

1-1 By: Springer S.B. No. 2258  
 1-2 (In the Senate - Filed May 13, 2021; May 14, 2021, read  
 1-3 first time and referred to Committee on Local Government;  
 1-4 May 19, 2021, reported favorably by the following vote: Yeas 9,  
 1-5 Nays 0; May 19, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the creation of the Clear Sky Municipal Utility  
 1-20 District of Denton County; granting a limited power of eminent  
 1-21 domain; providing authority to issue bonds; providing authority to  
 1-22 impose assessments, fees, and taxes.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
 1-25 Code, is amended by adding Chapter 7948A to read as follows:

1-26 CHAPTER 7948A. CLEAR SKY MUNICIPAL UTILITY DISTRICT OF DENTON  
 1-27 COUNTY

1-28 SUBCHAPTER A. GENERAL PROVISIONS

1-29 Sec. 7948A.0101. DEFINITIONS. In this chapter:

1-30 (1) "Board" means the district's board of directors.

1-31 (2) "Commission" means the Texas Commission on  
 1-32 Environmental Quality.

1-33 (3) "Director" means a board member.

1-34 (4) "District" means the Clear Sky Municipal Utility  
 1-35 District of Denton County.

1-36 Sec. 7948A.0102. NATURE OF DISTRICT. The district is a  
 1-37 municipal utility district created under Section 59, Article XVI,  
 1-38 Texas Constitution.

1-39 Sec. 7948A.0103. CONFIRMATION AND DIRECTOR ELECTION  
 1-40 REQUIRED. The temporary directors shall hold an election to  
 1-41 confirm the creation of the district and to elect five permanent  
 1-42 directors as provided by Section 49.102, Water Code.

1-43 Sec. 7948A.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
 1-44 temporary directors may not hold an election under Section  
 1-45 7948A.0103 until each municipality in whose corporate limits or  
 1-46 extraterritorial jurisdiction the district is located has  
 1-47 consented by ordinance or resolution to the creation of the  
 1-48 district and to the inclusion of land in the district.

1-49 Sec. 7948A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-50 (a) The district is created to serve a public purpose and benefit.

1-51 (b) The district is created to accomplish the purposes of:

1-52 (1) a municipal utility district as provided by  
 1-53 general law and Section 59, Article XVI, Texas Constitution; and

1-54 (2) Section 52, Article III, Texas Constitution, that  
 1-55 relate to the construction, acquisition, improvement, operation,  
 1-56 or maintenance of macadamized, graveled, or paved roads, or  
 1-57 improvements, including storm drainage, in aid of those roads.

1-58 Sec. 7948A.0106. INITIAL DISTRICT TERRITORY. (a) The  
 1-59 district is initially composed of the territory described by  
 1-60 Section 2 of the Act enacting this chapter.

1-61 (b) The boundaries and field notes contained in Section 2 of

2-1 the Act enacting this chapter form a closure. A mistake made in the  
2-2 field notes or in copying the field notes in the legislative process  
2-3 does not affect the district's:

- 2-4 (1) organization, existence, or validity;
- 2-5 (2) right to issue any type of bond for the purposes  
2-6 for which the district is created or to pay the principal of and  
2-7 interest on a bond;
- 2-8 (3) right to impose a tax; or
- 2-9 (4) legality or operation.

2-10 SUBCHAPTER B. BOARD OF DIRECTORS

2-11 Sec. 7948A.0201. GOVERNING BODY; TERMS. (a) The district  
2-12 is governed by a board of five elected directors.

2-13 (b) Except as provided by Section 7948A.0202, directors  
2-14 serve staggered four-year terms.

2-15 Sec. 7948A.0202. TEMPORARY DIRECTORS. (a) The temporary  
2-16 board consists of:

- 2-17 (1) Manolo "Manny" Rios;
- 2-18 (2) David "Mike" Boswell;
- 2-19 (3) Ronald Eric Robbins;
- 2-20 (4) Grant Walsh Devlin; and
- 2-21 (5) Demerius "Dee" Seals.

2-22 (b) Temporary directors serve until the earlier of:

- 2-23 (1) the date permanent directors are elected under  
2-24 Section 7948A.0103; or
- 2-25 (2) September 1, 2025.

2-26 (c) If permanent directors have not been elected under  
2-27 Section 7948A.0103 and the terms of the temporary directors have  
2-28 expired, successor temporary directors shall be appointed or  
2-29 reappointed as provided by Subsection (d) to serve terms that  
2-30 expire on the earlier of:

- 2-31 (1) the date permanent directors are elected under  
2-32 Section 7948A.0103; or
- 2-33 (2) the fourth anniversary of the date of the  
2-34 appointment or reappointment.

