

Chapter 16

H.B. No. 2134

1 AN ACT

2 relating to the creation of the Trinity Lakes Municipal Utility
3 District of Montgomery County; granting a limited power of eminent
4 domain; providing authority to issue bonds; providing authority to
5 impose assessments, fees, and taxes.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws
8 Code, is amended by adding Chapter 7971 to read as follows:

9 CHAPTER 7971. TRINITY LAKES MUNICIPAL UTILITY DISTRICT OF
10 MONTGOMERY COUNTY

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 7971.001. DEFINITIONS. In this chapter:

13 (1) "Board" means the district's board of directors.

14 (2) "Commission" means the Texas Commission on
15 Environmental Quality.

16 (3) "Director" means a board member.

17 (4) "District" means the Trinity Lakes Municipal
18 Utility District of Montgomery County.

19 Sec. 7971.002. NATURE OF DISTRICT. The district is a
20 municipal utility district created under Section 59, Article XVI,
21 Texas Constitution.

22 Sec. 7971.003. CONFIRMATION AND DIRECTORS' ELECTION
23 REQUIRED. The temporary directors shall hold an election to
24 confirm the creation of the district and to elect five permanent

1 directors as provided by Section 49.102, Water Code.

2 Sec. 7971.004. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section 7971.003
4 until each municipality in whose corporate limits or
5 extraterritorial jurisdiction the district is located has
6 consented by ordinance or resolution to the creation of the
7 district and to the inclusion of land in the district.

8 Sec. 7971.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
9 The district is created to serve a public purpose and benefit.

10 (b) The district is created to accomplish the purposes of:

11 (1) a municipal utility district as provided by
12 general law and Section 59, Article XVI, Texas Constitution; and

13 (2) Section 52, Article III, Texas Constitution, that
14 relate to the construction, acquisition, improvement, operation,
15 or maintenance of macadamized, graveled, or paved roads, or
16 improvements, including storm drainage, in aid of those roads.

17 Sec. 7971.006. INITIAL DISTRICT TERRITORY. (a) The
18 district is initially composed of the territory described by
19 Section 2 of the Act enacting this chapter.

20 (b) The boundaries and field notes contained in Section 2 of
21 the Act enacting this chapter form a closure. A mistake made in the
22 field notes or in copying the field notes in the legislative process
23 does not affect the district's:

24 (1) organization, existence, or validity;

25 (2) right to issue any type of bond for the purposes
26 for which the district is created or to pay the principal of and
27 interest on a bond;

1 (3) right to impose a tax; or

2 (4) legality or operation.

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 7971.051. GOVERNING BODY; TERMS. (a) The district is
5 governed by a board of five elected directors.

6 (b) Except as provided by Section 7971.052, directors serve
7 staggered four-year terms.

8 Sec. 7971.052. TEMPORARY DIRECTORS. (a) On or after
9 September 1, 2017, the owner or owners of a majority of the assessed
10 value of the real property in the district may submit a petition to
11 the commission requesting that the commission appoint as temporary
12 directors the five persons named in the petition. The commission
13 shall appoint as temporary directors the five persons named in the
14 petition.

15 (b) Temporary directors serve until the earlier of:

16 (1) the date permanent directors are elected under
17 Section 7971.003; or

18 (2) September 1, 2021.

19 (c) If permanent directors have not been elected under
20 Section 7971.003 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (d) to serve terms that
23 expire on the earlier of:

24 (1) the date permanent directors are elected under
25 Section 7971.003; or

26 (2) the fourth anniversary of the date of the
27 appointment or reappointment.

1 (d) If Subsection (c) applies, the owner or owners of a
2 majority of the assessed value of the real property in the district
3 may submit a petition to the commission requesting that the
4 commission appoint as successor temporary directors the five
5 persons named in the petition. The commission shall appoint as
6 successor temporary directors the five persons named in the
7 petition.

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 7971.101. GENERAL POWERS AND DUTIES. The district has
10 the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 7971.102. MUNICIPAL UTILITY DISTRICT POWERS AND
13 DUTIES. The district has the powers and duties provided by the
14 general law of this state, including Chapters 49 and 54, Water Code,
15 applicable to municipal utility districts created under Section 59,
16 Article XVI, Texas Constitution.

