

1-1 By: Kolkhorst S.B. No. 2472
1-2 (In the Senate - Filed March 26, 2019; March 27, 2019, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; May 6, 2019, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 6, 2019, 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. 2472 By: Nichols

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

1-19 relating to the creation of the Richfield Ranch Water Control and
1-20 Improvement District of Harris County, Texas; granting a limited
1-21 power of eminent domain; providing authority to issue bonds;
1-22 providing authority to impose assessments, fees, and taxes.

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

1-24 SECTION 1. Subtitle I, Title 6, Special District Local Laws
1-25 Code, is amended by adding Chapter 9086 to read as follows:

1-26 CHAPTER 9086. RICHFIELD RANCH WATER CONTROL AND IMPROVEMENT

1-27 DISTRICT OF HARRIS COUNTY, TEXAS

1-28 SUBCHAPTER A. GENERAL PROVISIONS

1-29 Sec. 9086.0101. 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 Richfield Ranch Water Control
1-35 and Improvement District of Harris County, Texas.

1-36 Sec. 9086.0102. NATURE OF DISTRICT. The district is a water
1-37 control and improvement district created under Section 59, Article
1-38 XVI, Texas Constitution.

1-39 Sec. 9086.0103. CONFIRMATION AND DIRECTORS' 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. 9086.0104. CONSENT OF MUNICIPALITY REQUIRED. The
1-44 temporary directors may not hold an election under Section
1-45 9086.0103 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. 9086.0105. 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 water control and improvement district as
1-53 provided by general law and Section 59, Article XVI, Texas
1-54 Constitution, including the collection, transportation,
1-55 processing, disposal, and control of domestic, industrial, or
1-56 communal waste and the gathering, conducting, diverting, and
1-57 control of local stormwater or other harmful excesses of water; and

1-58 (2) Section 52, Article III, Texas Constitution, that
1-59 relate to the construction, acquisition, improvement, operation,
1-60 or maintenance of macadamized, graveled, or paved roads, or

2-1 improvements, including storm drainage, in aid of those roads.
2-2 Sec. 9086.0106. INITIAL DISTRICT TERRITORY. (a) The
2-3 district is initially composed of the territory described by
2-4 Section 2 of the Act enacting this chapter.

2-5 (b) The boundaries and field notes contained in Section 2 of
2-6 the Act enacting this chapter form a closure. A mistake made in the
2-7 field notes or in copying the field notes in the legislative process
2-8 does not affect the district's:

- 2-9 (1) organization, existence, or validity;
- 2-10 (2) right to issue any type of bond for the purposes
- 2-11 for which the district is created or to pay the principal of and
- 2-12 interest on a bond;
- 2-13 (3) right to impose a tax; or
- 2-14 (4) legality or operation.

2-15 SUBCHAPTER B. BOARD OF DIRECTORS

2-16 Sec. 9086.0201. GOVERNING BODY; TERMS. (a) The district
2-17 is governed by a board of five elected directors.

2-18 (b) Except as provided by Section 9086.0202, directors
2-19 serve staggered four-year terms.

2-20 Sec. 9086.0202. TEMPORARY DIRECTORS. (a) On or after the
2-21 effective date of the Act enacting this chapter, the owner or owners
2-22 of a majority of the assessed value of the real property in the
2-23 district may submit a petition to the commission requesting that
2-24 the commission appoint as temporary directors the five persons
2-25 named in the petition. The commission shall appoint as temporary
2-26 directors the five persons named in the petition.

2-27 (b) Temporary directors serve until the earlier of:

- 2-28 (1) the date permanent directors are elected under
- 2-29 Section 9086.0103; or
- 2-30 (2) the fourth anniversary of the effective date of
- 2-31 the Act enacting this chapter.

2-32 (c) If permanent directors have not been elected under
2-33 Section 9086.0103 and the terms of the temporary directors have
2-34 expired, successor temporary directors shall be appointed or
2-35 reappointed as provided by Subsection (d) to serve terms that
2-36 expire on the earlier of:

- 2-37 (1) the date permanent directors are elected under
- 2-38 Section 9086.0103; or
- 2-39 (2) the fourth anniversary of the date of the
- 2-40 appointment or reappointment.

