

S. B. No. 447By StoddardA B I L L
TO BE ENTITLED

AN ACT creating a conservation and reclamation district under the provisions of Section 59, Article XVI of the Constitution of Texas, to be known as the "Upper Nueces Conservation and Reclamation District"; defining the powers of the District and providing for its management and operation; declaring the act to be severable; and declaring an emergency.

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

Section 1. There is hereby created within the boundaries hereinbelow defined, in the counties of Edwards and Real, a conservation and reclamation district, to be known as the "Upper Nueces Conservation and Reclamation District" (hereinafter called the "District") to have and exercise the powers hereinafter granted, for the following purposes:

(a) The control, storing, preservation and distribution of storm and flood waters within the District, and the waters of the rivers and streams therein;

(b) The conservation, preservation, development and recharging of the underground waters and water-bearing formations within the District; and

(c) The conservation and development of the soil, and the reclamation and irrigation of lands within the District.

The District shall contain all the territory within the following boundaries:

BEGINNING at a point in the South line of Real County and the North line of Uvalde County, in the West line of Survey No. 920, G.C. & S.F. Railway Co.;

THENCE North with the West lines of said Survey No. 920 and Survey No. 912 to the intersection with the South line of Survey No. 74, T.W.N.G. Railway Co. Block 13;

THENCE East with the South line of Survey No. 74 and Surveys Nos. 75 and 76 to the Southeast corner of Survey No. 76 in said Block 13;

THENCE North with the East lines of Surveys Nos. 76, 69, 44, 38, 8 and 7, T.W.N.G. Railway Co. Block 13, continuing North

with the East line of Survey No. 3, G.H. & S.A. Railway Co. Block F, continuing North with the East lines of Surveys Nos. 75, 64 and 56, T.W.N.G. Railway Co. Block 3, to the Northeast corner of said Survey No. 56 in said Block;

THENCE East with the South line of Survey No. 46, T.W.N.G. Railway Co. Block 3 to the Southeast corner of said Survey;

THENCE North with the East lines of Surveys Nos. 46 and 35, T.W.N.G. Railway Co. Block 3 to the Northeast corner of Survey No. 35;

THENCE East with the South line of Survey No. 27, T.W.N.G. Railway Co. Block 3 to the Southeast corner of that Survey;

THENCE North with the East lines of Surveys Nos. 27, 13 and 8, in T.W.N.G. Railway Co. Block 3, continuing North with the East lines of Surveys Nos. 1, 16, 17, 32 and 33, T. & N.O. Railway Co. Block 0 to the Northeast corner of said Survey No. 33;

THENCE East with the South line of Survey No. 7, T. & N.O. Railway Co. Block 7, to the Southeast corner of said Survey No. 7;

THENCE North with the East line of said Survey No. 7 to the Northeast corner of said Survey No. 7 and the Southeast corner of Survey No. 4, G.C. & S.F. Railway Co. Block 2;

THENCE East with the South line of Survey No. 5, G.C. & S.F. Railway Co. Block 2, to the Southeast corner of said Survey;

THENCE North with the East lines of Surveys Nos. 5 and 16, G.C. & S.F. Railway Co. Block 2, to the Northeast corner of said Survey No. 16 in the South line of Survey No. 6, G.C. & S.F. Railway Co. Block A-10;

THENCE West with the South line of said Survey No. 6 to the Southwest corner of Survey No. 6, being also the Southeast corner of Survey No. 5, G.C. & S.F. Railway Co. Block A-10;

THENCE North with the East line of Survey No. 5 to the Northeast corner of said Survey in the South line of Survey No. 7, G.W.T. & P. Railway Co., Certificate 1/16;

THENCE West with the South line of Survey No. 7 to the Southwest corner of said Survey No. 7;

THENCE North with the West line of said Survey No. 7 to the Northwest corner of said Survey and the Southwest corner of Survey No. 6, G.W.T. & P. Railway Co. Certificate 1/15;

THENCE North with the West line of Survey 6 to the Northwest corner of said Survey and the Southwest corner of Survey No. 20, City of San Antonio Certificate 13;

THENCE North with the West line of Survey No. 20 to the Northwest corner of said Survey No. 20 in the East line of Survey No. 19, City of San Antonio Certificate 13, said point being also the most Easterly Southwest corner of Survey No. 4, G.C. & S.F. Railway Co. Block O-10;

THENCE East with the South line of said Survey No. 4 and the North line of Survey No. 20 to the Southeast corner of Survey No. 4;

THENCE North with the East line of Survey No. 4 to the Northeast corner of said Survey in the South line of Survey No. 40, H.E. & W.T. Railway Co. Block D;

THENCE West with the South line of Survey No. 40 to the Southwest corner of said Survey;

THENCE North with the West line of Survey No. 40 and Survey No. 43, H.E. & W.T. Railway Co. Block D to a point in the North County line of Real County and the County line of Edwards County;

THENCE with and following the meanders of the boundary line dividing Real and Edwards counties West, Northeast, Northwest, Southwest and Northwest to a point in said Real-Edwards County line, same being the Northeast corner of Survey No. 62, Block 1, G.W.T. & P. Certificate 1/355;

THENCE North 85° West to the Northwest corner of Block 1, G.W.T. & P., the Northwest corner of Block 1 and an inner corner of Survey No. 3, Block 4, B.S. & F. Certificate 1/647:

THENCE with Block lines South 5° West 123 varas to the South line of Block 4, B.S. & F.;

THENCE with the South line of Block 4, B.S. & F. North 65° West to the Southwest corner of Survey No. 1, Block 4, the Southwest corner of Block 4 and the Southeast corner of Survey No. 34, Certificate 122, Block 2;

THENCE with the South line of Block 2, West to the Northwest corner of Survey No. 1, I. & G.N. Railway Co. Certificate 3851;

THENCE South to the Northeast corner of Survey No. $1\frac{1}{2}$, S. M. Holdges Certificate 2018;

THENCE West to the Northwest corner of Survey No. $1\frac{1}{2}$, Certificate 2018;

THENCE South passing the Northeast corner of Survey No. 1, Block 11, Certificate 4/851 to the Southeast corner of Survey No. 7, Block 11, G.C. & S.F. Railway Co. Certificate 4/854;

THENCE West to the Southwest corner of Survey No. 7, Block 11;

THENCE South to the Southeast corner of Survey No. 19, Block 11, Certificate 4/860;

THENCE West to a point in the East line of Survey No. 61, Block 10, G.H. & S.A. Railway Co. Certificate 1801;

THENCE with the East line of Block 10, South 30° West to the Southeast corner of Survey No. 62, Block 10, G.H. & S.A. Railway Co. Certificate 1801;

THENCE North 60° West to the Southwest corner of Survey No. 62, Block 10, G.H. & S.A. Railway Co., it being the Northeast corner of Survey No. 80, Block 10, Certificate 1810;

THENCE South 30° West to the Southeast corner of Survey No. 80, Certificate 1810, Block 10;

THENCE with the South line of Block 10 North 60° West to the North corner of Survey No. 125, Certificate 1271;

THENCE South passing the Northeast corner of Survey No. 4, Block 17, to the Southeast corner of Survey No. 8, Block 17, Certificate 1988;

THENCE West to a point in the East line of Survey 3, Block AB, T.W.N.G. Railway Co. Certificate 0/573;

THENCE South 70° West to a point in the East line of Survey No. 88, Block III, G.W.T. & P. Certificate 1/256;

THENCE South 20° East to the Southeast corner of Survey No. 88, Block III;

THENCE South 70° West to the Southwest corner of Survey No. 88, Block III;

THENCE South 20° East to the Southeast corner of Survey No. 15, Certificate 1318, C.C.S.D. & R.G.N.G. Railway Co.;

THENCE South 70° West to the Northeast corner of Survey 14, Certificate 1/90;

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THENCE South 20° East to the Northeast corner of the South $\frac{1}{2}$ of Survey No. 35, Block 1, Certificate 1/101;
 THENCE South 70° West to the Northwest corner of the South $\frac{1}{2}$ of Survey No. 34, Block 1, Certificate 1/100;
 THENCE South 20° East to the Southwest corner of Survey No. 39, Block 1, G.W.T. & P. Railway Co. Certificate 1/103;
 THENCE North 70° East to the Northeast corner of Survey No. 60, Block 1, G.W.T. & P. Certificate 1/113;
 THENCE with the East line of Block 1 South 20° East to the Edwards-Kinney County line;
 THENCE East with the Edwards-Kinney County line to the Northwest corner of Uvalde County in the South line of Edwards County;
 THENCE East with the North line of Uvalde County and the South lines of Edwards and Real Counties to the place of beginning.

No error or discrepancy in the foregoing field notes shall adversely affect the validity of the District or the exercise of any power of the District granted herein, it being hereby found and determined that all of the territory and taxable property contained within such boundaries will be benefited by the works and improvements of the District.

Section 2. The District is hereby constituted and declared to be a governmental agency and a body politic and corporate vested with the full authority of the State of Texas to exercise the powers granted and to perform the functions stated in this Act. The District is created in pursuance of Section 59 of Article 16 of the Constitution of the State of Texas and the creation of the District, within the boundaries hereinabove defined, is hereby found and determined to be essential to the accomplishment of the purposes of said provisions of the Constitution.

Section 3. The District shall have and exercise, and is hereby vested with the following powers:

(a) To control, store, preserve and distribute the storm and flood waters within the District, and the waters of the rivers and streams therein, for the irrigation of arid land, for the prevention of floods and flood damage to lands and property within the District, and for domestic, municipal and industrial uses, and to use, treat, distribute and sell such waters within or without the boundaries of the District, for any and all such uses;

(b) To conserve, preserve, protect, develop and increase, and prevent the waste and pollution of underground waters, and to recharge the underground water-bearing formations within the District;

(c) To irrigate and provide for the irrigation of arid lands within the District;

(d) To reclaim lands within the District heretofore damaged by the lack of facilities which this District is created to provide;

(e) To construct, establish and maintain terraces and other structures on lands within the District, and to engage in and promote land treatment measures for soil conservation and improvement;

(f) To construct, acquire, improve, maintain and repair dams, plants, works, canals, pipelines or other facilities for the impoundment, storage, treatment, transportation or distribution of waters which, in the judgment of the Directors, may be necessary or convenient to the exercise of any other power herein granted or to the discharge of any function or purpose for which the District is created;

(g) To drill, equip, operate and maintain input wells, pumps and other facilities and appliances in any manner necessary or convenient to the exercise of any other power herein granted;

(h) To acquire lands and easements by purchase, or by the exercise of the power of eminent domain, which may be necessary or convenient to any work or structure which the District is authorized to acquire or to construct;

(i) 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;

(j) To acquire 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 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 the 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;

(k) Subject to the provisions of this Act, from time to time sell or otherwise dispose of any property of any kind, real, personal, or mixed, or any interest therein, which shall not be necessary to the carrying on of the business of the District;

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(1) 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 XVI of the Constitution of the State of Texas;

provided, however, in the event that the District, in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder, makes necessary the relocation of or altering the construction of any electric transmission line, telephone or telegraph properties and facilities, or pipeline, all such necessary relocation or alteration of construction shall be accomplished at the sole expense of the District,

- (m) To sue and be sued in its corporate name;
- (n) To adopt, use, and alter a corporate seal;
- (o) To make by-laws for the management and regulation of its affairs;
- (p) To appoint officers, agents, and employees, to prescribe their duties, and to fix their compensation;
- (q) To make contracts and to execute instruments necessary or convenient to the exercise of the powers, rights, privileges, and functions conferred upon it by this Act, or by any other Act or Law;
- (r) To have and exercise, in addition to the powers hereinabove conferred, any and all other powers, rights, privileges and functions conferred by General Law upon water control and improvement districts created pursuant to Section 59 of Article XVI of the Constitution of the State of Texas;

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(s) To do any and all other acts or things necessary or convenient to the exercise of the powers, rights, privileges, or functions conferred upon it by this Act or by any other Act or law.

