

## CHAPTER 809

H.B. No. 2568

## AN ACT

relating to the terms of office and compensation of the commissioners of the Calhoun County Drainage District No. 11 and to the validation of certain actions of the district.

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

SECTION 1. Sections 5 and 6, Chapter 339, Acts of the 57th Legislature, Regular Session, 1961, are amended to read as follows:

Sec. 5. (a) The management and control of the affairs of the District shall be vested in a Board of Drainage Commissioners, consisting of six (6) members as ~~hereinafter~~ provided by this Act. *The Board of Drainage Commissioners is the governing body of the District.*

(b) *Commissioners' elections* ~~[As soon as practicable after the effective date of this Act, the Commissioners Court of Calhoun County shall call an election by the qualified resident property taxpaying voters of the District who have rendered their property for taxation for the election of six (6) commissioners, who when elected and qualified shall constitute the governing body of the District. Such election]~~ shall be called and held as provided by the General Law for the election of Directors of Water Control and Improvement Districts ~~[and the Commissioners Court of Calhoun County shall perform the same functions prescribed by the general law to be performed by Boards of Directors of such districts].~~

(c) *The commissioners shall serve four-year terms.*

(d) ~~[The two (2) commissioners receiving the highest vote shall serve for six (6) years. The two (2) commissioners receiving the next highest vote shall serve for four (4) years. The other two (2) commissioners shall serve for two (2) years. Upon the expiration of the respective terms of said commissioners, the successor of each and all of them shall be elected for a term of six (6) years.]~~ All vacancies in the Board of Drainage Commissioners shall be filled by appointment of the Board of Drainage Commissioners *until the next election of commissioners for the District. If the vacant position is not scheduled to be filled at that election, the person elected to fill the vacancy serves only for the remainder of [for] the unexpired term.* In the event the number of commissioners shall be reduced to less than four (4), then the remaining commissioner or commissioners shall call a special election to fill said vacancies.

(e) Each Drainage Commissioner shall take the official oath of office and give a good and sufficient bond made payable to the District conditioned on the faithful performance of official duties of such commissioner in the amount of Five Thousand Dollars (\$5,000) within ten (10) days after their election or appointment, and such bonds shall be approved by the *Board of Drainage Commissioners* ~~[Calhoun County Commissioners Court]~~. The costs of such bonds shall be paid by *the District* ~~[Calhoun County, which shall be reimbursed when such District has funds available for such purpose].~~

(f) *The commissioners shall be elected at large.*

(g) *The Board of Drainage Commissioners by resolution may change the method of representation of any or all commissioners or institute a plan of voting that would provide more protection of individual voting rights. The District may create single-member districts, provide for election of commissioners at large, and may set and define the boundaries for single-member districts at a regular meeting of the Board. Any method of representation or plan of voting adopted by the commissioners must comply with requirements of federal and state law.*

Sec. 6. (a) ~~The [Drainage Commissioner for Place No. 1 must be a bona fide resident of and own land subject to taxation in that portion of Calhoun County Commissioners Precinct No. 1 which is included within the boundaries of the District. The Drainage Commissioner for Place No. 2 must be a bona fide resident of and own land subject to taxation in that portion of Calhoun County Commissioners Precinct No. 2 which is included within the boundaries of the District. The Drainage Commissioner for Place No.~~

~~3 shall be a commissioner at large and need only be a bona fide resident of and own land subject to taxation in the District. The Drainage Commissioner for Place No. 4 must be a bona fide resident of and own land subject to taxation in that portion of Calhoun County Commissioners Precinct No. 4 which is within the boundaries of the District; provided, however, if there be no person having such qualifications, the Drainage Commissioner for Place No. 4 shall be a commissioner at large and need only be a bona fide resident of and own land subject to taxation in the District. The Drainage Commissioners for Place No. 5 and Place No. 6 must each be bona fide residents of the City of Port Lavaca, Texas, and own land subject to taxation in the District. Such] Board shall organize, as soon as practicable after the regular commissioners' [their] election and qualification, by electing one of their members chairman, one vice chairman, and one secretary.~~

~~(b) [Thereafter, such election of officers shall be held biennially.] Four (4) commissioners shall constitute a quorum at any meeting and the concurrence of a majority of those present shall be sufficient in all matters pertaining to the business of the District. [Said commissioners shall receive as fees of office the sum of not more than Ten Dollars (\$10) for each day of service necessary to discharge their duties, plus actual expenses, subject to approval of same by the Calhoun County Commissioners Court. Each commissioner shall file, with the Calhoun County Commissioners Court, a statement showing the amount due him each month or as soon thereafter as practicable before payment can be made therefor.]~~

~~(c) The Board of Drainage Commissioners shall set the salaries of the commissioners for the performance of their duties. The salaries shall be part of the annual budget of the District.~~

SECTION 2. (a) The persons serving on the board of drainage commissioners of the Calhoun County Drainage District No. 11 on the effective date of this Act continue in office until the election held in January 1988.

(b) At the election held in January 1988, a successor shall be elected for each commissioner. Persons elected to represent places 1, 3, and 5 serve until the commissioners' election held in 1992. Persons elected to represent places 2, 4, and 6 serve until the commissioners' election held in 1990. Successor directors serve four-year terms of office.

SECTION 3. All resolutions, orders, and other acts or attempted acts of the board of drainage commissioners of the Calhoun County Drainage District No. 11, together with all annexations by the district and annexation elections, and all proceedings of the district, authorizing the issuance of bonds of the district, including voted but unissued bonds of the district, bond elections, and the bond taxes voted for those bonds, and all contracts are validated in all respects. All the resolutions, orders, and other acts or attempted acts of the board of drainage commissioners of the district, annexations, all proceedings of the district, the district's bonds, bond elections, bond taxes, pledged revenues, and contracts are valid as though they had originally been legally authorized or accomplished.

SECTION 4. This Act does not apply to or affect litigation now pending in any court of competent jurisdiction in this state to which the district is a party.

SECTION 5. Proof of publication of the constitutional notice required by Article XVI, Section 59(d), of the Texas Constitution has been made in the manner provided in that section and a copy of the notice and the bill, as originally introduced, have been delivered to the governor of the State of Texas as required in that constitutional provision. The notice and delivery are found and declared to be proper and sufficient to satisfy those constitutional requirements.

SECTION 6. 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 15, 1987, by a non-record vote; and, pursuant to the provisions of Article XVI, Section 59(d) of the Constitution of Texas, a copy of H.B. No. 2568 was transmitted to the Governor on April 27, 1987, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on May

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**70th LEGISLATURE—REGULAR SESSION**

20, 1987. Passed by the Senate on May 28, 1987, by the following vote: Yeas 30,  
Nays 0.

Approved June 19, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.