

## CHAPTER 954

## H.B. No. 2447

An Act relating to the creation, administration, powers, duties, operations, financing, and dissolution of and the annexation of territory to the Grand Prairie Metropolitan Utility and Reclamation District.

*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, of the Texas Constitution, a district located within the present corporate limits of the city of Grand Prairie, Texas, in Dallas County is created and shall be known as Grand Prairie Metropolitan Utility and Reclamation District.

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

**SECTION 2. DEFINITIONS.** In this Act:

- (1) "District" means the Grand Prairie Metropolitan Utility and Reclamation District.
- (2) "City" means the city of Grand Prairie, 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, 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:

BEING part of a tract of land in the John C. Read Survey, Abstract No. 1184, also being part of the Perry Linney Survey, Abstract No. 778, and also being part of the R. Wilson Survey, Abstract No. 1548, and also being part of the M. H. Graham Survey, Abstract No. 507 in the City of Grand Prairie, Dallas County, Texas, and being all of the following tracts, a 60 acre tract recorded in Volume 3545, Page 570, an 80 acre tract recorded in Volume 3545, Page 570, a 10 acre tract recorded in Volume 69125, Page 863, a 40.26 acre tract recorded in Volume 76157, Page 21, a 46.541 acre tract recorded in Volume 67010, Page 495, a 4.112 acre tract recorded in Volume 84037, Page 3690, a 0.839 acre tract recorded in Volume 80219, Page 2262, a 6.0 acre tract recorded in Volume 4781, Page 364, a 6.0 acre tract recorded in Volume 72112, Page 2213, a 0.72 acre tract recorded in Volume 79219, Page 37, a 4.592 acre tract recorded in Volume 80024, Page 2456, a 4.944 acre tract recorded in Volume 81053, Page 4699, and Tracts 11, 14, 15 and 16, recorded in Volume 71002, Page 1746 of the Deed Records of Dallas County, Texas, and being part of the following tracts, a 22.257 acre tract recorded in Volume 83250, Page 5241, a 190.97 acre tract as recorded in Volume 682, Page 2427 of the Deed Records of Dallas County, Texas, a 10-acre tract as recorded in Volume 72113, Page 1104, a 5.05 acre tract as recorded in Volume 74201, Page 441, a 19.84 acre tract as recorded in Volume 79219, Page 37, a 33 acre tract as recorded in Volume 1774, Page 101, a 198.5 acre tract as recorded in Volume 70186, Page 2273, and tracts 12 and 17 as recorded in Volume 71002, Page 1746, of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod, said iron rod being at the Northeast corner of the said John C. Read Survey, Abstract No. 1184, said iron rod also being the Northeast corner of said 46.541 acre tract, said iron rod also being in the South R.O.W. line of Hunter Ferrell Road (40' R.O.W.) as recorded in Volume 70005, Page 319 of the Deed Records of Dallas County, Texas, said iron rod also being at the Southeast corner of the J. Mangum Survey, Abstract No. 861, said iron rod also being in the West line of the Isreal Jennings Survey, Abstract No. 679;

THENCE South 1 degree 08 minutes 06 seconds East, following the East line of said 46.541 acre tract and also following the Survey line, passing at 2140.87 feet the Southeast corner of said 46.541 acre tract; also said corner being the Northeast corner of the said 198.5 acre tract, continuing in all 2431.79 feet to an old axle for corner, said axle being at the Northwest Corner of the M. H. Graham Survey, Abstract No. 507, said axle also being at the Southwest corner of the said Isreal Jennings Survey, said axle also being the Northwest corner of said 190.97 acre tract;

THENCE North 89 degrees 42 minutes 21 seconds East, following the North line of said M. H. Graham Survey, and passing at 2245.66 feet, an iron rod set for a reference corner, continuing in all a distance of 2445.66 feet to the approximate center of the West Fork Trinity River channel;

THENCE South 0 degrees 17 minutes 39 seconds East, a distance of 330.00 feet following the approximate centerline of said West Fork Trinity River channel to a point;

THENCE South 2 degrees 53 minutes 14 seconds West, a distance of 473.26 feet following the approximate centerline of said West Fork Trinity River channel to a point;

THENCE South 28 degrees 26 minutes 49 seconds West, a distance of 551.59 feet, following the approximate centerline of the West Fork Trinity River channel to a point;

THENCE South 51 degrees 00 minutes 47 seconds West, a distance of 530.96 feet, following the approximate centerline of the West Fork Trinity River channel to a point;