(t) To enter into contracts with and to participate in joint efforts and projects with water districts, conservation districts, cities and towns, counties and municipal and governmental agencies of every kind, both State and Federal, and with individuals and private corporations, which the District is authorized to undertake, and the Board of Directors of the District shall be empowered to use, dedicate and pledge taxes and revenues of the District and to use the proceeds from District bonds for said purposes whether the District or some other municipal or governmental agency or department is in charge of such work or development.

Section 4. The Board of Directors of the District shall be authorized to levy annually on all taxable property in the District an ad valorem tax for maintenance and current operation of the District in an amount not to exceed twenty-five (25) cents on the one hundred dollars (\$100.00) assessed valuation of such taxable property; provided that no such tax shall be levied unless it shall first have been authorized at an election held within the District on the question of the imposition of such tax, or such amount thereof as may be specified in the proposition voted on at such election, and at which election none but qualified property taxpaying voters of such District shall be permitted to vote. Such election may be called by the Board of Directors on its own motion, or upon petition of not less than twenty (20) of the qualified taxpaying voters of such District; the order for such election shall state the proposi-

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tion to be voted on, and notice of said election shall be given in the manner prescribed for notice of elections on the proposition of issuance of bonds of such District which are payable from ad valorem taxes.

Section 5. The District shall have the power to receive and expend for flood control purposes, within the limits of any county within the District, such part of the proceeds of ad valorem taxes levied pursuant to Section 1-a of Article VIII of the Constitution of Texas upon taxable properties within said county, as are levied upon and collected from such properties as are within the territorial limits of the District.

The directors of said District upon receipt of a petition signed by twenty-five or more resident property tax paying citizens of the District shall call an election to be held in said District to determine whether said taxes shall be levied, collected and remitted to said District by Edwards and Real Counties, respectively. If a majority of the votes cast in such election are in favor of such use of said funds, then, and until another such election should decide otherwise, said funds shall be collected for, remitted to and used by said District for flood control purposes.

Section 6.

(a) For the purpose of carrying out any other power or authority conferred by this Act, the District is empowered to issue its negotiable bonds to be payable from revenues or taxes or both revenues and taxes of the District as are pledged by resolution of the Board of Directors. Pending the issuance of definitive bonds, the Board may authorize the delivery of negotiable interim bonds or notes, eligible for exchange or substitution by use of the definitive bonds.

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(b) Such bonds shall be authorized by resolution of the Board of Directors and shall be issued in the name of the District, signed by the president or vice-president, attested by the secretary, and shall bear the seal of the District. It is provided, however, that the signatures of the president or of the secretary or of both may be printed or lithographed on the bonds if authorized by the Board of Directors, and that the seal of the District may be impressed on the bonds or may be printed or lithographed thereon. The bonds shall mature serially or otherwise in not to exceed forty (40) years and may be sold at a price and under the terms determined by the Board of Directors to be the most advantageous price reasonably obtainable, provided that no sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six (6%) per cent per annum, and within the discretion of the Board, may be made callable prior to maturity at such times and prices as may be prescribed in the resolution authorizing the bonds, and may be made registerable as to principal or as to both principal and interest.

(c) Bonds may be issued in more than one (1) series and from time to time as required for carrying out the purpose of this Act.

(d) The bonds may be secured by a pledge of all or part of the net revenues of the District, or by the net revenues of any one or more contracts theretofore or thereafter made or other revenues or income specified by resolution of the Board of Directors or in the trust indenture or other instrument securing the bonds. Any such pledge may reserve the right, under conditions therein specified, to issue additional bonds which will be on a parity with or subordinate to the bonds then being issued. The term "net revenues" as used in this Section shall mean the gross

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revenues and income of the District from all sources after deduction of the amount necessary to pay the cost of maintaining and operating the District and its properties.]

(e) The District is also empowered to issue bonds payable from ad valorem taxes to be levied on all taxable property therein, or to issue bonds secured by and payable from both such taxes and the revenues of the District. Where bonds are issued payable wholly or partially from ad valorem taxes, it shall be the duty of the Board of Directors to levy a tax sufficient to pay the bonds and the interest thereon as such bonds and interest become due, but the rate of the tax for any year may be fixed after giving consideration to the money received from the pledged revenues which may be available for payment of principal and interest to the extent and in the manner permitted by the resolution authorizing the issuance of the bonds.

(f) Where bonds payable wholly from revenues are issued, it shall be the duty of the Board of Directors to fix, and from time to time to revise, the rates of compensation for water sold and services rendered by the District which will be sufficient to pay the expense of operating and maintaining the facilities of the District and to pay the bonds as they mature and the interest as it accrues and to maintain the reserve and other funds as provided in the resolution authorizing the bonds or the trust indenture, or other instrument securing the bonds. Where bonds payable partially from revenues are issued it shall be the duty of the Board to fix, and from time to time to revise, the rate of compensation for water sold and services rendered by the District which will be sufficient to assure compliance with the resolution authorizing the bonds or the trust indenture or other instrument securing the bonds.

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(g) From the proceeds from the sale of the bonds, the District may set aside amounts for the payments into the interest and sinking fund and the reserve fund, and such provisions may be made in the resolution authorizing the bonds or the trust indenture or other instrument securing the bonds. Proceeds from the sale of the bonds may also be used for the payment of all expenses necessarily incurred in accomplishing the purpose for which this District is created, including expenses of issuing and selling the bonds. The proceeds from the sale of the bonds may be temporarily invested in direct obligations of the United States Government maturing in not more than one (1) year from the date of investment.

(h) In the event of a default or a threatened default in the payment of principal of or interest on bonds payable wholly or partially from revenues, any court of competent jurisdiction may, upon petition of the holders of outstanding bonds, appoint a receiver with authority to collect and receive all income of the District except taxes, employ and discharge agents and employees of the District, take charge of funds on hand (except funds received from taxes unless commingled) and manage the proprietary affairs of the District without consent or hindrance by the Directors. Such receiver may also be authorized to sell or make contracts for the sale of water or renew such contracts with the approval of the court appointing him. The court may vest the receiver with such other powers and duties as the court may find necessary for the protection of the holders of the bonds. The resolution authorizing the issuance of the bonds or the trust indenture or other instrument securing them may limit or qualify the rights of less than all of the outstanding bonds payable from the same source to institute or prosecute any litigation affecting the District's property or income.

Section 7. The District is authorized to issue refunding bonds for the purpose of refunding any outstanding bonds authorized by this Act and interest thereon. Such refunding bonds may be issued to refund more than one (1) series of outstanding bonds whether such outstanding bonds are tax bonds, revenue bonds or bonds secured by both taxes and revenues. The resolution authorizing the refunding bonds may combine the revenues pledged for the outstanding bonds for the security of the refunding bonds, and the refunding bonds may be secured by other or additional revenues and mortgage liens. The provisions of this law with reference to the issuance by the District of other bonds, their security, and their approval by the Attorney General and the remedies of the holders shall be applicable to refunding bonds. Refunding bonds shall be registered by the Comptroller upon surrender and cancellation of the bonds to be refunded, but in lieu thereof, the resolution authorizing their issuance may provide that they shall be sold and the proceeds thereof deposited in the bank where the original bonds are payable, in which case the refunding bonds may be issued in an amount sufficient to pay the principal of and the interest on the original bonds to their option date or maturity date, and the Comptroller shall register them without concurrent surrender and cancellation of the original bonds.

Section 8. Any bonds (including refunding bonds) authorized by this law, not payable wholly from ad valorem taxes, may be additionally secured by a trust indenture or other instrument under which the Trustee may be a bank having trust powers situated either within or outside of the State of Texas. Such bonds, within the discretion of the Board of Directors, may be additionally

secured by a deed of trust or mortgage lien upon physical properties of the District and all franchises, easements, water rights and appropriation permits, leases and contracts and all rights appurtenant to such properties, vesting in the trustee power to sell the properties for the payment of the indebtedness, power to operate the properties and all other powers and authority for the further security of the bonds. Such trust indenture, regardless of the existence of the deed of trust or mortgage lien on the properties may contain any provisions prescribed by the Board of Directors for the security of the bonds and the preservation of the trust estate, and may make provisions for amendment or modification thereof and the issuance of bonds to replace lost or mutilated bonds, and may condition the right to expend District money or sell District property upon approval of a registered professional engineer selected as provided therein, and may make provision for the investment of funds of the District. Any purchaser under a sale under the deed of trust lien, where one is given, shall be the absolute owner of the properties, facilities and rights so purchased and shall have the right to maintain and operate the same.

Section 9.

(a) No bonds payable wholly or partially from ad valorem taxes (except refunding bonds) shall be issued unless authorized by an election at which only the qualified voters who reside in the District and who own taxable property therein and who have duly rendered the same for taxation shall be allowed to vote, and unless a majority of the votes cast thereat are in favor of the issuance of the bonds. Bonds not payable wholly or partially from ad valorem taxes may be issued without an election.

(b) Such election may be called by the Board of Directors without a petition. The resolution calling the election shall specify the time and places of holding the same, the purpose for which the bonds are to be issued, the maximum amount thereof, the maximum maturity thereof, the form of the ballot, and the presiding judge for each voting place. The presiding judge serving at each voting place may appoint one (1) assistant judge and at least two (2) clerks to assist in holding such election. Notice of the election shall be given by publishing a substantial copy of the resolution calling the election in a newspaper of general circulation in the District on the same day of each of two (2) consecutive weeks. The first publication shall be at least fourteen (14) days prior to the date set for the election. If no newspaper is published in the District, notice shall be given by posting a copy of the resolution in three (3) public places.

(c) The returns of the election shall be made to and canvassed by the Board of Directors of the District.

(d) The general laws relating to elections shall be applicable to elections held under this Section of this law except as otherwise provided in this law.

Section 10. After any bonds (including refunding bonds) are authorized by the District, such bonds and the record relating to their issuance shall be submitted to the Attorney General for his examination as to the validity thereof. Where such bonds recite that they are secured by a pledge of the proceeds of a contract theretofore made between the District and any city or other governmental agency, authority or district, a copy of such contract and the proceedings of the city or other governmental

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agency, authority or district authorizing such contract shall also be submitted to the Attorney General. If such bonds have been authorized and if such contracts have been made in accordance with the Constitution and Laws of the State of Texas, he shall approve the bonds and such contracts and the bonds then shall be registered by the Comptroller of Public Accounts. Thereafter the bonds, and the contracts, if any, shall be valid and binding and shall be incontestable for any cause.

Section 11. The government and control of the District shall be vested in a Board of Directors consisting of nine (9) members. Each of them, with the exception of the original Board of Directors hereinafter provided for, shall hold office for a term of two (2) years.

