

1-1 By: Creighton S.B. No. 2284
1-2 (In the Senate - Filed April 20, 2017; April 24, 2017, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; May 4, 2017, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 May 4, 2017, sent to printer.)

1-7 COMMITTEE VOTE

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

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 2284 By: Bettencourt

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

1-19 relating to the creation of the Harris County Municipal Utility
1-20 District No. 544; granting a limited power of eminent domain;
1-21 providing authority to issue bonds; providing authority to impose
1-22 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 7924 to read as follows:

1-26 CHAPTER 7924. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 544

1-27 SUBCHAPTER A. GENERAL PROVISIONS

1-28 Sec. 7924.001. DEFINITIONS. In this chapter:

1-29 (1) "Board" means the district's board of directors.

1-30 (2) "Commission" means the Texas Commission on
1-31 Environmental Quality.

1-32 (3) "Director" means a board member.

1-33 (4) "District" means the Harris County Municipal
1-34 Utility District No. 544.

1-35 Sec. 7924.002. NATURE OF DISTRICT. The district is a
1-36 municipal utility district created under Section 59, Article XVI,
1-37 Texas Constitution.

1-38 Sec. 7924.003. CONFIRMATION AND DIRECTORS' ELECTION
1-39 REQUIRED. The temporary directors shall hold an election to
1-40 confirm the creation of the district and to elect five permanent
1-41 directors as provided by Section 49.102, Water Code.

1-42 Sec. 7924.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-43 temporary directors may not hold an election under Section 7924.003
1-44 until each municipality in whose corporate limits or
1-45 extraterritorial jurisdiction the district is located has
1-46 consented by ordinance or resolution to the creation of the
1-47 district and to the inclusion of land in the district.

1-48 Sec. 7924.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-49 (a) The district is created to serve a public purpose and benefit.

1-50 (b) The district is created to accomplish the purposes of:

1-51 (1) a municipal utility district as provided by
1-52 general law and Section 59, Article XVI, Texas Constitution; and

1-53 (2) Section 52, Article III, Texas Constitution, that
1-54 relate to the construction, acquisition, improvement, operation,
1-55 or maintenance of macadamized, graveled, or paved roads, or
1-56 improvements, including storm drainage, in aid of those roads.

1-57 Sec. 7924.006. INITIAL DISTRICT TERRITORY. (a) The
1-58 district is initially composed of the territory described by
1-59 Section 2 of the Act enacting this chapter.

1-60 (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. 7924.051. GOVERNING BODY; TERMS. (a) The district is
2-12 governed by a board of five elected directors.

2-13 (b) Except as provided by Section 7924.052, directors serve
2-14 staggered four-year terms.

2-15 Sec. 7924.052. TEMPORARY DIRECTORS. (a) On or after the
2-16 effective date of the Act enacting this chapter, the owner or owners
2-17 of a majority of the assessed value of the real property in the
2-18 district may submit a petition to the commission requesting that
2-19 the commission appoint as temporary directors the five persons
2-20 named in the petition. The commission shall appoint as temporary
2-21 directors the five persons named in the petition.

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

2-23 (1) the date permanent directors are elected under
2-24 Section 7924.003; or

2-25 (2) the fourth anniversary of the effective date of
2-26 the Act enacting this chapter.

2-27 (c) If permanent directors have not been elected under
2-28 Section 7924.003 and the terms of the temporary directors have
2-29 expired, successor temporary directors shall be appointed or
2-30 reappointed as provided by Subsection (d) to serve terms that
2-31 expire on the earlier of:

2-32 (1) the date permanent directors are elected under
2-33 Section 7924.003; or

2-34 (2) the fourth anniversary of the date of the
2-35 appointment or reappointment.

2-36 (d) If Subsection (c) applies, the owner or owners of a
2-37 majority of the assessed value of the real property in the district
2-38 may submit a petition to the commission requesting that the
2-39 commission appoint as successor temporary directors the five
2-40 persons named in the petition. The commission shall appoint as
2-41 successor temporary directors the five persons named in the
2-42 petition.

2-43 SUBCHAPTER C. POWERS AND DUTIES

2-44 Sec. 7924.101. GENERAL POWERS AND DUTIES. The district has
2-45 the powers and duties necessary to accomplish the purposes for
2-46 which the district is created.

