

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) 2460, as Filed by Senator Brandon Creighton - Relating to the creation of the Wood Trace Water Control and Improvement District of Montgomery County, Texas; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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.

Sincerely,

A handwritten signature in cursive script that reads "Cari-Michel La Caille".

Cari-Michel La Caille, Director  
Water Supply Division

cc: Honorable Eddie Lucio, Jr., Chairman, Senate Intergovernmental Relations Committee  
Senator Brandon Creighton, Texas Senate

Enclosure

**SB 2460, as Filed by Senator Brandon Creighton  
Texas Commission on Environmental Quality's Comments**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

This bill creates Wood Trace Water Control and Improvement District of Montgomery County, Texas (District) with the powers and duties of a standard water control and improvement district under Water Code Chapters 49 and 51.

**Comments on Powers/Duties Different from Similar Types of Districts:**

The District must receive consent to the creation of the District from each municipality in whose corporate limits or extraterritorial jurisdiction the District is located prior to holding a confirmation election; the bill requires the TCEQ to appoint the five initial temporary directors upon receipt of a petition from the owners of a majority of the assessed value of the real property in the District; the bill grants the District authority for road projects; the District may not exercise the power of eminent domain outside the District to acquire a site or easement for a recreational facility as defined by Section 49.462, Water Code or a road project; the bill specifies that 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 real property in the District; the District may develop recreational facilities and issue bonds for recreational facilities regardless of whether the District's territory overlaps with the territory of a political subdivision that is authorized to develop recreational facilities and issue bonds for recreational facilities; the authority of the District does not limit the authority of another political subdivision whose territory the territory of the District may overlap to develop recreational facilities and issue bonds for recreational facilities; and if the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain.

**Overlapping Services:** TCEQ does not have mapping information for water and/or wastewater providers because this function was transferred from the TCEQ to the Public Utility Commission on September 1, 2014. As a

result, TCEQ is unaware of possible overlapping service providers.

**TCEQ's Supervision:** As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.



AFFIDAVIT OF PUBLICATION

STATE OF TEXAS:

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared, the Newspaper Representative at the HOUSTON CHRONICLE, a daily newspaper published in Harris County, Texas, and generally circulated in the Counties of: HARRIS, TRINITY, WALKER, GRIMES, POLK, SAN JACINTO, WASHINGTON, MONTGOMERY, LIBERTY, AUSTIN, WALLER, CHAMBERS, COLORADO, BRAZORIA, FORT BEND, GALVESTON, WHARTON, JACKSON, and MATAGORDA and that the publication, of which the annexed herein, or attached to, is a true and correct copy, was published to-wit:

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*Victoria Bond & R Clark*

NEWSPAPER REPRESENTATIVE

Sworn and subscribed to before me, this 18th Day of January A.D. 2019



*Veronica M. Tyrone*

Notary Public in and for the State of Texas

**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 creating and establishing a special district consisting of approximately 490 acres and located within the B.B.B. & C.R.R. Survey, Abstract Nos. 110 and 111, and the E.R. Hale Survey, Abstract No. 264, and wholly within Montgomery County, Texas, to be known as the Wood Trace Water Control and Improvement District of Montgomery County, Texas, under the provisions of Article 16, Section 59 of the Constitution of Texas and pursuant to the inherent power of the Legislature to create special governmental agencies and districts, with powers including those given to water control and improvement districts operating pursuant to Chapters 49 and 51, Texas Water Code, and including road powers under Article III, Section 52 of the Constitution of Texas. The bill will provide for the district's administration, powers, name, duties, operation, and financing. If you would like a full copy of the legal description of the property to be included in the district, please call Julie Kime at (713) 623-4531.