

CHAPTER 935

H.B. No. 2198

An Act relating to the creation, administration, powers, duties, operations, financing, and dissolution of and the annexation of territory to the Falcon's Lair Utility and Reclamation District, of Dallas County, Texas.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. CREATION. (a) Subject to the confirmation election required by this Act, and under Article XVI, Section 59, and Article III, Section 52, of the Texas Constitution, a district located within the present corporate limits of the city of Mesquite, Texas, is created and shall be known as Falcon's Lair Utility and Reclamation District, of Dallas County, Texas.

(b) The district is a governmental agency and a body corporate and politic.

SECTION 2. DEFINITIONS. In this Act:

- (1) "District" means the Falcon's Lair Utility and Reclamation District.
- (2) "City" means the city of Mesquite, Texas.
- (3) "Board" means the board of directors of the district.

SECTION 3. LEGISLATIVE FINDINGS. The legislature finds that the creation and establishment of the district are essential to the accomplishment of the purposes of Article XVI, Section 59, and Article III, Section 52, of the Texas Constitution.

SECTION 4. CREATION ELECTION. Before bonds or other obligations of the district are issued, the creation of the district must be approved and the directors of the district must be elected at a confirmation and directors' election called and held as provided by Sections 54.026-54.029, Water Code.

SECTION 5. BOUNDARIES. (a) The district is composed of all of the territory in the following described area:

Consisting of three (3) parcels of land situated in the present corporate limits of the city of Mesquite, in Dallas County, Texas, and being more particularly described by metes and bounds as follows:

Parcel 1:

BEGINNING at a 3/8 inch iron rod marking the most Northerly corner of Lot 12, Block A, situated in the C.C. FREEMAN ADDITION No. 2, as recorded in Volume 70241, Page 6, Dallas County, Texas, same being a point of Lot 7, Block A of same subdivision;

THENCE, N 45°27'49" E, along a fence line, a distance of 366.19 feet to a 3/8 inch iron rod for corner;

THENCE, N 45°05'30" W, along a fence line, a distance of 895.74 feet to a one inch iron rod for corner;

THENCE, N 44°53'32" E, along a fence line, a distance of 362.43 feet to a 3/4 inch iron pipe for corner;

THENCE, N 45°31'11" W, a distance of 119.95 feet to a 3/4 inch iron pipe for corner;

THENCE, S 44°56'42" W, along a fence line, a distance of 362.33 feet to a one inch iron rod for corner;

THENCE, N 44°47'17" W, along a fence line, a distance of 684.65 feet to a 5/8 inch iron rod for corner;

THENCE, N 45°11'46" W, along a fence line, a distance of 1023.82 feet to 5/8 inch iron rod for corner, same being on the Southerly right-of-way line of Interstate Highway 20;

THENCE, S 86°17'13" E, along said right-of-way line, a distance of 1127.56 feet to a 5/8 inch iron rod for corner;

THENCE, S 80°08'35" E, along said right-of-way line, a distance of 3406.02 feet to a point, said point being on the centerline of a proposed levee West of the East Fork Trinity River;

THENCE, S 16°56'49" E, along said centerline, a distance of 1719.20 feet to a point, said point being the point of curvature of a curve to the right;

THENCE, in a Southerly direction along the arc of said curve to the right and along said centerline having a radius of 4750.00 feet and subtending a central angle of 21°00'00", a length of 1740.97 feet, and having a chord S 06°26'49" E, a distance of 1731.24 feet to the point of tangency of said curve;

THENCE, S 04°03'11" W, along said centerline, a distance of 805.55 feet to a point;

THENCE, S 44°04'52" W, a distance of 641.15 feet to a fence corner for corner;

THENCE, S 44°18'45" E, along a fence line, a distance of 639.53 feet to a point, said point being on the centerline of said proposed levee and being on the arc of a curve to the left;

