
SAN JACINTO RIVER AUTHORITY
BOARD RESOLUTION
FOR PROCUREMENT

RESOLUTION NO. 2018-R-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN JACINTO RIVER AUTHORITY AUTHORIZING STAFF TO EXECUTE ANY AND ALL DOCUMENTATION PERTAINING TO ITS PARTICIPATION IN THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS COOPERATIVE PURCHASING PROGRAM.

WHEREAS, the Texas Comptroller of Public Accounts is authorized to provide purchasing services for local governments pursuant to §271.082 and §271.083 of the Local Government Code; and

WHEREAS, the San Jacinto River Authority, is a conservation and reclamation district, body politic and corporate and a governmental agency of the State of Texas created and operating under the provisions of Chapter 426, Acts of the 45th Texas Legislature, Regular Session, 1937, as amended, enacted pursuant to the provisions of Section 59 of Article XVI of the Texas Constitution (the "Act"), and

WHEREAS, the San Jacinto River Authority is defined as an entity qualified to participate in the Cooperative Purchasing Program of the Texas Comptroller of Public Accounts pursuant to §271.081 of the Local Government Code; and

WHEREAS, in accordance with the requirements of 34 TAC §20.85 administrative rules, the Agent(s) of Record, being the General Manager and the Purchasing Manager are authorized to execute any and all documentation for the San Jacinto River Authority pertaining to its participation in the Texas Comptroller of Public Accounts Cooperative Purchasing Program; and

WHEREAS, the San Jacinto River Authority acknowledges its obligation to pay participation fees by the Texas Comptroller of Public Accounts.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN JACINTO RIVER AUTHORITY THAT:

A request be made to the Texas Comptroller of Public Accounts to approve the San Jacinto River Authority for participation in the Texas Comptroller of Public Accounts Cooperative Purchasing Program.

APPROVED AND ADOPTED by the Board of Directors of the San Jacinto River Authority, at a regular meeting on the 25th day of January, 2018.

ATTEST:


Secretary, Board of Directors

SAN JACINTO RIVER AUTHORITY


President, Board of Directors



RESOLUTION PRESCRIBING RULES, REGULATIONS, PROCEDURES, AND POLICIES
FOR THE PURCHASE OR CONSTRUCTION OF MATERIALS, EQUIPMENT,
IMPROVEMENTS, OR SERVICES

WHEREAS, the San Jacinto River Authority (the "Authority"), acting by and through its Board of Directors and its General Manager, Deputy General Manager, Director of Financial and Administrative Services, and Director of Raw Water Enterprise (collectively, the "Senior Management Team"), Division Managers and other authorized employees, from time to time requires the purchase and/or construction of materials, equipment, improvements, and/or services; and

WHEREAS, the Board of Directors of the Authority wishes to ratify and confirm the current policies of the Authority relating to such activities and to establish further and additional policies for certain purchases and acquisitions; and

WHEREAS, the Board of Directors of the Authority deems it appropriate and advisable to set forth in writing the scope and application of certain purchasing procedures and to adopt guidelines and procedures for the procurement of certain professional services; NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN JACINTO RIVER AUTHORITY, THAT:

Section 1: It shall be the policy of the Authority that all purchases made for or on behalf of the Authority, or any Division thereof, shall be made in a manner that is consistent with the Authority's Purchasing Policies and Procedures Manual, as now existing or as same may be hereafter adopted or amended (the "Manual"), and in compliance with all applicable requirements of the general and special laws of the State of Texas, including the Authority's enabling legislation, as amended (the "Act"), Chapter 49, Texas Water Code ("Chapter 49") and, in certain instances, Chapter 2269, Texas Government Code ("Chapter 2269"). Such purchases may be further categorized and described as follows:

Non-professional or non-construction related goods and services

Purchases of non-professional or non-construction related goods and services shall be accomplished through purchase orders, the Authority's State of Texas Procurement Card, or other written authorizations given and approved in compliance with the Manual.

Purchases of not more than \$5,000 that do not require standard liability insurance policies listing the Authority as an additional insured may be made using either (i) a purchase order approved by the appropriate Division Manager or Senior Management Team member, or (ii) the Authority's State of Texas Procurement Card, subject to the approved expenditure levels established by the appropriate Division Manager and approved by the General Manager.

Purchases of not more than \$5,000 that do require standard liability insurance policies listing the Authority as an additional insured require prior approval of the appropriate

Division Manager through the use of a purchase order or other written authorization given and approved in compliance with the Manual.

Purchases over \$5,000, but not more than \$25,000, require (i) prior approval of the appropriate Division Manager, and (ii) a minimum of three (3) informal quotes unless waived by the appropriate Division Manager due to impracticality or time constraints.

Purchases over \$25,000, but not more than \$50,000, require (i) a minimum of three (3) informal quotes, and (ii) prior approval of a member of the Senior Management Team.

Purchases over \$50,000, but not more than \$75,000, require (i) a minimum of three (3) informal quotes, and (ii) prior approval of the General Manager.

Purchases over \$75,000 require a minimum of three (3) informal quotes on uniform, written specifications and prior approval of the Board of Directors. Board approval is not required if the proposed expenditure is for an item of equipment, appliances, materials, supplies, services, or other property that is itemized, categorized, or otherwise described or contemplated in the currently approved operating budget of the Authority.

Professional Services

It is hereby declared the policy of the San Jacinto River Authority that services of the type provided by professional consultants shall be performed by the staff of the Authority unless, in the opinion of the General Manager or the Board of Directors, considerations of time constraints, capability, or professional or administrative propriety require the retention and engagement of consultants who are not full-time employees of the Authority. Any contract, including individual work orders, for professional consulting services, including but not limited to, fiscal, accounting, auditing, engineering, and/or technical specialty services, for an annual sum of not more than \$50,000 may be initiated, concluded, and administered by any member of the Senior Management Team. Consulting contracts and individual work orders for amounts more than \$50,000 but not more than \$75,000 shall be initiated, concluded, and administered by the General Manager. Consulting contracts and individual work orders for amounts in excess of \$75,000 must be approved by the Board of Directors. Individual work orders that are components of a single project must be approved by the Board of Directors when the aggregate sum of the individual work orders exceeds \$75,000.

Prior to entering into a contract for professional consulting services, the Authority's staff, under the direction of the General Manager, shall solicit, review, and evaluate such qualification statements and/or proposals as deemed appropriate. After an evaluation of such qualifications or proposals, the General Manager shall select and conclude a written contract with a qualified consultant or, as provided above, shall submit to the Board of Directors a recommendation as to the selection of and the principal terms of a written contractual agreement with a qualified consultant. All such contracts shall be in writing and shall set forth the term, scope of work, schedule and, to the extent reasonably foreseeable, the anticipated costs to be incurred.

Unless a contractual term in excess of a twelve month period is approved by the Board of Directors in the initial consulting contract, no consulting contract or individual work order in excess of \$75,000 shall extend for a term beyond a twelve month period unless continued or extended by recommendation of the General Manager and approval of the Board of Directors. A consulting contract or work order that is subject to termination by the Authority without cause upon notice of less than ninety (90) days is not considered a contract with a term in excess of a twelve month period.

The procedures for selection of professional consultants herein shall be subject to all other applicable requirements of the general and special laws of the State of Texas including, but not limited to, the provisions of the Chapter 2254, Texas Government Code (the Professional Services Procurement Act), and Chapter 1201, Texas Government Code (the Public Security Procedures Act).

Construction Contracts

The form, terms, advertising, and award of any contract for the construction of improvements or the purchase of materials, machinery, or equipment to comprise the works, plants, or facilities of the Authority ("construction contract") to be made and entered into by the Authority shall conform to the requirements of Chapter 49 or, in certain instances described hereinafter, Chapter 2269.

Construction contracts of not more than \$5,000 do not require solicitation of quotes. Construction contracts of more than \$5,000, but not more than \$25,000, require solicitation of a minimum of three (3) informal quotes or proposals unless waived by the appropriate Division Manager due to impracticality or time constraints. Construction contracts of more than \$25,000, but not more than \$75,000, require solicitation of a minimum of three (3) informal quotes or proposals. Construction contracts of more than \$75,000 require formal advertising with sealed competitive bids in accordance with the competitive bidding procurement method prescribed under Chapter 49; provided, however, that any contracting and delivery method authorized under Subchapter D, E or F of Chapter 2269 may be used in the alternative to said competitive bidding procurement method. The Board of Directors hereby delegates to any member of the Senior Management Team the authority to determine which procurement method provides the best value for the Authority and, further, directs that such a determination be made prior to advertising. This resolution shall serve as notice of such delegation for purposes of Section 2269.053(b) of Chapter 2269. The approval by the Board of Directors of a construction contract under Subchapter D, E or F of Chapter 2269 shall constitute an election that Chapter 2269 supersede Chapter 49 with respect to such contract for purposes of Section 2269.003(d) of Chapter 2269.

Construction contracts of not more than \$25,000 require prior approval of the appropriate Division Manager. Construction contracts over \$25,000, but not more than \$50,000, require prior approval of a member of the Senior Management Team. Construction contracts over \$50,000, but not more than \$75,000, require prior approval of the General Manager. Construction contracts over \$75,000 require prior approval of the Board of Directors.

Section 2. For all purchases of goods or services described in Section 1 above, the requirement to obtain prior approval of the Board of Directors is hereby waived in the event that the Authority experiences an emergency condition that, in the judgment of the General Manager or a Deputy General Manager, may create a serious health hazard or unreasonable economic loss to the Authority. In the event that a purchase is authorized in response to an emergency condition, as outlined in this section, the General Manager shall, within three (3) days of the authorization, provide a description of the conditions requiring such action and the terms of the purchase to an officer of the Board of Directors. A report shall also be provided to the full Board of Directors at its next ensuing meeting.

