

12

**AGENDA ITEM REQUEST FORM**

**Hays County Commissioners Court**

Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

**AGENDA ITEM**

Discussion and possible Resolution Expressing Support of Hays County for Legislation Granting Road District Powers to Headwaters Municipal Utility District.

**ITEM TYPE**

ACTION-MISCELLANEOUS

**MEETING DATE**

February 3, 2015

**AMOUNT REQUIRED**

**LINE ITEM NUMBER**

**AUDITOR USE ONLY**

**AUDITOR COMMENTS:**

**PURCHASING GUIDELINES FOLLOWED:** N/A

**AUDITOR REVIEW:** N/A

**REQUESTED BY**

Whisenant

**SPONSOR**

WHISENANT

**CO-SPONSOR**

N/A

**SUMMARY**

See attached Resolution and Legislation.

FILED: 02 03 15  
HAYS COUNTY COMMISSIONERS' COURT  
Resolution # 30421 VOL V PG 551



RESOLUTION NO. \_\_\_\_\_

**RESOLUTION EXPRESSING SUPPORT OF HAYS COUNTY  
FOR LEGISLATION GRANTING ROAD DISTRICT POWERS TO  
HEADWATERS MUNICIPAL UTILITY DISTRICT**

**WHEREAS**, Headwaters Municipal Utility District (the "District") is a Texas conservation and reclamation district created by Order of the Texas Commission on Environmental Quality dated August 8, 2007, and the District operates under the authority of Chapters 49 and 54 of the Texas Water Code;

**WHEREAS**, the Commissioners Court of Hays County has received a request to support the passage of legislation granting the District the authority of a road district under Section 52, Article III, Texas Constitution and specifically authorizing the District to construct and finance road projects, and to issue bonds and other obligations to finance road projects;

**WHEREAS**, the Commissioners Court of Hays County desires to adopt this resolution to express its support for passage of legislation granting such authority to the District. Now, Therefore,

**BE IT RESOLVED BY THE COMMISSIONERS COURT OF HAYS COUNTY THAT:**

Section 1. The Commissioners Court of Hays County hereby expresses its support for passage of legislation granting road district authority to the District and authorizing the District to issue bonds or other obligations to finance road projects.

Section 2. This Resolution shall become effective from and after the date of its passage.

**PASSED AND APPROVED THIS 3<sup>RD</sup> DAY OF FEBRUARY, 2015**

**Bert Cobb**  
Hays County Judge

**Debbie Gonzales Ingalsbe**  
Commissioner, Pct. 1

**Will Conley**  
Commissioner, Pct. 3

**Mark Jones**  
Commissioner, Pct. 2

**Ray Whisenant**  
Commissioner, Pct. 4

**ATTEST:**  
  
**Liz Q. Gonzalez**  
Hays County Clerk



By: \_\_\_\_\_

\_\_\_\_.B. No. \_\_\_\_\_

AN ACT

relating to the validation of the creation and administration of and the addition of road district powers to the Headwaters Municipal Utility District.

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

SECTION 1. DEFINITION. In this Act, "district" means the Headwaters Municipal Utility District.

SECTION 2. VALIDATION. (a) The creation of the Headwaters Municipal Utility District by the Texas Commission on Environmental Quality on August 8, 2007, is validated.

(b) The legislature validates and confirms all governmental acts and proceedings of the Headwaters Municipal Utility District that were taken before the effective date of this Act.

(c) This section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or

(2) has been held invalid by a final court judgment.

SECTION 3. ROAD PROJECTS. (a). To the extent authorized by Section 52, Article III, Texas Constitution, the district may construct, acquire, improve, maintain, or operate macadamized, graveled, or paved roads or turnpikes, or improvements in aid of those roads or turnpikes.

(b) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulatory ordinances of the municipality or county in whose jurisdiction the road project is located.

(c) The district may not undertake a road project unless each municipality or county in whose jurisdiction the road project is located consents by ordinance or resolution.

SECTION 4. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS FOR ROAD PROJECTS; TAX. (a) The district may issue bonds or other obligations as provided by Chapters 49 and 54, Water Code, to finance, or assist in the financing of, projects under Section 3 of this Act.

(b) The district may not issue bonds or other obligations under Subsection (a) of this section unless the issuance is approved by a vote of a two-thirds majority of the voters of the district voting at an election called for that purpose.

(c) Bonds or other obligations issued or incurred by the district under this section may not exceed one-fourth of the assessed value of the real property in the district.

(d) Sections 49.181 and 49.182, Water Code, do not apply to a road project undertaken by the district under Section 3 of this Act or to bonds issued by the district to finance the project.

(e) The district may impose an ad valorem tax to pay the principal of or interest on bonds issued under this section.

SECTION 5. EFFECTIVE DATE. 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, 2015.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. \_\_\_\_\_ was passed by the House on \_\_\_\_\_, by the  
following vote: Yeas \_\_\_\_\_, Nays \_\_\_\_\_, \_\_\_\_\_ present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. \_\_\_\_\_ was passed by the Senate on \_\_\_\_\_, by the  
following vote: Yeas \_\_\_\_\_, Nays \_\_\_\_\_, \_\_\_\_\_ present, not voting.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Governor