

1-1 By: Calanni (Senate Sponsor - Kolkhorst) H.B. No. 2660
1-2 (In the Senate - Received from the House May 6, 2019;
1-3 May 6, 2019, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 15, 2019, reported favorably by
1-5 the following vote: Yeas 7, Nays 0; May 15, 2019, 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 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the creation of the Richfield Ranch Water Control and
1-18 Improvement District of Harris County, Texas; granting a limited
1-19 power of eminent domain; providing authority to issue bonds;
1-20 providing authority to impose assessments, fees, and taxes.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subtitle I, Title 6, Special District Local Laws
1-23 Code, is amended by adding Chapter 9086 to read as follows:

1-24 CHAPTER 9086. RICHFIELD RANCH WATER CONTROL AND IMPROVEMENT

1-25 DISTRICT OF HARRIS COUNTY, TEXAS

1-26 SUBCHAPTER A. GENERAL PROVISIONS

1-27 Sec. 9086.0101. DEFINITIONS. In this chapter:

1-28 (1) "Board" means the district's board of directors.

1-29 (2) "Commission" means the Texas Commission on
1-30 Environmental Quality.

1-31 (3) "Director" means a board member.

1-32 (4) "District" means the Richfield Ranch Water Control
1-33 and Improvement District of Harris County, Texas.

1-34 Sec. 9086.0102. NATURE OF DISTRICT. The district is a water
1-35 control and improvement district created under Section 59, Article
1-36 XVI, Texas Constitution.

1-37 Sec. 9086.0103. CONFIRMATION AND DIRECTORS' ELECTION
1-38 REQUIRED. The temporary directors shall hold an election to
1-39 confirm the creation of the district and to elect five permanent
1-40 directors as provided by Section 49.102, Water Code.

1-41 Sec. 9086.0104. CONSENT OF MUNICIPALITY REQUIRED. The
1-42 temporary directors may not hold an election under Section
1-43 9086.0103 until each municipality in whose corporate limits or
1-44 extraterritorial jurisdiction the district is located has
1-45 consented by ordinance or resolution to the creation of the
1-46 district and to the inclusion of land in the district.

1-47 Sec. 9086.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-48 (a) The district is created to serve a public purpose and benefit.

1-49 (b) The district is created to accomplish the purposes of:

1-50 (1) a water control and improvement district as
1-51 provided by general law and Section 59, Article XVI, Texas
1-52 Constitution, including the collection, transportation,
1-53 processing, disposal, and control of domestic, industrial, or
1-54 communal waste and the gathering, conducting, diverting, and
1-55 control of local stormwater or other harmful excesses of water; and

1-56 (2) Section 52, Article III, Texas Constitution, that
1-57 relate to the construction, acquisition, improvement, operation,
1-58 or maintenance of macadamized, graveled, or paved roads, or
1-59 improvements, including storm drainage, in aid of those roads.

1-60 Sec. 9086.0106. INITIAL DISTRICT TERRITORY. (a) The
1-61 district is initially composed of the territory described by

2-1 Section 2 of the Act enacting this chapter.

2-2 (b) The boundaries and field notes contained in Section 2 of
 2-3 the Act enacting this chapter form a closure. A mistake made in the
 2-4 field notes or in copying the field notes in the legislative process
 2-5 does not affect the district's:

2-6 (1) organization, existence, or validity;

2-7 (2) right to issue any type of bond for the purposes
 2-8 for which the district is created or to pay the principal of and
 2-9 interest on a bond;

2-10 (3) right to impose a tax; or

2-11 (4) legality or operation.

2-12 SUBCHAPTER B. BOARD OF DIRECTORS

2-13 Sec. 9086.0201. GOVERNING BODY; TERMS. (a) The district is
 2-14 governed by a board of five elected directors.

2-15 (b) Except as provided by Section 9086.0202, directors
 2-16 serve staggered four-year terms.

2-17 Sec. 9086.0202. TEMPORARY DIRECTORS. (a) On or after the
 2-18 effective date of the Act enacting this chapter, the owner or owners
 2-19 of a majority of the assessed value of the real property in the
 2-20 district may submit a petition to the commission requesting that
 2-21 the commission appoint as temporary directors the five persons
 2-22 named in the petition. The commission shall appoint as temporary
 2-23 directors the five persons named in the petition.

2-24 (b) Temporary directors serve until the earlier of:

2-25 (1) the date permanent directors are elected under
 2-26 Section 9086.0103; or

2-27 (2) the fourth anniversary of the effective date of
 2-28 the Act enacting this chapter.