THENCE, in a Southeasterly direction along the arc of said curve to the left and along said centerline having a radius of 1200.00 feet and subtending a central angle of 16°53'05", a length of 353.63 feet, and having a chord S 23°25'30" E, a distance of 352.35 feet to a point;

THENCE, S 20°55'01" W, along a fence line, a distance of 756.77 feet to a 5/8 inch iron rod at a fence corner for corner;

THENCE, N 34°06'10" W, along a fence line, a distance of 1289.38 feet to a fence corner for corner;

THENCE, S 51°05'47" W, along a fence line, a distance of 149.40 feet to a fence corner for corner;

THENCE, N 34°19'11" W, along a fence line, a distance of 425.18 feet to a 1/2 inch iron pipe at a fence corner for corner;

THENCE, S 43°36'32" W, along a fence line, a distance of 209.09 feet to a 1/2 inch iron rod at a fence corner for corner;

THENCE, N 34°13'41" W, along a fence line, a distance of 209.59 feet to a 1/2 inch iron rod at a fence corner for corner;

THENCE, S 43°10'26" W, along a fence line, a distance of 345.22 feet to a fence corner for corner;

THENCE, N 46°14'26" W, along a fence line, a distance of 317.00 feet to a fence corner for corner;

THENCE, N 73°51'52" W, along a fence line, a distance of 47.44 feet to a fence corner for corner;

THENCE, N 88°44'49" W, along a fence line, a distance of 241.97 feet to a fence post for corner;

THENCE, N 10°21'34" W, along a fence line, a distance of 293.62 feet to a fence corner for corner;

THENCE, N 38°06'32" E, along a fence line, a distance of 36.51 feet to a fence post for corner;

THENCE, N 44°58'45" E, along a fence line, a distance of 2100.52 feet to a fence corner for corner;

THENCE, N 39°23'33" W, along a fence line, a distance of 361.44 feet to a fence corner for corner;

THENCE, N 45°56'33" E, along a fence line, a distance of 1066.02 feet to a fence corner for corner;

THENCE, N 45°02'20" W, along a fence line, a distance of 1027.37 feet to a fence corner for corner;

THENCE, S 45°33'39" W, a distance of 942.58 feet to a fence post for corner;

THENCE, S 44°20'36" W, a distance of 1019.32 feet to a fence corner for corner;

THENCE, N 45°14'33" W, along a fence line, a distance of 1559.49 feet to the POINT OF BEGINNING and CONTAINING 280.6834 acres of land, more or less.

Parcel 2:

BEGINNING at a point in the centerline of Lawson Road and being on the Northwest line of the M.L. SWING SURVEY, Abstract No. 1398, same being the North corner of a 122 acre tract conveyed by JANE F. LANGLEY to D.P.H. CARTWRIGHT and wife JOSIE CARTWRIGHT by deed dated November 22, 1880, and recorded in Book 48, Page 637 of the Deed Records of Dallas County, Texas;

THENCE, N 44°10'54" E, along said centerline and along said survey line, a distance of 2406.67 feet to a point for a corner;

THENCE, N 45°45'50" E, along said centerline and along said survey line, a distance of 307.97 feet to a point for a corner;

THENCE, N 49°18'10" E, along said centerline and along said survey line, a distance of 356.70 feet to a point for a corner;

THENCE, N 47°10'25" E, along said centerline and along said survey line, a distance of 205.87 feet to a point for a corner;

THENCE, N 41°36'15" E, along said centerline and along the Northwesterly line of the James S. Ramsey Survey, Abstract No. 1189, a distance of 540.17 feet to a point for a corner;

THENCE, N 43°12'48" E, along said centerline and along said survey line, a distance of 2043.33 feet to a point for a corner;

THENCE, S 45°56'49" E, a distance of 1749.20 feet to a point, said point being on the centerline of a proposed levee that is to be constructed along the West bank of the East Fork Trinity River and on the arc of a curve to the left;

THENCE, in a Southerly direction along the arc of said curve to the left and along said centerline having a radius of 1900.00 feet and subtending a central angle of 52°00'00", a length of 1724.39, and having a chord S 18°03'11" W, a distance of 1665.81 feet to the point of tangency of said curve;

