

## CHAPTER 916

H.B. No. 2601

## AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the El Paso County Tornillo Water Improvement District.

*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, a conservation and reclamation district is created in El Paso County, subject to approval at a confirmation election under Section 8 of this Act, to be known as "El Paso County Tornillo Water Improvement District," which shall be a governmental agency and a body politic and corporate.

(b) The creation of the authority 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, "authority" means the El Paso County Tornillo Water Improvement District.

SECTION 3. BOUNDARIES. The authority shall include all of the territory contained within the following described area:

Beginning at the intersection of the northwesterly line of Section 12, Blk L, (University Lands and the southerly R.O.W. line of Interstate I-10,

Thence along said R.O.W. as follows:

S 57° 19' 42" E 441.77 ft  
 Thence S 49° 51' 53" E 2948.41 ft  
 Thence S 42° 24' 05" E 902.93 ft  
 Thence S 47° 35' 55" W 50.00 ft  
 Thence S 42° 24' 05" E 1006.67 ft  
 Thence S 02° 43' 47" E 339.67 ft  
 Thence S 17° 35' 35" W 450.37 ft  
 Thence S 37° 42' 40" W 270.87 ft  
 Thence S 42° 24' 05" E 130.00 ft  
 Thence N 57° 29' 10" E 270.87 ft  
 Thence N 77° 35' 55" E 450.37 ft  
 Thence S 82° 04' 23" E 339.67 ft  
 Thence S 42° 24' 05" E 995.67 ft  
 Thence N 47° 35' 55" E 50.00 ft  
 Thence S 42° 24' 05" E 4599.41 ft  
 Thence S 47° 35' 55" E 100.00 ft  
 Thence S 42° 24' 05" E 5588.73 ft  
 Thence S 56° 49' 28" E 4869.65 ft  
 Thence S 45° 02' 52" W 51.09 ft

Thence S 56° 49' 28" E 5195.17 ft  
 Thence N 33° 10' 32" E 50.00 ft  
 Thence S 56° 49' 28" E 7298.60 ft  
 Thence S 33° 10' 32" W 50.00 ft  
 Thence S 56° 49' 28" E 1305.61 ft to point of intersection of said southerly R.O.W. of I-10 and the east line of William C. Stanley Survey #51, said line being the common line El Paso and Hudspeth Counties;  
 Thence S 45° 00' 00" W 6442.98 to EAST corner Tr 4B, Bk 10, Lower Valley Survey  
 Thence S 44° 54' W 1774.39 ft to South corner TR 3B, Bk 10, Lower Valley Survey  
 Thence S 45° 01' 51" W 507 ft along the common county line El Paso-Hudspeth counties to a point on the easterly R.O.W. of the Rio Grande Restification Project El Paso-Juarez Valley and said being 213.25 ft east of the said base line;  
 Thence N 48° 59' 11" W 1110.90 ft along R.O.W. to sta 72 + 384.76 (Mrts)  
 Thence N 48° 59' 11" W 1205.05 ft to P.T. sta. 72 + 017.46 (mtrs)  
 Thence 1378.88 ft around arc of curve to left-R=2191.46 ft delta=36° 03' 03"  
 Thence N 85° 02' 14" W 609.68 ft  
 Thence N 04° 42' 24" E 808.43 ft  
 Thence N 02° 04' 41" W 172.08 ft  
 Thence N 17° 13' 47" W 202.26 ft  
 Thence N 33° 05' 54" W 208.00 ft  
 Thence N, 51° 47' 09" W 169.32 ft  
 Thence S 77° 34' W 44.30 ft  
 Thence S 75° 09' W 152.16 ft  
 Thence S 51° 11" W, 15.21 ft  
 Thence S 57° 59" E 114.50 ft  
 Thence S 51° 47' E 154.0 ft  
 Thence S 33° 06' E 160.1 ft  
 Thence S 17° 13' E 159.4 ft  
 Thence S 02° 05' E 141.80 ft  
 Thence S 04° 42' W 684.10 ft  
 Thence S 67° 58' W 114.50 ft  
 Thence N 85° 02' 14" W 1070.10 ft on line 406.52' E of Base line  
 Thence N 48° 23' E 209.09 ft  
 Thence N 85° 02' 14" W 1167.88 ft on line 510.00' E of Base line  
 Thence S 32° 12' 46" W 357.84 ft  
 Thence N 85° 02' 14" W 5561.00 ft on line 191.86' E of Base line  
 Thence N 26° 41' E 30.0 ft to point being 221.85' E from Base line  
 Thence N 85° 02' 14" W 4678.7 ft  
 Thence S 04° 51' W 30 ft to point being 191.86' E from Base line  
 Thence N 85° 02' 14" W 4271.64 ft  
 Thence N 16° 30" W 30.0 ft to point 221.85' E from Base line  
 Thence N 85° 02' 14" W 3449.27 ft  
 Thence S 45° 07' W 97.08 ft to point being 147.64' E of base line  
 Thence N 85° 02' 14" W 549.2 ft to P.T Curve Station 64 + 894.92(mtrs)  
 Thence 2628.17 ft around arc of curve to right delta = 42° 51' 30" R=3513.51 ft to P.C. station 64 + 060.19 (mtrs)  
 Thence N 42° 10' 44" W, 3763.77 ft