The original Board of Directors shall consist of Jesse Lockhart, of Barksdale, Texas; Neal Jernigan, Sr., of Barksdale, Texas; J. E. Greer, of Camp Wood, Texas; J. E. Robbins, of Camp Wood, Texas; and G. C. Hutcherson, of Camp Wood, Texas; whose terms of office shall expire on the first Saturday in September of 1960; and Lester Phillips, of Barksdale, Texas; Clarence Vernor, of Barksdale, Texas; J. B. Hutto, of Camp Wood, Texas; and L. M. Webb, of Camp Wood, Texas; whose terms of office shall expire on the first Saturday in September of 1961.

There shall be held in the District on the first Saturday of September in each year, beginning with the first Saturday in September of 1960, an election within the District for the selection of directors to succeed those whose terms expire on said date. Such election shall be held in such voting boxes as are designated by the Board of Directors, and notice of such election shall be given by the Secretary of the Board of Directors by posting in three (3) public places within the District

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a copy of the order of the Board of Directors directing the time and places of holding the election. No person shall be selected a director unless he be above the age of twenty-one (21) years and a resident within the territorial limits of the District.

Any vacancy occurring in the membership of the Board of Directors shall be filled by the remaining members of the Board for the unexpired term of such office.

Before entering upon the duties of his office, each member of the Board of Directors shall take the Constitutional oath of office.

Section 12. The Board shall elect or appoint annually from its own membership the following Officers: a president, a vice-president, and a secretary. A quorum shall consist of not less than five (5) members. Regular and special meetings of the Board of Directors shall be held as provided by the by-laws and such notice given as required by the by-laws.

Section 13. The Board of Directors shall manage and control all of the affairs and business of said District, including the employment and supervision of all persons and agencies necessary and required to aid in accomplishing the purpose of this Act.

Section 14.

(a) No dam or other structure for impounding water for storage shall be constructed by the District until the plans therefor have been approved by the State Board of Water Engineers.

(b) The District shall have authority to apply to the State Board of Water Engineers for a permit or permits allowing the District to appropriate and use for any authorized purpose the unappropriated storm and flood waters within the District, as provided in Chapter 1, Title 128, Revised Civil Statutes of Texas, as amended.

(c) The District is also authorized to acquire water appropriation permits from the owners thereof, and to lease or acquire rights in and to storage and storage capacity in any reservoir constructed or to be constructed by any person, firm, corporation or public agency, or from the United States Government or any of its agencies.

Section 15. The Board of Directors, by resolution adopted by two-thirds (2/3) of all directors, may fix the location of the general office and domicile of the District, and notice thereof shall immediately be given by publication of such resolution at least once in a newspaper of general circulation within the District.

Section 16. The Board of Directors shall designate one (1) or more banks within or without the District to serve as depository for the funds of the District. All funds of the District shall be deposited in such depository bank or banks except that funds pledged to pay bonds may be deposited with the trustee bank named in the trust indenture or other instrument, and except that funds shall be remitted to the bank or banks of payment for the payment of principal of and interest on bonds. To the extent that funds in the depository banks and the trustee bank are not insured by the F. D. I. C. they shall be secured in the manner provided by law for the security of county funds.

Section 17. Land may be added to the District and become a part thereof upon petition of the owner thereof in the following manner: the owner of the land shall file with the Board of Directors a petition praying that the lands described be added to and become a part of the established District. Said petition shall describe the land by metes and bounds and be signed } and

executed in the same manner provided by law for the conveyance of real estate. Such petition shall be heard and considered by the directors and may be granted and said land added to the District if same is considered to be to the advantage of the District and if the water supply, canals, etc., are sufficient to supply the same without injury to the lands of the District. Any such petition which may be granted adding lands to a District shall be filed for record and be recorded in the office of the county clerk of the county in which such land is situated.

Section 18. If any section or provision of this Act shall for any reason be held unconstitutional or invalid, such holding shall not affect the remaining portions of this Act.

Section 19. The crowded condition of the calendar, and the need for the prompt beginning of the work authorized by this Act create an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Austin, Texas

April 21, 1959

Hon. Ben Ramsey

President of the Senate

Sir:

We, your Committee on Water and Conservation,
to whom was referred S. B. No. 447, have had the same under
consideration, and we are instructed to report it back to the
Senate with the recommendation that it do _____
pass with Committee and be _____ printed.
~~Amendments~~

W. W. W. W.
Chairman

Amend SB 447 Sec 3 subsection (b)
 by inserting the words "within the district"
 after the comma following the word "domain"
 & before the word "which".

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ADOPTED



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Schnabel

SECRETARY OF SENATE

Amend AB 447 Sec 3 subsection (f)
by deleting the words "or without" after the
word "within" & before the word "the" & by
deleting the words "and the parenthesis" after
the word "District" & before the word "necessary"
reading as follows: "(other than such property on
any interest therein within the boundaries of the
District as may at the time be owned by any
body politic).

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[Signature]

ADOPTED

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Schnabel

SECRETARY OF SENATE

Amend Senate Bill 447 by inserting at the end of subsection (2) of Section 3 the following:

✓ provided, however, in the event that the District, in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder, makes necessary the relocation of or altering the construction of any electric transmission line, telephone or telegraph properties and facilities, or pipeline, all such necessary relocation or alteration of construction shall be accomplished at the sole expense of the District."

[Handwritten signature]

ADOPTED

#13

APR 28 1959

Schnabel
SECRETARY OF SENATE

Committee Amendment

no 4

Amend Section 5, Senate Bill 447, by adding a new paragraph to read as follows:

"The directors of said District upon receipt of a petition signed by twenty-five or more resident property tax paying citizens of the District shall call an election to be held in said District to determine whether said taxes shall be levied, collected and remitted to said District by Edwards and Real Counties, respectively. If a majority of the votes cast in such election are in favor of such use of said funds, then, and until another such election should decide otherwise, said funds shall be collected for, remitted to and used by said District for flood control purposes."

✓

copy page
8

#4

[Handwritten signature]

ADOPTED

APR 28 1959

Schnabel
SECRETARY OF SENATE

Amend caption to conform to body
of bill.

ADOPTED

AS

APR 28 1959

Schnabel

SECRETARY OF SENATE

By: Hardeman

S. B. No. 447

A BILL TO BE ENTITLED:

AN ACT

creating a conservation and reclamation district under the provisions of Section 59, Article XVI of the Constitution of Texas, to be known as the "Upper-Nueces, Conservation and Reclamation District"; defining the powers of the District and providing for its management and operation; declaring the Act to be severable; and declaring an emergency.

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

Section 1. There is hereby created within the boundaries hereinbelow defined, in the counties of Edwards and Real, a conservation and reclamation district, to be known as the "Upper-Nueces Conservation and Reclamation District" (hereinafter called the "District") to have and exercise the powers hereinafter granted, for the following purposes:

(a) The control, storing, preservation and distribution of storm and flood waters within the District, and the waters of the rivers and streams therein;

(b) The conservation, preservation, development and recharging of the underground waters and water-bearing formations within the District; and

(c) The conservation and development of the soil, and the reclamation and irrigation of lands within the District.

The District shall contain all the territory within the following boundaries:

BEGINNING at a point in the South line of Real County and the North line of Uvalde County, in the West line of Survey No. 920, G.C. & S.F. Railway Co.;

THENCE North with the West lines of said Survey No. 920 and Survey No. 912 to the intersection with the South line of Survey No. 74, T.W.N.G. Railway Co. Block 13; _____

THENCE East with the South line of Survey No. 74 and Surveys Nos. 75 and 76 to the Southeast corner of Survey No. 76 in said Block 13; _____

THENCE North with the East lines of Surveys Nos. 76, 69, 44, 38, 8 and 7, T.W.N.G. Railway Co. Block 13, continuing North with the East line of Survey No. 3, G.H. & S.A. Railway Co. Block F, continuing North with the East lines of Surveys Nos. 75, 64 and 56, T.W.N.G. Railway Co. Block 3, to the Northeast corner of said Survey No. 56 in said Block; _____

THENCE East with the South line of Survey No. 46, T.W.N.G. Railway Co. Block 3 to the Southeast corner of said Survey; _____

THENCE North with the East lines of Surveys Nos. 46 and 35, T.W.N.G. Railway Co. Block 3 to the Northeast corner of Survey No. 35; _____ *ST*

THENCE East with the South line of Survey No. 27, T.W.N.G. Railway Co. Block 3 to the Southeast corner of that Survey; _____

THENCE North with the East lines of Surveys Nos. 27, 13 and 8, in T.W.N.G. Railway Co. Block 3, continuing North with the East lines of Surveys Nos. 1, 16, 17, 32 and 33, T. & N.O. Railway Co. Block 0 to the Northeast corner of said Survey No. 33; _____

THENCE East with the South line of Survey No. 7, T. & N.O. Railway Co. Block 7, to the Southeast corner of said Survey No. 7; _____

THENCE North with the East line of said Survey No. 7 to the Northeast corner of said Survey No. 7 and the Southeast corner of Survey No. 4, G.C. & S.F. Railway Co. Block 2; _____

THENCE East with the South line of Survey No. 5, G.C. & S.F. Railway Co. Block 2, to the Southeast corner of said Survey; _____

THENCE North with the East lines of Surveys Nos. 5 and 16, G.C. & S.F. Railway Co. Block 2, to the Northeast corner of said Survey No. 16 in the South line of Survey No. 6, G.C. & S.F. Railway Co. Block A-10; -----

THENCE West with the South line of said Survey No. 6 to the Southwest corner of Survey No. 6, being also the Southeast corner of Survey No. 5, G.C. & S.F. Railway Co. Block A-10; -----

THENCE North with the East line of Survey No. 5 to the Northeast corner of said Survey in the South line of Survey No. 7, G.W.T. & P. Railway Co., Certificate 1/16; -----

THENCE West with the South line of Survey No. 7 to the Southwest corner of said Survey No. 7; -----

THENCE North with the West line of said Survey No. 7 to the Northwest corner of said Survey and the Southwest corner of Survey No. 6, G.W.T. & P. Railway Co. Certificate 1/15; -----

THENCE North with the West line of Survey 6 to the Northwest corner of said Survey and the Southwest corner of Survey No. 20, City of San Antonio Certificate 13; -----

THENCE North with the West line of Survey No. 20 to the Northwest corner of said Survey No. 20 in the East line of Survey No. 19, City of San Antonio Certificate 13, said point being also the most Easterly Southwest corner of Survey No. 4, G.C. & S.F. Railway Co. Block O-10; -----

THENCE East with the South line of said Survey No. 4 and the North line of Survey No. 20 to the Southeast corner of Survey No. 4; -----

THENCE North with the East line of Survey No. 4 to the Northeast corner of said Survey in the South line of Survey No. 40, H.E. & W.T. Railway Co. Block D; -----

THENCE West with the South line of Survey No. 40 to the Southwest corner of said Survey;

THENCE North with the West line of Survey No. 40 and Survey No. 43, H. E. & W. T. Railway Co. Block D to a point in the North County line of Real County and the County line of Edwards County;

THENCE with and following the meanders of the boundary line dividing Real and Edwards counties West, Northeast, Northwest, Southwest and Northwest to a point in said Real-Edwards County line, same being the Northeast corner of Survey No. 62, Block 1, G. W. T. & P. Certificate 1/355;