THENCE, S 07°56'49" E, along said centerline a distance of 940.00 feet to a point, said point being the point of curvature of a curve to the right;

THENCE, in a Southerly direction along the arc of said curve to the right and along said centerline having a radius of 3000.00 feet and subtending a central angle of 32°30'00", a length of 1701.70 feet, and having a chord of S 08°18'11" W, a distance of 1678.97 feet to the point of tangency of said curve;

THENCE, S 24°33'11" W, along said centerline a distance of 427.22 feet to a point for a corner;

THENCE, S 45°00'00" W, a distance of 1852.72 feet to a 5/8" iron rod for a corner;

THENCE, S 45°00'00" E, a distance of 536.93 feet to a point, said point being on the centerline of said proposed levee;

THENCE, S 31°29'37" W, along said centerline, a distance of 829.06 feet to a point for a corner;

THENCE, S 45°00'01" W, a distance of 137.77 feet to a 5/8" iron rod for a corner;

THENCE, N 45°00'00" W, a distance of 730.56 feet to a 5/8" iron rod for a corner;

THENCE, N 45°00'00" E, a distance of 632.80 feet to a fence corner for a corner;

THENCE, N 45°37'47" W, a distance of 1628.17 feet to a fence corner for a corner;

THENCE, N 43°56'37" E, a distance of 133.20 feet to a fence corner for a corner;

THENCE, N 45°51'01" W, a distance of 2684.98 feet to the POINT OF BEGINNING for a total of 482.5510 acres of land, more or less;

SAVE AND EXCEPT, a 2.6909 acre tract being the right-of-way line of Lawson Road (20' wide), thus CONTAINING a total net acreage of 479.8601 acres of land, more or less.

Parcel 3:

BEGINNING at a 5/8 inch iron rod marking the intersection of the Northerly right-of-way line of Interstate Highway 20 and the Northeasterly right-of-way line of Lumley Road (60' wide);

THENCE, N 32°54'33" W, along said right-of-way line of Lumley Road, and along a fence line, a distance of 180.97 feet to a fence corner for corner;

THENCE, N 70°51'33" E, along a fence line, a distance of 149.08 feet to a fence corner for corner;

THENCE, N 56°18'53" E, along a fence line, a distance of 523.90 feet to a fence corner for corner;

THENCE, N 69°15'38" E, along a fence line, a distance of 42.98 feet to a fence corner for corner;

THENCE, N 44°00'07" E, along a fence line, a distance of 2730.00 feet to a point on the centerline of South Mesquite Creek;

THENCE, along the centerline of said creek as follows:

S 72°13'05" E, a distance of 170.07 feet;

S 18°40'57" E, a distance of 520.54 feet;

S 45°57'05" E, a distance of 117.49 feet;

S 73°36'36" E, a distance of 107.00 feet;

S 42°28'52" E, a distance of 197.08 feet;

S 65°40'24" E, a distance of 137.16 feet;

S 23°54'34" E, a distance of 179.93 feet to a point on a fence line;

THENCE, S 45°48'46" E, along a fence line, a distance of 1518.38 feet to a 5/8 inch iron rod for corner;

THENCE, N 44°53'38" E, along a fence line, a distance of 1556.62 feet to a point on the centerline of a drainage ditch;

THENCE, S 45°55'09" E, along the centerline of said drainage ditch, a distance of 969.68 feet to a point, said point being the centerline of a proposed levee West of the East Fork Trinity River;

THENCE, S 32°03'11" W, along the centerline of said proposed levee, a distance of 1663.08 feet to a point, said point being on the Northerly right-of-way of said Interstate Highway 20;

THENCE, N 80°08'35" W, along said right-of-way line, a distance of 3443.14 feet to a 5/8 inch iron rod for corner;

THENCE, S 84°20'15" W, along said right-of-way line, a distance of 507.28 feet to a 5/8 inch iron rod for corner;

THENCE, N 86°15'36" W, along said right-of-way line, a distance of 499.47 feet to a 5/8 inch iron rod for corner;

THENCE, N 80°34'30" W, along said right-of-way line, a distance of 502.10 feet to a 5/8 inch iron rod for corner;

POINT OF BEGINNING and CONTAINING 193.3714 acres of land, more or less.