Section 3. All approvals or authorizations required by this resolution shall be in writing or in a form that creates an electronic record of the approval or authorization.


Section 4. Nothing herein shall be deemed or construed to authorize the purchase or acquisition of materials, machinery, equipment, or improvements for purposes or in amounts not previously authorized by action of the Board of Directors of the Authority or included within the spending authority of the approving officer or within the scope of the current budget of the Authority.

Section 5. For purposes of this resolution, the term "Division Manager" shall also include General and Administration Department Managers.

Section 6. All prior resolutions inconsistent or in conflict with this resolution are hereby repealed to the extent of such inconsistency or conflict.

Section 7. This resolution shall become effective September 1, 2013. All references herein to the Act, Chapter 49, Chapter 2269 or any other laws of the State of Texas shall mean and refer to such laws as amended and in effect as of said effective date.

PASSED AND APPROVED this 22nd day of August, 2013.



President, Board of Directors



Secretary, Board of Directors

SAN JACINTO RIVER AUTHORITY
ENABLING LEGISLATION

Current as of 1/1/1976

Ch. 12 SAN JACINTO RIVER Art. 8280—121

Art. 8280—121. San Jacinto River Authority

Section 1. It being declared by Constitutional provision the policy of the State of Texas, Section 59, Article 16, to provide for the conservation and development of all the natural resources of the State, including the control, storing, preservation, and distribution of its storm and flood waters, the waters of its rivers and streams, for irrigation, power, and all other useful purposes, the reclamation and irrigation of its arid, semi-arid, and other lands needing irrigation, the reclamation and drainage of its overflowed lands, and other lands needing drainage, the conservation and development of its forests, water and hydro-electric power, the navigation of its inland and coastal waters, and the preservation and conservation of all such natural resources of the State, are each and all hereby declared public rights and duties, which may be effected through the creation within the State, or the divisions of the State, into such number of conservation and reclamation districts as may be determined to be essential to the accomplishment of the purposes of the policy expressed in the Constitution of the State; such Districts to be governmental agencies and bodies politic and corporate, with all rights, privileges, and functions as may be conferred by law, there is hereby created the San Jacinto River Conservation and Reclamation District [now San Jacinto River Authority].

Sec. 2. The San Jacinto River Conservation and Reclamation District [now San Jacinto River Authority] is created as a governmental agency, a body politic and corporate, vested with all the authority as such under the Constitution and laws of the State; and shall have and be recognized to exercise all of the powers of such governmental agency and body politic and corporate as expressly authorized in the provisions of the Constitution, Section 59 of Article 16, for Districts created to conserve, control, and utilize to beneficial service the storm and flood waters of rivers and streams of the State, or such powers as may be contemplated and implied by the purposes of this provision of the Constitution, and as may be conferred by General Law, and in the provisions of this Act; and shall have and be recognized to exercise all the rights and powers of an independent governmental agency, body politic and corporate, to formulate any and all plans deemed essential to the operation of the District and for its administration in the control, storing, preservation, and distribution to all useful purposes of the storm and flood waters of the San Jacinto River and its tributary streams; and as such district, shall have and be recognized to exercise such authority and power of control and regulation over such storm and flood waters of the San Jacinto River and its tributaries as may be exercised by the State of Texas, subject to the provisions of the Constitution and the Acts of the Legislature.

Sec. 3. The San Jacinto River Authority, in addition to all powers expressly or impliedly granted by other Sections of this Act, by complying where applicable with the provisions of Chapter 1, Title 123, Vernon's Texas Civil Statutes, as amended, is hereby empowered as follows:

(i) to store, control and conserve the storm and flood waters of the watershed of the San Jacinto River and its tributaries, ~~and to prevent the escape of any such waters through every practical means; so as to prevent the devastation of lands from recurrent overflows, and to protect life and property;~~

(ii) to provide through every practical means for the control, utilization and coordination of regulation of the waters of the San Jacinto River and its tributaries;

(iii) ~~to appropriate~~ the waters of the San Jacinto River and its tributaries, to construct dams and other facilities for the impoundment, conservation, diversion and utilization of such waters, and to devote such waters to municipal, domestic, agricultural, commercial, industrial, mining, and other beneficial uses, within and without the watershed of said River;

(iv) to provide waters for the irrigation of lands where irrigation is required for agricultural purposes or may be deemed helpful to more profitable agricultural production;

(v) to provide water for domestic, municipal, commercial, industrial and mining purposes within and without the watershed of said River, including water supplies for cities, towns and industries, and in connection therewith to construct or otherwise acquire water transportation, treatment and distribution facilities and supplemental sources of supply;

(vi) to encourage and develop drainage systems and provisions for drainage of lands in the valleys of the San Jacinto River and its tributary streams needing drainage for profitable agricultural production; and drainage for other lands in the watershed area of the Authority requiring drainage for the most advantageous use;

(vii) to encourage through practical and legal means the conservation of soils against destructive erosion and thereby preventing the increased flood menace incident thereto;

(viii) to forest and reforest and to aid in the foresting and reforesting of the watershed area of the San Jacinto River and its tributaries and to prevent and aid in the prevention of soil erosion and floods in, on, and upon all lands situated within the boundaries of said Authority;

(ix) to control, store, and employ the waters of the San Jacinto River and its tributaries in the development and distribution of hydroelectric powers, where such use may be economically coordinated with other and superior uses, and subordinated to the uses declared by law to be superior;

(x) to encourage, aid, and protect navigation and harbor improvements;

(xi) to acquire land adjacent to or in the vicinity of any waters impounded by the Authority or adjacent to or in the vicinity of the San Jacinto River or any of its tributaries for park and recreation purposes and to acquire or construct park and recreation facilities thereon. Except as may otherwise be provided by the general law, the acquisition or construction of any recreation and park facilities by the Authority shall be subject to the approval of the Texas State Parks and Wildlife Commission and to such conditions as the Commission may prescribe;

(xii) to acquire or construct facilities for the gathering, transporting, treating and disposing of sewage and industrial waste and effluent;

(xiii) to control, store and employ all or any of such waters for each and every purpose for which the same when controlled and conserved may

be utilized in the performance of a useful service as contemplated and authorized by the provisions of the Constitution and the public policy herein declared;

(xiv) to construct and otherwise acquire and to repair, improve, extend, operate and maintain all works, plants and other facilities necessary or useful in the furtherance of any power granted by law to the Authority, including, but not limited to, water storage reservoirs, dams, canals, waterways, and water transportation facilities of all kinds, water treatment facilities, hydroelectric facilities, municipal water supply facilities, facilities for the treatment of sewage and industrial waste and effluent, parks and recreation facilities, and all other necessary and useful structures, facilities and equipment;

(xv) to enter into any and all necessary and proper contracts with other Federal or State agencies, districts and bodies politic and corporate, and others, to make and enter into such cooperative and coordinative contracts with such agencies, districts and bodies politic and corporate, and others, necessary or useful in the furtherance of any power granted by law to the Authority, including the power to pledge its funds and its other assets or any part thereof;

(xvi) to acquire any properties necessary for any of its corporate purposes by purchase, by condemnation as elsewhere provided in this Act, or by gift, and to acquire property by lease or other contract, upon such terms as may be accepted by the Authority's Board of Directors;

(xvii) to operate the water and sewage properties and facilities of other public bodies or political subdivisions upon such terms as the Authority may agree in connection with the supplying by the Authority of any water or sewage or waste disposal or other services to public bodies;

(xviii) to enter into such contracts, upon such terms and for such periods of time as the Board of the Authority might approve, with municipalities or other corporate bodies or persons, public or private, for the purpose of establishing and collecting, and by resolution or order to otherwise establish and collect, rates and other charges for the sale or use of water, water transmission, treatment or connection facilities, sewage or industrial or other waste disposal services and facilities of all types, park or recreation facilities, power, electric energy, and any other services sold, furnished, or supplied by the Authority, which fees and charges shall be sufficient to produce revenue adequate—

(1) to pay expenses necessary to the operation and maintenance of the properties and facilities of the Authority;

(2) to pay the interest on or the principal of any bonds or other obligations issued by the Authority when and as same become due and payable and to fulfill any reserve or other fund obligations of the Authority in connection with such bonds; and

(3) to pay such other expenses as the Board of Directors shall deem necessary and proper for any purpose in the corporate operations and functions of the Authority; and

(xix) to authorize by its contracts any other districts, agencies, and bodies politic and corporate and individuals to participate in the joint construction, operation, and maintenance of all of said water storage reservoirs, dams, canals, waterways, and water lines and all other structure, facilities, and equipment in connection therewith, or in connection with sewage or waste facilities of all types, and all necessary facilities for the manufacture, sale, and transportation of such hydroelectric power, along with said Authority, and said Authority may by such contracts allow such other agencies, districts, and bodies politic and corporate, and others to receive such portion of the revenues derived from the sale of water and hydroelectric power or furnishing sewage and waste facilities and services, as the Board of Directors shall deem just, equitable, and proper.

Sec. 3 amended by Acts 1967, 60th Leg., p. 1212, ch. 517, § 1, emerg. eff. June 14, 1967.