2-47 Sec. 7924.102. MUNICIPAL UTILITY DISTRICT POWERS AND
2-48 DUTIES. The district has the powers and duties provided by the
2-49 general law of this state, including Chapters 49 and 54, Water Code,
2-50 applicable to municipal utility districts created under Section 59,
2-51 Article XVI, Texas Constitution.

2-52 Sec. 7924.103. AUTHORITY FOR ROAD PROJECTS. Under Section
2-53 52, Article III, Texas Constitution, the district may design,
2-54 acquire, construct, finance, issue bonds for, improve, operate,
2-55 maintain, and convey to this state, a county, or a municipality for
2-56 operation and maintenance macadamized, graveled, or paved roads, or
2-57 improvements, including storm drainage, in aid of those roads.

2-58 Sec. 7924.104. 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. 7924.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
3-3 OR RESOLUTION. The district shall comply with all applicable
3-4 requirements of any ordinance or resolution that is adopted under
3-5 Section 54.016 or 54.0165, Water Code, and that consents to the
3-6 creation of the district or to the inclusion of land in the
3-7 district.

3-8 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-9 Sec. 7924.151. ELECTIONS REGARDING TAXES OR BONDS.
3-10 (a) The district may issue, without an election, bonds and other
3-11 obligations secured by revenue other than ad valorem taxes.

3-12 (b) The district must hold an election in the manner
3-13 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-14 before the district may impose an ad valorem tax or issue bonds
3-15 payable from ad valorem taxes.

3-16 (c) The district may not issue bonds payable from ad valorem
3-17 taxes to finance a road project unless the issuance is approved by a
3-18 vote of a two-thirds majority of the district voters voting at an
3-19 election held for that purpose.

3-20 Sec. 7924.152. OPERATION AND MAINTENANCE TAX. (a) If
3-21 authorized at an election held under Section 7924.151, the district
3-22 may impose an operation and maintenance tax on taxable property in
3-23 the district in accordance with Section 49.107, Water Code.

3-24 (b) The board shall determine the tax rate. The rate may not
3-25 exceed the rate approved at the election.

3-26 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-27 Sec. 7924.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-28 OBLIGATIONS. The district may issue bonds or other obligations
3-29 payable wholly or partly from ad valorem taxes, impact fees,
3-30 revenue, contract payments, grants, or other district money, or any
3-31 combination of those sources, to pay for any authorized district
3-32 purpose.

3-33 Sec. 7924.202. TAXES FOR BONDS. At the time the district
3-34 issues bonds payable wholly or partly from ad valorem taxes, the
3-35 board shall provide for the annual imposition of a continuing
3-36 direct ad valorem tax, without limit as to rate or amount, while all
3-37 or part of the bonds are outstanding as required and in the manner
3-38 provided by Sections 54.601 and 54.602, Water Code.

3-39 Sec. 7924.203. BONDS FOR ROAD PROJECTS. At the time of
3-40 issuance, the total principal amount of bonds or other obligations
3-41 issued or incurred to finance road projects and payable from ad
3-42 valorem taxes may not exceed one-fourth of the assessed value of the
3-43 real property in the district.

3-44 SECTION 2. The Harris County Municipal Utility District No.
3-45 544 initially includes all the territory contained in the following
3-46 area:

3-47 BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING
3-48 138.03 ACRES OF LAND SITUATED IN THE WILLIAM WHITLOCK SURVEY,
3-49 ABSTRACT NO. 85, HARRIS COUNTY, TEXAS, AND BEING ALL OF A CALLED
3-50 60.288 ACRE TRACT BEING PLATTED AS INDIAN SHORES SECTIONS NINE (9)
3-51 AND TEN (10), UNRECORDED AND A CALLED 77.817 ACRE TRACT RECORDED IN
3-52 VOLUME 1250, PAGE 74 HARRIS COUNTY DEED RECORDS, SAID 138.03 ACRE
3-53 TRACT BEING THE SAME 138.0268 ACRE TRACT AS RECORDED IN H.C.C.F., NO
3-54 W777169 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS,
3-55 AS FOLLOWS TO-WIT:

3-56 Beginning at a 5/8 inch iron rod found in the north line of a
3-57 called 233.8 acre tract as recorded in H.C.C.F. No. Y604056 and
3-58 same being the Southeast corner of lot Four (4), Block Eighteen (18)
3-59 of Indian Shores Section 3, according to the map or plat recorded in
3-60 Volume 131, Page 32 Harris County Map Records (HCMR) and being the
3-61 Southeast corner of the called 60.288 acre tract and the Southeast
3-62 corner and PLACE OF BEGINNING of the tract herein described.

