

1-1 By: Stephenson (Senate Sponsor - Huffman) H.B. No. 4660  
1-2 (In the Senate - Received from the House April 29, 2019;  
1-3 April 30, 2019, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 16, 2019, reported favorably by  
1-5 the following vote: Yeas 7, Nays 0; May 16, 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 Fort Bend County Municipal Utility  
1-18 District No. 239; granting a limited power of eminent domain;  
1-19 providing authority to issue bonds; providing authority to impose  
1-20 assessments, fees, and taxes.

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

1-22 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
1-23 Code, is amended by adding Chapter 8080 to read as follows:

1-24 CHAPTER 8080. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 239

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 8080.0101. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the district's board of directors.

1-28 (2) "Commission" means the Texas Commission on  
1-29 Environmental Quality.

1-30 (3) "Director" means a board member.

1-31 (4) "District" means the Fort Bend County Municipal  
1-32 Utility District No. 239.

1-33 Sec. 8080.0102. NATURE OF DISTRICT. The district is a  
1-34 municipal utility district created under Section 59, Article XVI,  
1-35 Texas Constitution.

1-36 Sec. 8080.0103. CONFIRMATION AND DIRECTOR ELECTION  
1-37 REQUIRED. The temporary directors shall hold an election to  
1-38 confirm the creation of the district and to elect five permanent  
1-39 directors as provided by Section 49.102, Water Code.

1-40 Sec. 8080.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
1-41 temporary directors may not hold an election under Section  
1-42 8080.0103 until each municipality in whose corporate limits or  
1-43 extraterritorial jurisdiction the district is located has  
1-44 consented by ordinance or resolution to the creation of the  
1-45 district and to the inclusion of land in the district.

1-46 Sec. 8080.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-47 (a) The district is created to serve a public purpose and benefit.

1-48 (b) The district is created to accomplish the purposes of:

1-49 (1) a municipal utility district as provided by  
1-50 general law and Section 59, Article XVI, Texas Constitution; and

1-51 (2) Section 52, Article III, Texas Constitution, that  
1-52 relate to the construction, acquisition, improvement, operation,  
1-53 or maintenance of macadamized, graveled, or paved roads, or  
1-54 improvements, including storm drainage, in aid of those roads.

1-55 Sec. 8080.0106. INITIAL DISTRICT TERRITORY. (a) The  
1-56 district is initially composed of the territory described by  
1-57 Section 2 of the Act enacting this chapter.

1-58 (b) The boundaries and field notes contained in Section 2 of  
1-59 the Act enacting this chapter form a closure. A mistake made in the  
1-60 field notes or in copying the field notes in the legislative process  
1-61 does not affect the district's:

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

SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 8080.0201. GOVERNING BODY; TERMS. (a) The district is

2-9 governed by a board of five elected directors.

2-10 (b) Except as provided by Section 8080.0202, directors

2-11 serve staggered four-year terms.

2-12 Sec. 8080.0202. TEMPORARY DIRECTORS. (a) The temporary

2-13 board consists of:

- 2-14 (1) Laurence Doherty;
- 2-15 (2) Lindsey Lee;
- 2-16 (3) Ed Best;
- 2-17 (4) Andrew Alvis; and
- 2-18 (5) Caroline Duncan.

2-19 (b) Temporary directors serve until the earlier of:

2-20 (1) the date permanent directors are elected under

2-21 Section 8080.0103; or

2-22 (2) the fourth anniversary of the effective date of

2-23 the Act enacting this chapter.

2-24 (c) If permanent directors have not been elected under

2-25 Section 8080.0103 and the terms of the temporary directors have

2-26 expired, successor temporary directors shall be appointed or

2-27 reappointed as provided by Subsection (d) to serve terms that

2-28 expire on the earlier of:

2-29 (1) the date permanent directors are elected under

2-30 Section 8080.0103; or

2-31 (2) the fourth anniversary of the date of the

2-32 appointment or reappointment.

