

1 AN ACT

2 relating to the administration and powers of the Canadian River
3 Municipal Water Authority.

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

5 SECTION 1. Subsection (b), Section 5, Chapter 243, Acts of
6 the 53rd Legislature, Regular Session, 1953, is amended to read as
7 follows:

8 (b). The Board of Directors shall hold regular meetings, the
9 date thereof to be established in the District's bylaws or by
10 resolution. The President or any three members may call such
11 special meetings as may be necessary in the administration of the
12 District's business, provided that at least five days prior to the
13 meeting date, the Secretary shall have mailed notice thereof to the
14 address which each member shall file with the Secretary. Notices of
15 special meetings may be waived in writing by any Director. The
16 Board of Directors or Board committees may hold meetings by
17 telephone conference call, videoconference call, or through
18 communications over the Internet, in accordance with procedures
19 provided by Subchapter F, Chapter 551, Government Code, if
20 determined to be necessary or convenient by the President or any
21 three members. Each Director shall receive a fee as provided by
22 general law [~~of not more than Fifty (\$50.00) Dollars for each~~
23 ~~attendance at a Board meeting and a fee of not more than Fifty~~
24 ~~(\$50.00) Dollars]~~ for each day devoted to District business [~~other~~

1 ~~than a Board meeting]~~. Each Director is also entitled to
2 reimbursement for actual expenses incurred in carrying out District
3 business, including attending a Board meeting. Payment to a
4 Director for services performed and expenses incurred is subject to
5 the approval of a majority of the Board.

6 SECTION 2. Section 13, Chapter 243, Acts of the 53rd
7 Legislature, Regular Session, 1953, is amended to read as follows:

8 Sec. 13. DISTRICT POWERS. In addition to those herein
9 otherwise mentioned, the District shall be and is hereby authorized
10 to exercise the following powers, rights, privileges and functions:

11 (a) To store, control, conserve, protect, distribute and
12 utilize within or without the District or within or without the
13 state the storm and flood waters and unappropriated flow of the
14 Canadian River and its tributaries, and to prevent the escape of any
15 such waters without first obtaining therefrom a maximum of public
16 benefit, by the construction of a dam or dams across said river and
17 its tributaries, or otherwise, by complying with Chapter 11, Water
18 Code, and in such manner as shall fully recognize and be in harmony
19 with the limitations of use of the waters of said river provided in
20 the "Canadian River Compact" appearing as Chapter 43, Water Code.
21 The District is also empowered to provide by purchase, contract,
22 lease, gift, or in any other lawful manner, and to develop all
23 facilities within or without the District or within or without the
24 state deemed necessary or useful for the purpose of storing,
25 controlling, conserving, protecting, distributing, processing and
26 utilizing such surface water and the transportation thereof to the
27 cities and areas comprising the District for municipal, domestic,

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1 industrial and other useful purposes permitted by law.

2 (b) To acquire and develop within or without the District or
3 within or without the state any other available source of surface,
4 storm, flood, underground, or other water supply and to construct,
5 acquire and develop all facilities deemed necessary or useful with
6 respect thereto.

7 (c) To acquire, construct, develop, operate, and maintain
8 any and all property of any kind, real, personal, or mixed, or any
9 interest in property whether within or without the District or
10 within or without the state and to enter into any contracts with any
11 person or legal entity and take all actions necessary or convenient
12 in order to protect and preserve, and to prevent, eliminate,
13 reduce, or minimize the pollution, contamination, or deterioration
14 of the quality of, the water of the Canadian River or any of its
15 tributaries or the water of any other source of water supply to the
16 District in order to facilitate the use of the water for any lawful
17 purpose.

18 (d) To acquire, construct, develop, operate, and maintain
19 any facilities or systems for drilling, pumping, capturing,
20 reducing, intercepting, eliminating, impounding, controlling,
21 using, injecting or otherwise capturing and disposing of brine,
22 brackish water, saltwater, saline water, or other water
23 contaminated by any type of chlorine, sodium, sulfates, or other
24 chemical condition or characteristic detrimental to the quality of
25 the water, whether the source of contaminated water is groundwater
26 or surface water, within or without the District or within or
27 without the state, and whether the facilities or systems are

1 located within or without the District or within or without the
2 state.

3 (e) To acquire or utilize surface or underground water
4 rights and to develop surface or underground water resources in any
5 manner in furtherance of the purposes described in Subsections (c)
6 and (d) of this section.

7 (f) To declare any facilities or system acquired or
8 constructed under Subsections (a) through (e) of this section to be
9 a part of the District's water supply system.

10 (g) To acquire by purchase, construction, lease, gift, or in
11 any other lawful manner, and to maintain, use and operate any and
12 all property of any kind, real, personal or mixed, or any interest
13 therein, within or without the boundaries of the District or within
14 or without the state, necessary or convenient to the exercise of the
15 powers, rights, privileges and functions possessed by the District
16 under this Act.