✓Sec. 4. The powers and duties herein developed upon the San Jacinto River Authority are recognized to be taken subject to all legislative declarations of public policy in the maximum utilization of the storm, flood and unappropriated flow waters of the State for the purpose for which the Authority is created, as expressed and indicated in this Act, as amended, and subject to the continuing rights of supervision by the State which shall be exercised through the Texas Water Rights Commission, which agency shall be charged with the authority and duty to approve, or to refuse to approve, the adequacy of any plan or plans (devised in the exercise of any power granted under this Act) which contemplate improvements or facilities, the plans pertaining to which are required to be supervised or approved by said agency under the provisions of the General Law. If any such plans contemplate the installation, construction or other acquisition of parks and recreation facilities or of facilities for the gathering, transporting or disposal of sewage, or industrial wastes and effluent, said Commission shall not approve such plans until it finds that the Texas State Parks and Wildlife Commission or the Texas Water Pollution Control Board, as the case may be, has issued such approvals or permits relating to such matters as may be required by this Act or the General Law.

Sec. 4 amended by Acts 1967, 60th Leg., p. 1214, ch. 547, § 2, emerg. eff. June 14, 1967.

Sec. 5. The area of said District is hereby established to comprise all the territory within the watershed of the San Jacinto River and its tributary streams, save and except that portion of said watershed lying and being situated within the boundaries of Harris County, which is hereby expressly excluded from the boundaries of said District. Provided, that prior to September 1, 1941, the actual boundaries of said District shall be established by the Reclamation Department of the General Land Office, so that the same may be expressed in written calls of the metes and bounds of said District. The written description of said boundaries shall be certified by the Commissioner of the General Land Office, approved by the State Board of Water Engineers, and recorded in the minutes of said District. The Board of Directors shall cause a copy of said certified boundaries to be filed and recorded in the office of the County Clerk of each county lying in whole or in part within the boundaries of said District, and shall also file a copy thereof, together with a map showing said boundaries with the Tax Assessor and Collector of each of the counties lying in whole or in part within said District. As amended, Acts 1941, 47th Leg., p. 769, ch. 480, § 2.

Sec. 6. The management and control of all the affairs of said District shall be vested in, and the powers, rights, privileges, and functions of the District shall be exercised by a Board of Directors consisting of six (6) members, all of whom shall be freehold property taxpayers and legal voters of the State of Texas. Members of such Board of Directors shall be appointed by the State Board of Water Engineers for terms of six (6) years. Provided, the present Board of six (6) directors of said District, appointed by the State Board of Water Engineers under authority of House Bill No. 1094, Chapter 613, Acts of the Regular Session of the Forty-seventh Legislature, amending Section 6 of Chapter 426, Acts of the Regular Session of the Forty-fifth Legislature, as amended by House Bill No. 828, Chapter 480, Acts of the Regular Session of the Forty-seventh Legislature, for terms of two (2), four (4), and six (6) years, shall continue to serve as such until the expiration of the respective terms for which they were appointed. Upon the expiration of the terms for which the present members of the Board of Directors were appointed, the successors of each and all of them shall be appointed by the State Board of Water Engineers for a term of six (6) years.

The Directors shall hold office after their appointment and qualification until their successors shall be appointed and qualified. Should any vacancy occur in the Board of Directors, the same shall be filled in like manner by the State Board of Water Engineers for the unexpired term. The Directors appointed shall, within thirty (30) days after their appointment, qualify by taking the official oath required of County Commissioners, and shall execute bond in the sum of Five Thousand Dollars (\$5,000) payable to the District, the sufficiency of which bond shall be determined by the State Board of Water Engineers, which bonds after being recorded in the official bond records of the county in which the District maintains its office shall be deposited with the depository selected and approved for the deposit of the funds of the District.

The Board of Directors shall organize by electing one of its members President, one Vice-President, one Secretary, and one Treasurer. Four (4) members, including the presiding officer, shall constitute a quorum to transact business. The President shall preside at all meetings of the Board and shall be the chief executive officer of the District. The Vice-President shall act as President in case of the absence or disability of the President. The Secretary shall act as Secretary of the Board and shall be charged with the duty of keeping a record of all proceedings and all orders of the Board. The Treasurer shall receive and receipt for all moneys received by the District and shall keep books and records of all moneys received and expended. In case of the absence or inability of the Secretary to act, a Secretary pro tem shall be selected by the Directors.

The domicile of the District shall be in the City of Conroe, in the County of Montgomery, Texas, where the District shall maintain its principal office. The Board of Directors shall have authority to fix the time, place and number of meetings of such Board by proper resolutions, regulations and bylaws passed by said Board. Said Board shall cause to be kept complete and accurate accounts conforming to approved methods of bookkeeping. Said accounts and all contracts, documents, and records of the District shall be kept at said principal office, and same shall be open to public inspection at all reasonable times. As amended, Acts 1941, 47th Leg., p. 769, ch. 490, § 3; Acts 1941, 47th Leg., p. 1350, ch. 613, § 1; Acts 1943, 48th Leg., p. 653, ch. 371, § 1.

Sec. 7. (a) The Board of Directors shall have all powers, both express and implied, to do and perform any and all acts for any on behalf of the Authority which are authorized by the Constitution and laws of the United States of America and the State of Texas for the purpose of the achievement of the plans and purposes intended in the creation of the Authority and in the exercise of all powers elsewhere herein granted to the Authority; and said Board of Directors shall have full and complete authority to do any and all acts necessary or convenient to the exercise of the powers, privileges, and functions conferred upon said Authority and its Board of Directors by this Act or any other Act or law.

(b) The Board of Directors is hereby authorized and directed to make or cause to be made surveys and engineering investigations for the information of the Authority and to determine the plans necessary to the accomplishment of the purposes for which the Authority is created, and may employ engineers, attorneys, and all other technical and non-technical assistants or employees and fix and provide the amount and manner of their compensation for the making of such surveys, the preparation of plans, and the collection of data essential to the determination of the character, extent, and cost of all improvements essential in the exercise of any power granted herein or in any other law applicable to the Authority, and for expenditures found essential in the maintenance and administration of the Authority. The members of the Board of Directors shall receive a per diem of not more than Twenty-five (\$25.00) Dollars per day for the period served, together with traveling and other necessary expenses. Any director may perform any service required by the Board, but in such case may not receive the per diem and other compensation at the same time.

(c) All bonds issued by the Authority shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, insurance companies, fiduciaries and trustees, and for any sinking funds of cities,

towns, villages, counties, school districts and other political corporations and subdivisions of the State of Texas. Such bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas and any and all public funds of cities, towns, villages, counties, school districts and other political corporations or subdivisions of the State of Texas, and such bonds shall be lawful and sufficient security for said deposits at their market value when accompanied by all unmatured coupons appurtenant thereto.

(d) Money in any fund of the Authority or any fund established by the Board of Directors in connection with the authorization of its bonds, including but not limited to proceeds from the sale of bonds, and which funds are not needed to satisfy their particular purpose for any period of time may be invested or reinvested from time to time in direct obligations of or obligations the principal and interest of which are guaranteed by the United States of America or invested in direct obligations of or participation certificates guaranteed by the Federal Intermediate Credit Banks, Federal Land Banks, Federal National Mortgage Association, Federal Home Loan Banks, Banks for Cooperatives, and in certificates of deposit of any bank or trust company the deposits of which are fully secured by a pledge of securities of any of the kind hereinabove specified. The type and maturity of investments made hereunder shall be determined by the Board which, in the case of funds established in connection with the authorization of bonds, shall provide appropriate recitals with regard thereto in the resolutions relating to the issuance of such bonds. Income and profits on such investments shall be applied as provided in any such resolution, and, absent such provision, shall be applied to the uses hereinabove specified for bond proceeds.

Sec. 7 amended by Acts 1967, 60th Leg., p. 1215, ch. 547, § 3, emerg. eff. June 14, 1967.

Sec. 8. For the purpose of providing funds requisite to procure necessary engineering surveys, the collection and compilation of data respecting regional and general conditions entering into and influencing the character and extent of the improvements necessary to the storage, control, conservation, and equitable distribution, to the greatest public advantage of such flood waters when stored and controlled, it is hereby provided that any county lying in whole or in part within the area of the temporary District, as herein defined, may contribute to the funds from year to year for such engineering surveys and the compilation of data essential to the progress of flood control improvement in such amount as may be deemed an equitable part of the cost of such surveys and the compilation of necessary information in the estimated relations of such expenditures to the contemplated and probable benefit to be secured to the respective counties from the accomplishment of the plans and purposes of the creation of the District, and for the provision of such fund may make the necessary collections through their respective general funds, or may appropriate the amount of the estimated equitable contribution of such costs of developing essential engineering data from their general fund.

Sec. 9. The San Jacinto River Conservation and Reclamation District is hereby declared to be a Conservation and Reclamation District, having all and singular, the powers, duties, functions, and to observe procedures in so far as the same may be applicable and practicable, to accomplish the purposes of this Act, as is provided by Chapter 25 of the General Laws of the Thirty-ninth Legislature, Regular Session, and the several Amendments thereof¹; provided however, that the provisions of said Chapter 25, and the subsequent Amendments thereto, shall not apply to any matter specifically provided for herein, or expressly or impliedly excluded, relating to the creation of a district and to the issuance of preliminary bonds to finance the making of investigations upon which to base a plan for improvements and the levy of a tax therefor. It is, however, provided that the District may upon a vote of the qualified electors issue such preliminary bonds and levy a tax to retire the same, which tax may be in addition to all other taxes hereby authorized; Section 15 of Chapter 280, General and Special Laws of the Forty-first Legislature of Texas, Regular Session, amending said Chapter 25, General Laws of the Thirty-ninth Legislature, Regular Session², and Section 6 of Chapter 107 of the General and Special Laws of the Fortieth Legislature, First Called Session, amending said Chapter 25³, shall not control this District, but in lieu thereof it is specifically provided as follows:

(a) After the completion and approval of a plan for the coordination of improvements deemed adequate to serve said watershed as a whole, as herein provided for, the State Board of Water Engineers and the Reclamation Department of the General Land Office of Texas in authorizing improvements to control the waters of, and, or in allocating the right to use waters from said San Jacinto River and its tributaries shall substantially conform to, and shall effectually preserve the benefits of, the plan formulated by this District, and said District shall have the right to enforce the observance of the same by judicial decree.