17 Sec. 7971.103. AUTHORITY FOR ROAD PROJECTS. Under Section
18 52, Article III, Texas Constitution, the district may design,
19 acquire, construct, finance, issue bonds for, improve, operate,
20 maintain, and convey to this state, a county, or a municipality for
21 operation and maintenance macadamized, graveled, or paved roads, or
22 improvements, including storm drainage, in aid of those roads.

23 Sec. 7971.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
24 project must meet all applicable construction standards, zoning and
25 subdivision requirements, and regulations of each municipality in
26 whose corporate limits or extraterritorial jurisdiction the road
27 project is located.

1 (b) If a road project is not located in the corporate limits
2 or extraterritorial jurisdiction of a municipality, the road
3 project must meet all applicable construction standards,
4 subdivision requirements, and regulations of each county in which
5 the road project is located.

6 (c) If the state will maintain and operate the road, the
7 Texas Transportation Commission must approve the plans and
8 specifications of the road project.

9 Sec. 7971.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
10 OR RESOLUTION. The district shall comply with all applicable
11 requirements of any ordinance or resolution that is adopted under
12 Section 54.016 or 54.0165, Water Code, and that consents to the
13 creation of the district or to the inclusion of land in the
14 district.

15 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16 Sec. 7971.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
17 district may issue, without an election, bonds and other
18 obligations secured by:

19 (1) revenue other than ad valorem taxes; or

20 (2) contract payments described by Section 7971.153.

21 (b) The district must hold an election in the manner
22 provided by Chapters 49 and 54, Water Code, to obtain voter approval
23 before the district may impose an ad valorem tax or issue bonds
24 payable from ad valorem taxes.

25 (c) The district may not issue bonds payable from ad valorem
26 taxes to finance a road project unless the issuance is approved by a
27 vote of a two-thirds majority of the district voters voting at an

1 election held for that purpose.

2 Sec. 7971.152. OPERATION AND MAINTENANCE TAX. (a) If
3 authorized at an election held under Section 7971.151, the district
4 may impose an operation and maintenance tax on taxable property in
5 the district in accordance with Section 49.107, Water Code.

6 (b) The board shall determine the tax rate. The rate may not
7 exceed the rate approved at the election.

8 Sec. 7971.153. CONTRACT TAXES. (a) In accordance with
9 Section 49.108, Water Code, the district may impose a tax other than
10 an operation and maintenance tax and use the revenue derived from
11 the tax to make payments under a contract after the provisions of
12 the contract have been approved by a majority of the district voters
13 voting at an election held for that purpose.

14 (b) A contract approved by the district voters may contain a
15 provision stating that the contract may be modified or amended by
16 the board without further voter approval.

17 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

18 Sec. 7971.201. AUTHORITY TO ISSUE BONDS AND OTHER
19 OBLIGATIONS. The district may issue bonds or other obligations
20 payable wholly or partly from ad valorem taxes, impact fees,
21 revenue, contract payments, grants, or other district money, or any
22 combination of those sources, to pay for any authorized district
23 purpose.

24 Sec. 7971.202. TAXES FOR BONDS. At the time the district
25 issues bonds payable wholly or partly from ad valorem taxes, the
26 board shall provide for the annual imposition of a continuing
27 direct ad valorem tax, without limit as to rate or amount, while all

1 or part of the bonds are outstanding as required and in the manner
2 provided by Sections 54.601 and 54.602, Water Code.

3 Sec. 7971.203. BONDS FOR ROAD PROJECTS. At the time of
4 issuance, the total principal amount of bonds or other obligations
5 issued or incurred to finance road projects and payable from ad
6 valorem taxes may not exceed one-fourth of the assessed value of the
7 real property in the district.