2-33 (d) If Subsection (c) applies, the owner or owners of a

2-34 majority of the assessed value of the real property in the district

2-35 may submit a petition to the commission requesting that the

2-36 commission appoint as successor temporary directors the five

2-37 persons named in the petition. The commission shall appoint as

2-38 successor temporary directors the five persons named in the

2-39 petition.

SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 8080.0301. GENERAL POWERS AND DUTIES. The district

2-42 has the powers and duties necessary to accomplish the purposes for

2-43 which the district is created.

2-44 Sec. 8080.0302. MUNICIPAL UTILITY DISTRICT POWERS AND

2-45 DUTIES. The district has the powers and duties provided by the

2-46 general law of this state, including Chapters 49 and 54, Water Code,

2-47 applicable to municipal utility districts created under Section 59,

2-48 Article XVI, Texas Constitution.

2-49 Sec. 8080.0303. AUTHORITY FOR ROAD PROJECTS. Under Section

2-50 52, Article III, Texas Constitution, the district may design,

2-51 acquire, construct, finance, issue bonds for, improve, operate,

2-52 maintain, and convey to this state, a county, or a municipality for

2-53 operation and maintenance macadamized, graveled, or paved roads, or

2-54 improvements, including storm drainage, in aid of those roads.

2-55 Sec. 8080.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A

2-56 road project must meet all applicable construction standards,

2-57 zoning and subdivision requirements, and regulations of each

2-58 municipality in whose corporate limits or extraterritorial

2-59 jurisdiction the road project is located.

2-60 (b) If a road project is not located in the corporate limits

2-61 or extraterritorial jurisdiction of a municipality, the road

2-62 project must meet all applicable construction standards,

2-63 subdivision requirements, and regulations of each county in which

2-64 the road project is located.

2-65 (c) If the state will maintain and operate the road, the

2-66 Texas Transportation Commission must approve the plans and

2-67 specifications of the road project.

2-68 Sec. 8080.0305. COMPLIANCE WITH MUNICIPAL CONSENT

2-69 ORDINANCE OR RESOLUTION. The district shall comply with all

3-1 applicable requirements of any ordinance or resolution that is  
 3-2 adopted under Section 54.016 or 54.0165, Water Code, and that  
 3-3 consents to the creation of the district or to the inclusion of land  
 3-4 in the district.

3-5 Sec. 8080.0306. DIVISION OF DISTRICT. (a) The district may  
 3-6 be divided into two or more new districts only if the district:

- 3-7 (1) has never issued any bonds; and
- 3-8 (2) is not imposing ad valorem taxes.

3-9 (b) This chapter applies to any new district created by  
 3-10 division of the district, and a new district has all the powers and  
 3-11 duties of the district.

3-12 (c) A new district created by the division of the district  
 3-13 may not, at the time the new district is created, contain any land  
 3-14 outside the area described by Section 2 of the Act enacting this  
 3-15 chapter.

3-16 (d) The board, on its own motion or on receipt of a petition  
 3-17 signed by the owner or owners of a majority of the assessed value of  
 3-18 the real property in the district, may adopt an order dividing the  
 3-19 district.

3-20 (e) The board may adopt an order dividing the district  
 3-21 before or after the date the board holds an election under Section  
 3-22 8080.0103 to confirm the district's creation.

3-23 (f) An order dividing the district shall:

- 3-24 (1) name each new district;
- 3-25 (2) include the metes and bounds description of the  
 3-26 territory of each new district;
- 3-27 (3) appoint temporary directors for each new district;

3-28 and  
 3-29 (4) provide for the division of assets and liabilities  
 3-30 between the new districts.

3-31 (g) On or before the 30th day after the date of adoption of  
 3-32 an order dividing the district, the district shall file the order  
 3-33 with the commission and record the order in the real property  
 3-34 records of each county in which the district is located.

3-35 (h) A new district created by the division of the district  
 3-36 shall hold a confirmation and directors' election as required by  
 3-37 Section 8080.0103.