(b) This District shall have the power to provide and maintain improvements for the common benefit of said District as a whole, subject only in appropriate case to the constitutional and statutory provisions concerning a vote by the qualified electors of the District.

(c) Especially shall said District have all and singular the powers contained in Section 15 of said Chapter 280, General and Special Laws of the Forty-first Legislature, relating to improvements peculiar to defined areas within a district.

(d) It is, however, further provided that if the electors of any defined area within this District desire they may become a water control and improvement district for the purpose of independently providing, operating, and maintaining improvements designed peculiarly to serve such defined area. Such contained defined area may be so constituted under the applicable provisions of said Chapter 25 of the General Laws of the Regular Session of the Thirty-ninth Legislature. In like manner any other political subdivision of the State of Texas being in whole or in part in this District may independently provide, maintain, and operate works peculiarly designed to benefit such body politic. In either case, however, such works and the operation thereof shall be constructed and operated in such manner as will conform to this District's plan to the greatest practicable degree.

(e) To the extent necessary to enable this District to construct, maintain, and operate works beneficial to the District as a whole, or to give supervision, or to perform any service inuring to the benefit of the District as a whole and provide funds adequate to defray the cost of the administration to this District, it shall have power to levy and collect taxes, equitably distributed, which taxes shall be in addition to other taxes that may lawfully be levied by the State and other political subdivisions thereof.

(f) This Legislature finds and declares that the recurrent, devastating floods in the valley of the San Jacinto River, which have, over a long period of years, caused a deplorable loss of life and property, and the erosion of the soil, and a depletion of the fertility of the lands in said valley and the watershed served by the San Jacinto River in Texas, and the public highways and structures and lands belonging to the State of Texas situated within said watershed, to be a public calamity, and the San Jacinto River Conservation and Reclamation District is hereby authorized to do any and all things necessary or suitable for the prevention of such public calamity. As amended, Acts 1941, 47th Leg., p. 769, ch. 480, § 5.

¹ Article 7890—1 et seq.

² Article 7880—120.

³ Article 7880—37.

Sec. 10. The San Jacinto River Conservation and Reclamation District shall not be authorized to issue bonds nor to incur any form of continuing obligations or indebtedness for purposes of effecting improvements comprehended in the plan of organization and administration of the District, nor incur any indebtedness in the form of a continuing charge upon land or properties within the District, unless such proposition shall have been submitted to the qualified property taxpaying voters of the District, or, in appropriate case, such voters of a defined area or political subdivision within the District, and approved by a majority of such electors voting thereon.

Sec. 10a. The Board of Directors of the San Jacinto River Conservation and Reclamation District, a State Agency, shall have full

authority to negotiate and deal and/or contract with the United States of America or with any of its governmental agencies now in existence or that may hereafter come into existence and/or others for grants, and/or loans and/or allotments and is hereby granted the right and power to receive and accept grants and/or loans and/or allotments from the United States of America and/or others for the purpose of making investigations and assembling data and/or for any one or more purposes set forth in this Act and/or the Act creating the San Jacinto Conservation and Reclamation District and to receive and use said moneys for the purpose mentioned in said Acts. Added Acts 1939, 46th Leg., Spec.L., p. 1097, § 1.

↓ Sec. 10b. The Authority shall have the authority and is hereby authorized to issue from time to time its negotiable revenue bonds for the purpose of making investigations and assembling data; for the purposes of purchasing, acquiring, and/or condemning lands, easements, rights-of-way and other properties; and for the purpose of constructing, repairing, improving and extending any structures, dams, reservoirs, transmission facilities, water treatment, water supply, sewage and other waste gathering, transmission, treatment and disposal facilities, for developing park and recreation facilities; and for the purposes of acquiring, constructing, improving, repairing and extending any other properties and facilities deemed appropriate by the Board of Directors of the Authority in the exercise of powers granted the Authority in Section 3 and elsewhere in this Act. Any one or more or a combination of the foregoing purposes may be combined into a single issue of bonds. Such bonds shall be issued in accordance with, and may be secured by and payable from any or all the revenues of the Authority permitted by, Section 10c hereof, including, but not limited to, the proceeds of any one or more contracts between the Authority and any persons, firms, corporations, cities and political subdivisions.

↓ If and when the Legislature remits the ad valorem tax in the counties for a certain period of years, the Directors may in their discretion if necessary with approval of the Commissioners Court of the county in the watershed use part or all of the taxes remitted to said counties for the purpose of paying back to the United States of America or any of its agencies or others the money borrowed by the Authority for the purposes herein mentioned.

Sec. 10b amended by Acts 1967, 60th Leg., p. 1216, ch. 547, § 4, emerg. eff. June 14, 1967.

Sec. 10c. The bonds issued by the authority of this Act may either be (1) sold for cash, at public or private sale, at such price or prices as the Board of Directors shall determine, not to be for less than par and accrued interest, provided that the interest cost of the money received therefor, computed to maturity in accordance with the standard bonds tables in general use by banks and insurance companies, shall not exceed five (5) per cent per annum, or (2) may be issued on such terms as the Board of Directors shall deem necessary or convenient for any corporate purpose, or (3) may be issued to refund any bonds issued at any time under authority of this Act. All such bonds shall be authorized by resolution or resolutions of the Board of Directors concurred in by a majority of the members of the Board, and shall bear such date or dates, made at such time or times, bear interest at such rate or rates (not exceeding five (5) per cent per annum) payable annually or semiannually, that such denominations be in such form, either coupon or registered, carrying such registered privileges as to principal only or as to both principal and interest; and as to exchange of coupon bonds for registered bonds or vice versa, in exchange of bonds of one denomination for bonds of other denominations, be executed in such manner and be payable at such place or places within or without the State of Texas, as such resolution or resolutions may provide. Any resolution or resolutions authorizing any bonds may contain provisions, which shall be part of the contract between the directors and the bondholders thereof from time to time.

(a) Reserving the right to redeem such bonds at such time or times, in such amounts and at such prices not exceeding one hundred and two (102) per cent of the principal amount thereof, plus accrued interest, as may be provided;

(b) Providing for the setting aside of sinking funds or reserve funds and the regulation and disposition thereof;

(c) Pledging to secure the payment of the principal and interest on such bonds and the sinking fund or reserve fund payments agreed to be made in respect to such bonds all or any parts of the moneys that may be donated and/or granted herein by the State of Texas and all or any part of the gross or net revenues hereafter received by the district in respect of the property, real, personal, or mixed, to be acquired and/or constructed with such bonds or with proceeds thereof, or all or any part of the gross or net revenues thereafter received by the District from whatsoever source derived;

(d) Prescribing the purposes to which such bonds or any bonds thereafter to be issued or the proceeds thereof, may be applied;

(e) Agreeing to fix and collect rates and charges sufficient to produce revenues together with the moneys that may be granted and/or donated by the State of Texas adequate to pay the items specified herein, and prescribing the use and disposition of all revenues;

(f) Prescribing limitations upon the issuance of additional bonds and upon all agreements which may be made with the purchaser and successive bondholders;

(g) With regard to the construction, extension, improvement, operation, maintenance, depreciation, replacement, and betterments of the properties of the District and carrying of insurance upon all or any part of said property covering loss or damage or loss of use and occupancy resulting from specified risks;

(h) Fixing the procedure, if any, by which, if the District shall so desire, the terms of any contract with bondholders of such bonds may be amended or abrogated, the amount of bonds the holders of such must consent thereto, and the manner in which such consent shall be evidenced, for the execution and delivery by the district to the bank or trust company authorized by law to accept such trust, or to the United States of America or any office or agency thereof, of indentures or agreements therein authorized to be made with all for the benefit of the holders of such bonds and such other provisions as may be contained in such indentures or agreements; and

(1) Such other provisions not inconsistent with provisions of this Act as the Board may approve.