8 SECTION 2. The Trinity Lakes Municipal Utility District of
9 Montgomery County initially includes all the territory contained in
10 the following area:

11 BEING 93.40 acres (4,068,654 square feet) of land, all of the
12 Remainder of a called 48.935 acres, conveyed to David Randall and
13 Sandy Randall, by deed recorded under County Clerk's File Number
14 (C.F.) 2006-032388 Official Public Records of Montgomery County,
15 Texas (O.P.R. M.C.T.) and all of a called 41.296 acres, conveyed to
16 HB American Group, Inc., by deed recorded under C.F. 2016019830
17 O.P.R. M.C.T. and part of FM 2432, 100' Public right-of-way
18 (R.O.W.) lying adjacent to said Remainder and 41.296 acres, said
19 93.40 acre tract lying in the G.W. Lonis Survey, Abstract 313,
20 Ranson Tillons Survey, Abstract 580, Henry Alston Survey, Abstract
21 59, William Hobdy Survey, Abstract 285, John Wilkerson Survey,
22 Abstract 630 and the Jacob Eberly Survey, Abstract 196 and being
23 more particularly described by metes and bounds as follows:

24 BEGINNING at a found 1/2 inch iron pipe with Texas State Plane
25 Coordinates, Texas Central NAD 83, Northing 10146503.586, Easting
26 3840038.421, in the north right-of-way (R.O.W.) of FM 2432, 100'
27 Public R.O.W., marking the common corner of Lots 45 and 46, Block 4,

1 Texas National, Section 5, recorded under Cabinet B, Sheet 117 Map
2 Records of Montgomery County, Texas (M.R. M.C.T.), also being the
3 southeast corner of said Remainder and the herein described tract;
4 THENCE along a curve to the right and said north R.O.W., having a
5 radius of 2,898.08 feet, a delta angle of $13^{\circ} 16' 47''$, and whose long
6 chord bears South $60^{\circ} 59' 41''$ West a distance of 670.20 feet to a point
7 of curvature of the herein described tract;
8 THENCE along a curve to the right and said north R.O.W., having a
9 radius of 3,808.23 feet, a delta angle of $03^{\circ} 10' 00''$, and whose long
10 chord bears South $52^{\circ} 49' 16''$ West a distance of 210.45 feet to a
11 concrete monument, marking a point of tangency of the herein
12 described tract;
13 THENCE South $50^{\circ} 40' 39''$ West, along said north R.O.W., a distance of
14 133.24 feet to a point for corner, marking the east corner of the
15 herein described tract;
16 THENCE South $40^{\circ} 10' 22''$ West, over and across said R.O.W., a distance
17 of 100.00 feet to a found $1/2$ inch iron rod, marking the most
18 northerly corner of a cut-back, from which a TX-DOT Disk bears South
19 $46^{\circ} 51' 32''$ East, a distance of 8.68 feet;
20 THENCE South $03^{\circ} 17' 08''$ East, along said cut-back, a distance of
21 12.46 feet to a set $5/8$ inch iron rod with cap "Landpoint 10194172"
22 in the northwest R.O.W. of Seven Coves Road, public R.O.W. varies,
23 marking the most southerly corner of said cut-back;
24 THENCE South $40^{\circ} 31' 14''$ West, along said northwest R.O.W., a distance
25 of 593.57 feet (called 596.05') to a TX-DOT Disk, marking the
26 southeast corner of a called 15.5382 acres, conveyed to Wes
27 Schubert and Spouse Stephanie Schubert, by deed recorded C.F.

1 2012085128 O.P.R. M.C.T., from which a TX-DOT Disk, bears North
2 69°55'16" East, a distance of 0.56 feet;
3 THENCE North 03°28'49" West, along the east line of said 15.5382
4 acres, a distance of 28.81 feet (called 29.99') to a found 5/8 inch
5 iron rod, marking the northeast corner of said 15.5382 acres, also
6 being an internal corner of the herein described tract, from which a
7 found 1/2 inch iron rod with cap, bears South 10°17'27" East, a
8 distance of 0.82 feet;
9 THENCE South 86°35'29" West, along the north line of said 15.5382
10 acres, a distance of 2167.33 feet (called 2,166.51') to a found 1/2
11 inch iron rod in the east R.O.W. of Farrell Road, 60' Public R.O.W.,
12 marking the northwest R.O.W. of said 15.5382 acres, also being the
13 southwest corner of the herein described tract;
14 THENCE North 02°41'49" West, along said east R.O.W., a distance of
15 728.95 feet (called 731.20') to a found 1/2 inch iron rod with cap,
16 marking the southwest corner of a called 6.368 acres, conveyed to
17 Ehlers Management, Inc., by deed recorded under C.F. 2014005771
18 O.P.R. M.C.T., also being the northwest corner of the herein
19 described tract;
20 THENCE North 86°24'55" East, passing at a distance of 1019.11 feet
21 along the south line of said 6.368 acres, a called 5.00 acres,
22 conveyed to Gary D. Kiddy and Diana K. Kiddy, by deed recorded under
23 C.F. 9895647 O.P.R. M.C.T. and a called 4.463 acres, conveyed to Don
24 Robinson and wife, Eileen Robinson, by deed recorded under C.F.
25 99013144 O.P.R. M.C.T. to a found 5/8 inch iron rod, marking the
26 common corner of said 4.463 acres and a called 3.168 acres, conveyed
27 to Allen P. Mott Jr. and Marla J. Mott, by deed recorded under C.F.