THENCE South 15 degrees 25 minutes 28 seconds East, a distance of 450.36 feet, following the approximate centerline of the West Fork Trinity River channel to a point;

THENCE South 0 degrees 03 minutes 07 seconds East, a distance of 425.71 feet, following the approximate centerline of the West Fork Trinity River channel to a point, said point being in the South line of said 190.97 acre tract;

THENCE South 89 degrees 13 minutes 04 seconds West, following the South line of said 190.97 acre tract, passing at 200.00 feet an iron rod set for a reference corner, continuing in all 1865.00 feet to a 5/8 inch iron rod for corner, said iron rod being in the West line of the said M. H. Graham Survey, said iron rod also being in the East line of 198.50 acre tract as recorded in Volume 70186, Page 2273 of the Deed Records of Dallas County, Texas;

THENCE South 0 degrees 33 minutes 41 seconds West, a distance of 1285.66 feet following the East line of the said 198.5 acre tract to an iron rod for corner, said iron rod being at the Southeast corner of said 198.5 acre tract, said iron rod also being in the North line of the Texas Turnpike Authority Tract as recorded in Volume 4388, Page 92 of the Deed Records of Dallas County, Texas;

THENCE South 82 degrees 26 minutes 09 seconds West, a distance of 635.97 feet, following the South line of said 198.5 acre tract and also following the North line of said Texas Turnpike Authority Tract to an iron rod for corner;

THENCE, North 81 degrees 24 minutes 35 seconds West, a distance of 923.98 feet following the South line of the said 198.5 acre tract, and also following the North line of said Texas Turnpike Authority Tract to an iron rod for corner;

THENCE North 85 degrees 46 minutes 44 seconds West, a distance of 1492.17 feet following the South line of the 198.5 acre tract, and also following the North line of said Texas Turnpike Authority Tract to an iron rod for corner;

THENCE North 67 degrees 16 minutes 50 seconds West, a distance of 1612.71 feet following the South line of said 198.5 acre tract and also following the North line of said Texas Turnpike Authority Tract to an iron rod for corner;

THENCE North 01 degrees 06 minutes 00 seconds West, a distance of 73.66 feet following the South line of said 198.5 acre tract and also following the East line of a Texas Turnpike Authority Tract as recorded in Volume 4404, Page 195 of the Deed Records of Dallas County, Texas, to an iron rod for corner, said iron rod being in the South line of a 10.25 acre tract, as recorded in Volume 81249, Page 1394 of the Deed Records of Dallas County, Texas;

THENCE North 89 degrees 40 minutes 30 seconds East, a distance of 713.87 feet following the South line of said 10.25 acre tract to an iron rod for corner, said iron rod being at the Southeast corner of said 10.25 acre tract;

THENCE North 01 degrees 04 minutes 33 seconds West, a distance of 676.67 feet, following the East line of said 10.25 acre tract to a concrete monument;

THENCE South 75 degrees 16 minutes 52 seconds West, a distance of 795.94 feet, following the North line of said 10.25 acre tract to a concrete monument for corner, said concrete monument being at the Northwest corner of said 10.25 acre tract;

THENCE South 01 degree 29 minutes 15 seconds East, a distance of 478.85 feet, following the West line of said 10.25 acre tract to an iron rod for corner, said iron rod being at the Southwest corner of said 10.25 acre tract, also said iron rod being in the North line of said Texas Turnpike Authority Tract;

THENCE South 89 degrees 40 minutes 30 seconds West, a distance of 414.05 feet following the North line of the said Texas Turnpike Authority Tract to an iron rod for corner, said iron rod also being at the Southeast corner of a Texas Turnpike Authority Tract as recorded in Volume 4421, Page 491 of the Deed Records of Dallas County, Texas;

THENCE North 0 degrees 12 minutes 00 seconds East a distance of 87.56 feet following the East line of said Texas Turnpike Authority Tract to an iron rod for corner, said iron rod being at the Northeast corner of said Texas Turnpike Authority Tract;

THENCE North 72 degrees 08 minutes 00 seconds West, a distance of 392.86 feet following the North line of said Texas Turnpike Authority Tract to an iron rod for corner, said iron rod being in the East R.O.W. line of Beltline Road (120' R.O.W.);

THENCE North 0 degrees 14 minutes 51 seconds East, a distance of 2166.86 feet following the East R.O.W. line of said Beltline Road to an iron rod for corner;

