

## CHAPTER 412

H.B. No. 2469

An Act relating to the board of directors and contracts of the Franklin County Water District.

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

**SECTION 1.** Subsections (c), (d), (e), and (f), Section 3, Chapter 719, Acts of the 59th Legislature, Regular Session, 1965 (Article 8280-341, Vernon's Texas Civil Statutes), are amended to read as follows:

(c) *Members of the Board of Directors of the District serve for four-year terms. A directors' election shall be held on the first Saturday in April of each odd-numbered year to elect the appropriate number of directors. Except as provided by this Act, a directors' election is held as provided by Chapter 51, Water Code, and the Texas Election Code. [The first two (2) named Directors in Section 3(b), above, shall serve until the first Tuesday in April, 1966, and thereafter until their successors have been declared elected and qualified, and the following three (3) named Directors shall serve until the first Tuesday in April, 1967, and thereafter until their successors have been declared elected and qualified. Regular elections for Directors shall be held on the first Tuesday in April of each year beginning in 1966. Two (2) Directors shall be elected in each even-numbered year and three (3) in each odd-numbered year.] Notice of the election shall be published in accordance with the General Law applicable to water control and improvement districts. The election order shall state the time, the place or places and purpose of the election, and the Board of Directors shall appoint a presiding judge who shall appoint one (1) assistant judge and at least two (2) clerks to assist in holding such election. Only qualified electors residing in the District shall be entitled to vote at said election. The candidates receiving the highest number of votes shall be declared elected. Returns of the election shall be made to and canvassed by the Board of Directors of said District, which shall enter its order declaring the results of the election.*

(d) Any candidate for Director desiring to have his name printed on the ballot may do so by a petition so requesting signed by not less than ten (10) residents of the District who are qualified to vote at the election. Such petition shall be presented to the Secretary of the Board of Directors not less than *thirty-five (35) [ten (10)]* full days prior to the date of the election.

(e) *If a vacancy occurs in the membership of the Board, the remaining members of the Board 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 [Any vacancies occurring in the Board of Directors shall be filled for the unexpired term by majority vote of the remaining Directors].*

(f) *A Director shall receive \$50 a day for each day the Director spends performing the duties of Director, but may not receive more than \$200 for any calendar month. A Director [The Directors shall receive such fees for attending Board meetings as may be established by unanimous vote of the Board, but not to exceed Twenty-five Dollars (\$25) for each meeting and not more than Fifty Dollars (\$50) for all meetings held in any one calendar month. Said Directors] shall also be entitled to receive reimbursement for actual expenses incurred in attending to District business, provided that such expenses are approved by the Board.*

**SECTION 2.** Section 5, Chapter 719, Acts of the 59th Legislature, Regular Session, 1965 (Article 8280-341, Vernon's Texas Civil Statutes), is amended to read as follows:

**Sec. 5. AWARDING CONSTRUCTION OR PURCHASE CONTRACTS.** Any construction contract or contracts for the purchase of materials, equipment or supplies requiring an expenditure of more than *Five [Two] Thousand Dollars (\$5,000) [(\$2,000)]* shall be made to the lowest and best bidder after publication of a notice to bidders once a week for two (2) weeks before awarding the contract. Such notice shall be sufficient if it states the time and place when and where the bids will be opened, the general nature of the work to be done, or the material, equipment or supplies to be purchased, and shall state where and the terms upon which copies of the plans and specifications may be obtained. The publication shall be in a newspaper published in Franklin County and designated by the Board of Directors.

**SECTION 3.** Notwithstanding the amendment of Section 3(c), Chapter 719, Acts of the 59th Legislature, Regular Session, 1965 (Article 8280-341, Vernon's Texas Civil Statutes), by this Act, the directors' election scheduled under the former law to be held in 1986 shall be held on the first Saturday in April 1986, and the two directors elected at that directors' election shall

serve three-year terms. Beginning in 1987 directors shall be elected to serve four-year terms in accordance with Section 3(c), Chapter 719, Acts of the 59th Legislature, Regular Session, 1965 (Article 8280-341, Vernon's Texas Civil Statutes).

**SECTION 4.** 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 17, 1985, by the following vote: Yeas 134, 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. 2469 was transmitted to the Governor on April 29, 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 on May 26, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 10, 1985

Effective: Immediately