1 2016002862 O.P.R. M.C.T. and continuing for a total distance of
2 1065.58 feet (called 1,071.09') to a found 1/2 inch iron rod,
3 marking an angle point of the herein described tract;
4 THENCE North 86°07'33" East, along the south line of said 3.168
5 acres, a distance of 247.75 feet to a found 1/2 inch iron rod,
6 marking the common corner of said 3.168 acres and a called 1.6722
7 acres, conveyed to Arlene Elizabeth Buchanan Drawdy, by deed
8 recorded under C.F. 9536359 O.P.R. M.C.T., marking an angle point
9 of the herein described tract;
10 THENCE North 85°36'58" East, along the south line of said 1.6722
11 acres passing at a distance of 186.38 feet a found 5/8 inch iron
12 rod, being the common corner of said 1.6722 acres and 2.1691 acres
13 and continuing for a total distance of 204.50 feet to a set 5/8 inch
14 iron rod with cap "Landpoint 10194172", marking an angle point of
15 the herein described tract;
16 THENCE North 88°29'58" East, along the said south line of 2.1691
17 acres, a distance of 299.26 feet to a found 2 inch iron pipe,
18 marking the southeast corner of said 2.1691 acres, also being an
19 internal corner of the herein described tract;
20 THENCE North 03°15'20" West, along the east line of said 2.1691
21 acres, a distance of 230.63 feet (called 229.79') to a found 1/2
22 inch iron rod in said south R.O.W., marking the north corner of said
23 41.296 acres;
24 THENCE along a curve to the left and said north R.O.W., having a
25 radius of 2,819.17 feet, a delta angle of 09° 12' 35", and whose long
26 chord bears North 71°21'11" West a distance of 452.66 feet to a
27 concrete monument in the north line of said 1.6722 acres, also being

1 a point tangency of the herein described tract;
2 THENCE North 75°39'54" West, along said south R.O.W., a distance of
3 346.79 feet to a point for corner in the north line of said 3.168
4 acres, marking an external corner of the herein described tract;
5 THENCE North 03°42'57" West, over and across said FM 2432, passing
6 at a distance of 105.18 feet a found 3/8 inch iron rod, marking the
7 common corner of said Remainder and a called 6.000 acres, conveyed
8 to Kent D. Conaster and wife, Tamara M. Conaster, by deed recorded
9 under C.F. 9738800 O.P.R. M.C.T., continuing for a total distance
10 of 836.69 feet to a found 3/8 inch iron rod, marking the northeast
11 corner of said 6.000 acres, also being an internal corner of said
12 Remainder and the herein described tract;
13 THENCE South 88°16'11" W, along the north line of said 6.000 acres
14 and a called 3.003 acres, conveyed to Nathan Palmer and Kimberly
15 Palmer, by deed recorded under C.F. 2006-095132 O.P.R. M.C.T.,
16 passing at a distance of 386.80 feet a found 1/2 inch iron rod,
17 marking the common corner of said 6.000 acres and said 3.003 acres
18 and continuing for a total distance of 421.35 feet to a found 1/2
19 inch iron pipe and a found 5/8 inch iron rod, marking an angle point
20 of said 3.003 acres, the common corner of Lot 18 and 19, Block 1,
21 Texas National, Section 1, recorded under Cabinet A, Sheet 189 M.R.
22 M.C.T. , also being the most northerly southwest corner of said
23 Remainder and the herein described tract;
24 THENCE North 02°44'12" West, along east line of said Lot 18 and 19,
25 Block 1 and Lots 29 thru 43, the Amending Plat of Texas National
26 Country Club Homes, by deed recorded under Cabinet A, Sheet 190 M.R.
27 M.C.T, a distance of 1129.53 feet to a set 5/8 inch iron rod with cap

