

## CHAPTER 684

S.B. No. 1466

An Act relating to the creation, administration, powers, duties, operation, and financing of the Homestead Municipal Utility District No. 2.

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

**SECTION 1. CREATION; LEGISLATIVE DECLARATION.** (a) Pursuant to Article XVI, Section 59, of the Texas Constitution and subject to approval of the qualified voters voting at a confirmation election to be held as provided by Sections 54.026 through 54.029, Water Code, a conservation and reclamation district is created in El Paso County, Texas, to be known as Homestead Municipal Utility District No. 2. The district shall be a governmental agency and a body politic and corporate.

(b) The creation of the district is declared to be essential to the accomplishment of the purposes of Article XVI, Section 59, of the Texas Constitution.

**SECTION 2. DEFINITION.** In this Act, "district" means the Homestead Municipal Utility District No. 2.

**SECTION 3. BOUNDARIES.** The district includes all of the territory contained in the following described area: All of the Southwest Quarter (SW/4) of Section 9, Township 2, Block 78, T&P Ry. Co. Survey, Abstract No. 2046, Certificate No. 6835, State Patent No. 448, Volume 89, SAVE AND EXCEPT a 15 acre tract described as follows: BEGINNING at the Northwest

corner of Section 9, thence South 00° 33' 12" East along the section line a distance of 2,693 feet to the point of beginning; THENCE North 89° 59' 20" East a distance of 808.35 feet to the Northeast corner of this tract; THENCE South 00° 33' 12" East a distance of 808.35 feet to the Southeast corner of this tract; THENCE South 89° 59' 20" West a distance of 808.35 feet to the Southwest corner of this tract; THENCE North 00° 33' 12" West a distance of 808.35 feet to the Northwest corner and point of beginning of this tract, containing 15 acres, more or less. The tract of land contains 145 acres, more or less.

**SECTION 4. FINDINGS RELATING TO BOUNDARIES.** The legislature finds that the boundaries and field notes of the district form a closure. If any mistake is made in the field notes or in copying the field notes in the legislative process, it in no way affects the organization, existence, or validity of the district, the right of the district to issue any type of bonds or refunding bonds for the purposes for which the district is created or to pay the principal of and interest on the bonds, or the right of the district to levy and collect taxes or in any other manner affects the legality or operation of the district or its governing board.

**SECTION 5. FINDING OF BENEFIT.** The legislature finds that all of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Article XVI, Section 59, of the Texas Constitution and that the district is created to serve a public use and benefit.

**SECTION 6. POWERS.** (a) The district has all of the rights, powers, privileges, authority, and functions provided by the general law of the state for municipal utility districts created under Article XVI, Section 59, of the Texas Constitution, including those provided by Chapter 54, Water Code. If any provision of the general law is inconsistent with this Act, this Act prevails.

(b) Any general law not inconsistent with this Act is adopted and incorporated by reference.

**SECTION 7.** The district shall adopt and implement a program of water conservation consistent with rules and criteria duly adopted and enforceable by the Texas Department of Water Resources for similarly situated districts in the region. A program of water conservation means the practices, techniques, and technologies which will reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future uses.

**SECTION 8. BOARD OF DIRECTORS.** (a) The district is governed by a board of five directors.

(b) At the time this Act takes effect, the following persons shall constitute the temporary board of directors of the district:

- (1) Luis E. Rico;
- (2) George F. Taylor;
- (3) James D. Blackwelder;
- (4) Raymundo Juarez; and
- (5) Richard A. Hansen.

(c) Each person shall qualify to serve as director by taking the oath and executing a bond.

(d) If a director fails to qualify for office, 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. If at any time the number of qualified directors is less than three because of the failure, refusal, or inability of one or more directors to qualify or serve because of death or incapacitation or for any other reason, the Texas Water Commission on petition of any landowner in the district shall appoint the necessary number of directors to fill all vacancies on the board for the same terms as provided for persons filling vacancies by appointment of the board.

(e) The temporary directors shall serve until permanent directors are elected at the confirmation and directors' election required under Subsection (a) of Section 1 of this Act and qualify.

**SECTION 9. CONFIRMATION AND DIRECTORS' ELECTION.** At the election called and held to confirm establishment of the district as required by Subsection (a) of Section 1 of this Act, five permanent directors shall be elected as provided by Chapter 54, Water Code.

**SECTION 10. NOTICE, ETC.** The legislature finds that:

(1) all applicable requirements of Subsections (d) and (e) of Article XVI, Section 59, of the Texas Constitution have been accomplished;

(2) notice and a copy of this Act have been furnished to all persons and officials required to be notified; and

(3) the general law relating to consent by political subdivisions to the creation of conservation and reclamation districts has been complied with and all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

**SECTION 11. ELECTIONS.** On the first Saturday in April in the first even-numbered year following the confirmation and directors' election, an election for directors to fill all five positions on the board shall be held. Unless otherwise agreed, the two directors elected with the fewest number of votes serve until April in the next following even-numbered year, and the three with the highest number of votes serve until April in the second following even-numbered year. Subsequent elections shall be held on the first Saturday in April of even-numbered years, and all directors elected serve four-year terms.

**SECTION 12. 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 the Senate on May 22, 1985, by the following vote: Yeas 28, Nays 0; passed the House on May 25, 1985, by a non-record vote.

Approved: June 14, 1985

Effective: August 26, 1985