3-63 THENCE NORTH 87 DEGREES 42 MINUTES 19 SECONDS EAST, a
3-64 distance of 2299.67 feet with the north line of the Wheless tract to
3-65 a 1 inch iron pipe found for the Southwest corner Lot 1, Block 8 of
3-66 Rustic Acres Section 2, according to the map or plat recorded in
3-67 Volume 104, Page 809 Block Book for Harris County and being the
3-68 Southeast corner of the called 77.817 acre tract and the Southeast
3-69 corner of this tract herein described.

4-1 THENCE NORTH 17 DEGREES 11 MINUTES 18 SECONDS EAST, a
4-2 distance of 1499.32 feet, (called 1500.55 feet), with the west line
4-3 of said Rustic Acres Section 2 to a 5/8 inch iron rod found at the
4-4 intersection of the south right-of-way of Stoker Road, having a
4-5 right-of-way width of 100 feet, for the Northwest corner of Rustic
4-6 Acres Section 2 and same being the Southwest corner of Indian Shores
4-7 Section 6 according to the map of plat filed in Volume 165, Page 52
4-8 HCMR.

4-9 THENCE NORTH 17 DEGREES 05 MINUTES 22 SECONDS EAST, a
4-10 distance of 644.33 feet with the west line of said Indian Shores
4-11 Section 6 to a 5/8 inch iron rod found in the south line of Lot 2,
4-12 Block 6 of Indian Shores Section One according to the map or plat
4-13 recorded in Volume 119, Page 63 HCMR for the Northwest corner of
4-14 Indian Shores Section 6 and the Northeast corner of this tract
4-15 herein described.

4-16 THENCE FOLLOWING THE SOUTH BOUNDARY OF INDIAN SHORES SECTION
4-17 ONE (1) IN A WESTERLY DIRECTION AS FOLLOWS

4-18 THENCE SOUTH 87 DEGREES 51 MINUTES 26 SECONDS WEST, a
4-19 distance of 181.78 feet to a 5/8 inch iron rod found for an angle
4-20 point.

4-21 THENCE NORTH 84 DEGREES 11 MINUTES 58 SECONDS WEST, a
4-22 distance of 304.97 feet to a 1 inch iron pipe found for an angle
4-23 point,

4-24 THENCE NORTH 73 DEGREES 27 MINUTES 09 SECONDS WEST, a
4-25 distance of 274.25 feet to a 1/4 inch iron rod found for an angle
4-26 point,

4-27 THENCE NORTH 57 DEGREES 45 MINUTES 08 SECONDS WEST, a
4-28 distance of 954.57 feet to a 1 inch iron pipe found for the
4-29 Northeast corner of Lot One (1), Block Four (4) of Indian Shores
4-30 Section Two (2) according to the map or plat recorded in Volume 125,
4-31 Page 6 HCMR for the Northwest corner of this tract.

4-32 THENCE FOLLOWING THE EAST LINE OF SAID INDIAN SHORES SECTION
4-33 TWO (2) AS FOLLOWS:

4-34 THENCE SOUTH 40 DEGREES 25 MINUTES 36 SECONDS WEST, a
4-35 distance of 240.48 feet to a 1/2 inch iron rod found at the
4-36 Intersection with the south right-of-way of Running Bear Trail,
4-37 having a right-of-way width of sixty (60) feet.

4-38 THENCE NORTH 45 DEGREES 58 MINUTES 51 SECONDS WEST, a
4-39 distance of 30.35 feet with the south right-of-way of Running Bear
4-40 Trail to a 3/8 inch iron rod found for the Northeast corner at Lot 1,
4-41 Block 10 of said Section 2,

4-42 THENCE SOUTH 43 DEGREES 23 MINUTES 15 SECONDS WEST, a
4-43 distance of 223.16 feet to a 1/2 inch iron rod found for the
4-44 Southeast corner of said Lot 1, Block 10,

4-45 THENCE NORTH 26 DEGREES 19 MINUTES 19 SECONDS WEST, a
4-46 distance of 28.88 feet to a 1/2 inch iron rod found for the
4-47 Northeast corner of Lot 2, Block 10,