1 "Landpoint 10194172", marking the southwest corner of a called
2 0.797 acres, conveyed to The C.L. McIlvain Family Trust, by deed
3 recorded under C.F. 2008-088344 O.P.R. M.C.T., also being the
4 northwest corner of the herein described tract;
5 THENCE North 87°02'59" East, along the south line of said 0.797
6 acres, a distance of 235.39 feet to a point for corner, marking the
7 southeast corner of said 0.797 acres, also being an internal corner
8 of the herein described tract, from which a found 1/2 inch iron rod
9 with cap, bears South 55°38' 33" West a distance of 0.49 feet;
10 THENCE North 02°44'12" West, along the east line of said 0.797
11 acres, a distance of 147.47 feet to a found 1/2 inch iron, marking
12 the common corner of Lots 3 and 4, Block 4, Texas National, Section
13 2, recorded under Cabinet B, Sheet 35 M.R. M.C.T., also being an
14 external corner of the herein described tract;
15 THENCE North 87°02'59" East, along Lot 4 thru 15, said Block 4, Texas
16 National, Section 2, passing at a distance of 75.00 feet a found 1/2
17 inch iron, marking the common corner of said Lots 4 and 5, passing
18 at a distance of 525.10 feet a found 1/2 inch iron, marking the
19 common corner of said Lots 10 and 11, passing at a distance of
20 600.10 feet a found 1/2 inch iron, marking the common corner of said
21 Lots 11 and 12, passing at a distance of 675.00 feet a found 1/2 inch
22 iron, marking the common corner of said Lots 12 and 13, passing at a
23 distance of 755.00 feet a found 1/2 inch iron, marking the common
24 corner of said Lots 13 and 14 and continuing for a total a distance
25 of 918.50 feet to a found 1/2 inch iron pipe in the west line of Lot
26 17, said Block 4, Texas National, Section 2, marking the southeast
27 corner of said Lot 15, also being the northeast corner of said

1 Remainder and the herein described tract;
2 THENCE South 03°30'52" East, along the west line of Lots 17 thru 28,
3 Block 4, Texas National, Section 2 and Lots 29 thru 45, said Block
4 4, Texas National, Section 5, a distance of 2279.72 feet to a found
5 1/2 inch iron pipe, being said southeast corner of said Remainder
6 and the POINT OF BEGINNING and containing a computed 93.40 acres
7 (4,068,654 square feet) of land.

8 SECTION 3. (a) The legal notice of the intention to
9 introduce this Act, setting forth the general substance of this
10 Act, has been published as provided by law, and the notice and a
11 copy of this Act have been furnished to all persons, agencies,
12 officials, or entities to which they are required to be furnished
13 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
14 Government Code.

15 (b) The governor, one of the required recipients, has
16 submitted the notice and Act to the Texas Commission on
17 Environmental Quality.

18 (c) The Texas Commission on Environmental Quality has filed
19 its recommendations relating to this Act with the governor, the
20 lieutenant governor, and the speaker of the house of
21 representatives within the required time.

22 (d) All requirements of the constitution and laws of this
23 state and the rules and procedures of the legislature with respect
24 to the notice, introduction, and passage of this Act are fulfilled
25 and accomplished.

26 SECTION 4. (a) If this Act does not receive a two-thirds
27 vote of all the members elected to each house, Subchapter C, Chapter

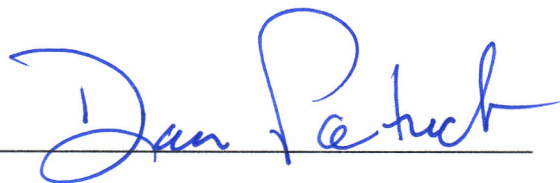
H.B. No. 2134

1 7971, Special District Local Laws Code, as added by Section 1 of
2 this Act, is amended by adding Section 7971.106 to read as follows:

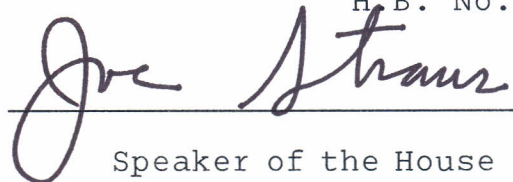
3 Sec. 7971.106. NO EMINENT DOMAIN POWER. The district may
4 not exercise the power of eminent domain.