2-29 (c) If permanent directors have not been elected under
 2-30 Section 9086.0103 and the terms of the temporary directors have
 2-31 expired, successor temporary directors shall be appointed or
 2-32 reappointed as provided by Subsection (d) to serve terms that
 2-33 expire on the earlier of:

2-34 (1) the date permanent directors are elected under
 2-35 Section 9086.0103; or

2-36 (2) the fourth anniversary of the date of the
 2-37 appointment or reappointment.

2-38 (d) If Subsection (c) applies, the owner or owners of a
 2-39 majority of the assessed value of the real property in the district
 2-40 may submit a petition to the commission requesting that the
 2-41 commission appoint as successor temporary directors the five
 2-42 persons named in the petition. The commission shall appoint as
 2-43 successor temporary directors the five persons named in the
 2-44 petition.

2-45 SUBCHAPTER C. POWERS AND DUTIES

2-46 Sec. 9086.0301. GENERAL POWERS AND DUTIES. The district
 2-47 has the powers and duties necessary to accomplish the purposes for
 2-48 which the district is created.

2-49 Sec. 9086.0302. WATER CONTROL AND IMPROVEMENT DISTRICT
 2-50 POWERS AND DUTIES. The district has the powers and duties provided
 2-51 by the general law of this state, including Chapters 49 and 51,
 2-52 Water Code, applicable to water control and improvement districts
 2-53 created under Section 59, Article XVI, Texas Constitution, and
 2-54 specifically including the powers and duties authorized under
 2-55 Subchapter H, Chapter 51, Water Code.

2-56 Sec. 9086.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-57 52, Article III, Texas Constitution, the district may design,
 2-58 acquire, construct, finance, issue bonds for, improve, operate,
 2-59 maintain, and convey to this state, a county, or a municipality for
 2-60 operation and maintenance macadamized, graveled, or paved roads, or
 2-61 improvements, including storm drainage, in aid of those roads.

2-62 Sec. 9086.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-63 road project must meet all applicable construction standards,
 2-64 zoning and subdivision requirements, and regulations of each
 2-65 municipality in whose corporate limits or extraterritorial
 2-66 jurisdiction the road project is located.

2-67 (b) If a road project is not located in the corporate limits
 2-68 or extraterritorial jurisdiction of a municipality, the road
 2-69 project must meet all applicable construction standards, zoning and

3-1 subdivision requirements, and regulations of each county in which
 3-2 the road project is located.

3-3 (c) If the state will maintain and operate the road, the
 3-4 Texas Transportation Commission must approve the plans and
 3-5 specifications of the road project.

3-6 Sec. 9086.0305. COMPLIANCE WITH MUNICIPAL CONSENT
 3-7 ORDINANCE OR RESOLUTION. The district shall comply with all
 3-8 applicable requirements of any ordinance or resolution that is
 3-9 adopted under Section 42.042 or 42.0425, Local Government Code, and
 3-10 consents to the creation of the district or to the inclusion of land
 3-11 in the district.

3-12 Sec. 9086.0306. LIMITATION ON USE OF EMINENT DOMAIN. The
 3-13 district may not exercise the power of eminent domain outside the
 3-14 district boundaries to acquire a site or easement for:

3-15 (1) a recreational facility, as defined by Section
 3-16 49.462, Water Code; or

3-17 (2) a road project authorized by Section 9086.0303.

3-18 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-19 Sec. 9086.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
 3-20 The district may issue, without an election, bonds and other
 3-21 obligations secured by:

3-22 (1) revenue other than ad valorem taxes; or

3-23 (2) contract payments described by Section 9086.0403.

3-24 (b) The district must hold an election in the manner
 3-25 provided by Chapters 49 and 51, Water Code, to obtain voter approval
 3-26 before the district may impose an ad valorem tax or issue bonds
 3-27 payable from ad valorem taxes.

3-28 (c) The district may not issue bonds payable from ad valorem
 3-29 taxes to finance a road project unless the issuance is approved by a
 3-30 vote of a two-thirds majority of the district voters voting at an
 3-31 election held for that purpose.

3-32 Sec. 9086.0402. OPERATION AND MAINTENANCE TAX. (a) If
 3-33 authorized at an election held under Section 9086.0401, the
 3-34 district may impose an operation and maintenance tax on taxable
 3-35 property in the district in accordance with Section 49.107, Water
 3-36 Code.

3-37 (b) The board shall determine the tax rate. The rate may not
 3-38 exceed the rate approved at the election.