17 (h) To acquire by condemnation any and all property of any
18 kind, real, personal, or mixed, or any interest therein, within or
19 without the boundaries of the District, necessary or convenient to
20 the exercise of the powers, rights, privileges and functions
21 possessed by the District, in the manner provided by Chapter 21,
22 Property Code, relating to eminent domain. The amount of and
23 character of the property thus to be acquired shall be determined by
24 the Board of Directors, provided that the District shall not have
25 the right to so condemn any property which may be owned by any other
26 political subdivision, city or town; provided, however, that as
27 against persons, firms, and corporations, or receivers or trustees

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1 thereof, who have the power of eminent domain, the fee title may not
2 be condemned, but the District may condemn only an easement. It is
3 specifically provided, however, that the District does not have the
4 authority to condemn underground water rights.

5 (i) To sell or otherwise dispose of any surplus property of
6 any kind, real, personal, or mixed, or any interest therein, which
7 shall not be necessary to the operation of the District in
8 accordance with general law applicable to a municipality or to a
9 district created under Section 59, Article XVI, Texas Constitution;
10 provided, however, that in all cases in which the Board of Directors
11 considers the value of surplus real [~~such~~] property to be in excess
12 of One Thousand [~~(\$1,000.00)~~] Dollars, the property [~~same~~] shall be
13 sold only upon advertisement and competitive bids.

14 (j) To require the relocation of roads and highways in the
15 manner and to the extent permitted to Districts organized under
16 Section 59 of Article XVI of the Texas Constitution; the cost of
17 relocation of any roads, highways or railroads or telephone or
18 telegraph properties or facilities made necessary by this Act and
19 any reasonable actual damage incurred in changing and adjusting the
20 lines and grades of railroads or such highways or roads or telephone
21 or telegraph properties or facilities shall be paid by the
22 District.

23 (k) To make contracts with any person or legal entity,
24 including the United States, the state, any political subdivision
25 or body politic and corporate of the state, any other state, any
26 political subdivision or body politic and corporate within any
27 other state, and any interstate compact commission or similar

1 organization, necessary or convenient to the exercise of the
2 powers, rights, privileges and functions of the District and to
3 take all actions and execute all instruments necessary or
4 convenient to the exercise of the powers, rights, privileges and
5 functions of the District.

6 (l) To make or cause to be made surveys and engineering
7 investigations for the information of the District, to facilitate
8 the accomplishment of the purposes for which it is created.

9 (m) To borrow money for its corporate purposes, and without
10 limitation of the generality of the foregoing to borrow money and
11 accept grants, gratuities or other support from the United States
12 of America or the State of Texas, or from any corporation or agency
13 created or designated by the United States of America or the State
14 of Texas, and, in connection with any such loan, grant, or other
15 support, to enter into such arrangement with the United States of
16 America or the State of Texas or such corporation or agency, of
17 either as the District may deem advisable.

18 (n) To make and issue its negotiable bonds for moneys
19 borrowed in the manner and to the extent provided in this Act and
20 with reference thereto or otherwise to contract in any manner it
21 shall see fit and as may be required by any law pertaining to loans,
22 grants or other support received from the United States of America
23 or the State of Texas or from any corporation or agency, of either
24 of them.

25 (o) To make such contracts in the issuance of bonds as may be
26 considered necessary or convenient to insure the marketability
27 thereof.

1 (p) To sue or be sued in its corporate name, provided that if
2 the District prevails in a suit against a person or governmental
3 entity entitled to recover attorney's fees, costs for expert
4 witnesses, or any other related costs, the District is entitled to
5 recover those fees and costs according to the same terms that would
6 have governed recovery for the other person or governmental entity
7 if the District had not prevailed.

8 (q) To adopt, use and alter a corporate seal.

9 (r) To make by-laws for the management and regulation of its
10 affairs.

11 (s) To fix and collect charges and rates for water services
12 furnished by it and to impose penalties for failure to pay such
13 charges and rates when due, provided that such charges, rates and
14 penalties shall be fixed only by unanimous vote of the members of
15 the Board of Directors constituting a quorum and who are present at
16 a regular meeting.