THENCE North 85° West to the Northwest corner of Block 1, G. W. T. & P., the Northwest corner of Block 1 and an inner corner of Survey No. 3, Block 4, B. S. & F. Certificate 1/647;

THENCE with Block lines South 5° West 123 varas to the South line of Block 4, B. S. & F.;

THENCE with the South line of Block 4, B. S. & F. North 65° West to the Southwest corner of Survey No. 1, Block 4, the Southwest corner of Block 4 and the Southeast corner of Survey No. 34, Certificate 122, Block 2;

THENCE with the South line of Block 2, West to the Northwest corner of Survey No. 1, I. & G. N. Railway Co. Certificate 3851;

THENCE South to the Northeast corner of Survey No. $1\frac{1}{2}$, S. M. Holdges Certificate 2018;

THENCE West to the Northwest corner of Survey No. $1\frac{1}{2}$, Certificate 2018;

THENCE South passing the Northeast corner of Survey No. 1, Block 11, Certificate 4/351 to the Southeast corner of Survey No. 7, Block 11, G. C. & S. F. Railway Co. Certificate 4/354;

THENCE West to the Southwest corner of Survey No. 7, Block 11;

THENCE South to the Southeast corner of Survey No. 19,
Block 11, Certificate 4/860; -----

THENCE West to a point in the East line of Survey No. 61,
Block 10, G.H. & S.A. Railway Co. Certificate 1801; -----

THENCE with the East line of Block 10, South 30° West to
the Southeast corner of Survey No. 62, Block 10, G.H. & S.A.
Railway Co. Certificate 1801; -----

THENCE North 60° West to the Southwest corner of Survey No. 62,
Block 10, G.H. & S. A. Railway Co., it being the Northeast corner
of Survey No. 80, Block 10, Certificate 1810; -----

THENCE South 30° West to the Southeast corner of Survey No. 80,
Certificate 1810, Block 10; -----

THENCE with the South line of Block 10 North 60° West to the
North corner of Survey No. 125, Certificate 1271; -----

THENCE South passing the Northeast corner of Survey No. 4,
Block 17, to the Southeast corner of Survey No. 8, Block 17,
Certificate 1988; -----

THENCE West to a point in the East line of Survey 3, Block AB,
T.W.N.G. Railway Co. Certificate 0/573; -----

THENCE South 70° West to a point in the East line of Survey
No. 88, Block III, G.W.T. & P. Certificate 1/256; -----

THENCE South 20° East to the Southeast corner of Survey No. 88,
Block III; -----

THENCE South 70° West to the Southwest corner of Survey No. 88,
Block III; -----

THENCE South 20° East to the Southeast corner of Survey No. 15,
Certificate 1318, C.C.S.D. & R.G.N.G. Railway Co.; -----

THENCE South 70° West to the Northeast corner of Survey 14,
Certificate 1/90; -----

THENCE South 20° East to the Northeast corner of the South $\frac{1}{2}$ of Survey No. 35, Block 1, Certificate 1/101; _____

THENCE South 70° West to the Northwest corner of the South $\frac{1}{2}$ of Survey No. 34, Block 1, Certificate 1/100; _____

THENCE South 20° East to the Southwest corner of Survey No. 39, Block 1, G.W.T. & P. Railway Co. Certificate 1/103; _____

THENCE North 70° East to the Northeast corner of Survey No. 60, Block 1, G.W.T. & P. Certificate 1/113; _____

THENCE with the East line of Block 1 South 20° East to the Edwards-Kinney County line; _____

THENCE East with the Edwards-Kinney County line to the Northwest corner of Uvalde County in the South line of Edwards County; _____

THENCE East with the North line of Uvalde County and the South lines of Edwards and Real Counties to the place of beginning. _____

No error or discrepancy in the foregoing field notes shall adversely affect the validity of the District or the exercise of any power of the District granted herein, it being hereby found and determined that all of the territory and taxable property contained within such boundaries will be benefited by the works and improvements of the District. _____

Sec. 2. The District is hereby constituted and declared to be a governmental agency and a body politic and corporate vested with the full authority of the State of Texas to exercise the powers granted and to perform the functions stated in this Act. The District is created in pursuance of Section 59 of Article 16 of the Constitution of the State of Texas and the creation of the District, within the boundaries hereinabove defined, is hereby found and determined to be essential to the accomplishment of the purposes of said provisions of the Constitution. _____

Sec. 3. The District shall have and exercise, and is hereby vested with the following powers: _____

(a) To control, store, preserve and distribute the storm and flood waters within the District, and the waters of the rivers and streams therein, for the irrigation of arid land, for the prevention of floods and flood damage to lands and property within the District, and for domestic, municipal and industrial uses, and to use, treat, distribute and sell such waters within or without the boundaries of the District, for any and all such uses; _____

(b) To conserve, preserve, protect, develop and increase, and prevent the waste and pollution of underground waters, and to recharge the underground water-bearing formations within the District; _____

(c) To irrigate and provide for the irrigation of arid lands within the District; _____

(d) To reclaim lands within the District heretofore damaged by the lack of facilities which this District is created to provide; _____

(e) To construct, establish and maintain terraces and other structures on lands within the District, and to engage in and promote land treatment measures for soil conservation and improvement; _____

(f) To construct, acquire, improve, maintain and repair dams, plants, works, canals, pipelines or other facilities for the impoundment, storage, treatment, transportation or distribution of waters which, in the judgment of the Directors, may be necessary or convenient to the exercise of any other power herein granted or to the discharge of any function or purpose for which the District is created;

(g) To drill, equip, operate and maintain input wells, pumps and other facilities and appliances in any manner necessary or convenient to the exercise of any other power herein granted;

(h) To acquire lands and easements by purchase, or by the exercise of the power of eminent domain, within the District which may be necessary or convenient to any work or structure which the District is authorized to acquire or to construct;

(i) 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;

(j) To acquire by condemnation any and all property of any kind, real, personal, or mixed, or any interest therein, within the boundaries of the District 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 the 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;

(k) Subject to the provisions of this Act, from time to time sell or otherwise dispose of any property of any kind, real, personal, or mixed, or any interest therein, which shall not be necessary to the carrying on of the business of the District;

(l) 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 XVI of the Constitution of the State of Texas; provided, however, in the event that the District, in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder, makes necessary the relocation of or altering the construction of any electric transmission line, telephone or telegraph properties and facilities, or pipeline, all such necessary relocation or alteration of construction shall be accomplished at the sole expense of the District;

(m) To sue and be sued in its corporate name;

(n) To adopt, use, and alter a corporate seal;

(o) To make bylaws for the management and regulation of its affairs;

(p) To appoint officers, agents, and employees, to prescribe their duties, and to fix their compensation;

(q) To make contracts and to execute instruments necessary or convenient to the exercise of the powers, rights, privileges, and functions conferred upon it by this Act, or by any other Act or law;

(r) To have and exercise, in addition to the powers hereinabove conferred, any and all other powers, rights, privileges and functions conferred by General Law upon water control and improvement districts created pursuant to Section 59 of Article XVI of the Constitution of the State of Texas;

(s) To do any and all other acts or things necessary or convenient to the exercise of the powers, rights, privileges, or functions conferred upon it by this Act or by any other Act or law.

(t) To enter into contracts with and to participate in joint efforts and projects with water districts, conservation districts, cities and towns, counties and municipal and governmental agencies of every kind, both state and Federal, and with individuals and private corporations, which the District is authorized to undertake, and the Board of Directors of the District shall be empowered to use, dedicate and pledge taxes and revenues of the District and to use the proceeds from District bonds for said purposes whether the District or some other municipal or governmental agency or department is in charge of such work or development.

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Sec. 4. The Board of Directors of the District shall be authorized to levy annually on all taxable property in the District an ad valorem tax for maintenance and current operation of the District in an amount not to exceed Twenty-five Cents (25¢) on the One Hundred Dollars (\$100.00) assessed valuation of such taxable property; provided that no such tax shall be levied unless it shall first have been authorized at an election held within the District on the question of the imposition of such tax, or such amount thereof as may be specified in the proposition voted on at such election, and at which election none but qualified property taxpaying voters of such District shall be permitted to vote. Such election may be called by the Board of Directors on its own motion, or upon petition of not less than twenty (20) of the qualified taxpaying voters of such District; the order for such election shall state the proposition to be voted on, and notice of

said election shall be given in the manner prescribed for notice of elections on the proposition of issuance of bonds of such District which are payable from ad valorem taxes.

Sec. 5. The District shall have the power to receive and expend for flood control purposes, within the limits of any county within the District, such part of the proceeds of ad valorem taxes levied pursuant to Section 1-a of Article VIII of the Constitution of Texas upon taxable properties within said county, as are levied upon and collected from such properties as are within the territorial limits of the District.

The Directors of said District upon receipt of a petition signed by twenty-five or more resident property taxpaying citizens of the District shall call an election to be held in said District to determine whether said taxes shall be levied, collected and remitted to said District by Edwards and Real Counties, respectively. If a majority of the votes cast in such election are in favor of such use of said funds, then, and until another such election should decide otherwise, said funds shall be collected for, remitted to and used by said District for flood control purposes.

Sec. 6. (a) For the purpose of carrying out any other power or authority conferred by this Act, the District is empowered to issue its negotiable bonds to be payable from revenues or taxes or both revenues and taxes of the District as are pledged by resolution of the Board of Directors. Pending the issuance of definitive bonds, the Board may authorize the delivery of negotiable interim bonds or notes, eligible for exchange or substitution by use of the definitive bonds.

(b) Such bonds shall be authorized by resolution of the Board of Directors and shall be issued in the name of the District, signed by the president or vice-president, attested by the secretary, and shall bear the seal of the District. It is provided, however, that the signatures of the president or of the secretary or of both may be printed or lithographed on the bonds if authorized by the Board of Directors, and that the seal of the District may be impressed on the bonds or may be printed or lithographed thereon. The bonds shall mature serially or otherwise in not to exceed forty (40) years and may be sold at a price and under the terms determined by the Board of Directors to be the most advantageous price reasonably obtainable, provided that no sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six percent (6%) per annum, and within the discretion of the Board, may be made callable prior to maturity at such times and prices as may be prescribed in the resolution authorizing the bonds, and may be made registrable as to principal or as to both principal and interest.

(c) Bonds may be issued in more than one (1) series and from time to time as required for carrying out the purpose of this Act.

(d) The bonds may be secured by a pledge of all or part of the net revenues of the District, or by the net revenues of any one or more contracts theretofore or thereafter made or other revenues or income specified by resolution of the Board of Directors or in the trust indenture or other instrument securing the bonds. Any such pledge may reserve the right, under conditions therein specified, to issue additional bonds which will be on a parity with or subordinate to the bonds then being issued. The term "net revenues" as used in this Section shall mean the gross revenues and income of the District from all sources after deduction of the amount necessary to pay the cost of maintaining and operating the District and its properties.

(e) The District is also empowered to issue bonds payable from ad valorem taxes to be levied on all taxable property therein, or to issue bonds secured by and payable from both such taxes and the revenues of the District. Where bonds are issued payable wholly or partially from ad valorem taxes, it shall be the duty of the Board of Directors to levy a tax sufficient to pay the bonds and the interest thereon as such bonds and interest become due, but the rate of the tax for any year may be fixed after giving consideration to the money received from the pledged revenues which may be available for payment of principal and interest to the extent and in the manner permitted by the resolution authorizing the issuance of the bonds.