3-39 Sec. 9086.0403. CONTRACT TAXES. (a) In accordance with
 3-40 Section 49.108, Water Code, the district may impose a tax other than
 3-41 an operation and maintenance tax and use the revenue derived from
 3-42 the tax to make payments under a contract after the provisions of
 3-43 the contract have been approved by a majority of the district voters
 3-44 voting at an election held for that purpose.

3-45 (b) A contract approved by the district voters may contain a
 3-46 provision stating that the contract may be modified or amended by
 3-47 the board without further voter approval.

3-48 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-49 Sec. 9086.0501. AUTHORITY TO ISSUE BONDS AND OTHER
 3-50 OBLIGATIONS. The district may issue bonds or other obligations
 3-51 payable wholly or partly from ad valorem taxes, impact fees,
 3-52 revenue, contract payments, grants, or other district money, or any
 3-53 combination of those sources, to pay for any authorized district
 3-54 purpose.

3-55 Sec. 9086.0502. TAXES FOR BONDS. At the time the district
 3-56 issues bonds payable wholly or partly from ad valorem taxes, the
 3-57 board shall provide for the annual imposition of a continuing
 3-58 direct ad valorem tax, without limit as to rate or amount, while all
 3-59 or part of the bonds are outstanding as required and in the manner
 3-60 provided by Chapter 51, Water Code.

3-61 Sec. 9086.0503. BONDS FOR ROAD PROJECTS. At the time of
 3-62 issuance, the total principal amount of bonds or other obligations
 3-63 issued or incurred to finance road projects and payable from ad
 3-64 valorem taxes may not exceed one-fourth of the assessed value of the
 3-65 real property in the district.

3-66 Sec. 9086.0504. BONDS FOR RECREATIONAL FACILITIES. (a)
 3-67 The district may develop recreational facilities and issue bonds
 3-68 for recreational facilities as provided by Chapter 49, Water Code,
 3-69 regardless of whether the district's territory overlaps with the

4-1 territory of a political subdivision that is authorized to develop
 4-2 recreational facilities and issue bonds for recreational
 4-3 facilities under Chapter 49, Water Code.

4-4 (b) The authority of the district to develop recreational
 4-5 facilities and issue bonds for recreational facilities under this
 4-6 section does not limit the authority of another political
 4-7 subdivision whose territory the territory of the district may
 4-8 overlap, wholly or partly, to develop recreational facilities and
 4-9 issue bonds for recreational facilities under Chapter 49, Water
 4-10 Code.

4-11 SECTION 2. The Richfield Ranch Water Control and
 4-12 Improvement District of Harris County, Texas, initially includes
 4-13 all the territory contained in the following area:

4-14 Being a 514.99 acre tract of land located within the Edward
 4-15 Goodsir Survey, A-285, and the H.T.&B.R.R. Co. Survey, A-402, all
 4-16 in Harris County, Texas; said 514.99 acre tract being a part of a
 4-17 call 2523.670 acre tract of land recorded in Harris County Clerk's
 4-18 File (H.C.C.F.) Number U036618 of the Official Public Records of
 4-19 Real Property of Harris County (O.P.R.R.P.H.C) and all of ten (10)
 4-20 call 0.115 acre tracts of land recorded in Clerks File Numbers
 4-21 V919383, V919382, V919381, V919380, Y493816, V925363,
 4-22 RP-2018-129140, V925362, V925364 and V925366 of the O.P.R.R.P.H.C;
 4-23 said 514.99 acre tract being more particularly described by metes
 4-24 and bounds as follows (all bearings are referenced to the south line
 4-25 of said 2523.670 acre tract);

4-26 Commencing at a 3/4-inch iron rod found at an interior corner
 4-27 of said 2523.670 acre tract and the northeast corner of a call 3.220
 4-28 acre tract of land recorded in Volume 6368, Page 357 of the Harris
 4-29 County Deed Records (H.C.D.R.), and being on the south Right-of-Way
 4-30 (R.O.W.) line of the Union Pacific Railroad (100 feet wide)
 4-31 recorded in Volume 964, Page 88 of the H.C.D.R.;

4-32 Thence, through said 2523.670 acre tract, South 17 degrees 34
 4-33 minutes 16 seconds West, a distance of 450.37 feet to the Point of
 4-34 Beginning of the herein described tract of land, same being on the
 4-35 common line of said 2523.670 acre tract and a call 523.376 acre
 4-36 tract of land recorded in Clerk's File Number H793053 of the
 4-37 O.P.R.R.P.H.C.;

4-38 Thence, through said 2523.670 acre tract. the following five
 4-39 (5) courses:

4-40 1. South 68 degrees 09 minutes 04 seconds East, a
 4-41 distance of 2,829.49 feet;