Any such resolution and any indenture or agreement entered into pursuant thereto may provide that in the event that,

(1a) Defaults may be made in the payment of the interest on any or all bonds when and as the same shall become due and payable, or

(1b) Defaults shall be made in payment of the principal of any or all bonds when and as the same shall become due and payable, whether at maturity thereof, by call for redemption or otherwise, or

(1c) Defaults shall be made in the performance in agreement made with purchasers or successive holders of any bonds, and such defaults shall have continued for such period, if any, as may be prescribed by said resolution in respect thereof, the trustee under the indenture or indentures entered into in respect of the bonds authorized, and by, or, if there shall be in such indenture, a trustee appointed in the manner provided in such resolution or resolutions by the bondholders of twenty-five (25) per cent aggregate principal amount of the bonds authorized hereby and at the time outstanding may, and upon the written request of the holders of twenty-five (25) per cent in aggregate principal amount of the bonds authorized by such resolution or resolutions at the time outstanding, shall, in his or its own name, be for the equal and proportionate benefit of the holders of all such bonds; and with or without having possession thereof for the holders of all such bonds:

(1) By mandamus or suit, action or proceeding at law or in equity, enforce all rights of the holders of such bonds,

(2) Bring suit upon such bonds and/or appurtenant coupons,

(3) By action or suit in equity requiring the Directors to act as if they were the trustees of an express trust for the bondholders,

(4) By action or suit in equity enjoin any act or things which may be unlawful or in violation of the rights of the holders of such bonds, and/or

(5) After such notice to the Directors as such resolution may provide, declare the principal of all of such bonds due and payable and if all defaults shall be made good, then with the written consent

of the holders of twenty-five (25) per cent aggregate principal amount of such bonds at the time outstanding, annul such declaration and its consequences; provided, however, that the bondholders of more than the majority and principal amounts of bonds authorized thereby and at the time outstanding shall by instrument or instruments in writing delivered to such trustee, have the right to direct and control any and all actions taken or to be taken by such trustee under this paragraph. Such resolution, indenture or agreement may provide that in any such suit, action or proceeding, any such trustee, whether or not all of such bonds shall have been declared due and payable, and with or without possession of any thereof, shall be entitled as of right to the appointment of a receiver who may enter and take possession of all or any part of the properties of the District, and operate and maintain the same, and fix, collect and receive rates and charges that together with the moneys that may be granted and/or donated by the State of Texas will be sufficient to provide revenues adequate to pay the items set forth herein, and cost and disbursements of such suit, action or proceeding, and to apply such revenue in conformity with the provisions of this Act and the resolution or resolutions authorizing such bonds. In any suit, action or proceeding by any such trustee or receivers, if any, counsel fees and expenses of such trustee and of receiver or receivers, if any, shall constitute taxable disbursements and all costs and disbursements allowed by the Court shall be a fixed charge upon any revenue pledged to secure the payment of such bonds. In addition to the powers hereinabove specifically provided for, each trustee shall have and possess all powers necessary or appropriate for the exercise of any thereof, or incident to the general representation of the bondholders in enforcement of their rights.

Before any bonds shall be sold by the District, a certified copy of the proceedings for the issuance thereof, including the term of such bonds, together with any other information which the Attorney General of the State of Texas may require, shall be submitted to the Attorney General, and if he shall find that such bonds have been issued in accordance with law, and he shall approve such bonds, he shall execute a certificate to that effect which shall be filed in the office of the Comptroller of the State of Texas and be recorded in a record kept for that purpose. No bonds shall be issued until the same shall have been registered by the Comptroller who shall so register the same if the Attorney General shall have filed with the Comptroller his certificate approving the bonds and the proceedings for the issuance thereof as hereinabove provided.

All bonds approved by the Attorney General as aforesaid, and registered by the Comptroller as aforesaid, and issued in accordance with proceedings so approved shall be valid and binding obligations of the District and shall be incontestable for any cause, from and after the time of such registration. Added Acts 1939, 46th Leg., Spec.L., p. 1097, § 1.

Sec. 10d. The Authority shall be authorized to enter into oil and gas leases with respect to its properties upon such terms as the Board of Directors may consider appropriate in the production of revenues to the Authority. The Authority shall be additionally authorized to sell or otherwise dispose of its properties if its Board of Directors shall have first determined that the property or interest to be disposed of is not necessary to the business of the Authority and shall have approved the terms of any such sale. All property of the Authority, however, shall be at all times exempted from forced sale under any judgment, suit or proceeding of any nature or kind.

Sec. 10d amended by Acts 1967, 60th Leg., p. 1216, ch. 547, § 5, emerg. eff. June 14, 1967.

Sec. 10e. The District shall have the power and is hereby authorized to acquire by purchase, lease, gift, or in any other manner (otherwise than by condemnation) and to maintain, use and operate any and all property of any kind, real, personal, or mixed, or any interest therein, within or without the boundaries of the District necessary or convenient to the exercise of the powers, rights, privileges, and functions conferred upon it by this Act.

The District shall have the power and right of eminent domain for the purpose of acquiring by condemnation any and all property of any kind, real, personal, or mixed, or any interest therein, within or without the boundaries of the District (other than such property of or any interest therein without the boundaries of the District as may at the time be owned by any body politic) necessary or convenient to the exercise of the powers, rights, privileges, and functions conferred upon it by this Act in the manner provided by General Law with respect to condemnation, or at the option of the District, in the manner provided by Statutes relative to condemnation by Districts organized under General Law pursuant to Section 59 of Article 16 of the Constitution of the State of Texas.

In condemnation proceedings, being prosecuted by said District, the District shall not be required to give bond for appeal or bond for costs.

That if in the exercise of the power of eminent domain, the relocation or change of grade of any railroad facilities are required, the same shall be accomplished under the provisions of Article 7880—123a, Revised Civil Statutes of Texas, 1925.

Sec. 10e, par. 4 added by Acts 1967, 60th Leg., p. 1216, ch. 547, § 5A, emerg. eff. June 14, 1967.

The District shall have the power and authority to overflow, and inundate any public lands and public property and to require the relocation of roads and highways in the manner and to the extent permitted to Districts organized under General Law pursuant to Section 59 of Article 16 of the Constitution of the State of Texas. Added Acts 1939, 46th Leg., Spec.L., p. 1097, § 1.

Sec. 10f. The Board of Directors shall have authority to make all necessary rules and regulations for the government and control of the District not inconsistent with the Constitution and Laws of the State of Texas. Added Acts 1939, 46th Leg., Spec.L., p. 1097, § 1.

Sec. 11. The permanent Board of Directors of the District shall be elected and constituted as follows:

1. The number of such Directors shall be six (6). Such Directors shall be elected by a vote of the electors of the District as a whole.

2. The two (2) Directors elected receiving the highest number of votes shall serve for six (6) years; the two (2) Directors receiving the next highest number of votes shall serve for four (4) years, and the two (2) Directors receiving the next highest number of votes shall serve for two (2) years.

3. Upon expiration of the term of any Director there shall be held an election to determine a successor who shall hold office for the term of six (6) years. The Board of Directors shall fill all vacancies on said Board by appointment, and such appointees shall hold office for the unexpired term for which they were appointed.

4. An election for Directors shall be held each biennium on the corresponding Monday in the same month in which the first election may be held.

Sec. 12. In the prosecution of the plans for which the District has been created for the storing, controlling, conserving, and distributing to useful purposes the storm and flood waters of the San Jacinto River watershed, the District shall be recognized to have the right to make use of the bed and banks of the San Jacinto River and of its tributary streams for any and all purposes necessary to the accomplishment of the plans of the District.

Sec. 13. Nothing in this Act, as amended, shall be construed to violate any provision of the Federal or State Constitutions, and all acts done under this Act shall be in such manner as will conform thereto, whether expressly provided or not. Where any procedure hereunder may be held by any court to be violative of either of such Constitutions, the Authority shall have the power by resolution to provide an alternative procedure conformable with such Constitutions. If any provision of this Act should be invalid, such fact shall not affect the validity of any other provisions of this Act, and the Legislature hereby declares that it would have enacted the valid provisions of this Act notwithstanding the invalidity of any other provision or provisions hereof.

Sec. 13 amended by Acts 1967, 60th Leg., p. 1217, ch. 547, § 6, emerg. eff. June 14, 1967.

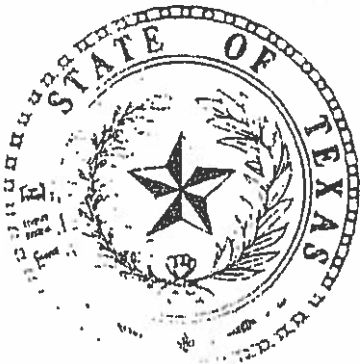
Sec. 14. The importance of this legislation to a very large area of the most productive agricultural and other lands of the State, and the fact that the limited time remaining of this Session of the Legislature creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and that this Act be placed upon its third reading and final passage, and said Rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted. Acts 1937, 45th Leg., p. 861, ch. 426.



The State of Texas
Secretary of State

I, JOHN HANNAH, JR., Secretary of State of the State of Texas, DO
HEREBY CERTIFY that the attached is a TRUE AND CORRECT copy of House
Bill 1683, passed by the 72nd Legislature, Regular Session, 1991, as signed by the
Governor on June 16, 1991, and as filed in this office on June 16, 1991.

IN TESTIMONY WHEREOF, I have
hereunto signed my name officially
and caused to be impressed hereon
the Seal of State at my office in the
City of Austin, this 14th day of
October, 1991.



John Hannah Jr.
Secretary of State

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AN ACT

relating to the authority of the board of directors of the San Jacinto River Authority to adopt and enforce rules, and to contract with local law enforcement agencies.

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

SECTION 1. Chapter 426, Acts of the 45th Legislature, Regular Session, 1937 (Article 8280-121, Vernon's Texas Civil Statutes), is amended by adding Section 8C to read as follows:

Sec. 8C. (a) The Board of Directors of the Authority may adopt and enforce rules to:

(1) preserve and protect the sanitary condition and prevent waste or unauthorized use of water owned or controlled by the Authority;

(2) preserve, protect, secure, and regulate privileges on any Authority property; and

(3) ensure the public safety on, in, under, across, or within any Authority property.

(b) A rule adopted under this section must clearly define any conduct that constitutes an offense and plainly state the punishment for the offense. In adopting a rule under this section, the Board must prescribe a punishment that is proportionate to the seriousness of the offense. The Board may designate an offense only as a Class C misdemeanor.