2-41 (d) If Subsection (c) applies, the owner or owners of a
2-42 majority of the assessed value of the real property in the district
2-43 may submit a petition to the commission requesting that the
2-44 commission appoint as successor temporary directors the five
2-45 persons named in the petition. The commission shall appoint as
2-46 successor temporary directors the five persons named in the
2-47 petition.

2-48 SUBCHAPTER C. POWERS AND DUTIES

2-49 Sec. 9086.0301. GENERAL POWERS AND DUTIES. The district
2-50 has the powers and duties necessary to accomplish the purposes for
2-51 which the district is created.

2-52 Sec. 9086.0302. WATER CONTROL AND IMPROVEMENT DISTRICT
2-53 POWERS AND DUTIES. The district has the powers and duties provided
2-54 by the general law of this state, including Chapters 49 and 51,
2-55 Water Code, applicable to water control and improvement districts
2-56 created under Section 59, Article XVI, Texas Constitution, and
2-57 specifically including the powers and duties authorized under
2-58 Subchapter H, Chapter 51, Water Code.

2-59 Sec. 9086.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
2-60 52, Article III, Texas Constitution, the district may design,
2-61 acquire, construct, finance, issue bonds for, improve, operate,
2-62 maintain, and convey to this state, a county, or a municipality for
2-63 operation and maintenance macadamized, graveled, or paved roads, or
2-64 improvements, including storm drainage, in aid of those roads.

2-65 Sec. 9086.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
2-66 road project must meet all applicable construction standards,
2-67 zoning and subdivision requirements, and regulations of each
2-68 municipality in whose corporate limits or extraterritorial
2-69 jurisdiction the road project is located.

3-1 (b) If a road project is not located in the corporate limits
3-2 or extraterritorial jurisdiction of a municipality, the road
3-3 project must meet all applicable construction standards, zoning and
3-4 subdivision requirements, and regulations of each county in which
3-5 the road project is located.

3-6 (c) If the state will maintain and operate the road, the
3-7 Texas Transportation Commission must approve the plans and
3-8 specifications of the road project.

3-9 Sec. 9086.0305. COMPLIANCE WITH MUNICIPAL CONSENT
3-10 ORDINANCE OR RESOLUTION. The district shall comply with all
3-11 applicable requirements of any ordinance or resolution that is
3-12 adopted under Section 42.042 or 42.0425, Local Government Code, and
3-13 consents to the creation of the district or to the inclusion of land
3-14 in the district.

3-15 Sec. 9086.0306. LIMITATION ON USE OF EMINENT DOMAIN. The
3-16 district may not exercise the power of eminent domain outside the
3-17 district boundaries to acquire a site or easement for:

3-18 (1) a recreational facility, as defined by Section
3-19 49.462, Water Code; or

3-20 (2) a road project authorized by Section 9086.0303.

3-21 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-22 Sec. 9086.0401. ELECTIONS REGARDING TAXES OR BONDS.

3-23 (a) The district may issue, without an election, bonds and other
3-24 obligations secured by:

3-25 (1) revenue other than ad valorem taxes; or

3-26 (2) contract payments described by Section 9086.0403.

3-27 (b) The district must hold an election in the manner
3-28 provided by Chapters 49 and 51, Water Code, to obtain voter approval
3-29 before the district may impose an ad valorem tax or issue bonds
3-30 payable from ad valorem taxes.

3-31 (c) The district may not issue bonds payable from ad valorem
3-32 taxes to finance a road project unless the issuance is approved by a
3-33 vote of a two-thirds majority of the district voters voting at an
3-34 election held for that purpose.

3-35 Sec. 9086.0402. OPERATION AND MAINTENANCE TAX. (a) If
3-36 authorized at an election held under Section 9086.0401, the
3-37 district may impose an operation and maintenance tax on taxable
3-38 property in the district in accordance with Section 49.107, Water
3-39 Code.

3-40 (b) The board shall determine the tax rate. The rate may not
3-41 exceed the rate approved at the election.

3-42 Sec. 9086.0403. CONTRACT TAXES. (a) In accordance with
3-43 Section 49.108, Water Code, the district may impose a tax other than
3-44 an operation and maintenance tax and use the revenue derived from
3-45 the tax to make payments under a contract after the provisions of
3-46 the contract have been approved by a majority of the district voters
3-47 voting at an election held for that purpose.