4-48 THENCE SOUTH 71 DEGREES 13 MINUTES 06 SECONDS WEST, a
4-49 distance of 829.60 feet to a 5/8 inch iron rod found for the
4-50 Southwest corner of Lot 11, Block 13, Section 2,

4-51 THENCE SOUTH 18 DEGREES 44 MINUTES 18 SECONDS EAST, a
4-52 distance of 80.01 feet to a 5/8 inch iron rod found for an angle
4-53 point,

4-54 THENCE SOUTH 16 DEGREES 03 MINUTES 16 SECONDS WEST, a
4-55 distance of 523.67 feet to a 1 inch iron bolt found for an angle
4-56 point,

4-57 THENCE SOUTH 20 DEGREES 38 MINUTES 58 SECONDS WEST, a
4-58 distance of 1006.73 feet to a 1/2 inch iron rod found for an angle
4-59 point,

4-60 THENCE SOUTH 64 DEGREES 27 MINUTES 48 SECONDS EAST, a
4-61 distance of 214.94 feet to a 1/2 inch iron rod found for an angle
4-62 point and being the Northeast corner of White Dove Trail, having a
4-63 right-of-way width of sixty (60) feet,

4-64 THENCE SOUTH 22 DEGREES 15 MINUTES 37 SECONDS WEST, a
4-65 distance of 43.07 feet with the east right-of-way of said White Dove
4-66 Trail to a 3/4 inch iron rod found for the Northwest corner of Lot 1,
4-67 Block 17, Indian Shores Section 3,

4-68 THENCE SOUTH 67 DEGREES 59 MINUTES 55 SECONDS EAST, a
4-69 distance of 170.27 feet to a 5/8 inch iron rod found for an angle

5-1 point,
5-2 THENCE SOUTH 22 DEGREES 08 MINUTES 33 SECONDS WEST, a
5-3 distance of 125.02 feet to a 1/2 inch iron rod found for the
5-4 Northeast corner of Silver Moon Trail, having a right-of-way width
5-5 of 60 feet,

5-6 THENCE SOUTH 34 DEGREES 03 MINUTES 33 SECONDS WEST, a
5-7 distance of 293.77 feet to a 5/8 inch iron rod found for the most
5-8 south corner of Lot 5, Block 18, Section 3,

5-9 THENCE SOUTH 43 DEGREES 54 MINUTES 05 SECONDS EAST, a
5-10 distance of 151.12 feet to the PLACE OF BEGINNING and containing
5-11 138.03 acres more or less.

5-12 SECTION 3. (a) The legal notice of the intention to
5-13 introduce this Act, setting forth the general substance of this
5-14 Act, has been published as provided by law, and the notice and a
5-15 copy of this Act have been furnished to all persons, agencies,
5-16 officials, or entities to which they are required to be furnished
5-17 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-18 Government Code.

5-19 (b) The governor, one of the required recipients, has
5-20 submitted the notice and Act to the Texas Commission on
5-21 Environmental Quality.

5-22 (c) The Texas Commission on Environmental Quality has filed
5-23 its recommendations relating to this Act with the governor, the
5-24 lieutenant governor, and the speaker of the house of
5-25 representatives within the required time.

5-26 (d) All requirements of the constitution and laws of this
5-27 state and the rules and procedures of the legislature with respect
5-28 to the notice, introduction, and passage of this Act are fulfilled
5-29 and accomplished.

5-30 SECTION 4. (a) If this Act does not receive a two-thirds
5-31 vote of all the members elected to each house, Subchapter C, Chapter
5-32 7924, Special District Local Laws Code, as added by Section 1 of
5-33 this Act, is amended by adding Section 7924.106 to read as follows:

5-34 Sec. 7924.106. NO EMINENT DOMAIN POWER. The district may
5-35 not exercise the power of eminent domain.

5-36 (b) This section is not intended to be an expression of a
5-37 legislative interpretation of the requirements of Section 17(c),
5-38 Article I, Texas Constitution.

5-39 SECTION 5. This Act takes effect immediately if it receives
5-40 a vote of two-thirds of all the members elected to each house, as
5-41 provided by Section 39, Article III, Texas Constitution. If this
5-42 Act does not receive the vote necessary for immediate effect, this
5-43 Act takes effect September 1, 2017.

5-44 * * * * *