4-42 2. 1,014.11 feet along the arc of a curve to the right,
 4-43 said curve having a central angle of 05 degrees 50 minutes 03
 4-44 seconds, a radius of 9,959.16 feet and a chord that bears South 00
 4-45 degrees 42 minutes 03 seconds East, a distance of 1,013.67 feet;

4-46 3. South 02 degrees 12 minutes 59 seconds West, a
 4-47 distance of 1,730.52 feet;

4-48 4. 1,477.19 feet along the arc of a curve to the left,
 4-49 said curve having a central angle of 03 degrees 27 minutes 58
 4-50 seconds, a radius of 24,418.32 feet and a chord that bears South 00
 4-51 degrees 29 minutes 00 seconds West, a distance of 1,476.96 feet;

4-52 5. South 01 degrees 14 minutes 59 seconds East, a
 4-53 distance of 2,109.44 feet to the common line of said 2523.670 acre
 4-54 tract and a call 1158.2 acre tract of land recorded in Volume 3131,
 4-55 Page 393 of the H.C.D.R.;

4-56 6. Thence, with said common line, South 88 degrees 00
 4-57 minutes 19 seconds West, a distance of 3,191.76 feet to the
 4-58 southwest corner of said 2523.670 acre tract and the southeast
 4-59 corner of a call 100.228 acre tract of land recorded in Clerk's File
 4-60 Number F333086 of the O.P.R.R.P.H.C.;

4-61 7. Thence, with the west line of said 2523.670 acre
 4-62 tract, the east line of said 100.228 acre tract, the east line of a
 4-63 call 100.228 acre tract of land and a call 40.68 acre tract of land
 4-64 recorded in Clerk's File Number D452281 of the O.P.R.R.P.H.C, the
 4-65 east line of a call 155.64 acre tract of land recorded in Clerk's
 4-66 File Number T055320 of the O.P.R.R.P.H.C., and the east line of
 4-67 aforesaid 523.376 acre tract, North 02 degrees 35 minutes 16
 4-68 seconds West, a distance of 6,474.00 feet;

4-69 8. Thence, continuing with the common line of said

5-1 2523.670 acre tract and said 523.376 acre tract, South 67 degrees 45
5-2 minutes 43 seconds East, a distance of 1,004.43 feet to the
5-3 southeast corner of said 523.376 acre tract;

5-4 9. Thence, continuing with said common line, North 02
5-5 degrees 09 minutes 14 seconds West, a distance of 1,406.52 feet to
5-6 the Point of Beginning and containing 514.99 acres of land.

5-7 SECTION 3. (a) The legal notice of the intention to
5-8 introduce this Act, setting forth the general substance of this
5-9 Act, has been published as provided by law, and the notice and a
5-10 copy of this Act have been furnished to all persons, agencies,
5-11 officials, or entities to which they are required to be furnished
5-12 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-13 Government Code.

5-14 (b) The governor, one of the required recipients, has
5-15 submitted the notice and Act to the Texas Commission on
5-16 Environmental Quality.

5-17 (c) The Texas Commission on Environmental Quality has filed
5-18 its recommendations relating to this Act with the governor, the
5-19 lieutenant governor, and the speaker of the house of
5-20 representatives within the required time.

5-21 (d) All requirements of the constitution and laws of this
5-22 state and the rules and procedures of the legislature with respect
5-23 to the notice, introduction, and passage of this Act are fulfilled
5-24 and accomplished.

5-25 SECTION 4. (a) Section 9086.0306, Special District Local
5-26 Laws Code, as added by Section 1 of this Act, takes effect only if
5-27 this Act receives a two-thirds vote of all the members elected to
5-28 each house.

5-29 (b) If this Act does not receive a two-thirds vote of all the
5-30 members elected to each house, Subchapter C, Chapter 9086, Special
5-31 District Local Laws Code, as added by Section 1 of this Act, is
5-32 amended by adding Section 9086.0306 to read as follows:

5-33 Sec. 9086.0306. NO EMINENT DOMAIN POWER. The district may
5-34 not exercise the power of eminent domain.

5-35 (c) This section is not intended to be an expression of a
5-36 legislative interpretation of the requirements of Section 17(c),
5-37 Article I, Texas Constitution.

5-38 SECTION 5. This Act takes effect immediately if it receives
5-39 a vote of two-thirds of all the members elected to each house, as
5-40 provided by Section 39, Article III, Texas Constitution. If this
5-41 Act does not receive the vote necessary for immediate effect, this
5-42 Act takes effect September 1, 2019.

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