

CHAPTER 193

S.B. No. 399

AN ACT

relating to the validation of the creation of the Siesta Shores Water Control and Improvement District and the district's administration and operation.

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

SECTION 1. DEFINITION. In this Act, "district" means the Siesta Shores Water Control and Improvement District.

SECTION 2. VALIDATION AND POWERS. (a) The creation of the district and all resolutions, instruments, orders, and other acts or attempted acts of the board of directors of the district are validated and confirmed in all respects. The creation of the district and all resolutions, instruments, orders, and other acts or attempted acts of the board of directors of the district are valid as though they originally had been legally authorized or accomplished.

(b) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 50 and 51, Water Code, applicable to water control and improvement districts created under Article XVI, Section 59, of the Texas Constitution.

SECTION 3. DISTRICT BOUNDARIES. The district includes all of the territory within the following described area:

BEGINNING at a point on the 307 foot contour line of Falcon Lake at Survey Marker 33-A-3 and following the 307 foot line as follows:

33-A-3 to 33-A-4 South 68 degrees 32' West 433.03 feet; 33-A-4 to 33-A-5 North 49 degrees 43' West 1304.39 feet; 33-A-5 to 33-A-6 North 11 degrees 22' East 1062.66 feet; 33-A-6 to 33-A-7 North 80 degrees 48' West 775.11 feet; 33-A-7 to 33-A-8 North 48 degrees 56' West 388.75 feet; 33-A-8 to 33-A-9 North 56 degrees 55' East 1541.13 feet; 33-A-9 to 33-A-10 North 69 degrees 26' East 578.30 feet; 33-A-10 to 33-A-11 South 20 degrees 59' East 350.22 feet; 33-A-11 to 33-A-12 North 82 degrees 17' East 282.72 feet; 33-A-12 to 33-A-13 North 11 degrees 20' West 564.75 feet; 33-A-13 to 33-A-14 North 65 degrees 09' West 676.94 feet; 33-A-14 to 33-A-15 North 16 degrees 15' East 614.78 feet; 33-A-15 to 33-A-16 South 73 degrees 34' East 501.28 feet; 33-A-16 to 33-A-17 North 42 degrees 06' East 370.86 feet; 33-A-17 to 33-A-18 North 80 degrees 25' West 444.39 feet;

33-A-18 to 33-A-18A North 37 degrees 13' East 177.87 feet; THENCE with the north line of Siesta Shores Subdivision between points 33-A-18A to 33-A-26A North 53 degrees 27' East 3613.02 feet; THENCE continuing with the 307 foot line with points 33-A-26A to 33-A-27 South 14 degrees 54' West 335.49 feet; 33-A-27 to 33-A-28 South 40 degrees 45' West 274.61 feet; 33-A-28 to 33-A-29 South 85 degrees 49' East 523.14 feet; 33-A-29 to 33-A-30 South 02 degrees 18' East 435.36 feet; 33-A-30 to 33-A-31 North 50 degrees 17' East 404.61 feet; 33-A-31 to 33-A-32 North 01 degrees 34' West 501.83 feet; 33-A-32 to 33-A-33 North 29 degrees 10' East 519.00 feet; 33-A-33 to 33-A-33 North 62 degrees 53' East 500.75 feet; 33-A-34 to 33-A-35 North 39 degrees 24' East 386.33 feet; 33-A-35 to 33-A-36 South 80 degrees 48' East 470.67 feet; 33-A-36 to 33-A-37 North 28 degrees 33' East 447.56 feet; 33-A-37 to 33-A-38 North 43 degrees 22' East 450.92 feet; 33-A-38 to 33-A-39 North 07 degrees 28' East 539.03 feet; 33-A-39 to 33-A-40 South 77 degrees 23' East 560.61 feet; 33-A-40 to 33-A-41 North 46 degrees 54' East 585.97 feet; 33-A-41 to 33-A-42 South 65 degrees 10' East 622.72 feet; 33-A-42 to 33-A-43 South 06 degrees 11' East 459.14 feet; 33-A-43 to 33-A-44 South 21 degrees 44' West 348.50 feet; 33-A-44 to 33-A-45 South 25 degrees 11' East 415.50 feet; 33-A-45 to 33-A-46 South 71 degrees 56' West 351.31 feet; 33-A-46 to 33-A-47 South 37 degrees 55' East 406.86 feet; 33-A-47 to 33-A-48 South 53 degrees 37' West 482.17 feet; 33-A-48 to 33-A-49 South 73 degrees 47' East 477.00 feet; 33-A-49 to 33-A-50 South 41 degrees 14' West 506.50 feet; 33-A-50 to 33-A-51 South 47 degrees 37' East 726.47 feet; 33-A-51 to 33-A-51A South 11 degrees 10' West 700.71 feet; THENCE with the south line of Siesta Shores Subdivision between points 33-A-51A to 33-A-3A South 53 degrees 43' West 8697.88 feet; & 33-A-3A to 33-A-3 South 36 degrees 16' East 14.00 feet to the POINT OF BEGINNING, containing within said bounds 802.83 acres of land, 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 a 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 assessments or taxes or in any other manner affects the legality or operation of the district or its governing body.

SECTION 5. BOARD OF DIRECTORS. (a) The district is governed by a board of five directors.

(b) Temporary directors serve until the initial directors are elected under Section 7 and the initial directors serve until permanent directors are elected under that section.

(c) Permanent directors serve staggered four-year terms.

(d) Each director must qualify to serve in the manner provided by Sections 51.078 and 51.079, Water Code, as appropriate.

(e) A director serves until the director's successor has qualified.

SECTION 6. TEMPORARY DIRECTORS. (a) On the effective date of this Act, the temporary board of directors of the district is composed of the following persons:

- (1) Lawrence F. Link;
- (2) Ramiro Garcia;
- (3) Danilea Diette;
- (4) Edmundo Martinez; and
- (5) David Tiesdale.

(b) If a temporary director fails to qualify for office, the temporary directors who have qualified shall appoint a person to fill the vacancy. If at any time there are fewer than three qualified temporary directors, the Texas Natural Resource Conservation Commission shall appoint the necessary number of persons to fill all vacancies on the board.

SECTION 7. ELECTION OF DIRECTORS. (a) The temporary board of directors shall call and hold an election to elect five individuals to the initial board of directors. The election shall be held on the first uniform election date practicable after the effective date of this Act.

(b) The three initial directors receiving the greatest number of votes serve as directors for terms expiring the second Saturday in August, 1996, and the other two directors serve terms expiring the second Saturday in August, 1994.

(c) After the election of the initial board of directors, an election shall be held on the second Saturday in August of each even-numbered year to elect the appropriate number of directors.

SECTION 8. TRANSITION PROVISION. The reference in Section 6 of this Act to the Texas Natural Resource Conservation Commission means the Texas Water Commission until the name of the Texas Water Commission is changed to the Texas Natural Resource Conservation Commission as provided by Section 1.085, Chapter 3, Acts of the 72nd Legislature, 1st Called Session, 1991.

SECTION 9. 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 April 22, 1993: Yeas 30, Nays 0; passed the House on May 11, 1993: Yeas 140, Nays 0, two present not voting.

Approved May 19, 1993.

Effective May 19, 1993.