(f) Where bonds payable wholly from revenues are issued, it shall be the duty of the Board of Directors to fix, and from time to time to revise, the rates of compensation for water sold and services rendered by the District which will be sufficient to pay the expense of operating and maintaining the facilities of the District and to pay the bonds as they mature and the interest as it accrues and to maintain the reserve and other funds as provided in the resolution authorizing the bonds or the trust indenture, or other instrument securing the bonds. Where bonds payable partially from revenues are issued it shall be the duty of the Board to fix, and from time to time to revise, the rate of compensation for water sold and services rendered by the District which will be sufficient to assure compliance with the resolution authorizing the bonds or the trust indenture or other instrument securing the bonds.

(g) From the proceeds from the sale of the bonds, the District may set aside amounts for the payments into the interest and sinking fund and the reserve fund, and such provisions may be made in the resolution authorizing the bonds or the trust indenture or other instrument securing the bonds. Proceeds from the sale of the bonds may also be used for the payment of all expenses necessarily incurred in accomplishing the purpose for which this District is created, including expenses of issuing and selling the bonds. The proceeds from the sale of the bonds may be temporarily invested in direct obligations of the United States Government maturing in not more than one (1) year from the date of investment.

(h) In the event of a default or a threatened default in the payment of principal of or interest on bonds payable wholly or partially from revenues, any court of competent jurisdiction may, upon petition of the holders of outstanding bonds, appoint a receiver with authority to collect and receive all income of the District except taxes, employ and discharge agents and employees of the District, take charge of funds on hand (except funds received from taxes unless commingled) and manage the proprietary affairs of the District without consent or hindrance by the Directors. Such receiver may also be authorized to sell or make contracts for the sale of water or renew such contracts with the approval of the court appointing him. The court may vest the receiver with such other powers and duties as the court may find necessary for the protection of the holders of the bonds. The resolution authorizing the issuance of the bonds or the trust indenture or other instrument securing them may limit or qualify the rights of less than all of the outstanding bonds payable from the same source to institute or prosecute any litigation affecting the District's property or income.

Sec. 7. The District is authorized to issue refunding bonds for the purpose of refunding any outstanding bonds authorized by this Act and interest thereon. Such refunding bonds may be issued to refund more than one (1) series of outstanding bonds whether such outstanding bonds are tax bonds, revenue bonds or bonds secured by both taxes and revenues. The resolution authorizing the refunding bonds may combine the revenues pledged for the outstanding bonds for the security of the refunding bonds, and the refunding bonds may be secured by other or additional revenues and mortgage liens. The provisions of this law with reference to the issuance by the District of other bonds, their security, and their approval by the Attorney General and the remedies of the holders shall be applicable to refunding bonds. Refunding bonds shall be registered by the Comptroller upon surrender and cancellation of the bonds to be refunded, but in lieu thereof, the resolution authorizing their issuance may provide that they shall be sold and the proceeds thereof deposited in the bank where the original bonds are payable, in which case the refunding bonds may be issued in an amount sufficient to pay the principal of and the interest on the original bonds to their option date or maturity date, and the Comptroller shall register them without concurrent surrender and cancellation of the original bonds.

Sec. 8. Any bonds (including refunding bonds) authorized by this law, not payable wholly from ad valorem taxes, may be additionally secured by a trust indenture or other instrument under which the trustee may be a bank having trust powers situated either within or outside of the State of Texas. Such bonds, within the discretion of the Board of Directors, may be additionally secured

by a deed of trust or mortgage lien upon physical properties of the District and all franchises, easements, water rights and appropriation permits, leases and contracts and all rights appurtenant to such properties, vesting in the trustee power to sell the properties for the payment of the indebtedness, power to operate the properties and all other powers and authority for the further security of the bonds. Such trust indenture, regardless of the existence of the deed of trust or mortgage lien on the properties may contain any provisions prescribed by the Board of Directors for the security of the bonds and the preservation of the trust estate, and may make provisions for amendment or modification thereof and the issuance of bonds to replace lost or mutilated bonds, and may condition the right to expend District money or sell District property upon approval of a registered professional engineer selected as provided therein, and may make provision for the investment of funds of the District. Any purchaser under a sale under the deed of trust lien, where one is given, shall be the absolute owner of the properties, facilities and rights so purchased and shall have the right to maintain and operate the same.

Sec. 9. (a) No bonds payable wholly or partially from ad valorem taxes (except refunding bonds) shall be issued unless authorized by an election at which only the qualified voters who reside in the District and who own taxable property therein and who have duly rendered the same for taxation shall be allowed to vote, and unless a majority of the votes cast thereat are in favor of the issuance of the bonds. Bonds not payable wholly or partially from ad valorem taxes may be issued without an election.

(b) Such election may be called by the Board of Directors without a petition. The resolution calling the election shall specify the time and places of holding the same, the purpose for which the bonds are to be issued, the maximum amount thereof, the maximum maturity thereof, the form of the ballot, and the presiding judge for each voting place. The presiding judge serving at each voting place may appoint one (1) assistant judge and at least two (2) clerks to assist in holding such election. Notice of the election shall be given by publishing a substantial copy of the resolution calling the election in a newspaper of general circulation in the District on the same day of each of two (2) consecutive weeks. The first publication shall be at least fourteen (14) days prior to the date set for the election. If no newspaper is published in the District, notice shall be given by posting a copy of the resolution in three (3) public places.

(c) The returns of the election shall be made to and canvassed by the Board of Directors of the District.

(d) The General Laws relating to elections shall be applicable to elections held under this Section of this law except as otherwise provided in this law.

Sec. 10. After any bonds (including refunding bonds) are authorized by the District, such bonds and the record relating to their issuance shall be submitted to the Attorney General for his examination as to the validity thereof. Where such bonds recite that they are secured by a pledge of the proceeds of a contract theretofore made between the District and any city or other governmental agency, authority or District, a copy of such contract and the proceedings of the city or other governmental agency, authority or District authorizing such contract shall also be

submitted to the Attorney General. If such bonds have been authorized and if such contracts have been made in accordance with the Constitution and laws of the State of Texas, he shall approve the bonds and such contracts and the bonds then shall be registered by the Comptroller of Public Accounts. Thereafter the bonds, and the contracts, if any, shall be valid and binding and shall be incontestable for any cause.

Sec. 11. The government and control of the District shall be vested in a Board of Directors consisting of nine (9) members. Each of them, with the exception of the original Board of Directors hereinafter provided for, shall hold office for a term of two (2) years.

The original Board of Directors shall consist of Jesse Lockhart, of Barksdale, Texas; Neal Jernigan, Sr., of Barksdale, Texas; J. E. Greer, of Camp Wood, Texas; J. E. Robbins, of Camp Wood, Texas; and G. C. Hutcherson, of Camp Wood, Texas; whose terms of office shall expire on the first Saturday in September of 1960; and Lester Phillips, of Barksdale, Texas; Clarence Vernor, of Barksdale, Texas; J. B. Hutto, of Camp Wood, Texas; and L. M. Webb, of Camp Wood, Texas; whose terms of office shall expire on the first Saturday in September of 1961.

There shall be held in the District on the first Saturday of September in each year, beginning with the first Saturday in September of 1960, an election within the District for the selection of Directors to succeed those whose terms expire on said date. Such election shall be held in such voting boxes as are designated by the Board of Directors, and notice of such election shall be given by the Secretary of the Board of Directors by posting in three (3) public places within the District a copy of the order of the

Board of Directors directing the time and places of holding the election. No person shall be selected a Director unless he be above the age of twenty-one (21) years and a resident within the territorial limits of the District. _____

Any vacancy occurring in the membership of the Board of Directors shall be filled by the remaining members of the Board for the unexpired term of such office. _____

Before entering upon the duties of his office, each member of the Board of Directors shall take the Constitutional oath of office. _____

Sec. 12. The Board shall elect or appoint annually from its own membership the following officers: a president, a vice-president, and a secretary. A quorum shall consist of not less than five (5) members. Regular and special meetings of the Board of Directors shall be held as provided by the bylaws and such notice given as required by the bylaws. _____

Sec. 13. The Board of Directors shall manage and control all of the affairs and business of said District, including the employment and supervision of all persons and agencies necessary and required to aid in accomplishing the purpose of this Act. _____

Sec. 14. (a) No dam or other structure for impounding water for storage shall be constructed by the District until the plans therefor have been approved by the State Board of Water Engineers. _____

(b) The District shall have authority to apply to the State Board of Water Engineers for a permit or permits allowing the District to appropriate and use for any authorized purpose the unappropriated storm and flood waters within the District, as provided in Chapter 1, Title 128, Revised Civil Statutes of Texas, as amended. _____

(c) The District is also authorized to acquire water appropriation permits from the owners thereof, and to lease or acquire rights in and to storage and storage capacity in any reservoir constructed or to be constructed by any person, firm, corporation or public agency, or from the United States Government or any of its agencies.

Sec. 15. The Board of Directors, by resolution adopted by two-thirds (2/3) of all directors, may fix the location of the general office and domicile of the District, and notice thereof shall immediately be given by publication of such resolution at least once in a newspaper of general circulation within the District.

Sec. 16. The Board of Directors shall designate one (1) or more banks within or without the District to serve as depository for the funds of the District. All funds of the District shall be deposited in such depository bank or banks except that funds pledged to pay bonds may be deposited with the trustee bank named in the trust indenture or other instrument, and except that funds shall be remitted to the bank or banks of payment for the payment of principal of and interest on bonds. To the extent that funds in the depository banks and the trustee bank are not insured by the F. D. I. C. they shall be secured in the manner provided by law for the security of county funds.

Sec. 17. Land may be added to the District and become a part thereof upon petition of the owner thereof in the following manner: the owner of the land shall file with the Board of Directors a petition praying that the lands described be added to and become a part of the established District. Said petition shall describe the land by metes and bounds and be signed

and executed in the same manner provided by law for the conveyance of real estate. Such petition shall be heard and considered by the Directors and may be granted and said land added to the District if same is considered to be to the advantage of the District and if the water supply, canals, etc., are sufficient to supply the same without injury to the lands of the District. Any such petition which may be granted adding lands to a District shall be filed for record and be recorded in the office of the county clerk of the county in which such land is situated.

Sec. 18. If any Section or provision of this Act shall for any reason be held unconstitutional or invalid, such holding shall not affect the remaining portions of this Act.

Sec. 19. The crowded condition of the calendar, and the need for the prompt beginning of the work authorized by this Act, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

FORM A

(For favorable and unfavorable reports on bills and resolutions, where no committee amendments are recommended.)

COMMITTEE ROOM

Date April 30, 1957

Hon. Waggoner Carr

Speaker of the House of Representatives.

Sir:

We, your Committee on Conservation and Reclamation, to whom was referred SB No. 447, have had the same under consideration

and beg to report back with recommendation that it ^{do}~~do not~~ pass, and be printed

Walter G. Kearney
Chairman.

(When this form is used for a favorable report on a general bill the words "do not" are marked out. If the bill is a local bill the word "not" should be inserted before the word "printed." When used for an unfavorable report the word "do" is marked out, the comma after "pass" is changed to a period, and the remaining words also marked out.