(b) The legislature finds that the boundaries and field notes of the district form a closure. If any mistake is made in copying the field notes in the legislative process, or otherwise a mistake is made in those field notes, it in no way affects the organization, existence, and validity of the district, or the right and power of the district to issue bonds for the purposes for which the district is created or to pay the principal of and interest on those bonds, or the authority of the district to levy and collect taxes, or the validity of any contracts, agreements, or obligations of the district, or in any other manner affects the legality of the operations or proceedings of the district or its board.

SECTION 6. FINDING OF BENEFIT. The legislature finds that all of the land and other property included in the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district pursuant to the powers conferred on the district by this Act, and that the district is created to serve a public use and benefit.

SECTION 7. GENERAL POWERS AND DUTIES. Subject to the specific provisions of this Act, the district has the rights, powers, privileges, authority, and functions granted, conferred, contemplated, and described in Article XVI, Section 59, of the Texas Constitution, including the rights, powers, privileges, authority, and functions conferred by the general laws of this state applicable to municipal utility districts operating under Chapter 54, Water Code, together with the additional rights, powers, privileges, authority, and functions enumerated, described, expressed, or implied by this Act. If any general law is in conflict or inconsistent with this Act, this Act prevails.

SECTION 8. SPECIFIC POWERS AND DUTIES. (a) The district has the additional rights, powers, privileges, authority, and functions provided by this section.

(b) The district may provide for the construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes, or works, facilities, or improvements in aid of those roads and turnpikes, inside or outside the boundaries of the district, to the extent authorized by Article III, Section 52, of the Texas Constitution. Subject to compliance with Subsection (b), Section 19, of this Act, the district may issue, sell, and deliver the bonds, notes, or other obligations of the district for those purposes and may assess, levy, and collect taxes to pay the bonds. Without the consent and approval of the city, the district may not undertake to construct, maintain, operate, repair, reconstruct, cross, or intersect any streets or roads of the city.

(c) The district may establish, operate, and maintain a fire department to perform all fire-fighting activities within the district and may issue bonds and levy taxes to pay for the department and the activities, as authorized by Article XVI, Section 59(f), of the Texas Constitution and Section 50.055, Water Code. The references in Section 50.055, Water Code, to the Texas Water Commission and the executive director of the Texas Department of Water Resources mean the city council of the city under this Act. The city has the superior right to provide the degree of fire-fighting services it considers to be in the best interests of the city.

(d) The district may exercise the power of eminent domain in the manner, with the privileges, rights, and immunities, and subject to the conditions and limitations provided by Sections 54.212 and 54.213, Water Code, to acquire land, easements, rights-of-way, or other property or improvements that are or may be needed to carry out the powers, purposes, and functions of the district. However, without the advance written consent and approval of the city, the district may not commence eminent domain proceedings for any of those purposes, and without approval by city ordinance or resolution, the district may not exercise the power of eminent domain for the purpose of acquiring any land, easements, rights-of-way, or other property or improvements owned by the city, or any agency or instrumentality of the city.

(e) Subject to compliance with the general law of the state and applicable codes, ordinances, resolutions, rules, and regulations of the city, the district may plan, lay out, purchase, construct, acquire, own, operate, maintain, repair, and improve, inside or outside its boundaries, works, improvements, facilities, plants, equipment, and appliances, including any administrative buildings, properties, and facilities, any permits, franchises, licenses or contract or property rights, and any levees, drains, waterways, lakes, reservoirs, channels, conduits, sewers, dams, stormwater detention facilities, or other similar facilities and improvements, whether for municipal, industrial, agricultural, recreational, conservation, reclamation, or flood control purposes, that are necessary, helpful, or incidental to the exercise of any right, power, privilege, authority, or function provided by this Act.