3-38 (i) If the creation of the new district is confirmed, the  
 3-39 new district shall provide the election date and results to the  
 3-40 commission.

3-41 (j) A new district created by the division of the district  
 3-42 must hold an election as required by this chapter to obtain voter  
 3-43 approval before the district may impose a maintenance tax or issue  
 3-44 bonds payable wholly or partly from ad valorem taxes.

3-45 (k) Municipal consent to the creation of the district and to  
 3-46 the inclusion of land in the district granted under Section  
 3-47 8080.0104 acts as municipal consent to the creation of any new  
 3-48 district created by the division of the district and to the  
 3-49 inclusion of land in the new district.

3-50 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-51 Sec. 8080.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)  
 3-52 The district may issue, without an election, bonds and other  
 3-53 obligations secured by:

- 3-54 (1) revenue other than ad valorem taxes; or
- 3-55 (2) contract payments described by Section 8080.0403.

3-56 (b) The district must hold an election in the manner  
 3-57 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
 3-58 before the district may impose an ad valorem tax or issue bonds  
 3-59 payable from ad valorem taxes.

3-60 (c) The district may not issue bonds payable from ad valorem  
 3-61 taxes to finance a road project unless the issuance is approved by a  
 3-62 vote of a two-thirds majority of the district voters voting at an  
 3-63 election held for that purpose.

3-64 Sec. 8080.0402. OPERATION AND MAINTENANCE TAX. (a) If  
 3-65 authorized at an election held under Section 8080.0401, the  
 3-66 district may impose an operation and maintenance tax on taxable  
 3-67 property in the district in accordance with Section 49.107, Water  
 3-68 Code.

3-69 (b) The board shall determine the tax rate. The rate may not

4-1 exceed the rate approved at the election.

4-2 Sec. 8080.0403. CONTRACT TAXES. (a) In accordance with  
 4-3 Section 49.108, Water Code, the district may impose a tax other than  
 4-4 an operation and maintenance tax and use the revenue derived from  
 4-5 the tax to make payments under a contract after the provisions of  
 4-6 the contract have been approved by a majority of the district voters  
 4-7 voting at an election held for that purpose.

4-8 (b) A contract approved by the district voters may contain a  
 4-9 provision stating that the contract may be modified or amended by  
 4-10 the board without further voter approval.

4-11 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-12 Sec. 8080.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
 4-13 OBLIGATIONS. The district may issue bonds or other obligations  
 4-14 payable wholly or partly from ad valorem taxes, impact fees,  
 4-15 revenue, contract payments, grants, or other district money, or any  
 4-16 combination of those sources, to pay for any authorized district  
 4-17 purpose.

4-18 Sec. 8080.0502. TAXES FOR BONDS. At the time the district  
 4-19 issues bonds payable wholly or partly from ad valorem taxes, the  
 4-20 board shall provide for the annual imposition of a continuing  
 4-21 direct ad valorem tax, without limit as to rate or amount, while all  
 4-22 or part of the bonds are outstanding as required and in the manner  
 4-23 provided by Sections 54.601 and 54.602, Water Code.

4-24 Sec. 8080.0503. BONDS FOR ROAD PROJECTS. At the time of  
 4-25 issuance, the total principal amount of bonds or other obligations  
 4-26 issued or incurred to finance road projects and payable from ad  
 4-27 valorem taxes may not exceed one-fourth of the assessed value of the  
 4-28 real property in the district.

4-29 SECTION 2. The Fort Bend County Municipal Utility District  
 4-30 No. 239 initially includes all the territory contained in the  
 4-31 following area:

4-32 A Field Note Description of the Mary D. Moore Estate  
 4-33 483.40+/- Acres of Land, being 1/2 of 966.80 Acres of Land, being  
 4-34 out of the original John Lewis Moore call 1001.69 Acre Tract  
 4-35 recorded in Volume 346, Page 290 of the Deed Records of Fort Bend  
 4-36 County, Texas, SAVE & EXCEPT the Todd Doucet call 3.00 Acre Tract  
 4-37 (FBC 2000094613) and Calvin B. Bowers call 8.469 Acres (FBC  
 4-38 2000094615), calculated 966.80 Acres to a line 150 feet Northeast  
 4-39 of and parallel to the centerline of Big Creek, and being in the  
 4-40 W.T. Austin League, Abstract No. 5, Fort Bend County, Texas.