When this form is used for a simple or concurrent resolution the comma after "pass" should be a changed to a period and the remaining words stricken out because resolutions are printed in the Journal when first introduced.)

(1)

AMENDMENT to S. B. No. 447

By *B. J. ...*

Amend S. B. No. 447 by striking the words "Upper Nueces" on line 33 of the printed bill and substituting in lieu thereof the words "Real - Edwards"; and by substituting the words "Real - Edwards" for the words "Upper Nueces" at anyother place in the bill they may be found therein.

DATE MAY 4 1959
READ AND ADOPTED
Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

AMENDMENT TO S. B. No. 447

By *Burkett*

Amend S. B. No. 447 by adding a new section to Section 3,
to be called Section(u), which shall read as follows:

(u) The ownership and rights of the owner of the land, his lessees and assigns, in underground water are hereby recognized, and nothing in this Act shall be construed as depriving or divesting such owner, his assigns or lessees, of such ownership or rights. This Act shall not be construed to be a grant of any rights of superior existing permits or water rights.

DATE MAY 4 1959

READ AND ADOPTED

Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

(3)

Senate
Amend ~~House~~ Bill 447 by inserting a new section to be known as Section 18 immediately following Section 17 of the bill, and re-numbering all subsequent sections accordingly, such new Section 18 to read as follows:

Section 18. The provisions of this Act shall not be construed in any way to repeal, amend, modify or supersede any of the provisions of Acts 1949, 51st Legislature, Regular Session, ^pPage 326, Chapter 159, and the rights and powers granted to the Lower Nueces River Water Supply District by such 1949 Act shall not be limited or impaired in any way by the provisions of this Act. In the event of any conflict between the provisions of this Act and the provisions of such 1949 Act, the provisions of such 1949 Act shall prevail.

19

Haley

Haley

MAY 4 1959
DATE _____
READ AND ADOPTED
Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

(4)

AMENDMENT to S. B. 447

By *[Signature]*

Am end S. B. #447, by striking all of the caption in said bill and substituting in lieu thereof the following:

A BILL

TO BE ENTITLED

AN ACT creating a conservation and reclamation district under the provisions of Section 59, Article XVI of the Constitution of Texas, to be known as the "Real - Edwards Conservation and Reclamation District"; defining the powers of the District and providing for its management and operation; declaring the Act to be severable; and declaring an emergency.

DATE MAY 4 1959

READ AND ADOPTED
[Signature]
CHIEF CLERK
HOUSE OF REPRESENTATIVES

AN ACT

creating a conservation and reclamation district under the provisions of Section 59, Article XVI of the Constitution of Texas, to be known as the "Real-Edwards Conservation and Reclamation District"; defining the powers of the District and providing for its management and operation; declaring the Act to be severable; and declaring an emergency.

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

Section 1. There is hereby created within the boundaries hereinbelow defined, in the counties of Edwards and Real, a conservation and reclamation district, to be known as the "Real-Edwards Conservation and Reclamation District" (hereinafter called the "District") to have and exercise the powers hereinafter granted, for the following purposes:

(a) The control, storing, preservation and distribution of storm and flood waters within the District, and the waters of the rivers and streams therein;

(b) The conservation, preservation, development and recharging of the underground waters and water-bearing formations within the District; and

(c) The conservation and development of the soil, and the reclamation and irrigation of lands within the District.

The District shall contain all the territory within the following boundaries:

BEGINNING at a point in the South line of Real County and the North line of Uvalde County, in the West line of Survey No. 920, G.C. & S.F. Railway Co.;

THENCE North with the West lines of said Survey No. 920 and Survey No. 912 to the intersection with the South line of Survey No. 74, T.W.N.G. Railway Co. Block 13;

THENCE East with the South line of Survey No. 74 and Surveys Nos. 75 and 76 to the Southeast corner of Survey No. 76 in said Block 13;

THENCE North with the East lines of Surveys Nos. 76, 69, 44, 38, 8 and 7, T.W.N.G. Railway Co. Block 13, continuing North with the East line of Survey No. 3, G.H. & S.A. Railway Co. Block F, continuing North with the East lines of Surveys Nos. 75, 64 and 56, T.W.N.G. Railway Co. Block 3, to the Northeast corner of said Survey No. 56 in said Block;

THENCE East with the South line of Survey No. 46, T.W.N.G. Railway Co. Block 3 to the Southeast corner of said Survey;

THENCE North with the East lines of Surveys Nos. 46 and 35, T.W.N.G. Railway Co. Block 3 to the Northeast corner of Survey No. 35;

THENCE East with the South line of Survey No. 27, T.W.N.G. Railway Co. Block 3 to the Southeast corner of that Survey;

THENCE North with the East lines of Surveys Nos. 27, 13 and 8, in T.W.N.G. Railway Co. Block 3, continuing North with the East lines of Surveys Nos. 1, 16, 17, 32 and 33, T. & N.O. Railway Co. Block 0 to the Northeast corner of said Survey No. 33;

THENCE East with the South line of Survey No. 7, T. & N.O. Railway Co. Block 7, to the Southeast corner of said Survey No. 7;

THENCE North with the East line of said Survey No. 7 to the Northeast corner of said Survey No. 7 and the Southeast corner of Survey No. 4, G.C. & S.F. Railway Co. Block 2;

THENCE East with the South line of Survey No. 5, G.C. & S.F. Railway Co. Block 2, to the Southeast corner of said Survey;

THENCE North with the East lines of Surveys Nos. 5 and 16, G.C. & S.F. Railway Co. Block 2, to the Northeast corner of said Survey No. 16 in the South line of Survey No. 6, G.C. & S.F. Railway Co. Block A-10;

THENCE West with the South line of said Survey No. 6 to the Southwest corner of Survey No. 6, being also the Southeast corner of Survey No. 5, G.C. & S.F. Railway Co. Block A-10;

THENCE North with the East line of Survey No. 5 to the Northeast corner of said Survey in the South line of Survey No. 7, G.W.T. & P. Railway Co., Certificate 1/16;

THENCE West with the South line of Survey No. 7 to the Southwest corner of said Survey No. 7;

THENCE North with the West line of said Survey No. 7 to the Northwest corner of said Survey and the Southwest corner of Survey No. 6, G.W.T. & P. Railway Co. Certificate 1/15;

THENCE North with the West line of Survey 6 to the Northwest corner of said Survey and the Southwest corner of Survey No. 20, City of San Antonio Certificate 13;

THENCE North with the West line of Survey No. 20 to the Northwest corner of said Survey No. 20 in the East line of Survey No. 19, City of San Antonio Certificate 13, said point being also the most Easterly Southwest corner of Survey No. 4, G.C. & S.F. Railway Co. Block O-10;

THENCE East with the South line of said Survey No. 4 and the North line of Survey No. 20 to the Southeast corner of Survey No. 4;

THENCE North with the East line of Survey No. 4 to the Northeast corner of said Survey in the South line of Survey No. 40, H.E. & W.T. Railway Co. Block D;

THENCE West with the South line of Survey No. 40 to the Southwest corner of said Survey;

THENCE North with the West line of Survey No. 40 and Survey No. 43, H. E. & W. T. Railway Co. Block D to a point in the North County line of Real County and the County line of Edwards County;

THENCE with and following the meanders of the boundary line dividing Real and Edwards counties West, Northeast, Northwest, Southwest and Northwest to a point in said Real-Edwards County line, same being the Northeast corner of Survey No. 62, Block 1, G. W. T. & P. Certificate 1/355;

THENCE North 85° West to the Northwest corner of Block 1, G. W. T. & P., the Northwest corner of Block 1 and an inner corner of Survey No. 3, Block 4, B. S. & F. Certificate 1/647;

THENCE with Block lines South 5° West 123 varas to the South line of Block 4, B. S. & F.;

THENCE with the South line of Block 4, B. S. & F. North 65° West to the Southwest corner of Survey No. 1, Block 4, the Southwest corner of Block 4 and the Southeast corner of Survey No. 34, Certificate 122, Block 2;

THENCE with the South line of Block 2, West to the Northwest corner of Survey No. 1, I. & G. N. Railway Co. Certificate 3851;

THENCE South to the Northeast corner of Survey No. 1 $\frac{1}{2}$, S. M. Holdges Certificate 2018;

THENCE West to the Northwest corner of Survey No. 1 $\frac{1}{2}$, Certificate 2018;

THENCE South passing the Northeast corner of Survey No. 1, Block 11, Certificate 4/851 to the Southeast corner of Survey No. 7, Block 11, G. C. & S. F. Railway Co. Certificate 4/854;

THENCE West to the Southwest corner of Survey No. 7, Block 11;

THENCE South to the Southeast corner of Survey No. 19,
Block 11, Certificate 4/860;

THENCE West to a point in the East line of Survey No. 61,
Block 10, G.H. & S.A. Railway Co. Certificate 1801;

THENCE with the East line of Block 10, South 30° West to
the Southeast corner of Survey No. 62, Block 10, G.H. & S.A.
Railway Co. Certificate 1801;

THENCE North 60° West to the Southwest corner of Survey No. 62,
Block 10, G.H. & S. A. Railway Co., it being the Northeast corner
of Survey No. 80, Block 10, Certificate 1810;

THENCE South 30° West to the Southeast corner of Survey No. 80,
Certificate 1810, Block 10;

THENCE with the South line of Block 10 North 60° West to the
North corner of Survey No. 125, Certificate 1271;

THENCE South passing the Northeast corner of Survey No. 4,
Block 17, to the Southeast corner of Survey No. 8, Block 17,
Certificate 1988;

THENCE West to a point in the East line of Survey 3, Block AB,
T.W.N.G. Railway Co. Certificate 0/573;

THENCE South 70° West to a point in the East line of Survey
No. 88, Block III, G.W.T. & P. Certificate 1/256;

THENCE South 20° East to the Southeast corner of Survey No. 88,
Block III;

THENCE South 70° West to the Southwest corner of Survey No. 88,
Block III;

THENCE South 20° East to the Southeast corner of Survey No. 15,
Certificate 1318, C.C.S.D. & R.G.N.G. Railway Co.;

THENCE South 70° West to the Northeast corner of Survey 14,
Certificate 1/90;

THENCE South 20° East to the Northeast corner of the South $\frac{1}{2}$ of Survey No. 35, Block 1, Certificate 1/101;

THENCE South 70° West to the Northwest corner of the South $\frac{1}{2}$ of Survey No. 34, Block 1, Certificate 1/100;

THENCE South 20° East to the Southwest corner of Survey No. 39, Block 1, G.W.T. & P. Railway Co. Certificate 1/103;

THENCE North 70° East to the Northeast corner of Survey No. 60, Block 1, G.W.T. & P. Certificate 1/113;

THENCE with the East line of Block 1 South 20° East to the Edwards-Kinney County line;

THENCE East with the Edwards-Kinney County line to the Northwest corner of Uvalde County in the South line of Edwards County;

THENCE East with the North line of Uvalde County and the South lines of Edwards and Real Counties to the place of beginning.

No error or discrepancy in the foregoing field notes shall adversely affect the validity of the District or the exercise of any power of the District granted herein, it being hereby found and determined that all of the territory and taxable property contained within such boundaries will be benefited by the works and improvements of the District.