SECTION 9. BOARD OF DIRECTORS. (a) The district shall be governed by a board of five directors.

(b) On the effective date of this Act, the following persons are the initial directors of the district:

- (1) John Whiteside;
- (2) Jay Kanter;
- (3) Russell Orms;
- (4) Tom Goodiel; and
- (5) Jerry Ragsdale.

(c) The initial directors shall qualify to serve as directors before the first meeting of the board by taking the oath of office, executing a bond, and furnishing evidence of their qualifications as required by Chapter 54, Water Code.

(d) If a vacancy occurs in the office of director, the remaining directors shall appoint a person to fill the vacancy until the next election of directors for the district. If the vacant position is not regularly scheduled to be filled at that election, the person elected at that election to fill the vacancy shall serve only for the unexpired term. However, if the number of qualified directors by reason of vacancies is less than three, the city council of the city, on petition of the owners of a majority in value of the land in the district, as shown by the tax rolls of the city, shall appoint the necessary number of directors to fill all vacancies on the board.

(e) The initial directors shall serve until the district is created and the first elected directors of the district are elected at the confirmation and directors' election and the directors have qualified for office. The positions of the two directors who receive the fewest number of votes shall be filled at the first regular directors' election, and the directors first elected to those positions serve only until the directors elected at that first regular directors' election are elected and have qualified for office. The positions of the three remaining directors shall be filled at the second regular directors' election, and the directors first elected to those positions serve only until the directors elected at that second regular election are elected and have qualified for office.

(f) After the confirmation and directors' election, a regular directors' election shall be held on the first Saturday in April in each even-numbered year to elect the appropriate number of directors.

(g) Except for the initial directors and the directors elected at the confirmation and directors' election, directors shall serve for staggered four-year terms, with the terms of two or three directors expiring every other year.

SECTION 10. BOARD PROCEDURES. (a) The board shall provide the method of execution of all contracts, the signing of checks, and the handling of any other matters approved by the board, as shown in the official minutes of the district. After each election and at any other time the board considers appropriate, the board shall reorganize and elect new officers.

(b) The board may designate one or more assistant secretaries and an assistant treasurer, who are not required to be members of the board. The secretary of the board or one of the assistant secretaries shall be responsible for keeping the minutes of the meetings of the board and all official records of the board and may certify as to the accuracy or authenticity of any actions, proceedings, minutes, or records of the board or of the district.

SECTION 11. COMPENSATION. Each member of the board is entitled to receive compensation in an amount up to \$50 for each meeting of the board as determined by the board and directors may be reimbursed for actual expenses incurred on behalf of the district or in the discharge of their duties.

SECTION 12. MEETINGS OF BOARD. The board shall hold regular, special, or emergency meetings at those times and on those dates the board determines.

SECTION 13. DISTRICT OFFICE; MEETING PLACE. The board shall designate one or more offices of the district and one or more meeting places of the board either inside or outside the district.

SECTION 14. TAX COLLECTOR. (a) The board shall appoint a person as tax collector for the district and may appoint deputies considered necessary.

(b) Each person appointed shall qualify by executing a bond in the amount of \$10,000 payable to the district, approved by the board, and conditioned on the faithful performance of his duties.

(c) Compensation for the tax collector and his deputies shall be set by the board.

SECTION 15. DISTRICT FUNDS. (a) The treasurer of the district shall have funds of the district deposited, invested, and reinvested in the district's depository bank or other banks or savings associations selected by the authorized investment officers of the district.

(b) To the extent that deposited or invested funds of the district are not insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, the funds shall be secured in the manner provided by law for the security of funds of counties of this state.

(c) Funds of the district also may be invested and reinvested at the direction of the board or any other authorized representative or investment officer of the district in direct or indirect obligations of the United States, the state, or any county, city, school district, or other political subdivision of the state, or may be placed in certificates of deposit of state or national banks or savings and loan associations within the state, if those funds are secured in the manner provided for the security of funds of counties of this state.

