

By: Nelson

S.B. No. 239

A BILL TO BE ENTITLED

AN ACT

relating to meetings for certain special purpose districts.

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

SECTION 1. Section 403.0241(c), Government Code, is amended to read as follows:

(c) For each special purpose district described by Subsection (b), the database must include:

(1) the name of the special purpose district;

(2) the name of each board member of the special purpose district;

(3) contact information for the main office of the special purpose district, including the physical address, the mailing address, and the main telephone number;

(4) if the special purpose district employs a person as a general manager or executive director, or in another position to perform duties or functions comparable to those of a general manager or executive director, the name of the employee;

(5) if the special purpose district contracts with a utility operator, contact information for a person representing the utility operator, including a mailing address and a telephone number;

(6) if the special purpose district contracts with a tax assessor-collector, contact information for a person representing the tax assessor-collector, including a mailing

1 address and telephone number;

2 (7) the special purpose district's Internet website
3 address, if any;

4 (8) the information the special purpose district is
5 required to report under Section 140.008(b) or (g), Local
6 Government Code, including any revenue obligations;

7 (9) the total amount of bonds authorized by the voters
8 of the special purpose district that are payable wholly or partly
9 from ad valorem taxes, excluding refunding bonds if refunding bonds
10 were separately authorized and excluding contract revenue bonds;

11 (10) the aggregate initial principal amount of all
12 bonds issued by the special purpose district that are payable
13 wholly or partly from ad valorem taxes, excluding refunding bonds
14 and contract revenue bonds;

15 (11) the rate of any sales and use tax the special
16 purpose district imposes; ~~and~~

17 (12) for a special purpose district that imposes an ad
18 valorem tax:

19 (A) the ad valorem tax rate for the most recent
20 tax year if the district is a district as defined by Section 49.001,
21 Water Code; or

22 (B) the table of ad valorem tax rates for the most
23 recent tax year described by Section 26.16, Tax Code, in the form
24 required by that section, if the district is not a district as
25 defined by Section 49.001, Water Code; and

26 (13) a link to the Internet website described by
27 Section 49.062(g), Water Code, with a plain-language description of

1 how a resident may petition to require that board meetings of
2 certain special purpose districts be held not further than 10 miles
3 from the boundary of the district.

4 SECTION 2. Subchapter F, Chapter 551, Government Code, is
5 amended by adding Section 551.1283 to read as follows:

6 Sec. 551.1283. GOVERNING BODY OF CERTAIN WATER DISTRICTS:
7 INTERNET POSTING OF MEETING MATERIALS; RECORDING OF CERTAIN
8 HEARINGS. (a) This section only applies to a special purpose
9 district subject to Chapter 51, 53, 54, or 55, Water Code, that has
10 a population of 500 or more.

11 (b) On written request of a district resident made to the
12 district not later than the third day before a public hearing to
13 consider the adoption of an ad valorem tax rate, the district shall
14 make an audio recording of reasonable quality of the hearing and
15 provide the recording to the resident in an electronic format not
16 later than the fifth business day after the date of the hearing.
17 The district shall maintain a copy of the recording for at least one
18 year after the date of the hearing.

19 (c) A district shall post the minutes of the meeting of the
20 governing body to the district's Internet website if the district
21 maintains an Internet website.

22 SECTION 3. Section 49.062, Water Code, is amended by
23 amending Subsections (b) and (c) and adding Subsections (c-1), (e),
24 (f), and (g) to read as follows:

25 (b) The board shall designate one or more places inside or
26 outside the district for conducting the meetings of the board. The
27 meeting place may be a private residence or office, provided that

1 the board, in its order establishing the meeting place, declares
2 the same to be a public place and invites the public to attend any
3 meeting of the board. If the board establishes a meeting place or
4 places outside the district, it shall give notice of the location or
5 locations by filing a true copy of the resolution establishing the
6 location or locations of the meeting place or places and a
7 justification of why the meeting will not be held in the district or
8 within 10 miles of the boundary of the district, if applicable, with
9 the commission and also by publishing notice of the location or
10 locations in a newspaper of general circulation in the district. If
11 the location of any of the meeting places outside the district is
12 changed, notice of the change shall be given in the same manner.

13 (c) After at least 50 [~~25~~] qualified electors are residing
14 in a district, on written request of at least five of those
15 electors, the board shall designate a meeting place and hold
16 meetings within the district. If no suitable meeting place exists
17 inside the district, the board may designate a meeting place
18 outside the district that is located not further than 10 miles from
19 the boundary of the district [~~if it determines that the meeting~~
20 ~~place used by the district deprives the residents of a reasonable~~
21 ~~opportunity to attend district meetings].~~

22 (c-1) On the failure, after a request is made under
23 Subsection (c), of the board to designate the location of the
24 meeting place within the district or not further than 10 miles from
25 the boundary of the district, five electors may petition the
26 commission to designate a location. If it determines that the
27 meeting place used by the district deprives the residents of a

1 reasonable opportunity to attend district meetings, the commission
2 shall [~~may~~] designate a meeting place inside or outside the
3 district which is reasonably available to the public and require
4 that the meetings be held at such place. [~~After the next election,~~
5 ~~the board may designate different meeting places, including one~~
6 ~~located outside the boundaries of the district.~~]

7 (e) After holding a meeting at a place designated under
8 Subsection (c) or (c-1), the board may hold a hearing on the
9 designation of a different meeting place, including a meeting place
10 outside of the district. The board may hold meetings at the
11 designated meeting place if, at the hearing, the board determines
12 that the new meeting place is beneficial to the district and will
13 not deprive the residents of the district of a reasonable
14 opportunity to attend meetings. The board may not hold meetings at
15 a meeting place outside the district or further than 10 miles from
16 the boundaries of the district if the board receives a petition
17 under Subsection (c-1).

18 (f) The commission shall make a determination under
19 Subsection (c-1) not later than the 60th day after the date the
20 commission receives the petition.

21 (g) The commission shall provide information on the
22 commission's Internet website on the process for designation by the
23 commission of a meeting place under Subsection (c-1) and a form that
24 may be used to request that the commission make the designation with
25 submission instructions.

26 SECTION 4. Subchapter C, Chapter 49, Water Code, is amended
27 by adding Section 49.0631 to read as follows:

1 Sec. 49.0631. MEETING INFORMATION ON WATER BILL. A
2 district providing potable water or sewer service shall as a part of
3 the district's billing process include on a district's bill to a
4 customer the following statement: "For more information about the
5 district, including information about the district's board and
6 board meetings, please go to the Comptroller's Special Purpose
7 District Public Information Database or (district's Internet
8 website if the district maintains an Internet website)." The
9 statement may be altered to provide the current Internet website
10 address of either the database created under Section [403.0241](#),
11 Government Code, or the district.

12 SECTION 5. The changes in law made by this Act apply only to
13 an open meeting held on or after the effective date of this Act. An
14 open meeting that is held before the effective date of this Act is
15 governed by the law in effect on the date of the open meeting, and
16 the former law is continued in effect for that purpose.

17 SECTION 6. This Act takes effect September 1, 2019.