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Nancy Kwon Carter
Member

January 21, 2021

Via U.S. Mail Delivery

The Honorable Greg Abbott
Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428

The Honorable Tom Oliverson
Room E2.910
P.O. Box 2910
Austin, TX 78768

The Honorable Cecil Bell
Room E2.708
P.O. Box 2910
Austin, TX 78768

Waller County Commissioners Court
836 Austin Street, Suite 203
Hempstead, Texas 77445

The Honorable Lois Kolkhorst
P.O. Box 12068
Capitol Station
Austin, TX 78711

Texas Commission on Environmental Quality
Districts Section, MC 152
P.O. Box 13087
Austin, TX 78711-3087

Harris County Commissioners Court
1001 Preston St.
Houston, TX 77002

Houston City Council
City Hall Annex
900 Bagby St, First Floor
Houston, TX 77002

Re: Proposed legislation creating Harris-Waller Counties Municipal Utility District No. 5

Dear Sir or Madam:

Enclosed please find a copy of the following documents related to proposed legislation to create Harris-Waller Counties Municipal Utility District No. 5. The proposed 45.924 -acre district is located in the extraterritorial jurisdiction of the City of Houston:

- 1) DRAFT copy of proposed legislation; and
- 2) Copy of Notice of Intent as published in the Katy Times on January 21, 2021.

Please note that the proposed legislation follows the "MUD Template" previously approved by the Senate Intergovernmental Relations Committee and the House Special Purpose Districts Committee in prior legislative sessions.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy Kwon Carter".

Nancy Kwon Carter

Enclosures

Cc via email w/ encl.:

Jim Grace, jim@gracemcewan.com

Drew Larson, drew@lawsonstrategies.com

[insert Leg Co. draft #]

By: _____ B. No. _____

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris-Waller Counties Municipal Utility District No. 5; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

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

CHAPTER . HARRIS-WALLER COUNTIES MUNICIPAL UTILITY DISTRICT

NO. 5

SUBCHAPTER A. GENERAL PROVISIONS

Sec. .001. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission on

Environmental Quality.

municipal utility district created under Section 59, Article XVI,
Texas Constitution.

Sec. .003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED.

The temporary directors shall hold an election to confirm the
creation of the district and to elect five permanent directors as
provided by Section 49.102, Water Code.

Sec. .004. CONSENT OF MUNICIPALITY REQUIRED. The
temporary directors may not hold an election under Section .003
until each municipality in whose corporate limits or
extraterritorial jurisdiction the district is located has consented
by ordinance or resolution to the creation of the district and to
the inclusion of land in the district.

Sec. .005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)

The district is created to serve a public purpose and benefit.

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

(1) a municipal utility district as provided by general
law and Section 59, Article XVI, Texas Constitution; and
(2) Section 52, Article III, Texas Constitution, that
relate to the construction, acquisition, improvement, operation, or

the Act enacting this chapter.

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

- (1) organization, existence, or validity;
- (2) right to issue any type of bond for the purposes for
which the district is created or to pay the principal of and
interest on a bond;
- (3) right to impose a tax; or
- (4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. .051. GOVERNING BODY; TERMS. (a) The district is
governed by a board of five elected directors.

(b) Except as provided by Section .052, directors serve
staggered four-year terms.

Sec. .052. TEMPORARY DIRECTORS. (a) The temporary board
consists of:

- (1) _____;

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

(1) the date permanent directors are elected under
Section .003; or
(2) the fourth anniversary of the effective date of the
Act enacting this chapter.

(c) If permanent directors have not been elected under
Section .003 and the terms of the temporary directors have
expired, successor temporary directors shall be appointed or
reappointed as provided by Subsection (d) to serve terms that
expire on the earlier of:

(1) the date permanent directors are elected under
Section .003; or
(2) the fourth anniversary of the date of the
appointment or reappointment.

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

the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. .102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES.

The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. .103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. .104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits

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

Sec. .105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR
RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. .151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

- (1) revenue other than ad valorem taxes; or
- (2) contract payments described by Section .153.