SECTION 16. DISTRICT ELECTIONS. (a) Elections required to be held by the district shall be called and the results canvassed by the board.

(b) Unless otherwise provided by this Act, elections shall be held in accordance with the Texas Election Code.

(c) Notice of district elections shall be given by publication in a newspaper with general circulation in the city once a week for two consecutive weeks, with the first publication occurring at least 14 days before the date of the election.

(d) An election held by the district for any purpose may be held separately or may be held at the same time as elections for other purposes including any confirmation, director, or maintenance tax election that may be held on the same day as a bond election or any other election. An election held at the same time as elections for other purposes may be called by the board in a single election order and the results canvassed in a single order.

SECTION 17. ADDITION AND EXCLUSION OF LAND. The board may exclude land from the district and may add land to the district in the manner provided for municipal utility districts operating under Chapter 54, Water Code. The district must secure the approval of the city, in the form of an ordinance or resolution of the city council of the city, before final annexation of any additional land to the district.

SECTION 18. GENERAL FISCAL PROVISIONS. The board may expend funds, borrow money, issue bond anticipation notes and tax anticipation notes, levy and collect maintenance taxes, and carry out all acts and exercise all powers provided by Subchapter E, Chapter 54, Water Code.

SECTION 19. BONDS. (a) The board may issue bonds as provided by Sections 54.501-54.515, and Sections 54.518-54.521, Water Code, and the general law of this state.

(b) Bonds for the purposes described in Subsection (b), Section 8, of this Act may not be issued by the district except on a vote of a two-thirds majority of the resident property taxpayers voting who are qualified voters of the district or the territory to be affected by the bonds. Bonds, notes, or other obligations of the district issued or incurred for the purposes described in Subsection (b), Section 8, of this Act may not exceed one-fourth of the assessed valuation of the real property of such district or territory.

(c) Sections 54.516, 54.5161, and 54.517, Water Code, do not apply to projects undertaken by the district pursuant to the authority of Subsection (b), Section 8, of this Act or to bonds issued by the district under the authority of Subsection (b) of this section.

SECTION 20. USE OF MAINTENANCE TAX. The board may use and pledge the proceeds received from all or any designated portion of the district's maintenance taxes for any lawful purpose, other than the payment of the principal of or interest on bonds. The bonds shall be paid from taxes levied separately to the extent that those bonds are required to be paid from taxes. Also, maintenance taxes may not be used for the purpose of maintaining, repairing, operating, or improving any of the works, facilities, and improvements described by Subsection (b), Section 8, of this Act until the district has complied with Subsection (b), Section 19, of this Act.

SECTION 21. AD VALOREM TAXES. The ad valorem plan of taxation shall be used by the district, and Subchapter G, Chapter 54, Water Code, and the Property Tax Code apply to all matters relating to the levy, assessment, and collection of both current and delinquent taxes of the district.

SECTION 22. DISTRICT CONTRACTS. (a) Contracts for the purchase or construction of materials, machinery, and all things to constitute the works, improvements, facilities, plants, equipment, and appliances of the district shall be advertised, let, and awarded as provided by Section 54.220, Chapter 54, Water Code.

(b) After a contract has been awarded and the district determines that additional work is needed or that the character or type of the work or facilities should be changed, the board may

authorize change orders to the contract on terms the board may approve, provided the change does not increase the total cost of the contract by more than 25 percent.

(c) If the estimated amount of a proposed construction contract is more than \$5,000, but less than \$25,000, or the duration of the contract is more than two years, informal competitive bids or proposals shall be asked from at least three bidders.

(d) Contracts shall be written and shall be awarded to the lowest and best bidder.

SECTION 23. CONTRACTS WITH UNITED STATES, STATE, AND CITY. (a) The district may enter into contracts with the United States and its agencies, the state and its agencies, the city, any other public agency or entity, individuals or corporations, or any other entity for the operation and maintenance or the construction of any facility or improvement authorized by this Act.