Sec. 2. The District is hereby constituted and declared to be a governmental agency and a body politic and corporate vested with the full authority of the State of Texas to exercise the powers granted and to perform the functions stated in this Act. The District is created in pursuance of Section 59 of Article 16 of the Constitution of the State of Texas and the creation of the District, within the boundaries hereinabove defined, is hereby found and determined to be essential to the accomplishment of the purposes of said provisions of the Constitution.

Sec. 3. The District shall have and exercise, and is hereby vested with the following powers:

(a) To control, store, preserve and distribute the storm and flood waters within the District, and the waters of the rivers and streams therein, for the irrigation of arid land, for the prevention of floods and flood damage to lands and property within the District, and for domestic, municipal and industrial uses, and to use, treat, distribute and sell such waters within or without the boundaries of the District, for any and all such uses;

(b) To conserve, preserve, protect, develop and increase, and prevent the waste and pollution of underground waters, and to recharge the underground water-bearing formations within the District;

(c) To irrigate and provide for the irrigation of arid lands within the District;

(d) To reclaim lands within the District heretofore damaged by the lack of facilities which this District is created to provide;

(e) To construct, establish and maintain terraces and other structures on lands within the District, and to engage in and promote land treatment measures for soil conservation and improvement;

(f) To construct, acquire, improve, maintain and repair dams, plants, works, canals, pipelines or other facilities for the impoundment, storage, treatment, transportation or distribution of waters which, in the judgment of the Directors, may be necessary or convenient to the exercise of any other power herein granted or to the discharge of any function or purpose for which the District is created;

(g) To drill, equip, operate and maintain input wells, pumps and other facilities and appliances in any manner necessary or convenient to the exercise of any other power herein granted;

(h) To acquire lands and easements by purchase, or by the exercise of the power of eminent domain, within the District which may be necessary or convenient to any work or structure which the District is authorized to acquire or to construct;

(i) 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;

(j) To acquire by condemnation any and all property of any kind, real, personal, or mixed, or any interest therein, within the boundaries of the District 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 the 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;

(k) Subject to the provisions of this Act, from time to time sell or otherwise dispose of any property of any kind, real, personal, or mixed, or any interest therein, which shall not be necessary to the carrying on of the business of the District;

(l) 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 XVI of the Constitution of the State of Texas; provided, however, in the event that the District, in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder, makes necessary the relocation of or altering the construction of any electric transmission line, telephone or telegraph properties and facilities, or pipeline, all such necessary relocation or alteration of construction shall be accomplished at the sole expense of the District;

(m) To sue and be sued in its corporate name;

(n) To adopt, use, and alter a corporate seal;

(o) To make bylaws for the management and regulation of its affairs;

(p) To appoint officers, agents, and employees, to prescribe their duties, and to fix their compensation;

(q) To make contracts and to execute instruments necessary or convenient to the exercise of the powers, rights, privileges, and functions conferred upon it by this Act, or by any other Act or law;

(r) To have and exercise, in addition to the powers hereinabove conferred, any and all other powers, rights, privileges and functions conferred by General Law upon water control and improvement districts created pursuant to Section 59 of Article XVI of the Constitution of the State of Texas;

(s) To do any and all other acts or things necessary or convenient to the exercise of the powers, rights, privileges, or functions conferred upon it by this Act or by any other Act or law.

(t) To enter into contracts with and to participate in joint efforts and projects with water districts, conservation districts, cities and towns, counties and municipal and governmental agencies of every kind, both state and Federal, and with individuals and private corporations, which the District is authorized to undertake, and the Board of Directors of the District shall be empowered to use, dedicate and pledge taxes and revenues of the District and to use the proceeds from District bonds for said purposes whether the District or some other municipal or governmental agency or department is in charge of such work or development.

(u) The ownership and rights of the owner of the land, his lessees and assigns, in underground water are hereby recognized, and nothing in this Act shall be construed as depriving or divesting such owner, his assigns or lessees, of such ownership or rights. This Act shall not be construed to be a grant of any rights of superior existing permits or water rights.

Sec. 4. The Board of Directors of the District shall be authorized to levy annually on all taxable property in the District an ad valorem tax for maintenance and current operation of the District in an amount not to exceed Twenty-five Cents (25¢) on the One Hundred Dollars (\$100.00) assessed valuation of such taxable property; provided that no such tax shall be levied unless it shall first have been authorized at an election held within the District on the question of the imposition of such tax, or such amount thereof as may be specified in the proposition voted on at such election, and at which election none but qualified property taxpaying voters of such District shall be permitted to vote. Such election may be called by the Board of Directors on its own

motion, or upon petition of not less than twenty (20) of the qualified taxpaying voters of such District; the order for such election shall state the proposition to be voted on, and notice of said election shall be given in the manner prescribed for notice of elections on the proposition of issuance of bonds of such District which are payable from ad valorem taxes.

Sec. 5. The District shall have the power to receive and expend for flood control purposes, within the limits of any county within the District, such part of the proceeds of ad valorem taxes levied pursuant to Section 1-a of Article VIII of the Constitution of Texas upon taxable properties within said county, as are levied upon and collected from such properties as are within the territorial limits of the District.

The Directors of said District upon receipt of a petition signed by twenty-five or more resident property taxpaying citizens of the District shall call an election to be held in said District to determine whether said taxes shall be levied, collected and remitted to said District by Edwards and Real Counties, respectively. If a majority of the votes cast in such election are in favor of such use of said funds, then, and until another such election should decide otherwise, said funds shall be collected for, remitted to and used by said District for flood control purposes.

Sec. 6. (a) For the purpose of carrying out any other power or authority conferred by this Act, the District is empowered to issue its negotiable bonds to be payable from revenues or taxes or both revenues and taxes of the District as are pledged by resolution of the Board of Directors. Pending the issuance of definitive bonds, the Board may authorize the delivery of negotiable interim bonds or notes, eligible for exchange or substitution by use of the definitive bonds.

(b) Such bonds shall be authorized by resolution of the Board of Directors and shall be issued in the name of the District, signed by the president or vice-president, attested by the secretary, and shall bear the seal of the District. It is provided, however, that the signatures of the president or of the secretary or of both may be printed or lithographed on the bonds if authorized by the Board of Directors, and that the seal of the District may be impressed on the bonds or may be printed or lithographed thereon. The bonds shall mature serially or otherwise in not to exceed forty (40) years and may be sold at a price and under the terms determined by the Board of Directors to be the most advantageous price reasonably obtainable, provided that no sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six percent (6%) per annum, and within the discretion of the Board, may be made callable prior to maturity at such times and prices as may be prescribed in the resolution authorizing the bonds, and may be made registrable as to principal or as to both principal and interest.

(c) Bonds may be issued in more than one (1) series and from time to time as required for carrying out the purpose of this Act.

(d) The bonds may be secured by a pledge of all or part of the net revenues of the District, or by the net revenues of any one or more contracts theretofore or thereafter made or other revenues or income specified by resolution of the Board of Directors or in the trust indenture or other instrument securing the bonds. Any such pledge may reserve the right, under conditions therein specified, to issue additional bonds which will be on a parity with or subordinate to the bonds then being issued. The term "net revenues" as used in this Section shall mean the gross revenues and income of the District from all sources after deduction of the amount necessary to pay the cost of maintaining and operating the District and its properties.

(e) The District is also empowered to issue bonds payable from ad valorem taxes to be levied on all taxable property therein, or to issue bonds secured by and payable from both such taxes and the revenues of the District. Where bonds are issued payable wholly or partially from ad valorem taxes, it shall be the duty of the Board of Directors to levy a tax sufficient to pay the bonds and the interest thereon as such bonds and interest become due, but the rate of the tax for any year may be fixed after giving consideration to the money received from the pledged revenues which may be available for payment of principal and interest to the extent and in the manner permitted by the resolution authorizing the issuance of the bonds.

(f) Where bonds payable wholly from revenues are issued, it shall be the duty of the Board of Directors to fix, and from time to time to revise, the rates of compensation for water sold and services rendered by the District which will be sufficient to pay the expense of operating and maintaining the facilities of the District and to pay the bonds as they mature and the interest as it accrues and to maintain the reserve and other funds as provided in the resolution authorizing the bonds or the trust indenture, or other instrument securing the bonds. Where bonds payable partially from revenues are issued it shall be the duty of the Board to fix, and from time to time to revise, the rate of compensation for water sold and services rendered by the District which will be sufficient to assure compliance with the resolution authorizing the bonds or the trust indenture or other instrument securing the bonds.

(g) From the proceeds from the sale of the bonds, the District may set aside amounts for the payments into the interest and sinking fund and the reserve fund, and such provisions may be made in the resolution authorizing the bonds or the trust indenture or other instrument securing the bonds. Proceeds from the sale of the bonds may also be used for the payment of all expenses necessarily incurred in accomplishing the purpose for which this District is created, including expenses of issuing and selling the bonds. The proceeds from the sale of the bonds may be temporarily invested in direct obligations of the United States Government maturing in not more than one (1) year from the date of investment.

(h) In the event of a default or a threatened default in the payment of principal of or interest on bonds payable wholly or partially from revenues, any court of competent jurisdiction may, upon petition of the holders of outstanding bonds, appoint a receiver with authority to collect and receive all income of the District except taxes, employ and discharge agents and employees of the District, take charge of funds on hand (except funds received from taxes unless commingled) and manage the proprietary affairs of the District without consent or hindrance by the Directors. Such receiver may also be authorized to sell or make contracts for the sale of water or renew such contracts with the approval of the court appointing him. The court may vest the receiver with such other powers and duties as the court may find necessary for the protection of the holders of the bonds. The resolution authorizing the issuance of the bonds or the trust indenture or other instrument securing them may limit or qualify the rights of less than all of the outstanding bonds payable from the same source to institute or prosecute any litigation affecting the District's property or income.

Sec. 7. The District is authorized to issue refunding bonds for the purpose of refunding any outstanding bonds authorized by this Act and interest thereon. Such refunding bonds may be issued to refund more than one (1) series of outstanding bonds whether such outstanding bonds are tax bonds, revenue bonds or bonds secured by both taxes and revenues. The resolution authorizing the refunding bonds may combine the revenues pledged for the outstanding bonds for the security of the refunding bonds, and the refunding bonds may be secured by other or additional revenues and mortgage liens. The provisions of this law with reference to the issuance by the District of other bonds, their security, and their approval by the Attorney General and the remedies of the holders shall be applicable to refunding bonds. Refunding bonds shall be registered by the Comptroller upon surrender and cancellation of the bonds to be refunded, but in lieu thereof, the resolution authorizing their issuance may provide that they shall be sold and the proceeds thereof deposited in the bank where the original bonds are payable, in which case the refunding bonds may be issued in an amount sufficient to pay the principal of and the interest on the original bonds to their option date or maturity date, and the Comptroller shall register them without concurrent surrender and cancellation of the original bonds.

Sec. 8. Any bonds (including refunding bonds) authorized by this law, not payable wholly from ad valorem taxes, may be additionally secured by a trust indenture or other instrument under which the trustee may be a bank having trust powers situated either within or outside of the State of Texas. Such bonds, within the discretion of the Board of Directors, may be additionally secured

by a deed of trust or mortgage lien upon physical properties of the District and all franchises, easements, water rights and appropriation permits, leases and contracts and all rights appurtenant to such properties, vesting in the trustee power to sell the properties for the payment of the indebtedness, power to operate the properties and all other powers and authority for the further security of the bonds. Such trust indenture, regardless of the existence of the deed of trust or mortgage lien on the properties may contain any provisions prescribed by the Board of Directors for the security of the bonds and the preservation of the trust estate, and may make provisions for amendment or modification thereof and the issuance of bonds to replace lost or mutilated bonds, and may condition the right to expend District money or sell District property upon approval of a registered professional engineer selected as provided therein, and may make provision for the investment of funds of the District. Any purchaser under a sale under the deed of trust lien, where one is given, shall be the absolute owner of the properties, facilities and rights so purchased and shall have the right to maintain and operate the same.