5 (b) This section is not intended to be an expression of a
6 legislative interpretation of the requirements of Section 17(c),
7 Article I, Texas Constitution.

8 SECTION 5. This Act takes effect September 1, 2017.



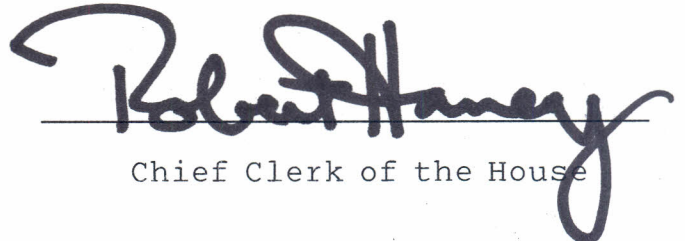
President of the Senate



Speaker of the House

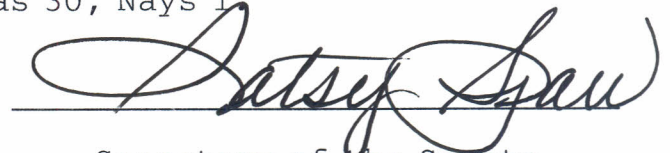
H.B. No. 2134

I certify that H.B. No. 2134 was passed by the House on April 27, 2017, by the following vote: Yeas 141, Nays 3, 3 present, not voting.



Chief Clerk of the House

I certify that H.B. No. 2134 was passed by the Senate on May 4, 2017, by the following vote: Yeas 30, Nays 1



Secretary of the Senate

APPROVED: _____


Date

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

4 PM O'CLOCK

MAY 18 2017


Secretary of State

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 2, 2017

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Administration

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2134 by Metcalf (Relating to the creation of the Trinity Lakes Municipal Utility District of Montgomery County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code establishing the Trinity Lakes Municipal Utility District of Montgomery County. The district would have authority for road projects. The district may issue bonds or other obligations without an election. The district would have authority to impose an operation and maintenance tax. The district would have authority to impose a contract tax. The district may not exercise the power of eminent domain.

The bill would take effect September 1, 2017.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, SD, JGA, GG, BM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 5, 2017

TO: Honorable Jim Murphy, Chair, House Committee on Special Purpose Districts

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2134 by Metcalf (Relating to the creation of the Trinity Lakes Municipal Utility District of Montgomery County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code establishing the Trinity Lakes Municipal Utility District of Montgomery County. The district would have authority for road projects. The district may issue bonds or other obligations without an election. The district would have authority to impose an operation and maintenance tax. The district would have authority to impose a contract tax. The district may not exercise the power of eminent domain.

The bill would take effect September 1, 2017.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, JGA, GG, BM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

WATER DEVELOPMENT POLICY IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

April 4, 2017

TO: Honorable Jim Murphy, Chair, House Committee on Special Purpose Districts

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2134 by Metcalf (Relating to the creation of the Trinity Lakes Municipal Utility District of Montgomery County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Introduced**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

This bill creates Trinity Lakes Municipal Utility District of Montgomery County (District) with the powers and duties of a standard municipal utility district under Water Code Chapters 49 and 54.

Population -The very specific description of the proposed boundaries does not allow staff to develop precise population estimates. Based on the Original Texas Land Surveys mentioned in HB 2134, staff is unable to determine a population estimate.

Population growth in the specific area since the 2010 census is unknown. The 2010 population estimate for areas of Montgomery County served by small systems or private wells (County-Other) is 185,829. The Montgomery County-Other population projections approved for the 2017 State Water Plan projects the population to grow to 293,282 in 2020, 427,682 in 2030 and 585,027 in 2040.

Location - The Proposed district's initial boundaries are described with a combination of Original Texas Land Surveys, Montgomery County Real Property Records and metes and bounds. Due to the complexity of these boundaries for the various sub areas of the district, staff is able to determine only the general location of the proposed district.

The proposed district's area is approximately 0.15 square miles in northeastern Montgomery County. The proposed district is located southwest of the City of Willis, and north of the City of Conroe. The proposed district does not appear to lie within any exiting Certificate of Convenience and Necessity (CCN) boundary.

