limited to the powers necessary to
12 provide wholesale water service.

13 SECTION 5. (a) The Bell County Water Control and
14 Improvement District No. 1 shall hold the first election to elect
15 directors as described by Section 9005.0025, Special District Local
16 Laws Code, as added by this Act, on the uniform election date in
17 November 2020.

18 (b) The terms of the directors serving on the board of
19 directors of the Bell County Water Control and Improvement District
20 No. 1 on the effective date of this Act expire on the date the
21 directors elected under Subsection (a) of this section have
22 qualified. A director elected to a term that expires in May 2020
23 serves until the director's successor has qualified after the
24 November 2020 election.

25 (c) At the first meeting of the board of directors of the
26 Bell County Water Control and Improvement District No. 1 that
27 follows the election held under Subsection (a) of this section, the

1 directors shall draw lots to determine which four directors serve a
2 term of four years and which three directors serve a term of two
3 years.

4 SECTION 6. (a) The legal notice of the intention to
5 introduce this Act, setting forth the general substance of this
6 Act, has been published as provided by law, and the notice and a
7 copy of this Act have been furnished to all persons, agencies,
8 officials, or entities to which they are required to be furnished
9 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
10 Government Code.

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

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

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

22 SECTION 7. This Act takes effect September 1, 2019.

KILLEEN DAILY HERALD

Serving The Growing Central Texas Area

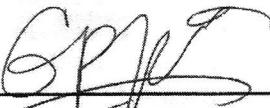
PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS

COUNTY OF BELL

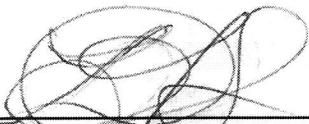
Personally appeared before the undersigned authority

Gertrude Peacock who being sworn says that the attached ad for: **BELL COUNTY WCID 1** published in the Killeen Daily Herald on the following dates to-wit: **JANUARY 30, 2019** at a cost of \$107.80.



Advertising Representative

Subscribed and sworn before me on JANUARY 30, 2019.



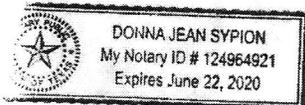
Notary Public, Bell, Texas

Legal Notices

NOTICE OF INTENTION TO INTRODUCE A BILL IN THE LEGISLATURE OF TEXAS

Notice is hereby given of the intention to introduce in the Regular Session of the 86th Legislature of Texas a bill relating to 1) amending the boundaries of Bell County Water Control and Improvement District No. 1 (the "District") 2) the manner by which the directors of the board of the District are elected, and 3) the terms of directors. This notice is provided pursuant to Article 3, Section 57 and Article 16, Section 59(d) of the Texas Constitution. For more information regarding the proposed bill, contact Clark Stockton Lord at 713.221.1202.

(Legal Notice published in the Killeen Daily Herald on January 30, 2019.)



THE STATE OF TEXAS
COUNTY OF CORYELL

Before me, the undersigned authority, on this date, personally appeared Debbie Day, known to me, being by me duly sworn, on her oath deposes and says that she is the publisher of THE GATESVILLE MESSENGER & STAR FORUM, a newspaper in said county; and that a copy of the hereunto attached notice was printed in said newspaper on the following dates:

Jan. 30, 2019

Debbie Day
Debbie Day

Sworn to and subscribed before me, this 1 day of Feb., A.D., 2019

Janice L. Holden

Janice LeeAnn Holden
Gatesville, Coryell County, Texas

