

By: Fallon

S.B. No. 2535

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Lakehaven Municipal Utility District; providing authority to issue bonds; providing authority to impose a tax.

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 8093 to read as follows:

CHAPTER 8093. LAKEHAVEN MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8093.0101. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Farmersville, Texas.

(3) "District" means the Lakehaven Municipal Utility District.

Sec. 8093.0102. 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, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

1 SUBCHAPTER B. POWERS AND DUTIES

2 Sec. 8093.0201. GENERAL POWERS AND DUTIES. The district
3 has the powers and duties necessary to accomplish the purposes for
4 which the district is created.

5 Sec. 8093.0202. MUNICIPAL UTILITY DISTRICT POWERS AND
6 DUTIES. The district has the powers and duties provided by the
7 general law of this state, including Chapters 49 and 54, Water Code,
8 applicable to municipal utility districts created under Section 59,
9 Article XVI, Texas Constitution.

10 Sec. 8093.0203. AUTHORITY FOR ROAD PROJECTS. Under Section
11 52, Article III, Texas Constitution, the district may design,
12 acquire, construct, finance, issue bonds for, improve, operate,
13 maintain, and convey to this state, a county, or a municipality for
14 operation and maintenance macadamized, graveled, or paved roads, or
15 improvements, including storm drainage, in aid of those roads.

16 Sec. 8093.0204. ROAD STANDARDS AND REQUIREMENTS. (a) A
17 road project must meet all applicable construction standards and
18 regulations of each municipality in whose corporate limits or
19 extraterritorial jurisdiction the road project is located.

20 (b) If a road project is not located in the corporate limits
21 or extraterritorial jurisdiction of a municipality, the road
22 project must meet all applicable construction standards and
23 regulations of each county in which the road project is located.

24 (c) If the state will maintain and operate the road, the
25 Texas Transportation Commission must approve the plans and
26 specifications of the road project.

27 Sec. 8093.0205. ANIMAL CONTROL SERVICES. The district may:

1 (1) enforce in the district animal control ordinances
2 adopted by the city; and

3 (2) contract with the city to enforce an animal
4 control ordinance adopted by the city in the same manner as the
5 ordinance is enforced in the corporate limits of the city.

6 SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

7 Sec. 8093.0301. AUTHORITY TO ISSUE BONDS AND OTHER
8 OBLIGATIONS FOR ROAD PROJECTS. (a) Except as provided by Section
9 8093.0303, the district may issue bonds or other obligations
10 payable wholly or partly from ad valorem taxes, revenue, contract
11 payments, grants, or other district money, or any combination of
12 those sources, to pay for a road project authorized by Section
13 8093.0203.

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

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

23 Sec. 8093.0302. TAXES FOR BONDS. At the time the district
24 issues bonds payable wholly or partly from ad valorem taxes, the
25 board shall provide for the annual imposition of a continuing
26 direct ad valorem tax, without limit as to rate or amount, while all
27 or part of the bonds are outstanding.

1 Sec. 8093.0303. CONDITION PRECEDENT TO ISSUING BONDS OR
2 OTHER OBLIGATIONS. (a) The district may not issue bonds or other
3 obligations under this subchapter unless the district has entered
4 into a contract with the city, Collin County, or another entity:

5 (1) for adequate supplemental police, fire,
6 emergency, and animal control services for the district; and

7 (2) that is approved by the Commissioners Court of
8 Collin County under Subsection (c).

9 (b) A contract under Subsection (a) may include a provision
10 that the contract takes effect only on the approval of the
11 Commissioners Court of Collin County and the voters in the district
12 voting in an election held for that purpose.

13 (c) The Commissioners Court of Collin County shall review a
14 contract under Subsection (a) and evaluate the supplemental police,
15 fire, emergency, and animal control services provided in the
16 contract. If the commissioners court determines that the contract
17 provides adequate services, the commissioners court shall adopt a
18 resolution stating that the contract has met the requirements of
19 Subsection (a).

20 SUBCHAPTER D. CITY PERMITTING AUTHORITY IN DISTRICT

21 Sec. 8093.0401. CITY AUTHORITY. (a) The city has
22 exclusive authority in the district to issue all building permits,
23 certificates of occupancy, and any certificate or permit issued by
24 the city relating to business activities.

25 (b) A fee for a permit or certificate issued by the city for
26 use in the district may not exceed the fees charged for the same
27 permit or certificate issued for use in the corporate limits of the

1 city.

2 (c) A permit or certificate issued by the city for use in the
3 district is subject to the terms of a development agreement made
4 under Section 212.172, Local Government Code.

5 SECTION 2. The Lakehaven Municipal Utility District retains
6 all the rights, powers, privileges, authority, duties, and
7 functions that it had before the effective date of this Act.

8 SECTION 3. (a) The legal notice of the intention to
9 introduce this Act, setting forth the general substance of this
10 Act, has been published as provided by law, and the notice and a
11 copy of this Act have been furnished to all persons, agencies,
12 officials, or entities to which they are required to be furnished
13 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
14 Government Code.

15 (b) The governor, one of the required recipients, has
16 submitted the notice and Act to the Texas Commission on
17 Environmental Quality.

18 (c) The Texas Commission on Environmental Quality has filed
19 its recommendations relating to this Act with the governor, the
20 lieutenant governor, and the speaker of the house of
21 representatives within the required time.

22 (d) All requirements of the constitution and laws of this
23 state and the rules and procedures of the legislature with respect
24 to the notice, introduction, and passage of this Act are fulfilled
25 and accomplished.

26 SECTION 4. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2019.