(c) A rule adopted under this section does not take effect

1 until the Authority has published once a week for two consecutive
2 weeks a substantive statement of the rule and the penalty for
3 violation of the rule in a newspaper with general circulation in
4 each county in which the rule is to be effective. The statement
5 must intelligently explain the purpose to be accomplished by or the
6 acts prohibited by the rule. The statement must advise the public
7 that violation of the rule will subject the violator to a penalty.
8 The statement must advise the public that the full text of the rule
9 is on file in the principal office of the Authority and that any
10 interested person is entitled to read the full text. The Board may
11 use one statement to satisfy the notice requirements of this
12 section for any number of rules the Board adopts. The Board may
13 amend a rule after the rule is adopted, but must meet the notice
14 requirements under this subsection.

15 (d) The violation of a rule is not punishable as an offense
16 unless the violation occurs after the 30th day after the date on
17 which the notice requirements under this section are met. A rule
18 adopted under this section is effective until repealed, revoked,
19 rescinded, or amended by official action of the Board.

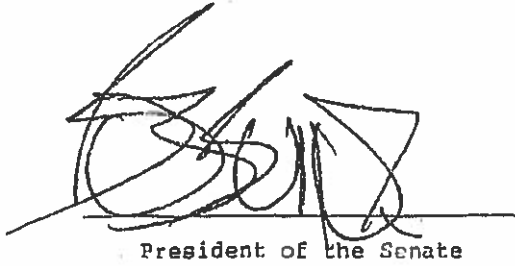
20 (e) A rule adopted under this section shall be recognized by
21 the courts of the state and is enforceable by complaint filed in
22 the appropriate court by the proper prosecuting authority in
23 jurisdiction in which Authority property is located in the same
24 manner as a penal statute under state law. A penalty provided by
25 rule adopted under this section is in addition to any other penalty
26 provided by law. Rules promulgated under the authority of this
27 chapter shall not conflict with any provision of the Parks an

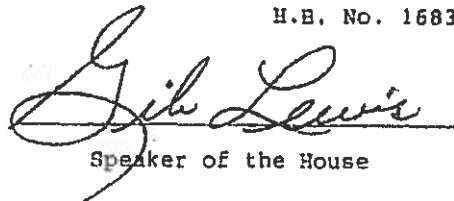
1 Wildlife Code or a rule adopted under the authority of the Parks
2 and Wildlife Code.

3 (f) The Board, the commissioners court, and the law
4 enforcement officials in a county in which Authority property is
5 located may enter into a contract to provide for the employment,
6 assignment, duties, equipping, or compensation of local law
7 enforcement personnel to enforce the Board's rules. A contract
8 under this subsection may require the Authority to pay to the
9 commissioners court a specified portion of the cost of providing
10 the law enforcement personnel.

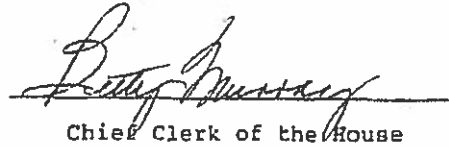
11 (g) In this section, "Authority property" means any land,
12 easement, water, property, equipment, work, or facility owned or
13 controlled, in whole or in part, by the Authority, including a
14 reservoir, impoundment, lake, canal, channel, conduit, pipe,
15 siphon, dam, dike, levee, embankment, or berm, but excluding Lake
16 Houston and the San Jacinto River below Lake Houston, except for
17 equipment, works and facilities owned by the Authority at or near a
18 dam site.

19 SECTION 2. The importance of this legislation and the
20 crowded condition of the calendars in both houses create an
21 emergency and an imperative public necessity that the
22 constitutional rule requiring bills to be read on three several
23 days in each house be suspended, and this rule is hereby suspended,
24 and that this Act take effect and be in force from and after its
25 passage, and it is so enacted.

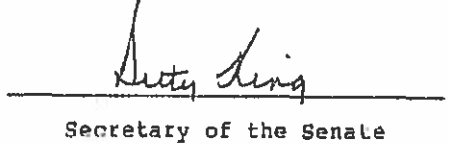

President of the Senate

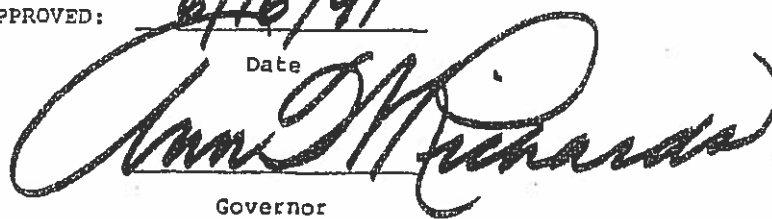
H.B. No. 1683

Speaker of the House

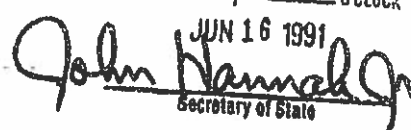
I certify that H.B. No. 1683 was passed by the House on May 14, 1991, by a non-record vote.


Chief Clerk of the House

I certify that H.B. No. 1683 was passed by the Senate on May 21, 1991, by the following vote: Yeas 31, Nays 0.


Secretary of the Senate

APPROVED: 6/16/91
Date

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:00 p.m. O'CLOCK
JUN 16 1991

Secretary of State

CHAPTER 847.

S.B. No. 526

AN ACT

relating to the San Jacinto River Authority board of directors.

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

SECTION 1. Section 6, Chapter 426, Acts of the 45th Legislature, Regular Session, 1937, is amended to read as follows:

Sec. 6. The management and control of all the affairs of said District shall be vested in, and the powers, rights, privileges, and functions of the District shall be exercised by a Board of Directors consisting of six (6) members, all of whom shall be freehold property taxpayers and legal voters of the State of Texas *and four (4) of whom shall be residents of a county wholly encompassed by the District.* Members of such Board of Directors shall be appointed by the Governor [~~State Board of Water Engineers~~] for terms of six (6) years. Provided, the present Board of six (6) directors of said District, appointed by the State Board of Water Engineers under authority of House Bill No. 1094, Chapter 613, Acts of the Regular Session of the Forty-seventh Legislature, amending Section 6 of Chapter 426, Acts of the Regular Session of the Forty-fifth Legislature, as amended by House Bill No. 828, Chapter 480, Acts of the Regular Session of the Forty-seventh Legislature, for terms of two (2), four (4), and six (6) years, shall continue to serve as such until the expiration of the respective terms for which they were appointed. Upon the expiration of the terms for which the present members of the Board of Directors were appointed, the successors of each and all of them shall be appointed by the Governor [~~State Board of Water Engineers~~] for a term of six (6) years.

The Directors shall hold office after their appointment and qualification until their successors shall be appointed and qualified. Should any vacancy occur in the Board of Directors, the same shall be filled in like manner by the Governor [~~State Board of Water Engineers~~] for the unexpired term. The Directors appointed shall, within thirty (30) days after their appointment, qualify by taking the official oath required of County Commissioners, and shall execute bond in the sum of Five Thousand Dollars (\$5,000) payable to the District, the sufficiency of which bond shall be determined by the Governor [~~State Board of Water Engineers~~], which bonds after being recorded in the official bond records of the county in which the District maintains its office shall be deposited with the depository selected and approved for the deposit of the funds of the District.

The Board of Directors shall organize by electing one of its members President, one Vice-President, one Secretary, and one Treasurer. Four (4) members, including the presiding officer, shall constitute a quorum to transact business. The President shall preside at all meetings of the Board and shall be the chief executive officer of the District. The Vice-President shall act as President in case of the absence or disability of the President. The Secretary shall act as Secretary of the Board and shall be charged with the duty of keeping a record of all proceedings and all orders of the Board. The Treasurer shall receive and receipt for all moneys received by the District and shall keep books and records of all moneys received and expended. In case of the absence or inability of the Secretary to act, a Secretary pro tem shall be selected by the Directors.

The domicile of the District shall be in the City of Conroe, in the County of Montgomery, Texas, where the District shall maintain its principal office. The Board of Directors shall have authority to fix the time, place and number of meetings of such Board by proper resolutions, regulations and bylaws passed by said Board. Said Board shall cause to be kept complete and accurate accounts conforming to approved methods of bookkeeping. Said accounts and all contracts, documents, and records of the District shall be kept at said principal office, and same shall be open to public inspection at all reasonable times.

SECTION 2. The changes in law made by this Act to Section 6, Chapter 426, Acts of the 45th Legislature, Regular Session, 1937, relating to the appointment and qualifications of members of the board of directors of the San Jacinto River Authority do not affect the entitlement of a member of the board of directors serving immediately before the effective date of this Act to continue to serve on the board of directors for the term to which the member was appointed. As the terms of the members of the board of directors expire or as vacancies on the board of directors occur, the governor shall make appointments to the board of directors as provided by Section 6, Chapter 426, Acts of the 45th Legislature, Regular Session, 1937, as amended by this Act.

SECTION 3. This Act takes effect September 1, 2003.

Passed the Senate on April 10, 2003: Yeas 31, Nays 0; passed the House on May 23, 2003, by a non-record vote.

Approved June 20, 2003.

Effective September 1, 2003.