2-35 (d) If Subsection (c) applies, the owner or owners of a  
2-36 majority of the assessed value of the real property in the district  
2-37 may submit a petition to the commission requesting that the  
2-38 commission appoint as successor temporary directors the five  
2-39 persons named in the petition. The commission shall appoint as  
2-40 successor temporary directors the five persons named in the  
2-41 petition.

2-42 SUBCHAPTER C. POWERS AND DUTIES

2-43 Sec. 7948A.0301. GENERAL POWERS AND DUTIES. The district  
2-44 has the powers and duties necessary to accomplish the purposes for  
2-45 which the district is created.

2-46 Sec. 7948A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND  
2-47 DUTIES. The district has the powers and duties provided by the  
2-48 general law of this state, including Chapters 49 and 54, Water Code,  
2-49 applicable to municipal utility districts created under Section 59,  
2-50 Article XVI, Texas Constitution.

2-51 Sec. 7948A.0303. AUTHORITY FOR ROAD PROJECTS. Under  
2-52 Section 52, Article III, Texas Constitution, the district may  
2-53 design, acquire, construct, finance, issue bonds for, improve,  
2-54 operate, maintain, and convey to this state, a county, or a  
2-55 municipality for operation and maintenance macadamized, graveled,  
2-56 or paved roads, or improvements, including storm drainage, in aid  
2-57 of those roads.

2-58 Sec. 7948A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A  
2-59 road project must meet all applicable construction standards,  
2-60 zoning and subdivision requirements, and regulations of each  
2-61 municipality in whose corporate limits or extraterritorial  
2-62 jurisdiction the road project is located.

2-63 (b) If a road project is not located in the corporate limits  
2-64 or extraterritorial jurisdiction of a municipality, the road  
2-65 project must meet all applicable construction standards,  
2-66 subdivision requirements, and regulations of each county in which  
2-67 the road project is located.

2-68 (c) If the state will maintain and operate the road, the  
2-69 Texas Transportation Commission must approve the plans and

3-1 specifications of the road project.  
 3-2 Sec. 7948A.0305. COMPLIANCE WITH MUNICIPAL CONSENT  
 3-3 ORDINANCE OR RESOLUTION. The district shall comply with all  
 3-4 applicable requirements of any ordinance or resolution that is  
 3-5 adopted under Section 54.016 or 54.0165, Water Code, and that  
 3-6 consents to the creation of the district or to the inclusion of land  
 3-7 in the district.  
 3-8 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS  
 3-9 Sec. 7948A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)  
 3-10 The district may issue, without an election, bonds and other  
 3-11 obligations secured by:  
 3-12 (1) revenue other than ad valorem taxes; or  
 3-13 (2) contract payments described by Section  
 3-14 7948A.0403.  
 3-15 (b) The district must hold an election in the manner  
 3-16 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
 3-17 before the district may impose an ad valorem tax or issue bonds  
 3-18 payable from ad valorem taxes.  
 3-19 (c) The district may not issue bonds payable from ad valorem  
 3-20 taxes to finance a road project unless the issuance is approved by a  
 3-21 vote of a two-thirds majority of the district voters voting at an  
 3-22 election held for that purpose.  
 3-23 Sec. 7948A.0402. OPERATION AND MAINTENANCE TAX. (a) If  
 3-24 authorized at an election held under Section 7948A.0401, the  
 3-25 district may impose an operation and maintenance tax on taxable  
 3-26 property in the district in accordance with Section 49.107, Water  
 3-27 Code.  
 3-28 (b) The board shall determine the tax rate. The rate may not  
 3-29 exceed the rate approved at the election.  
 3-30 Sec. 7948A.0403. CONTRACT TAXES. (a) In accordance with  
 3-31 Section 49.108, Water Code, the district may impose a tax other than  
 3-32 an operation and maintenance tax and use the revenue derived from  
 3-33 the tax to make payments under a contract after the provisions of  
 3-34 the contract have been approved by a majority of the district voters  
 3-35 voting at an election held for that purpose.  
 3-36 (b) A contract approved by the district voters may contain a  
 3-37 provision stating that the contract may be modified or amended by  
 3-38 the board without further voter approval.  
 3-39 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS  
 3-40 Sec. 7948A.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
 3-41 OBLIGATIONS. The district may issue bonds or other obligations  
 3-42 payable wholly or partly from ad valorem taxes, impact fees,  
 3-43 revenue, contract payments, grants, or other district money, or any  
 3-44 combination of those sources, to pay for any authorized district  
 3-45 purpose.  
 3-46 Sec. 7948A.0502. TAXES FOR BONDS. At the time the district  
 3-47 issues bonds payable wholly or partly from ad valorem taxes, the  
 3-48 board shall provide for the annual imposition of a continuing  
 3-49 direct ad valorem tax, without limit as to rate or amount, while all  
 3-50 or part of the bonds are outstanding as required and in the manner  
 3-51 provided by Sections 54.601 and 54.602, Water Code.  
 3-52 Sec. 7948A.0503. BONDS FOR ROAD PROJECTS. At the time of  
 3-53 issuance, the total principal amount of bonds or other obligations  
 3-54 issued or incurred to finance road projects and payable from ad  
 3-55 valorem taxes may not exceed one-fourth of the assessed value of the  
 3-56 real property in the district.  
 3-57 SECTION 2. The Clear Sky Municipal Utility District of  
 3-58 Denton County initially includes all the territory contained in the  
 3-59 following area:  
 3-60 BEING THAT CERTAIN TRACT OF LAND SITUATED IN THE T. CHAMBERS,  
 3-61 ABSTRACT NUMBER 223, AND BEING A PORTION OF A TRACT OF LAND TO  
 3-62 AUBREY 64 NORTH LP, A TEXAS LIMITED PARTNERSHIP, RECORDED IN  
 3-63 INSTRUMENT NUMBER 2020-3173 OF THE OFFICIAL PUBLIC RECORDS OF  
 3-64 DENTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY  
 3-65 METES AND BOUNDS AS FOLLOWS:  
 3-66 BEGINNING AT THE SOUTHEAST CORNER OF SAID AUBREY 64 NORTH TRACT WITH  
 3-67 A CURVE TO THE LEFT, AN ARC DISTANCE OF 62.71 FEET, THROUGH A  
 3-68 CENTRAL ANGLE OF 00° 40' 50", HAVING A RADIUS OF 5,280.00 FEET, AND A  
 3-69 LONG CHORD WHICH BEARS N 88° 15' 25" W, 62.71 FEET;