Comments on Powers/Duties Different from Similar Types of Districts: The bill requires the TCEQ to appoint the five initial temporary directors upon receipt of a petition from the owners of a majority of the assessed value of the real property in the district; this bill grants the District authority for road projects; the bill specifies that at the time of issuance, the total principal amount

of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of real property in the District; if the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain.

Overlapping Services: TCEQ does not have mapping information for water and/or wastewater providers because this function was transferred from the TCEQ to the Public Utility Commission on September 1, 2014. As a result, TCEQ is unaware of possible overlapping service providers.

TCEQ's Supervision: As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

Water Use - HB 2134 specifies that "the district has the powers and duties provided by the general law of the state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution".

Within Montgomery County, 95 percent of the total water use was groundwater (Gulf Coast Aquifer) in 2014. Ninety four percent of all the groundwater pumping was for municipal use. The water source of the proposed district might pursue is unknown.

Source Agencies: 582 Commission on Environmental Quality, 580 Water Development Board

LBB Staff: UP, SZ

Bryan W. Shaw, Ph.D., P.E., *Chairman*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 30, 2017

The Honorable Joe Straus
Texas House of Representatives
Capitol Station
PO Box 2910
Austin, Texas 78768-2910

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

House Bill (HB) 2134, as Filed by Representative Will Metcalf - Relating to the creation of the Trinity Lakes Municipal Utility District of Montgomery County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Dear Speaker Straus:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

Sincerely,

A handwritten signature in cursive script that reads "Cari-Michel LaCaille".

Cari-Michel LaCaille, Director
Water Supply Division

cc: Honorable Jim Murphy, Chairman, House Special Purpose Districts Committee
Representative Will Metcalf, Texas House of Representatives

Enclosure

**HB 2134, as Filed by Representative Will Mecalf
Texas Commission on Environmental Quality's Comments**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

This bill amends the Special District Local Laws Code by adding Chapter 7971 which creates Trinity Lakes Municipal Utility District of Montgomery County (District) with the powers and duties of a standard municipal utility district under Water Code Chapters 49 and 54, with the following exceptions

Comments on Powers/Duties Different from Similar Types of Districts: The bill also: requires the TCEQ to appoint the five initial temporary directors upon receipt of a petition from the owners of a majority of the assessed value of the real property in the district; this bill grants the District authority for road projects; the bill specifies that at the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of real property in the District; and, if the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain.

Overlapping Services: TCEQ does not have mapping information for water and/or wastewater providers because this function was transferred from the TCEQ to the Public Utility Commission on September 1, 2014. As a result, TCEQ is unaware of possible overlapping service providers.

TCEQ's Supervision: As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

HB 2134

Bill Number

TO: The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

2/24/2017

Date transmitted to
Governor's Office



Chief Clerk
House of Representatives

TO: Texas Commission on Environmental Quality
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.

March 3, 2017

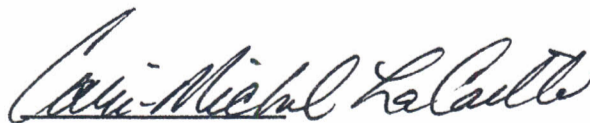
Date transmitted to
Texas Commission on Environmental Quality



Governor

TO: The Honorable Speaker of the House
The Honorable President of the Senate
The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.



Texas Commission on Environmental Quality



85R HB 02134



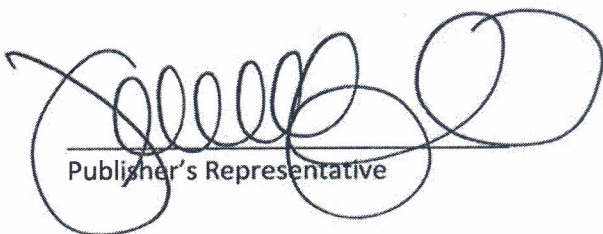
A Division of the Houston Chronicle

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS COUNTY OF MONTGOMERY

Personally appeared before the undersigned, a Notary Public within and for said County and State. Jennifer Breitenbach, Representative for Brenda Miller-Ferguson, General Manager and Publisher of The Conroe Courier a newspaper of general circulation in the County of Montgomery, State of Texas. Who being duly sworn, states under oath that the report of Legal Notices, a true copy of which is hereto annexed was published in said newspapers in its issue(s) of the

