

BILL ANALYSIS

S.B. 239
By: Nelson
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the transparency and accessibility of certain special district meetings. S.B. 239 seeks to address these concerns by setting out requirements for the meetings of certain special districts.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 239 amends the Water Code to revise the requirement for the boards of certain water districts to designate a meeting place and hold meetings within the district on written request of at least five applicable electors by removing the condition that the board do so if it determines that the meeting place used by the district deprives the residents of a reasonable opportunity to attend district meetings and by increasing from 25 to 50 the minimum number of qualified electors that must be residing in the district to trigger that requirement. The bill authorizes a board, if no suitable meeting place exists inside the district, to designate a meeting place outside the district that is located not further than 10 miles from the boundary of the district. The bill requires a board, if it establishes a meeting place or places outside the district, to give a justification of why the meeting will not be held in the district or within 10 miles of the boundary of the district, if applicable, with the Texas Commission on Environmental Quality (TCEQ). The bill replaces the authorization for TCEQ, if it determines on petition that the meeting place used by a district deprives the residents of a reasonable opportunity to attend district meetings, to designate a meeting place inside or outside the district which is reasonably available to the public and require that the meeting be held at such place with a requirement for TCEQ to do so. The bill requires TCEQ to make the determination not later than the 60th day after the date TCEQ receives the petition. The bill requires TCEQ to provide information on the TCEQ website on the process for designation by TCEQ of a meeting place by petition and a form that may be used to request that TCEQ make the designation with submission instructions.

S.B. 239 removes an authorization for a board to designate different meeting places, including one located outside the boundaries of the district, after the next election. The bill authorizes a board, after holding a meeting at a designated place, to hold a hearing on the designation of a different meeting place, including a meeting place outside of the district. The bill authorizes the

board to hold meetings at the designated meeting place if, at the hearing, the board determines that the new meeting place is beneficial to the district and will not deprive district residents of a reasonable opportunity to attend meetings. The bill prohibits the board from holding meetings at a meeting place outside the district or further than 10 miles from the boundaries of the district if the board receives a qualifying petition for TCEQ to designate a location.

S.B. 239 requires certain water districts providing potable water or sewer service to include on a district's bill to a customer, as a part of the district's billing process, a certain statement providing direction to the reader for more information about the district.

S.B. 239 amends the Government Code to require the Special Purpose District Public Information Database maintained by the comptroller of public accounts to include for each applicable district a link to the website on which TCEQ provides information on the meeting place designation process, along with a plain language description of how a resident may petition to require that board meetings of certain special purpose districts be held not further than 10 miles from the boundary of the district.

S.B. 239 requires a water control and improvement district, fresh water supply district, municipal utility district, or water improvement district that has a population of 500 or more, on written request of a district resident made to the district not later than the third day before a public hearing to consider the adoption of a property tax rate, to make an audio recording of reasonable quality of the hearing, provide the recording to the resident in an electronic format not later than the fifth business day after the date of the hearing, and maintain a copy of the recording for at least one year after the date of the hearing. The bill requires such a district to post the minutes of the meeting of the governing body to the district's website if the district maintains a website.

EFFECTIVE DATE

September 1, 2019.