Thence S 47° 49' 16" W, 42.65 ft to point 104.99' E of Base line  
 Thence N 42° 10' 44" W, 1653.54 ft  
 Thence N 47° 49' 16" E 26.25 ft to point 131.33' E of Base line  
 Thence N 42° 10' 44" W 2814.95 ft  
 Thence S 47° 49' 16" W 3.28 ft to point 127.96' E of Base line  
 Thence N 42° 10' 44" W 1013.78 ft  
 Thence S 47° 49' 16" W 22.97 ft to point 104.99' E of Base line  
 Thence N 42° 10' 44" W 78.74 to P.T. station 61 + 223.70 (mtrs)  
 Thence 1399.72 ft around arc of curve to left; delta = 18° 12' 10", R=4405.82 ft to P.C.  
 P.J. Sta = 807.23 (mtrs)  
 Thence 867.16 ft around arc of compound curve to the left delta = 9° 38' 10"  
 R=5156.09 ft to point on curve  
 Thence N 74° 36' 39" E, 226.38 ft  
 Thence N 81° 23' 21" W, 1629 ft  
 Thence N 89° 09' 02" W 2646.19 ft to intersection with the East line of Fabens  
 Wastewater channel;  
 Thence along easterly line of said Fabens Wastewater channel to its intersection with  
 the common line of Surveys 167 and 168 of the San Elizario Grant, Block 47  
 Thence N 43° 12' E 3167.8 ft to centerline of road and to the most easterly corner of  
 said Survey 167  
 Thence N 46° 48' W 55.55 ft along centerline road to the southwest corner of Survey  
 142  
 Thence N 43° 00' E 1445.0' along common line Surveys 141 142 to foothills  
 Thence S 50° 42' E 314.11 ft  
 Thence S 61° 52' E 277.11 ft  
 Thence S 45° 32' E 155.56 ft  
 Thence N 43° 00' E 139.44 ft  
 Thence S 55° 40' E 557.78 ft  
 Thence S 86° 05' E 302.50 ft  
 Thence S 81° 57' E 361.94 ft  
 Thence S 43° 12' W 425.83 ft  
 Thence S 46° 09' E 631.39 ft  
 Thence S 75° 58' E 267.83 ft  
 Thence N 83° 04' E 398.50 ft  
 Thence S 48° 14' E 463.86 ft  
 Thence S 24° 13' E 470.08 ft  
 Thence S 17° 58' E 210.28 ft  
 Thence S 38° 52' W 200.00 ft  
 Thence S 57° 37' W 549.89 ft  
 Thence S 74° 37' W 200.00 ft  
 Thence S 80° 57' W 155.19 ft  
 Thence N 86° 48' W 100.11 ft  
 Thence S 80° 32' W 140.17 ft  
 Thence N 06° 28' W 83.11 ft  
 Thence S 30° 03' E 100.11 ft  
 Thence S 00° 12' W 157.22 ft  
 Thence S 44° 28' E 400.50 ft  
 Thence S 55° 33' E 300.36 ft  
 Thence S 69° 48' E 200.28 ft  
 Thence S 75° 08' E 1101.36 ft  
 Thence S 16° 16' E 344.44 ft  
 Thence S 61° 31' E 600.83 ft  
 Thence S 48° 42' E 623.89 ft  
 Thence S 89° 19' E 1128.05 ft

Thence S 49° 46' E 307.88 ft  
 Thence S 84° 32' E 178.83 ft  
 Thence S 32° 26' E 277.22 ft  
 Thence S 11° 08' E 145.17 ft  
 Thence S 27° 25' W 96.81 ft  
 Thence S 38° 33' W 379.39 ft  
 Thence S 35° 58' W 390.47 ft  
 Thence S 28° 58' W 206.67 ft  
 Thence S 31° 07' E 236.67 ft  
 Thence S 02° 13' E 317.08 ft  
 Thence N 45° 20' E 1700.55 ft

Thence S 44° 40' E 1912.63' to common corner Survey 292-427 Section 9

Thence N 52° 30' E 1337.50' to common corner M.R. Hemley Survey 427 Sections 9-10-11

Thence N 52° 30' E 1337.50 ft to common corner 9-10-11 (sections)

Thence N 52° 30' E 5277.76 ft to common corner sections 10-11-12-17

Thence N 52° 30' E 4564.42 to southerly R.O.W. I-10 & the P.O.B.

**SECTION 4. FINDINGS RELATING TO BOUNDARIES.** The legislature finds that the boundaries and field notes of the authority 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, and validity of the authority, or the right of the authority to levy and collect taxes, or in any other manner affects the legality or operation of the authority or its governing body.

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

**SECTION 6. POWERS.** (a) The authority has all of the rights, powers, privileges, authority, and functions conferred by the general laws of this state applicable to municipal utility districts created under Article XVI, Section 59, of the Texas Constitution, including those conferred by Chapters 50 and 54, Water Code. If any provision of general law is in conflict or inconsistent with this Act, this Act prevails.