THENCE North 3 degrees 18 minutes 40 seconds East, following the East R.O.W. of said Beltline Road, passing at 65.49 feet the Southwest corner of said 0.839 acre tract, also passing at 304.91 feet the Northeast corner of said 0.839 acre tract also said corner being the Westerly Southwest corner of said 5.05 acre tract, also passing at 650.28 feet the Northwest corner of said 10 acre tract, also said corner being the Southwest corner of said 4.112 acre tract, also passing at 900.91 feet the Northwest corner of said 4.112 acre tract, continuing in all 1334.00 feet to an iron rod for corner;

THENCE North 0 degrees 18 minutes 20 seconds West, a distance of 1026.88 feet, following the East R.O.W. line of said Beltline Road to an iron rod for corner;

THENCE South 89 degrees 44 minutes 29 seconds East, a distance of 474.30 feet, to an iron rod for corner, said iron rod being at the Northwest corner of a 1.0 acre tract, as recorded in Volume 791, Page 1367 of the Deed Records of Dallas County, Texas;

THENCE South 0 degrees 20 minutes 21 seconds West, following the West line of said 1.0 acre tract; and passing at 168.37 feet the Southwest corner of said 1.0 acre tract, in all a distance of 193.94 feet, to an iron fence post for corner;

THENCE North 89 degrees 39 minutes 22 seconds East, a distance of 124.49 feet, to an iron fence post for corner;

THENCE North 0 degrees 24 minutes 18 seconds West, a distance of 24.26 feet, to an iron rod for corner, said iron rod being in the South line of said 1.0 acre tract;

THENCE South 89 degrees 44 minutes 29 seconds East, a distance of 91.47 feet, following the South line of said 1.0 acre tract to an iron rod for corner;

THENCE North 0 degrees 00 minutes 29 seconds West, a distance of 168.37 feet to an iron rod for corner;

THENCE North 0 degrees 03 minutes 51 seconds West, a distance of 566.53 feet, following the West line of the 60 acres as established by Court Order No. 75-2687-D, 95th Judicial District Court, Dallas County, Texas, to an iron rod for corner, said iron rod being in the North line of said Perry Linney Survey;

THENCE South 89 degrees 45 minutes 06 seconds East, a distance of 1833.74 feet following the North line of said 60 acre tract and also following the North line of said Perry Linney Survey to an iron rod for corner, said iron rod being at the Northeast corner of said 80 acre tract, also said iron rod being at the Northeast corner of said Perry Linney Survey, also said iron rod being at the Northwest corner of said John C. Read Survey, also said iron rod being at the Northwest corner of said 19.84 acre tract;

THENCE North 88 degrees 38 minutes 45 seconds East, a distance of 22.50 feet following the North line of said John C. Read Survey, also following the North line of said 19.84 acre tract to an iron rod for corner, said iron rod also being at an interior corner of said 19.84 acre tract, also said iron rod being at the Northwest corner of J. W. Miller Tract as recorded in Volume 69070, Page 1263 of the Deed Records of Dallas County, Texas;

THENCE South 0 degrees 24 minutes 22 seconds West, following the West line of said J. W. Miller Tract passing at 210.00 feet the Northwest corner of a 1.51 acre tract, as recorded in Volume 79219, Page 37 of the Deed Records of Dallas County, Texas, passing also at 420.00 feet the Southwest corner of said 1.51 acre tract, said corner also being a interior corner of said 19.84 acre tract, continuing in all 586.66 feet to an iron rod for corner;

THENCE North 88 degrees 38 minutes 45 seconds East, a distance of 523.00 feet to an iron rod for corner;

THENCE North 0 degrees 24 minutes 22 seconds East, passing at 166.66 feet the Northeast corner of a 2.0 acre tract, as recorded in Volume 79219, Page 37 of the Deed Records of Dallas County, Texas continuing in all 586.66 feet to an iron rod for corner, said iron rod being in the North line of the said John C. Read Survey, said iron rod also being in the South R.O.W. line of said Hunter Ferrell Road;

THENCE North 88 degrees 38 minutes 45 seconds East, following the South R.O.W. of said Hunter Ferrell Road, also following the North line of said John C. Read Survey, passing at 328.86 feet the Northeast corner of said 19.84 acre tract, also said corner being the Northwest corner of said 10.0 acre tract, passing also at 480.20 feet the Northeast corner of said 10 acre tract, also said corner being the Northwest corner of said 40.26 acre tract, passing also at 1231.99 feet the Northeast corner of said 40.26 acre tract, also said corner being the Northwest corner of said 46.541 acre tract, continuing in all 2178.49 feet to the POINT OF BEGINNING and containing 35,391,380 square feet or 812.474 acres of land.

