

BILL ANALYSIS

Senate Research Center

S.B. 1770
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Natural Resources
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As Filed

DIGEST

Currently, the Dallas County Utility and Reclamation District (district) is governed by a five-member elected board of directors. A person must reside in the district or own property in the district to hold a position on the board. S.B. 1770 would require the Irving City Council to appoint board members, and the members would be required to meet certain requirements.

PURPOSE

As proposed, S.B. 1770 regulates the operations and board of directors of the Dallas County Utility and Reclamation District, validating certain acts of the district.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 5, Chapter 628, Acts of the 68th Legislature, Regular Session, 1983, to require the director of the Dallas County Utility and Reclamation District (district) to declare a vacancy by the board of directors and his successor to be appointed by the City Council of the City of Irving (council). Requires each director to be at least 18 years of age and possess at least certain qualifications, including being an agent, employee, officer or director of any individual, corporation, trust, or partnership that owns or leases real property within the district, or be a resident of the City of Irving. Requires at least three of the five directors to be qualified as director under the provisions of Section 49.052(a), Water Code. Requires Section 49.052, Water Code, to be applicable to the extent of this section and for no other purpose. Requires the five directors to remain as directors until their successors are duly appointed, rather than elected, and take office on October 1, 1999. Requires the council to appoint three of the five directors for terms of four years and two of the directors for terms of two years, beginning with the first day of October, 1999. Requires the directors whose terms expire to be appointed by the council, rather than elected at an election, and shall serve for a term of four years, rather than one year until their successor are appointed. Requires all vacancies on the board of directors to be filled by appointment to the unexpired term by the council rather than remaining directors. Authorizes the council to remove and replace any of the directors appointed by it at any time without cause. Provides that the city by the appointment and removal of directors and any other action taken, except an action to dissolve the district pursuant to state law or any other specific action taken by the city, which action must be evidenced in writing, directly relating to any fund, note, financial obligation or contractual obligation of the district, does not assume, agree to pay, or guarantee the payment of certain financial obligations, whether in the form of securities or in other contractual forms, including the district's bonds. Requires the board, annually in the month of October, to reorganize and elect new officers. Requires each member of the board of directors to receive a per diem payment of \$50 per regular or special board or committee meeting.

SECTION 2. Amends Section 14, Chapter 628, Acts of the 68th Legislature, Regular Session, 1983, to require the district to obtain the approval of the City of Irving in the form of a city council resolution as a condition precedent to the annexation of any additional land and the approval of its annual operation and maintenance budget.

SECTION 3. Provides that the legislature specifically finds and declares that the requirements of Section 59(d), Article XVI, Texas Constitution, have been met and accomplished in due course and time and in the due order and that the legislature has the authority to enact this Act.

SECTION 4. Provides that the organization of the Dallas County Utility District and Reclamation District and all other functions and actions are validated, ratified, and confirmed. Authorizes all bonds voted and all maintenance taxes authorized at elections held within the district to be issued, levied, and collected by the board of directors of the district without the necessity of any further elections.

SECTION 5. Severability Clause. Provides that all terms and provisions of this Act are to be liberally construed to effectuate the purposes, powers, rights, functions and authorities herein set forth.

SECTION 6. Effective date: September 1, 1999.

SECTION 7. Emergency clause.