(b) Notwithstanding Subsection (a) of this section, to the extent that the city considers it practical to do so, the city may provide water supply and wastewater treatment services to the district, pursuant to mutually agreeable contracts or otherwise, on terms and conditions comparable to other similarly situated customers within the city.

(c) Any contract obligating the district to make payments in whole or in part from ad valorem taxes, other than maintenance taxes, is subject to approval at an election held under the same procedures required for the issuance of bonds payable from ad valorem taxes.

SECTION 24. WATER AND SEWER CONTRACTS. The district and the city may enter into, execute, perform, and carry out contracts they may consider appropriate and mutually advantageous under Chapter 224, Acts of the 56th Legislature, Regular Session, 1959 (Article 1109j, Vernon's Texas Civil Statutes). Those contracts may provide for the district's acquisition for the benefit of the city and the district's conveyance to the city of, and the city's acceptance and ownership of and payment for, all or any designated portions of any of the works, facilities, improvements, equipment, appliances, properties, and contract rights as provided by Chapter 224, Acts of the 56th Legislature, Regular Session, 1959 (Article 1109j, Vernon's Texas Civil Statutes), which the district is authorized by this Act to purchase, acquire, construct, own, or improve and which the city, under its home-rule charter or under the general law of this state, would have been or may be authorized to purchase, acquire, construct, own, or improve in its own name or behalf.

SECTION 25. DISSOLUTION OF DISTRICT. The city may abolish and dissolve the district and assume the assets, properties, bonds, and other obligations of the district as provided by Chapter 128, Acts of the 50th Legislature, Regular Session, 1947 (Article 1182c-1, Vernon's Texas Civil Statutes).

SECTION 26. REGULATORY AUTHORITY. (a) With respect to the property of the district, the district has the regulatory and police power provided by Chapter 54, Water Code, with the following limitations provided by Subsections (b)-(d) of this section.

(b) Except with respect to any rules and regulations relating to the operation, use, or occupancy of the lakes, reservoirs, levees, channels, drains, dams, and contiguous or adjacent facilities constructed or to be constructed and owned or controlled by the district, a rule or regulation of the district that includes a penal provision to be enforced by a peace officer of the district must be approved by the city as a condition precedent to its adoption and must be submitted to the city for its review and approval at least 30 days before its effective date.

(c) The district may not adopt penal rules or regulations that conflict or are inconsistent with any ordinance of general application in the city.

(d) The district may not adopt or enforce a rule or regulation relating to the city's streets or roads.

(e) Except for the security of lakes, reservoirs, levees, channels, drains, dams, and contiguous and adjacent facilities, excluding parks and streets owned or controlled by the district, the district may not provide peace officers or have responsibility for police protection within the city's corporate limits, but this function is a responsibility of the city.

SECTION 27. DISTRICT SUBJECT TO RULES, ETC., AND SUPERVISION. Except as expressly provided, this Act does not exempt the district from the continuing right of supervision of the state to be exercised by and through the Texas Department of Water Resources or from the terms and provisions of any applicable ordinances, codes, resolutions, rules, or regulations of the city.

SECTION 28. NOTICE. The legislature specifically finds and declares that the requirements of Article XVI, Section 59(d) and Section 59(e), of the Texas Constitution, to the extent applicable, have been met and accomplished in due course, time, and order, that all persons and officials required to be notified pursuant thereto have been properly and timely notified, that all approvals required to be obtained pursuant thereto have been obtained, and that the legislature has the authority and power to enact this Act.

SECTION 29. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 2, 1985, by the following vote: Yeas 138, Nays 0, 1 present, not voting; and, pursuant to the provisions of Article XVI, Section 59(d) of the Constitution of Texas, a copy of H.B. No. 2198 was transmitted to the Governor on March 8, 1985, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on April 9, 1985; passed by the Senate on May 21, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 15, 1985

Effective: Immediately