(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, notes, or other obligations for the purposes for which the district is created or to pay the principal of and interest thereon, 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. Subject to reasonable rules and regulations of the district and other applicable governmental authorities, all open-space land owned by the district shall be maintained in perpetuity for the access and use of the general public for recreational purposes.

**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 (provided, however, no power or duty contained in Subchapter D thereof shall be applicable unless specifically set out herein), together with the additional rights, powers, privileges, authority, and functions enumerated, described, expressed, or implied by this Act. Sections 54.213 (excluding any reference to the power of eminent domain), 54.214, 54.215, 54.217, 54.232, and 54.233 shall be applicable to the district. The right of eminent domain shall never, under any circumstances, be granted to or exercised by the district. 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 plan, lay out, purchase, construct, acquire, own, operate, maintain, repair, and improve, inside or outside its boundaries, any works, improvements, facilities, plants, equipment, and appliances, including any administrative 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, 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. A project authorized by this subsection must meet all platting and zoning requirements of the city and have the approval of the city by resolution of the city council. The district shall not purchase, acquire, or own land prior to the completion of the levee as specified by the reclamation plan approved by the U.S. Corps of Engineers and the city, unless otherwise approved by resolution of the city council of the city.

**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) Dennis H. Alberts;
- (2) Robert Ciulla;
- (3) Reg Crump;
- (4) Robert V. Gass; and
- (5) George J. Varga, Jr.

(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 any landowner in the district 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 establish the bylaws of the district. Those bylaws and any amendments to the bylaws must be approved by resolution of the city council of the city.

(b) A majority of the members of the board constitute a quorum for transaction of business of the district, and approval of at least a majority of the members of the board is necessary for approval of any matter before the board.

(c) 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.

(d) 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, not to exceed \$250 per month, 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.** (a) The board shall hold regular, special, or emergency meetings at those times and on those dates the board determines.

(b) The bylaws established by the board must require that the board give notice of its meetings to the city as provided in Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon's Texas Civil Statutes).

(c) The minutes of each board meeting shall be printed and sent to the city.

**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 city may require that all tax collection of the district be by the city by contract and require a reasonable fee for that service. If the city does not require tax collection by contract with the city, 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 or may be invested or reinvested in investment agreements with any financial institution the unsecured debt of which is rated in either of the two highest letter rating categories by a nationally recognized securities rating agency or in other obligations which are rated "A" or higher by a nationally recognized rating agency.

**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 to the city at least 30 days prior thereto and by publication in a newspaper with general circulation in Dallas County once a week for two consecutive weeks, with the first publication occurring at least 20 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, with the exception that no land may be added to the district through the exercise of eminent domain. 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, and issue short term obligations in accordance with Chapter 656, Acts of the 68th Legislature, Regular Session, 1983 (Article 717q, Vernon's Texas Civil Statutes), except that

notwithstanding the provisions of Chapter 656, the district may pledge ad valorem taxes in support of said short-term obligations.

**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, the Bond Procedures Act of 1981 (Article 717k-6, Vernon's Texas Civil Statutes), and the general law of this state.

(b) Sections 54.516, 54.5161, and 54.517, Water Code, do not apply to projects undertaken by the district. The district is authorized to sell its bonds, notes, or other evidences of indebtedness at public or negotiated sale as may be determined by the board.

**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.

**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 and Sections 54.224-54.228, 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) Any contract obligating the district to make payments in whole or in part from ad valorem 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 that the district is authorized to purchase, acquire, construct, own, or improve. In lieu of payment by the city for those works and projects, the contract may provide that the district shall pay all debt obligations relating to the works or projects, that the city will assume and take title to and will maintain and operate those works and projects as part of its own works, projects, and systems, and at its cost and expense, and that the city will receive all revenues and income from those works and projects. Under any contract in which the city provides services, utility or otherwise, compensation to the city shall be on the same basis as for similar types of property receiving the same service elsewhere in the city.

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

(b) The district may not adopt or enforce a rule or regulation relating to the city's streets or roads or to any waterworks or sewer facilities constructed by the district and conveyed to 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, platting and zoning requirements, rules, or regulations of the city. The design, plans, and specifications for all of the district's works and projects shall be submitted to the city for approval by resolution of the city council.

**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 9, 1985, by a non-record vote; House concurred in Senate amendments to H.B. No. 2447 on May 26, 1985, by the following vote: Yeas 147, Nays 1, 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. 2447 was transmitted to the Governor on April 18, 1985, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on May 20, 1985; passed by the Senate, with amendments, on May 24, 1985, by the following vote: Yeas 29, Nays 0.

Approved: June 15, 1985

Effective: Immediately