3-48 (b) A contract approved by the district voters may contain a
3-49 provision stating that the contract may be modified or amended by
3-50 the board without further voter approval.

3-51 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-52 Sec. 9086.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3-53 OBLIGATIONS. The district may issue bonds or other obligations
3-54 payable wholly or partly from ad valorem taxes, impact fees,
3-55 revenue, contract payments, grants, or other district money, or any
3-56 combination of those sources, to pay for any authorized district
3-57 purpose.

3-58 Sec. 9086.0502. TAXES FOR BONDS. At the time the district
3-59 issues bonds payable wholly or partly from ad valorem taxes, the
3-60 board shall provide for the annual imposition of a continuing
3-61 direct ad valorem tax, without limit as to rate or amount, while all
3-62 or part of the bonds are outstanding as required and in the manner
3-63 provided by Chapter 51, Water Code.

3-64 Sec. 9086.0503. BONDS FOR ROAD PROJECTS. At the time of
3-65 issuance, the total principal amount of bonds or other obligations
3-66 issued or incurred to finance road projects and payable from ad
3-67 valorem taxes may not exceed one-fourth of the assessed value of the
3-68 real property in the district.

3-69 Sec. 9086.0504. BONDS FOR RECREATIONAL FACILITIES.

4-1 (a) The district may develop recreational facilities and issue
4-2 bonds for recreational facilities as provided by Chapter 49, Water
4-3 Code, regardless of whether the district's territory overlaps with
4-4 the territory of a political subdivision that is authorized to
4-5 develop recreational facilities and issue bonds for recreational
4-6 facilities under Chapter 49, Water Code.

4-7 (b) The authority of the district to develop recreational
4-8 facilities and issue bonds for recreational facilities under this
4-9 section does not limit the authority of another political
4-10 subdivision whose territory the territory of the district may
4-11 overlap, wholly or partly, to develop recreational facilities and
4-12 issue bonds for recreational facilities under Chapter 49, Water
4-13 Code.

4-14 SECTION 2. The Richfield Ranch Water Control and
4-15 Improvement District of Harris County, Texas, initially includes
4-16 all the territory contained in the following area:

4-17 Being a 514.99 acre tract of land located within the Edward
4-18 Goodsir Survey, A-285, and the H.T.&B.R.R. Co. Survey, A-402, all
4-19 in Harris County, Texas; said 514.99 acre tract being a part of a
4-20 call 2523.670 acre tract of land recorded in Harris County Clerk's
4-21 File (H.C.C.F.) Number U036618 of the Official Public Records of
4-22 Real Property of Harris County (O.P.R.R.P.H.C) and all of ten (10)
4-23 call 0.115 acre tracts of land recorded in Clerks File Numbers
4-24 V919383, V919382, V919381, V919380, Y493816, V925363,
4-25 RP-2018-129140, V925362, V925364 and V925366 of the O.P.R.R.P.H.C;
4-26 said 514.99 acre tract being more particularly described by metes
4-27 and bounds as follows (all bearings are referenced to the south line
4-28 of said 2523.670 acre tract);

4-29 Commencing at a 3/4-inch iron rod found at an interior corner
4-30 of said 2523.670 acre tract and the northeast corner of a call 3.220
4-31 acre tract of land recorded in Volume 6368, Page 357 of the Harris
4-32 County Deed Records (H.C.D.R.), and being on the south Right-of-Way
4-33 (R.O.W.) line of the Union Pacific Railroad (100 feet wide)
4-34 recorded in Volume 964, Page 88 of the H.C.D.R.;

4-35 Thence, through said 2523.670 acre tract, South 17 degrees 34
4-36 minutes 16 seconds West, a distance of 450.37 feet to the Point of
4-37 Beginning of the herein described tract of land, same being on the
4-38 common line of said 2523.670 acre tract and a call 523.376 acre
4-39 tract of land recorded in Clerk's File Number H793053 of the
4-40 O.P.R.R.P.H.C.;

4-41 Thence, through said 2523.670 acre tract. the following five
4-42 (5) courses:

4-43 1. South 68 degrees 09 minutes 04 seconds East, a
4-44 distance of 2,829.49 feet;

4-45 2. 1,014.11 feet along the arc of a curve to the right,
4-46 said curve having a central angle of 05 degrees 50 minutes 03
4-47 seconds, a radius of 9,959.16 feet and a chord that bears South 00
4-48 degrees 42 minutes 03 seconds East, a distance of 1,013.67 feet;