4-1 THENCE N 88° 35' 50" W, 3237.22 FEET;  
 4-2 THENCE N 01° 32' 58" E, 894.59 FEET;  
 4-3 THENCE S 88° 39' 54" E, 1967.25 FEET;  
 4-4 THENCE S 01° 48' 01" W, 325.45 FEET;  
 4-5 THENCE S 87° 02' 21" E, 447.69 FEET;  
 4-6 THENCE N 89° 38' 44" E, 718.09 FEET;  
 4-7 THENCE S 85° 43' 18" E, 164.97 FEET;  
 4-8 THENCE S 01° 38' 33" W, 65.30 FEET;  
 4-9 THENCE S 01° 13' 27" E, 100.10 FEET;  
 4-10 THENCE S 01° 38' 33" W, 408.13 FEET TO THE POINT OF BEGINNING AND  
 4-11 CONTAINING 2,520,613 SQUARE FEET OR 57.865 ACRES OF LAND MORE OR  
 4-12 LESS.

4-13 SECTION 3. (a) The legal notice of the intention to  
 4-14 introduce this Act, setting forth the general substance of this  
 4-15 Act, has been published as provided by law, and the notice and a  
 4-16 copy of this Act have been furnished to all persons, agencies,  
 4-17 officials, or entities to which they are required to be furnished  
 4-18 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
 4-19 Government Code.

4-20 (b) The governor, one of the required recipients, has  
 4-21 submitted the notice and Act to the Texas Commission on  
 4-22 Environmental Quality.

4-23 (c) The Texas Commission on Environmental Quality has filed  
 4-24 its recommendations relating to this Act with the governor, the  
 4-25 lieutenant governor, and the speaker of the house of  
 4-26 representatives within the required time.

4-27 (d) All requirements of the constitution and laws of this  
 4-28 state and the rules and procedures of the legislature with respect  
 4-29 to the notice, introduction, and passage of this Act are fulfilled  
 4-30 and accomplished.

4-31 SECTION 4. (a) If this Act does not receive a two-thirds  
 4-32 vote of all the members elected to each house, Subchapter C, Chapter  
 4-33 7948A, Special District Local Laws Code, as added by Section 1 of  
 4-34 this Act, is amended by adding Section 7948A.0306 to read as  
 4-35 follows:

4-36 Sec. 7948A.0306. NO EMINENT DOMAIN POWER. The district may  
 4-37 not exercise the power of eminent domain.

4-38 (b) This section is not intended to be an expression of a  
 4-39 legislative interpretation of the requirements of Section 17(c),  
 4-40 Article I, Texas Constitution.

4-41 SECTION 5. This Act takes effect September 1, 2021.

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