_____ 5 day of January, 2017
_____ day of _____, 2017
_____ day of _____, 2017
_____ day of _____, 2017

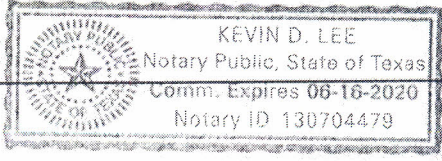


Publisher's Representative

Sworn to and subscribed before me this _____ 5 day of January, 2017.



Notary Public

My commission expires on (stamp) _____


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LEGALS

LEGAL NOTICES

LEGALS

LEGAL NOTICES

NOTICE TO CREDITORS

Notice is hereby given that original Letters Testamentary for the Estate of Noema Hoskins, Deceased, were issued on the 8th day of December, 2016, in Cause No. 16-34569-P, pending in the County Court at Law No. 2, Montgomery County, Texas, to: Donna H. Veale and Donna K. Hoskins.

All persons having claims against this Estate which is currently being administered are required to present them to the undersigned within the time and in the manner prescribed by law.

c/o: **Robin L. Apostolakis**
Martin, Earl & Stilwell, LLP
1400 Woodloch Forest Drive, Ste. 590
The Woodlands, TX 77380

DATED the 8th day of December, 2016.

Robin L. Apostolakis
 State Bar No. 24045416
 1400 Woodloch Forest Drive, Suite 590
 The Woodlands, Texas 77380
 Telephone: 281-419-6200
 Telecopier: 281-419-0250
 www.meslawfirm.com

CC 01-05

NOTICE OF INTENT TO INTRODUCE A BILL

Pursuant to the Constitution and laws of the State of Texas, notice is hereby given of the intention to apply to the 85th Legislature of the State of Texas at its regular session in Austin, Texas for the introduction of a bill, the substance of the contemplated law being as follows: An act relating to the creation of the Trinity Lakes Municipal Utility District of Montgomery County; providing authority to impose a tax and issue bonds.

The Act proposes to create a conservation and reclamation district to be known as Trinity Lakes Municipal Utility District of Montgomery County, being two tracts of land equaling approximately 93.40 acres in Montgomery County, Texas, more particularly described as follows:

South of and adjacent to Texas National Municipal Utility District; bifurcated by Farm to Market 2432; and bounded on the southeast by Seven Cove Road.

The District's creation is subject to approval at a confirmation election.

All interested persons will, therefore, take notice of the matters and facts set out in the foregoing statement of the substance of the contemplated laws as required by the Constitution and laws of the State of Texas.
 CC 01-05

NOTICE TO BIDDERS

Sealed bids (original and one copy) will be received in the Montgomery County Purchasing Department, Attn: Jorge Ardines, Interim Director of Purchasing, 501 N. Thompson, Suite 405, Conroe, Texas 77301 until 10:00 a.m., January 12, 2017. Bids will be publicly opened and read aloud at 10:15 a.m. for the following:

PROJECT 2017-0019
CRACK SEAL SERVICE
VARIOUS DEPARTMENTS

Prospective bidders may obtain specifications at the office of the Montgomery County Purchasing Department, 501 N. Thompson, Suite 405, Conroe, Texas 77301 any time after 8:00 a.m. on December 28, 2016. Specifications are also available via download at the Purchasing website: www.mctx.org.

All bids shall be submitted on the basis of unit pricing as provided in the bid specifications. Payment to successful bidder shall be net thirty (30) days after receipt of products, materials, services or invoices whichever is later unless otherwise stated in specifications.

The right is reserved, as the interest of Montgomery County Commissioners' Court may require rejecting any one or all bids and to waive any formality in bids received. All bids received after the above designated closing time will be returned unopened.

Montgomery County is an Affirmative Action/Equal Opportunity Employer.

Vendors are responsible for monitoring the Purchasing Department web site at www.mctx.org for any Addenda which may be issued.

Any questions relating to the specifications or the submission of the bid, contact Melanie Tadlock, Buyer II at 936.539.7975.

THE COURIER Publish two issues: December 28, 2016, January 05, 2017