(b) The rights, powers, privileges, authority, and functions granted to the authority are subject to the continuing right of supervision of the State of Texas to be exercised by and through the Texas Water Commission.

**SECTION 7. BOARD OF DIRECTORS.** (a) The authority is governed by a board of seven directors.

(b) Except for the initial directors, each director shall be elected and shall serve for a two-year term of office.

(c) Each director shall qualify to serve as director in the manner provided by Chapter 54, Water Code.

(d) At the time this Act takes effect, the following persons shall constitute the initial board of directors of the authority:

- (1) Place 1 Rafael Chavez;
- (2) Place 2 Charles Ivy;
- (3) Place 3 David Burrus;
- (4) Place 4 Chente Quintanilla;
- (5) Place 5 Ofelia Bosquez;
- (6) Place 6 John Conner; and
- (7) Place 7 Clemente Escalante.

(e) If any of the directors listed in Subsection (d) of this section fails to qualify for office, the remaining directors shall appoint a qualified person to fill the vacancy for the

unexpired term. If at any time the number of qualified directors is less than four because of the failure or refusal of one or more directors to qualify or serve because of death or incapacitation or for any other reason, the Texas Water Commission shall appoint the necessary number of directors to fill all vacancies on the board.

(f) The initial directors shall serve until permanent directors are elected as provided by Section 9 of this Act and Chapter 54, Water Code.

(g) Each director shall execute a bond for \$5,000 payable to the authority and conditioned on the faithful performance of his duties. The authority shall pay the cost of the bond.

(h) A majority of the members of the board of directors constitute a quorum for the transaction of business of the district, but no official action of the board is valid without the affirmative vote of a majority of the members of the board.

(i) If the board of directors determines that it would be in the best interest of the residents of the authority to change the method by which directors are elected, the board may adopt any plan of redistricting, including a plan based on equal geographical areas.

(j) The authority may provide that each director is entitled to receive \$20 for each day of service necessary to discharge his duties. Each director may also be reimbursed for actual expenses incurred on authority business.

**SECTION 8. CONFIRMATION AND DIRECTORS' ELECTION.** An election shall be called and held to confirm establishment of the authority and to elect seven permanent directors as provided by Chapter 54, Water Code, and Section 9 of this Act.

**SECTION 9. ELECTION OF DIRECTORS.** (a) Beginning in the first year following the confirmation and directors' election, an election shall be held on the third Saturday in May every year to elect the appropriate number of directors to the board.

(b) The directors for Places 1-4 shall be elected in odd-numbered years and the directors for Places 5-7 shall be elected in even-numbered years.

**SECTION 10. ADDITIONAL AUTHORITY.** (a) The authority may:

(1) acquire water appropriation permits, construction permits, and other permits directly from the Texas Water Commission or from owners of permits;

(2) acquire water or a water supply from any person, firm, corporation, or public agency, from this state, or from the United States government or any of its agencies;

(3) contract with one or more substantial users of water to acquire the water supply on an agreed allocation of storage space as between the authority and the user, or may contract independently for the authority's water supply; and

(4) collect, transport, process, dispose of, and control all domestic, industrial, or communal waste, whether in fluid, solid, or composite state.

(b) The authority shall adopt and implement a program of water conservation consistent with rules and criteria adopted and enforced by the Texas Water Commission for similarly situated districts in the region. A program of water conservation means the practices, techniques, and technologies that 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.

(c) The authority may purchase, construct, acquire, own, lease, operate, maintain, repair, improve, and extend inside and outside its boundaries, land and any interest in land, any and all works, improvements, facilities, plants, equipment, and appliances incident, helpful, or necessary to provide for:

(1) the control, storage, preservation, transmission, treatment, and distribution and use of storm water and floodwater, the water of rivers and streams, and underground water, for municipal, domestic, industrial, and other beneficial uses; and

(2) the collection, transportation, processing, disposition, and control of domestic, industrial, or commercial waste.

(d) The authority may enter into any contract with any person, firm, corporation, city, district, public agency, or other political subdivision and perform any other act consistent with the powers granted by this Act.

**SECTION 11. CONSTRUCTION CONTRACTS.** Any construction contract requiring an expenditure of more than \$12,500 shall be made after publication of a notice to bidders once each week for two consecutive weeks immediately before awarding the contract. The notice shall state the time and place the bids will be opened, the general nature of the work to be done, or the material, equipment, or supplies to be purchased, and the terms on which copies of the plans and specifications may be obtained. The notice shall be published in a newspaper with general circulation in the authority and designated by the board of directors. The authority is not required to advertise work to be performed in an emergency situation.

**SECTION 12. NOTICE, ETC.** The legislature finds that proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and laws of this state, including the governor of Texas, who has submitted the notice and Act to the Texas Water Commission. Also, the legislature finds that the Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives, within the required time. 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 13. 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 27, 1987, by the following vote: Yeas 147, 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. 2601 was transmitted to the Governor on May 6, 1987, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on June 1, 1987. Passed by the Senate on May 30, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 18, 1987.

Effective June 18, 1987.