4-49 3. South 02 degrees 12 minutes 59 seconds West, a
4-50 distance of 1,730.52 feet;

4-51 4. 1,477.19 feet along the arc of a curve to the left,
4-52 said curve having a central angle of 03 degrees 27 minutes 58
4-53 seconds, a radius of 24,418.32 feet and a chord that bears South 00
4-54 degrees 29 minutes 00 seconds West, a distance of 1,476.96 feet;

4-55 5. South 01 degrees 14 minutes 59 seconds East, a
4-56 distance of 2,109.44 feet to the common line of said 2523.670 acre
4-57 tract and a call 1158.2 acre tract of land recorded in Volume 3131,
4-58 Page 393 of the H.C.D.R.;

4-59 6. Thence, with said common line, South 88 degrees 00
4-60 minutes 19 seconds West, a distance of 3,191.76 feet to the
4-61 southwest corner of said 2523.670 acre tract and the southeast
4-62 corner of a call 100.228 acre tract of land recorded in Clerk's File
4-63 Number F333086 of the O.P.R.R.P.H.C.;

4-64 7. Thence, with the west line of said 2523.670 acre
4-65 tract, the east line of said 100.228 acre tract, the east line of a
4-66 call 100.228 acre tract of land and a call 40.68 acre tract of land
4-67 recorded in Clerk's File Number D452281 of the O.P.R.R.P.H.C, the
4-68 east line of a call 155.64 acre tract of land recorded in Clerk's
4-69 File Number T055320 of the O.P.R.R.P.H.C., and the east line of

5-1 aforesaid 523.376 acre tract, North 02 degrees 35 minutes 16
5-2 seconds West, a distance of 6,474.00 feet;

5-3 8. Thence, continuing with the common line of said
5-4 2523.670 acre tract and said 523.376 acre tract, South 67 degrees 45
5-5 minutes 43 seconds East, a distance of 1,004.43 feet to the
5-6 southeast corner of said 523.376 acre tract;

5-7 9. Thence, continuing with said common line, North 02
5-8 degrees 09 minutes 14 seconds West, a distance of 1,406.52 feet to
5-9 the Point of Beginning and containing 514.99 acres of land.

5-10 SECTION 3. (a) The legal notice of the intention to
5-11 introduce this Act, setting forth the general substance of this
5-12 Act, has been published as provided by law, and the notice and a
5-13 copy of this Act have been furnished to all persons, agencies,
5-14 officials, or entities to which they are required to be furnished
5-15 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-16 Government Code.

5-17 (b) The governor, one of the required recipients, has
5-18 submitted the notice and Act to the Texas Commission on
5-19 Environmental Quality.

5-20 (c) The Texas Commission on Environmental Quality has filed
5-21 its recommendations relating to this Act with the governor, the
5-22 lieutenant governor, and the speaker of the house of
5-23 representatives within the required time.

5-24 (d) All requirements of the constitution and laws of this
5-25 state and the rules and procedures of the legislature with respect
5-26 to the notice, introduction, and passage of this Act are fulfilled
5-27 and accomplished.

5-28 SECTION 4. (a) Section 9086.0306, Special District Local
5-29 Laws Code, as added by Section 1 of this Act, takes effect only if
5-30 this Act receives a two-thirds vote of all the members elected to
5-31 each house.

5-32 (b) If this Act does not receive a two-thirds vote of all the
5-33 members elected to each house, Subchapter C, Chapter 9086, Special
5-34 District Local Laws Code, as added by Section 1 of this Act, is
5-35 amended by adding Section 9086.0306 to read as follows:

5-36 Sec. 9086.0306. NO EMINENT DOMAIN POWER. The district may
5-37 not exercise the power of eminent domain.

5-38 (c) This section is not intended to be an expression of a
5-39 legislative interpretation of the requirements of Section 17(c),
5-40 Article I, Texas Constitution.

5-41 SECTION 5. This Act takes effect immediately if it receives
5-42 a vote of two-thirds of all the members elected to each house, as
5-43 provided by Section 39, Article III, Texas Constitution. If this
5-44 Act does not receive the vote necessary for immediate effect, this
5-45 Act takes effect September 1, 2019.

5-46

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