17 (t) To cooperate and to enter into contracts with cities,
18 persons, firms, corporations and public agencies for the purpose of
19 supplying and selling them surface, storm, flood, underground, and
20 other water for municipal, domestic, industrial, and other useful
21 purposes permitted by law, provided that cities and areas
22 constituting the District shall be accorded priority in the
23 allocation of the District's available surface, storm, flood,
24 underground, and other water, and the Board of Directors shall
25 prescribe rules to effectuate this provision. Any such contract
26 may be upon such terms and for such time as the parties may agree,
27 and it may provide that it shall continue in effect until the

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1 District's bonds specified therein and refunding bonds issued in
2 lieu of such bonds are fully paid. The authority of each member or
3 other city to enter into any contract with the District for the sale
4 of water or other services or for any other purpose within the
5 powers, rights, privileges, and functions of the District is vested
6 exclusively in the governing body of each member or other city
7 notwithstanding any provision of any home rule charter or any local
8 ordinance of such member or other city, or of any other provision of
9 any other law placing any restriction, limitation, or requirement
10 on the authority of the governing body of any member or other city
11 to enter into any such contract. No provision of the home rule
12 charter or of any other ordinance of any member or other city, and
13 no provision of any other law in conflict herewith will invalidate
14 or impair, in whole or in part, the enforceability and validity of
15 any contract entered into by the District with any member or other
16 city pursuant to the powers, rights, and privileges or functions of
17 the district. In the event the District shall have contracted with
18 the United States Government or any of its agencies for a source of
19 water supply or for the furnishing of any facilities necessary or
20 useful to the District in carrying out its purposes, any such
21 contract entered into under authority hereof may provide that it
22 shall continue until the District has fully discharged all
23 obligations incurred by it under the terms of its contract with the
24 United States Government or its agencies. The District is also
25 authorized to purchase surface, storm, flood, underground, and
26 other water supply from any person, firm, corporation or public
27 agency, or from the United States Government or any of its agencies.

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1 (u) To operate and maintain with the consent of the
2 governing body of any city or town located within the District, any
3 works, plants or facilities of any such city deemed necessary or
4 convenient to the accomplishment of the purposes for which the
5 District is created.

6 (v) To levy, assess and collect ad valorem taxes to provide
7 funds necessary to construct or acquire, maintain and operate
8 improvements, works, plants and facilities deemed essential and
9 beneficial to the District upon a favorable majority vote of the
10 qualified property taxpaying electors voting at an election held
11 for that purpose within the District; and also, when so authorized,
12 to levy, assess and collect taxes to provide funds adequate to
13 defray the cost of the maintenance and operation and administration
14 of the District. Elections for the voting of such taxes shall be
15 ordered by the Board of Directors and shall be held and conducted as
16 provided herein for elections for the issuance of bonds and the levy
17 of taxes in support thereof. When so levied such taxes, as well as
18 taxes hereinafter provided to be levied in support of bond
19 indebtedness, shall constitute a lien on the property against which
20 such taxes are levied and assessed, and limitations shall not bar
21 the collection and enforcement thereof.

22 (w) To do any and all acts and things necessary or
23 convenient to the exercise of the powers, rights, privileges or
24 functions conferred upon or permitted the District by any other
25 law.

26 SECTION 3. Section 14, Chapter 243, Acts of the 53rd
27 Legislature, Regular Session, 1953, is amended to read as follows:

1 Sec. 14. [~~Awarding Construction or Purchase~~] Contracts.
2 The District may negotiate, enter, and modify a contract in
3 accordance with general law applicable to a municipality or to a
4 district created under Section 59, Article XVI, Texas Constitution
5 ~~[Any contract requiring an expenditure of more than Twenty-five~~
6 ~~Thousand (\$25,000.00) Dollars shall not be made until after~~
7 ~~publication of a notice to bidders once each week for two weeks~~
8 ~~before awarding the contract. Such notice shall be sufficient if it~~
9 ~~states the time and place when and where the bids will be opened,~~
10 ~~the general nature of the work to be done, or the material,~~
11 ~~equipment or supplies to be purchased, and states when and upon what~~
12 ~~terms copies of the plans and specifications may be obtained. The~~
13 ~~publication shall be in a newspaper published in the District~~
14 ~~designated by the Board of Directors].~~

15 SECTION 4. Section 13, Chapter 243, Acts of the 53rd
16 Legislature, Regular Session, 1953, as amended by this Act, applies
17 only to a suit filed on or after the effective date of this Act. A
18 suit filed before that date is governed by the law in effect on the
19 date the suit is filed, and that law is continued in effect for that
20 purpose.

21 SECTION 5. Section 14, Chapter 243, Acts of the 53rd
22 Legislature, Regular Session, 1953, as amended by this Act, applies
23 only to a contract entered into on or after the effective date of
24 this Act. A contract entered into before that date is governed by
25 the law in effect on the date of the contract, and that law is
26 continued in effect for that purpose.

27 SECTION 6. This Act takes effect September 1, 2007.

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David Newburn
President of the Senate

Tom Craddick
Speaker of the House

I hereby certify that S.B. No. 1833 passed the Senate on May 4, 2007, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 26, 2007, by the following vote: Yeas 30, Nays 0.

Patsy Saw
Secretary of the Senate

I hereby certify that S.B. No. 1833 passed the House, with amendment, on May 23, 2007, by the following vote: Yeas 144, Nays 0, two present not voting.

Robert Haney
Chief Clerk of the House

Approved:

15 JUN 07
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
8 PM O'CLOCK

Roger Williams
Secretary of State