Chapter 1148

S.B. No. 523

1 AN ACT
2 relating to the sunset review of river authorities.
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
4 SECTION 1. SUNSET ACT. Chapter 325, Government Code, is
5 amended by adding Section 325.025 to read as follows:
6 Sec. 325.025. RIVER AUTHORITIES SUBJECT TO REVIEW. (a) A
7 river authority listed in Subsection (b) is subject to a limited
8 review under this chapter as if it were a state agency but may not be
9 abolished.
10 (b) This section applies to the:
11 (1) Angelina and Neches River Authority;
12 (2) Bandera County River Authority and Groundwater
13 District;
14 (3) Brazos River Authority;
15 (4) Central Colorado River Authority;
16 (5) Guadalupe-Dlanco River Authority;
17 (6) Lavaca-Navidad River Authority;
18 (7) Lower Colorado River Authority;
19 (8) Lower Neches Valley Authority;
20 (9) Nueces River Authority;
21 (10) Palo Duro River Authority of Texas;
22 (11) Red River Authority of Texas;
23 (12) Sabine River Authority of Texas;
24 (13) San Antonio River Authority;

S.B. No. 523

- 1 (14) San Jacinto River Authority;
2 (15) Sulphur River Basin Authority;
3 (16) Trinity River Authority of Texas;
4 (17) Upper Colorado River Authority; and
5 (18) Upper Guadalupe River Authority.

6 (c) The limited review under this chapter must assess each
7 river authority's:

- 8 (1) governance;
9 (2) management;
10 (3) operating structure; and
11 (4) compliance with legislative requirements.

12 (d) A river authority shall pay the cost incurred by the
13 commission in performing a review of the authority under this
14 section. The commission shall determine the cost, and the
15 authority shall pay the amount promptly on receipt of a statement
16 from the commission detailing the cost.

17 (e) A river authority reviewed by the commission under this
18 section may not be required to conduct a management audit under
19 Chapter 292, Title 30, Texas Administrative Code.

20 SECTION 2. ANGELINA AND NECHES RIVER AUTHORITY. Subchapter
21 A, Chapter 8501, Special District Local Laws Code, is amended by
22 adding Section 8501.0015 to read as follows:

23 Sec. 8501.0015. APPLICATION OF SUNSET ACT. (a) The
24 authority is subject to review under Chapter 325, Government Code
25 (Texas Sunset Act), but may not be abolished under that chapter.
26 The review shall be conducted under Section 325.025, Government
27 Code, as if the authority were a state agency scheduled to be

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1 abolished September 1, 2023, and every 12th year after that year.

2 (b) The authority shall pay the cost incurred by the Sunset
3 Advisory Commission in performing the review. The Sunset Advisory
4 Commission shall determine the cost, and the authority shall pay
5 the amount promptly on receipt of a statement from the Sunset
6 Advisory Commission detailing the cost.

7 SECTION 3. BANDERA COUNTY RIVER AUTHORITY AND GROUNDWATER
8 DISTRICT. Chapter 629, Acts of the 62nd Legislature, Regular
9 Session, 1971, is amended by adding Section 1A to read as follows:

10 Sec. 1A. (a) The district is subject to review under
11 Chapter 325, Government Code (Texas Sunset Act), but may not be
12 abolished under that chapter. The review shall be conducted under
13 Section 325.025, Government Code, as if the district were a state
14 agency scheduled to be abolished September 1, 2023, and every 12th
15 year after that year.

16 (b) The district shall pay the cost incurred by the Sunset
17 Advisory Commission in performing the review. The Sunset Advisory
18 Commission shall determine the cost, and the district shall pay the
19 amount promptly on receipt of a statement from the Sunset Advisory
20 Commission detailing the cost.

21 SECTION 4. CENTRAL COLORADO RIVER AUTHORITY. Subchapter A,
22 Chapter 8505, Special District Local Laws Code, is amended by
23 adding Section 8505.0021 to read as follows:

24 Sec. 8505.0021. APPLICATION OF SUNSET ACT. (a) The
25 authority is subject to review under Chapter 325, Government Code
26 (Texas Sunset Act), but may not be abolished under that chapter.
27 The review shall be conducted under Section 325.025, Government

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1 Code, as if the authority were a state agency scheduled to be
2 abolished September 1, 2017, and every 12th year after that year.

3 (b) The authority shall pay the cost incurred by the Sunset
4 Advisory Commission in performing the review. The Sunset Advisory
5 Commission shall determine the cost, and the authority shall pay
6 the amount promptly on receipt of a statement from the Sunset
7 Advisory Commission detailing the cost.

8 SECTION 5. GUADALUPE-BLANCO RIVER AUTHORITY. Chapter 75,
9 Acts of the 43rd Legislature, 1st Called Session, 1933, is amended
10 by adding Section 1A to read as follows:

11 Sec. 1A. (a) The District is subject to review under
12 Chapter 325, Government Code (Texas Sunset Act), but may not be
13 abolished under that chapter. The review shall be conducted under
14 Section 325.025, Government Code, as if the District were a state
15 agency scheduled to be abolished September 1, 2019, and every 12th
16 year after that year.

17 (b) The District shall pay the cost incurred by the Sunset
18 Advisory Commission in performing the review. The Sunset Advisory
19 Commission shall determine the cost, and the District shall pay the
20 amount promptly on receipt of a statement from the Sunset Advisory
21 Commission detailing the cost.

22 SECTION 6. LAVACA-NAVIDAD RIVER AUTHORITY. Chapter 186,
23 Acts of the 50th Legislature, Regular Session, 1947, is amended by
24 adding Section 1A to read as follows:

25 Sec. 1A. (a) The District is subject to review under
26 Chapter 325, Government Code (Texas Sunset Act), but may not be
27 abolished under that chapter. The review shall be conducted under

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1 Section 325.025, Government Code, as if the District were a state
2 agency scheduled to be abolished September 1, 2023, and every 12th
3 year after that year.

4 (b) The District shall pay the cost incurred by the Sunset
5 Advisory Commission in performing the review. The Sunset Advisory
6 Commission shall determine the cost, and the District shall pay the
7 amount promptly on receipt of a statement from the Sunset Advisory
8 Commission detailing the cost.

9 SECTION 7. LOWER COLORADO RIVER AUTHORITY. Chapter 8503,
10 Special District Local Laws Code, is amended by adding Section
11 8503.0021 to read as follows:

12 Sec. 8503.0021. APPLICATION OF SUNSET ACT. (a) The
13 authority is subject to review under Chapter 325, Government Code
14 (Texas Sunset Act), but may not be abolished under that chapter.
15 The review shall not include the management of the generation or
16 transmission of electricity under the wholesale electricity
17 operation of the authority and the authority's affiliated nonprofit
18 corporations. The review shall be conducted under Section 325.025,
19 Government Code, as if the authority were a state agency scheduled
20 to be abolished September 1, 2019, and every 12th year after that
21 year.

22 (b) In anticipation of the sunset review under Subsection
23 (a), based on the results of an audit, including a
24 performance-related audit, conducted by the state auditor before
25 December 1, 2016, the state auditor may make recommendations to the
26 legislature, including whether a review conducted under Subsection
27 (a) should include the financial operation and management of the

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1 generation or transmission of electricity under the wholesale
2 electricity operation of the authority and the authority's
3 affiliated nonprofit corporations.

4 (c) The authority shall pay the cost incurred by the Sunset
5 Advisory Commission in performing the review under Subsection (a).
6 The Sunset Advisory Commission shall determine the cost, and the
7 authority shall pay the amount promptly on receipt of a statement
8 from the Sunset Advisory Commission detailing the cost.

9 SECTION 8. LOWER COLORADO RIVER AUTHORITY. Section
10 8503.015, Special District Local Laws Code, is amended to read as
11 follows:

12 Sec. 8503.015. AUDITS [~~AUDIT~~]. (a) The authority is
13 subject to the audit provisions of Subchapter G, Chapter 49, Water
14 Code.

15 (b) The authority is subject to the audit provisions of
16 Chapter 321, Government Code. This subsection expires January 1,
17 2017.

18 SECTION 9. LOWER NECHES VALLEY AUTHORITY. Subchapter A,
19 Chapter 8504, Special District Local Laws Code, is amended by
20 adding Section 8504.0021 to read as follows:

21 Sec. 8504.0021. APPLICATION OF SUNSET ACT. (a) The
22 authority is subject to review under Chapter 325, Government Code
23 (Texas Sunset Act), but may not be abolished under that chapter.
24 The review shall be conducted under Section 325.025, Government
25 Code, as if the authority were a state agency scheduled to be
26 abolished September 1, 2021, and every 12th year after that year.

27 (b) The authority shall pay the cost incurred by the Sunset

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1 Advisory Commission in performing the review. The Sunset Advisory
2 Commission shall determine the cost, and the authority shall pay
3 the amount promptly on receipt of a statement from the Sunset
4 Advisory Commission detailing the cost.

5 SECTION 10. NUECES RIVER AUTHORITY. Chapter 427, Acts of
6 the 44th Legislature, 1st Called Session, 1935, is amended by
7 adding Section 1.02A to read as follows:

8 Sec. 1.02A. APPLICATION OF SUNSET ACT. (a) The authority
9 is subject to review under Chapter 325, Government Code (Texas
10 Sunset Act), but may not be abolished under that chapter. The
11 review shall be conducted under Section 325.025, Government Code,
12 as if the authority were a state agency scheduled to be abolished
13 September 1, 2019, and every 12th year after that year.

14 (b) The authority shall pay the cost incurred by the Sunset
15 Advisory Commission in performing the review. The Sunset Advisory
16 Commission shall determine the cost, and the authority shall pay
17 the amount promptly on receipt of a statement from the Sunset
18 Advisory Commission detailing the cost.

19 SECTION 11. PALO DURO RIVER AUTHORITY OF TEXAS. Chapter
20 438, Acts of the 63rd Legislature, Regular Session, 1973, is
21 amended by adding Section 1A to read as follows:

22 Sec. 1A. (a) The Authority is subject to review under
23 Chapter 325, Government Code (Texas Sunset Act), but may not be
24 abolished under that chapter. The review shall be conducted under
25 Section 325.025, Government Code, as if the Authority were a state
26 agency scheduled to be abolished September 1, 2017, and every 12th
27 year after that year.