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

Sec. .152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section .151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

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

Sec. .153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

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

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. .201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees,

issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. .203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Harris-Waller Counties Municipal Utility District No. 5 initially includes all the territory contained in the following area:

Being a tract of land containing 45.924 acres (2,000,467 square feet) located in the J. Gibbons, Abstract Number (No.) 133 in Harris County and the J. Gibbons Survey, Abstract No. 286 in Waller County, Texas; Said 45.924 acre tract being all of a called 45.7143 acre tract recorded in the name of Thomas F. Mathis, Jr., Ronald Gene Mathis and Cathy Mathis Willhoite in Volume 339, Page 6

Beginning at a 1-inch iron pipe found on the occupied West Right-Of-Way (R.O.W.) line of Mathis Road (called 99 feet wide in Volume 17, Page 222 of the Harris County Deed Records (H.C.D.R.) and shown as 66 feet wide on the Harris County Engineering Department R.O.W. Map No. 3912, Sec. 1, 1984), said pipe being at the northeast corner of a called 45.86 acre tract recorded in the name of Laretta Rena Callaway in H.C.C.F. No. U998001, for the southeast corner of the herein described tract, from which found 1/2-inch iron pipe for the southeast corner of said 45.86 acre tract bears South 02 degrees 31 minutes 13 seconds East, a distance of 605.89 feet;

Thence, with the line common to said 45.86 acre tract and said 45.7143 acre tract, South 87 degrees 45 minutes 20 seconds West, a distance of 3314.83 feet (called 3297.22 feet) to a 5/8-inch iron rod with a Miller Survey Group (MSG) cap set on the east line of a called 36.3038 acre tract, recorded in the name of Leslie W. Lofton and Catherine A. Lofton in Volume 670, Page 885 of the W.C.D.R., same being the northwest corner of said 45.86 acre tract for the southwest corner of said 45.7143 acre tract and the herein

said 45.7143 acre tract, North 01 degrees 57 minutes 35 seconds West, a distance of 603.94 feet to a 5/8-inch iron rod with a MSG cap set at the southwest corner of a called 37.759 acre tract of land recorded in the name of Brandon J. Cotton, et.al. in H.C.C.F. No. W570059, for the northwest corner of said 45.7143 acre tract and the herein described tract, from which a found 5/8-inch iron rod at the northwest corner of said 37.759 acre tract bears North 01 degrees 57 minutes 35 seconds West, a distance of 697.56 feet and from which a found 5/8-inch iron rod bears North 07 degrees 06 minutes West, a distance of 7.0 feet;

Thence, with the south line of a called 37.759 acre tract and the south line of a called 5.7142 acre tract recorded in the name of Jesus Duran in RP-2016-303676 of the Official Public Records of Real Property of Harris County, Texas (O.P.R.R.P.H.C.T.), same being the north line of said 45.7143 acre tract, North 87 degrees 45 minutes 20 seconds East, at a distance of 1649.83 feet pass a found 2-inch iron pipe at the common south corner of said 37.759 acre tract and said 5.7142 acre tract, and continue for a total distance of 3309.87 feet (called 3297.22 feet) to a 5/8-inch iron

northeast corner of said 5.7142 acre tract, bears North 02 degrees 25 minutes 47 seconds West, a distance of 150.00 feet;

Thence, with the west R.O.W. line of said Mathis Road, same being the east line of said 45.7143 acre tract, South 02 degrees 25 minutes 47 seconds East, a distance of 603.94 feet to the Point of Beginning and containing 45.924 acres (2,000,467 square feet) of land.

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

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

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the

to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter , Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section .106 to read as follows:

Sec. .106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

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

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

NOTICE OF INTENTION TO INTRODUCE A BILL
IN THE LEGISLATURE OF TEXAS

Notice is hereby given of the intention to introduce in the Regular Session of the 87th Legislature of Texas a bill creating and establishing a special district consisting of approximately 45.924 acres and located within the extraterritorial jurisdiction of the City of Houston, Texas, and wholly within Harris and Waller Counties, Texas, to be known as Harris-Waller Counties Municipal Utility District No. 5, under the provisions of Article 16, Section 59 of the Constitution of Texas and pursuant to the inherent power of the Legislature to create special governmental agencies and districts, with powers including those given to municipal utility districts operating pursuant to Chapters 49 and 54, Texas Water Code, and including road powers under Article III, Section 52 of the Constitution of Texas. The bill will provide for the district's administration, powers, name, duties, operation, and financing. The property proposed to be included within the district is generally located northwest of the intersection of Mathis Road and Betka Road. A full copy of the legal description of the property can be obtained by calling Nancy Carter at (281) 500-6050.

4847-6255-8854, v. 1