Sec. 9. (a) No bonds payable wholly or partially from ad valorem taxes (except refunding bonds) shall be issued unless authorized by an election at which only the qualified voters who reside in the District and who own taxable property therein and who have duly rendered the same for taxation shall be allowed to vote, and unless a majority of the votes cast thereat are in favor of the issuance of the bonds. Bonds not payable wholly or partially from ad valorem taxes may be issued without an election.

(b) Such election may be called by the Board of Directors without a petition. The resolution calling the election shall specify the time and places of holding the same, the purpose for which the bonds are to be issued, the maximum amount thereof, the maximum maturity thereof, the form of the ballot, and the presiding judge for each voting place. The presiding judge serving at each voting place may appoint one (1) assistant judge and at least two (2) clerks to assist in holding such election. Notice of the election shall be given by publishing a substantial copy of the resolution calling the election in a newspaper of general circulation in the District on the same day of each of two (2) consecutive weeks. The first publication shall be at least fourteen (14) days prior to the date set for the election. If no newspaper is published in the District, notice shall be given by posting a copy of the resolution in three (3) public places.

(c) The returns of the election shall be made to and canvassed by the Board of Directors of the District.

(d) The General Laws relating to elections shall be applicable to elections held under this Section of this law except as otherwise provided in this law.

Sec. 10. After any bonds (including refunding bonds) are authorized by the District, such bonds and the record relating to their issuance shall be submitted to the Attorney General for his examination as to the validity thereof. Where such bonds recite that they are secured by a pledge of the proceeds of a contract theretofore made between the District and any city or other governmental agency, authority or District, a copy of such contract and the proceedings of the city or other governmental agency, authority or District authorizing such contract shall also be

submitted to the Attorney General. If such bonds have been authorized and if such contracts have been made in accordance with the Constitution and laws of the State of Texas, he shall approve the bonds and such contracts and the bonds then shall be registered by the Comptroller of Public Accounts. Thereafter the bonds, and the contracts, if any, shall be valid and binding and shall be incontestable for any cause.

Sec. 11. The government and control of the District shall be vested in a Board of Directors consisting of nine (9) members. Each of them, with the exception of the original Board of Directors hereinafter provided for, shall hold office for a term of two (2) years.

The original Board of Directors shall consist of Jesse Lockhart, of Barksdale, Texas; Neal Jernigan, Sr., of Barksdale, Texas; J. E. Greer, of Camp Wood, Texas; J. E. Robbins, of Camp Wood, Texas; and G. C. Hutcherson, of Camp Wood, Texas; whose terms of office shall expire on the first Saturday in September of 1960; and Lester Phillips, of Barksdale, Texas; Clarence Vernor, of Barksdale, Texas; J. B. Hutto, of Camp Wood, Texas; and L. M. Webb, of Camp Wood, Texas; whose terms of office shall expire on the first Saturday in September of 1961.

There shall be held in the District on the first Saturday of September in each year, beginning with the first Saturday in September of 1960, an election within the District for the selection of Directors to succeed those whose terms expire on said date. Such election shall be held in such voting boxes as are designated by the Board of Directors, and notice of such election shall be given by the Secretary of the Board of Directors by posting in three (3) public places within the District a copy of the order of the

Board of Directors directing the time and places of holding the election. No person shall be selected a Director unless he be above the age of twenty-one (21) years and a resident within the territorial limits of the District.

Any vacancy occurring in the membership of the Board of Directors shall be filled by the remaining members of the Board for the unexpired term of such office.

Before entering upon the duties of his office, each member of the Board of Directors shall take the Constitutional oath of office.

Sec. 12. The Board shall elect or appoint annually from its own membership the following officers: a president, a vice-president, and a secretary. A quorum shall consist of not less than five (5) members. Regular and special meetings of the Board of Directors shall be held as provided by the bylaws and such notice given as required by the bylaws.

Sec. 13. The Board of Directors shall manage and control all of the affairs and business of said District, including the employment and supervision of all persons and agencies necessary and required to aid in accomplishing the purpose of this Act.

Sec. 14. (a) No dam or other structure for impounding water for storage shall be constructed by the District until the plans therefor have been approved by the State Board of Water Engineers.

(b) The District shall have authority to apply to the State Board of Water Engineers for a permit or permits allowing the District to appropriate and use for any authorized purpose the unappropriated storm and flood waters within the District, as provided in Chapter 1, Title 128, Revised Civil Statutes of Texas, as amended.

(c) The District is also authorized to acquire water appropriation permits from the owners thereof, and to lease or acquire rights in and to storage and storage capacity in any reservoir constructed or to be constructed by any person, firm, corporation or public agency, or from the United States Government or any of its agencies.

Sec. 15. The Board of Directors, by resolution adopted by two-thirds (2/3) of all directors, may fix the location of the general office and domicile of the District, and notice thereof shall immediately be given by publication of such resolution at least once in a newspaper of general circulation within the District.

Sec. 16. The Board of Directors shall designate one (1) or more banks within or without the District to serve as depository for the funds of the District. All funds of the District shall be deposited in such depository bank or banks except that funds pledged to pay bonds may be deposited with the trustee bank named in the trust indenture or other instrument, and except that funds shall be remitted to the bank or banks of payment for the payment of principal of and interest on bonds. To the extent that funds in the depository banks and the trustee bank are not insured by the F. D. I. C. they shall be secured in the manner provided by law for the security of county funds.

Sec. 17. Land may be added to the District and become a part thereof upon petition of the owner thereof in the following manner: the owner of the land shall file with the Board of Directors a petition praying that the lands described be added to and become a part of the established District. Said petition shall describe the land by metes and bounds and be signed

and executed in the same manner provided by law for the conveyance of real estate. Such petition shall be heard and considered by the Directors and may be granted and said land added to the District if same is considered to be to the advantage of the District and if the water supply, canals, etc., are sufficient to supply the same without injury to the lands of the District. Any such petition which may be granted adding lands to a District shall be filed for record and be recorded in the office of the county clerk of the county in which such land is situated.

Sec. 18. The provisions of this Act shall not be construed in any way to repeal, amend, modify or supersede any of the provisions of Acts 1949, 51st Legislature, Regular Session, page 326, Chapter 159, and the rights and powers granted to the Lower Nueces River Water Supply District by such 1949 Act shall not be limited or impaired in any way by the provisions of this Act. In the event of any conflict between the provisions of this Act and the provisions of such 1949 Act, the provisions of such 1949 Act shall prevail.

Sec. 19. If any Section or provision of this Act shall for any reason be held unconstitutional or invalid, such holding shall not affect the remaining portions of this Act.

Sec. 20. The crowded condition of the calendar, and the need for the prompt beginning of the work authorized by this Act, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

S. B. No. 447

President of the Senate

Speaker of the House

I hereby certify that S. B. No. 447 passed the Senate on April 28, 1959, by the following vote: Yeas 31, Nays 0; May 6, 1959, Senate concurred in House amendments by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S. B. No. 447 passed the House on May 4, 1959, with amendments, by the following vote: Yeas 142, Nays 2.

Chief Clerk of the House

Approved:

5/30/59

Date

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:45 P.M. O'CLUCK

JUN 1 1959

Zoeis Trevelyan
Secretary of State.

S.B.No. 447 By Green

APR 28 1959

A B I L L

Amend caption to conform to body of bill.

TO BE ENTITLED

AN ACT creating a conservation and reclamation district under the provisions of Section 59, Article XVI of the Constitution of Texas, to be known as the "Upper Nueces Conservation and Reclamation District"; defining the powers of the District and providing for its management and operation; declaring the act to be severable; and declaring an emergency.

APR 28 1959

Senate Rule 32 and Constitutional Rule (Sec. 32, Art. III) suspended by a vote of 31 yeas, 0 nays, to place bill on third reading and final passage.

APR 28 1959

READ THIRD TIME AND PASSED BY THE FOLLOWING VOTE:

Yeas 31 Nays 0
Charles Schnabel
Secretary of the Senate

4-28-59 Engrossed

Essie M. ...
Engrossing Clerk

APR 14 1959

 Read first time and referred to Committee on Water and Conservation

APR 21 1959

 Reported Favorably, as amended.

APR 21 1959

~~Ordered~~ not printed by the Senate

APR 28 1959

READ SECOND TIME, amended AND ORDERED ENGROSSED

By: Hardeman

S. B. No. 447

A BILL TO BE ENTITLED:

AN ACT, creating a conservation and reclamation district under the provisions of Section 59, Article XVI of the Constitution of Texas, to be known as the "Upper Nueces Conservation and Reclamation District"; defining the powers of the District and providing for its management and operation; declaring the Act to be severable; and declaring an emergency. _____

- 4-14-59 Read first time and referred to Committee on Water and Conservation. _____
- 4-21-59 Reported favorably, as amended. _____
- 4-21-59 Ordered not printed by the Senate. _____
- 4-28-59 Read second time, amended and ordered engrossed. _____
- 4-28-59 Amend caption to conform to body of bill. _____
- 4-28-59 Senate Rule 32 and Constitutional Rule (Sec. 32, Art. III) suspended by a vote of 31 Yeas, 0 Nays, to place bill on third reading and final passage. _____
- 4-28-59 Read third time and passed by the following vote: Yeas 31, Nays 0. ✓

Charles Schnabel, Secretary of the Senate

4-28-59 Engrossed. _____

Essie J. Ginn
ENGROSSING CLERK

APR 29 1959 SENT TO HOUSE

APR 29 1959

Received from
the Senate.

Dorothy Hallman

Chief Clerk, House of Representatives

APR 30 1959 READ 1ST TIME

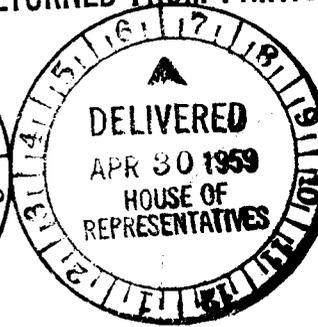
AND REFERRED TO COMMITTEE ON

Conservation & Reclamation

APR 30 1959
MAY 1 1959

REPORTED FAVORABLY SENT TO PRINTER.

RETURNED FROM PRINTER. SENT TO SPEAKER



MAY 4 1959

Read Second Time Amended and passed to
third reading by vote 31 yeas, 0 nays

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 4 1959

Constitutional
Rule requiring bills to be read on
three several days suspended by
a four-fifths vote.
Yeas 136 Nays 10

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 4 1959

Read third time

and Passed

by following vote yeas 142

Nays 2

Dorothy Hallman

Chief Clerk

HOUSE OF REPRESENTATIVES

MAY 4 1959 RETURNED TO SENATE

MAY 5 1959

RETURNED
FROM HOUSE

with amendments
MAY 6 1959

Senate concurred in House amend-
ments by the following vote: 30
yeas, 0 nays.