4-41 For Connection Begin at the East corner of said W.T. Austin  
 4-42 League, Abstract No. 5; THENCE, North 45deg. West, along the  
 4-43 centerline of State Farm Market Road No. 762, 9038.4 feet to a  
 4-44 point; THENCE, North 37deg.59' 10" West, 233.5 feet along Ricefield  
 4-45 Road to an angle point; THENCE, North 45deg.02' West, 697.4 feet  
 4-46 along Ricefield Road to a point marking the East corner and place of  
 4-47 beginning for this tract; said corner also marking the East corner  
 4-48 of said original John Lewis Moore call 1001.69 Acre Tract and the  
 4-49 North corner of the Mary D. Moore Estate call 2020.64 Acre Tract  
 4-50 (Volume 346, Page 299; Deed Records);

4-51 THENCE, South 44deg.58' West, along the Northwest line of  
 4-52 said Mary D. Moore Estate call 2020.64 Acre Tract, 5127.85 feet to a  
 4-53 point marking the South corner of this tract;

4-54 THENCE, North 45deg.02' West, 4106.40 feet to a point marking  
 4-55 the West corner of this tract;

4-56 THENCE, North 44deg.58' East, along the centerline of Big  
 4-57 Creek Road, 5127.85 feet to point marking the North corner of this  
 4-58 tract; said corner also marking the North corner of said W.T. Austin  
 4-59 League, Abstract No. 5 and of said call 1001.69 Acre Tract;

4-60 THENCE, South 45deg.02' East, along Ricefield Road, 4106.40  
 4-61 feet to the place of beginning and containing 483.40+/- Acres of  
 4-62 Land.

4-63 SECTION 3. (a) The legal notice of the intention to  
 4-64 introduce this Act, setting forth the general substance of this  
 4-65 Act, has been published as provided by law, and the notice and a  
 4-66 copy of this Act have been furnished to all persons, agencies,  
 4-67 officials, or entities to which they are required to be furnished  
 4-68 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
 4-69 Government Code.

5-1 (b) The governor, one of the required recipients, has  
5-2 submitted the notice and Act to the Texas Commission on  
5-3 Environmental Quality.

5-4 (c) The Texas Commission on Environmental Quality has filed  
5-5 its recommendations relating to this Act with the governor, the  
5-6 lieutenant governor, and the speaker of the house of  
5-7 representatives within the required time.

5-8 (d) All requirements of the constitution and laws of this  
5-9 state and the rules and procedures of the legislature with respect  
5-10 to the notice, introduction, and passage of this Act are fulfilled  
5-11 and accomplished.

5-12 SECTION 4. (a) If this Act does not receive a two-thirds  
5-13 vote of all the members elected to each house, Subchapter C, Chapter  
5-14 8080, Special District Local Laws Code, as added by Section 1 of  
5-15 this Act, is amended by adding Section 8080.0307 to read as follows:

5-16 Sec. 8080.0307. NO EMINENT DOMAIN POWER. The district may  
5-17 not exercise the power of eminent domain.

5-18 (b) This section is not intended to be an expression of a  
5-19 legislative interpretation of the requirements of Section 17(c),  
5-20 Article I, Texas Constitution.

5-21 SECTION 5. This Act takes effect immediately if it receives  
5-22 a vote of two-thirds of all the members elected to each house, as  
5-23 provided by Section 39, Article III, Texas Constitution. If this  
5-24 Act does not receive the vote necessary for immediate effect, this  
5-25 Act takes effect September 1, 2019.

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