

By: Zerwas

H.B. No. 3095

A BILL TO BE ENTITLED

AN ACT

relating to the board of directors and powers and duties of the Fort Bend County Municipal Utility District No. 214; providing authority to issue bonds; providing authority to impose fees and taxes.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8060 to read as follows:

CHAPTER 8060. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 214

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8060.0101. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Fort Bend County Municipal Utility District No. 214.

Sec. 8060.0102. NATURE AND PURPOSES OF DISTRICT. (a) The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation,

1 or maintenance of macadamized, graveled, or paved roads, or  
2 improvements, including storm drainage, in aid of those roads.

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 8060.0201. GOVERNING BODY; TERMS. (a) The district is  
5 governed by a board of five elected directors.

6 (b) Except as provided by Section 8060.0202, directors  
7 serve staggered four-year terms.

8 Sec. 8060.0202. TEMPORARY DIRECTORS. (a) The temporary  
9 board consists of:

10 (1) Scott Frasier;

11 (2) Paul Cornett;

12 (3) Monica Preston;

13 (4) Barbara Jo D'Andrea; and

14 (5) Rebecca Mulvaney.

15 (b) Temporary directors serve until the earlier of:

16 (1) the date permanent directors are elected at an  
17 election held under Section 49.102, Water Code; or

18 (2) the fourth anniversary of the effective date of  
19 the Act enacting this chapter.

20 (c) If permanent directors have not been elected at an  
21 election held under Section 49.102, Water Code, and the terms of the  
22 temporary directors have expired, successor temporary directors  
23 shall be appointed or reappointed as provided by Subsection (d) to  
24 serve terms that expire on the earlier of:

25 (1) the date permanent directors are elected at an  
26 election held under Section 49.102, Water Code; or

27 (2) the fourth anniversary of the date of the

1 appointment or reappointment.

2 (d) If Subsection (c) applies, the owner or owners of a  
3 majority of the assessed value of the real property in the district  
4 may submit a petition to the commission requesting that the  
5 commission appoint as successor temporary directors the five  
6 persons named in the petition. The commission shall appoint as  
7 successor temporary directors the five persons named in the  
8 petition.

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8060.0301. GENERAL POWERS AND DUTIES. The district  
11 has the powers and duties necessary to accomplish the purposes for  
12 which the district is created.

13 Sec. 8060.0302. MUNICIPAL UTILITY DISTRICT POWERS AND  
14 DUTIES. The district has the powers and duties provided by the  
15 general law of this state, including Chapters 49 and 54, Water Code,  
16 applicable to municipal utility districts created under Section 59,  
17 Article XVI, Texas Constitution.

18 Sec. 8060.0303. AUTHORITY FOR ROAD PROJECTS. Under Section  
19 52, Article III, Texas Constitution, the district may design,  
20 acquire, construct, finance, issue bonds for, improve, operate,  
21 maintain, and convey to this state, a county, or a municipality for  
22 operation and maintenance macadamized, graveled, or paved roads, or  
23 improvements, including storm drainage, in aid of those roads.

24 Sec. 8060.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A  
25 road project must meet all applicable construction standards,  
26 zoning and subdivision requirements, and regulations of each  
27 municipality in whose corporate limits or extraterritorial

1 jurisdiction the road project is located.

2 (b) If a road project is not located in the corporate limits  
3 or extraterritorial jurisdiction of a municipality, the road  
4 project must meet all applicable construction standards,  
5 subdivision requirements, and regulations of each county in which  
6 the road project is located.

7 (c) If the state will maintain and operate the road, the  
8 Texas Transportation Commission must approve the plans and  
9 specifications of the road project.

10 SUBCHAPTER D. BONDS AND OTHER OBLIGATIONS

11 Sec. 8060.0401. AUTHORITY TO ISSUE BONDS AND OTHER  
12 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or  
13 other obligations payable wholly or partly from ad valorem taxes,  
14 impact fees, revenue, contract payments, grants, or other district  
15 money, or any combination of those sources, to pay for a road  
16 project authorized by Section 8060.0303.

17 (b) The district may not issue bonds payable from ad valorem  
18 taxes to finance a road project unless the issuance is approved by a  
19 vote of a two-thirds majority of the district voters voting at an  
20 election held for that purpose.

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

26 Sec. 8060.0402. TAXES FOR BONDS. At the time the district  
27 issues bonds payable wholly or partly from ad valorem taxes, the

1 board shall provide for the annual imposition of a continuing  
2 direct ad valorem tax, without limit as to rate or amount, while all  
3 or part of the bonds are outstanding as required and in the manner  
4 provided by Sections 54.601 and 54.602, Water Code.

5 SECTION 2. The Fort Bend County Municipal Utility District  
6 No. 214 retains all the rights, powers, privileges, authority,  
7 duties, and functions that it had before the effective date of this  
8 Act.

9 SECTION 3. (a) The legislature validates and confirms all  
10 governmental acts and proceedings of the Fort Bend County Municipal  
11 Utility District No. 214 that were taken before the effective date  
12 of this Act.

13 (b) This section does not apply to any matter that on the  
14 effective date of this Act:

15 (1) is involved in litigation if the litigation  
16 ultimately results in the matter being held invalid by a final court  
17 judgment; or

18 (2) has been held invalid by a final court judgment.

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

26 (b) The governor, one of the required recipients, has  
27 submitted the notice and Act to the Texas Commission on

1 Environmental Quality.

2 (c) The Texas Commission on Environmental Quality has filed  
3 its recommendations relating to this Act with the governor, the  
4 lieutenant governor, and the speaker of the house of  
5 representatives within the required time.

6 (d) All requirements of the constitution and laws of this  
7 state and the rules and procedures of the legislature with respect  
8 to the notice, introduction, and passage of this Act are fulfilled  
9 and accomplished.

10 SECTION 5. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2019.