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1 (b) The Authority shall pay the cost incurred by the Sunset
2 Advisory Commission in performing the review. The Sunset Advisory
3 Commission shall determine the cost, and the Authority shall pay
4 the amount promptly on receipt of a statement from the Sunset
5 Advisory Commission detailing the cost.

6 SECTION 12. RED RIVER AUTHORITY OF TEXAS. Chapter 279, Acts
7 of the 56th Legislature, Regular Session, 1959, is amended by
8 adding Section 1A to read as follows:

9 Sec. 1A. (a) The Authority is subject to review under
10 Chapter 325, Government Code (Texas Sunset Act), but may not be
11 abolished under that chapter. The review shall be conducted under
12 Section 325.025, Government Code, as if the Authority were a state
13 agency scheduled to be abolished September 1, 2019, and every 12th
14 year after that year.

15 (b) The Authority shall pay the cost incurred by the Sunset
16 Advisory Commission in performing the review. The Sunset Advisory
17 Commission shall determine the cost, and the Authority shall pay
18 the amount promptly on receipt of a statement from the Sunset
19 Advisory Commission detailing the cost.

20 SECTION 13. SABINE RIVER AUTHORITY OF TEXAS. Chapter 110,
21 Acts of the 51st Legislature, Regular Session, 1949, is amended by
22 adding Section 2A to read as follows:

23 Sec. 2A. (a) The district is subject to review under
24 Chapter 325, Government Code (Texas Sunset Act), but may not be
25 abolished under that chapter. The review shall be conducted under
26 Section 325.025, Government Code, as if the district were a state
27 agency scheduled to be abolished September 1, 2021, and every 12th

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1 year after that year.

2 (b) The district shall pay the cost incurred by the Sunset
3 Advisory Commission in performing the review. The Sunset Advisory
4 Commission shall determine the cost, and the district shall pay the
5 amount promptly on receipt of a statement from the Sunset Advisory
6 Commission detailing the cost.

7 SECTION 14. BRAZOS RIVER AUTHORITY. Chapter 8502, Special
8 District Local Laws Code, is amended by adding Section 8502.0021 to
9 read as follows:

10 Sec. 8502.0021. APPLICATION OF SUNSET ACT. (a) The
11 authority is subject to review under Chapter 325, Government Code
12 (Texas Sunset Act), but may not be abolished under that chapter.
13 The review shall be conducted under Section 325.025, Government
14 Code, as if the authority were a state agency scheduled to be
15 abolished September 1, 2021, and every 12th year after that year.

16 (b) The authority shall pay the cost incurred by the Sunset
17 Advisory Commission in performing the review. The Sunset Advisory
18 Commission shall determine the cost, and the authority shall pay
19 the amount promptly on receipt of a statement from the Sunset
20 Advisory Commission detailing the cost.

21 SECTION 15. SAN ANTONIO RIVER AUTHORITY. Chapter 276, Acts
22 of the 45th Legislature, Regular Session, 1937, is amended by
23 adding Section 1-a to read as follows:

24 Sec. 1-a. APPLICATION OF SUNSET ACT. (a) The District is
25 subject to review under Chapter 325, Government Code (Texas Sunset
26 Act), but may not be abolished under that chapter. The review shall
27 be conducted under Section 325.025, Government Code, as if the

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1 District were a state agency scheduled to be abolished September 1,
2 2023, and every 12th year after that year.

3 (b) The District shall pay the cost incurred by the Sunset
4 Advisory Commission in performing the review. The Sunset Advisory
5 Commission shall determine the cost, and the District shall pay the
6 amount promptly on receipt of a statement from the Sunset Advisory
7 Commission detailing the cost.

8 SECTION 16. SAN JACINTO RIVER AUTHORITY. Chapter 426, Acts
9 of the 45th Legislature, Regular Session, 1937, is amended by
10 adding Section 1A to read as follows:

11 Sec. 1A. (a) The District is subject to review under
12 Chapter 325, Government Code (Texas Sunset Act), but may not be
13 abolished under that chapter. The review shall be conducted under
14 Section 325.025, Government Code, as if the District were a state
15 agency scheduled to be abolished September 1, 2021, and every 12th
16 year after that year.

17 (b) The District shall pay the cost incurred by the Sunset
18 Advisory Commission in performing the review. The Sunset Advisory
19 Commission shall determine the cost, and the District shall pay the
20 amount promptly on receipt of a statement from the Sunset Advisory
21 Commission detailing the cost.

22 SECTION 17. SULPHUR RIVER BASIN AUTHORITY. Sections 1A(a)
23 and (c), Chapter 3, Acts of the 69th Legislature, 1st Called
24 Session, 1985, are amended to read as follows:

25 (a) The authority is subject to review under Chapter 325,
26 Government Code (Texas Sunset Act), but may not be abolished under
27 that chapter [as if it were a state agency]. The review shall be

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1 conducted under Section 325.025, Government Code, as if the
2 authority were a state agency scheduled to be abolished September
3 1, 2017, and every 12th year after that year [Unless the authority
4 is continued in existence, the authority is abolished and this Act
5 expires September 1, 2017].

6 (c) The authority shall pay the costs incurred by the Sunset
7 Advisory Commission in performing the [a] review [of the authority
8 under this section]. The Sunset Advisory Commission shall
9 determine the costs, and the authority shall pay the amount
10 promptly on receipt of a statement from the Sunset Advisory
11 Commission detailing the costs.

12 SECTION 18. TRINITY RIVER AUTHORITY OF TEXAS. Chapter 518,
13 Acts of the 54th Legislature, Regular Session, 1955, is amended by
14 adding Section 1A to read as follows:

15 Sec. 1A. (a) The Authority is subject to review under
16 Chapter 325, Government Code (Texas Sunset Act), but may not be
17 abolished under that chapter. The review shall be conducted under
18 Section 325.025, Government Code, as if the Authority were a state
19 agency scheduled to be abolished September 1, 2023, and every 12th
20 year after that year.

21 (b) The Authority shall pay the cost incurred by the Sunset
22 Advisory Commission in performing the review. The Sunset Advisory
23 Commission shall determine the cost, and the Authority shall pay
24 the amount promptly on receipt of a statement from the Sunset
25 Advisory Commission detailing the cost.

26 SECTION 19. UPPER COLORADO RIVER AUTHORITY. Chapter 126,
27 General Laws, Acts of the 44th Legislature, Regular Session, 1935,

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1 is amended by adding Section 1A to read as follows:

2 Sec. 1A. (a) The District is subject to review under
3 Chapter 325, Government Code (Texas Sunset Act), but may not be
4 abolished under that chapter. The review shall be conducted under
5 Section 325.025, Government Code, as if the District were a state
6 agency scheduled to be abolished September 1, 2017, and every 12th
7 year after that year.

8 (b) The District shall pay the cost incurred by the Sunset
9 Advisory Commission in performing the review. The Sunset Advisory
10 Commission shall determine the cost, and the District shall pay the
11 amount promptly on receipt of a statement from the Sunset Advisory
12 Commission detailing the cost.

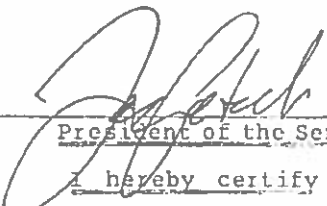
13 SECTION 20. UPPER GUADALUPE RIVER AUTHORITY. Chapter 5,
14 page 1062, Special Laws, Acts of the 46th Legislature, Regular
15 Session, 1939, is amended by adding Section 1A to read as follows:

16 Sec. 1A. (a) The District is subject to review under
17 Chapter 325, Government Code (Texas Sunset Act), but may not be
18 abolished under that chapter. The review shall be conducted under
19 Section 325.025, Government Code, as if the District were a state
20 agency scheduled to be abolished September 1, 2021, and every 12th
21 year after that year.

22 (b) The District shall pay the cost incurred by the Sunset
23 Advisory Commission in performing the review. The Sunset Advisory
24 Commission shall determine the cost, and the District shall pay the
25 amount promptly on receipt of a statement from the Sunset Advisory
26 Commission detailing the cost.

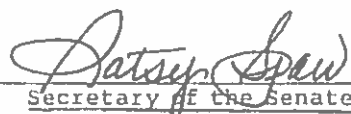
27 SECTION 21. REPEALER. Sections 1A(b) and (d), Chapter 3,

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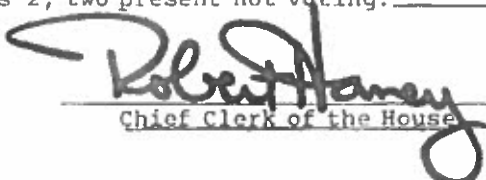

President of the Senate


Speaker of the House

I hereby certify that S.B. No. 523 passed the Senate on April 9, 2015, by the following vote: Yeas 31, Nays 0; May 27, 2015, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 28, 2015, House granted request of the Senate; May 30, 2015, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.


Secretary of the Senate

I hereby certify that S.B. No. 523 passed the House, with amendment, on May 23, 2015, by the following vote: Yeas 139, Nays 1, two present not voting; May 28, 2015, House granted request of the Senate for appointment of Conference Committee; May 31, 2015, House adopted Conference Committee Report by the following vote: Yeas 141, Nays 2, two present not voting.



Chief Clerk of the House

Approved:

6-16-2015
Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
6:30 pm O'CLOCK

JUN 19 2015

Secretary of State