

By: Krause

H.B. No. 648

Substitute the following for H.B. No. 648:

By: Larson

C.S.H.B. No. 648

A BILL TO BE ENTITLED

AN ACT

relating to the selection of directors to the board of directors for the Viridian Municipal Management District.

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

SECTION 1. Section 3861.051, Special District Local Laws Code, is amended to read as follows:

Sec. 3861.051. GOVERNING BODY; TERMS. (a) Except as provided by Section 3861.0521, the [The] district is governed by a board of five directors as follows:

(1) three directors appointed by the mayor and the governing body of the city as provided by Section 3861.052(a); and

(2) two directors elected from the district at large as provided by Section 3861.052(b).

(b) Directors [who] serve staggered terms of four years[~~7~~ with two or three directors' terms expiring May 31 of each even-numbered year].

SECTION 2. Section 3861.052, Special District Local Laws Code, is amended to read as follows:

Sec. 3861.052. APPOINTMENT OR ELECTION OF DIRECTORS [DATE].

(a) The mayor and members of the governing body of the city shall appoint three of the directors from persons recommended by the board. A person is appointed if a majority of members and the mayor vote to appoint that person.

(b) The board shall hold an election to elect one director

1 ~~[elections for directors]~~ on the uniform election date in May in  
2 each even-numbered year ~~[years]~~.

3 SECTION 3. Subchapter B, Chapter 3861, Special District  
4 Local Laws Code, is amended by adding Section 3861.0521 to read as  
5 follows:

6 Sec. 3861.0521. REQUIREMENT TO ELECT ALL DIRECTORS. (a)  
7 Not later than January 1 of each year, the board shall conduct a  
8 review to determine what percentage of the developable acreage in  
9 the district has been developed. The board by rule shall establish  
10 criteria for determining whether certain acreage is developable.

11 (b) If the board determines on conclusion of a review  
12 conducted under Subsection (a) that at least 90 percent of the  
13 developable acreage in the district has been developed, Section  
14 3861.052 does not apply to the district and all five directors shall  
15 be selected by elections held on the uniform election date in May in  
16 even-numbered years.

17 (c) If the board makes the determination described by  
18 Subsection (b), a director appointed to the board before the board  
19 makes that determination is entitled to serve the remainder of the  
20 director's unexpired term.

21 (d) A vacancy on the board that occurs on or after the date  
22 the board makes the determination described by Subsection (b) shall  
23 be filled in the manner prescribed by Section 3861.054(b).

24 SECTION 4. Section 3861.054, Special District Local Laws  
25 Code, is amended to read as follows:

26 Sec. 3861.054. VACANCY. (a) If a vacancy occurs in the  
27 office of an appointed director, the mayor and members of the

1 governing body of the city shall fill the vacancy for the remainder  
2 of the director's unexpired term in the same manner as the original  
3 appointment.

4 (b) If a vacancy occurs in the office of an elected  
5 director, the ~~[The]~~ remaining directors shall fill the ~~[a]~~ vacancy  
6 ~~[on the board]~~ by appointing a person who meets the qualifications  
7 prescribed by Section 3861.053.

8 ~~[(b)]~~ If there are fewer than three directors, the mayor and  
9 members of the governing body of the city shall appoint the  
10 necessary number of directors who meet the qualifications  
11 prescribed by Section 3861.053 to fill all board vacancies,  
12 regardless of whether the vacating directors were appointed or  
13 elected.

14 SECTION 5. Section 3861.203, Special District Local Laws  
15 Code, is amended to read as follows:

16 Sec. 3861.203. APPOINTMENT ~~[ELECTION]~~ OF DIRECTORS OF NEW  
17 DISTRICTS. (a) Not later than the 90th day after the date of an  
18 election in favor of the division of the district, the mayor and  
19 members of the governing body of the city ~~[board]~~ shall:

20 (1) appoint ~~[itself as]~~ the board of the original  
21 district as the board of one of the new districts; and

22 (2) appoint five directors for each of the other new  
23 districts in the manner prescribed by Section 3861.052(a).

24 (b) Directors appointed under Subsection (a)(1) serve the  
25 remainder of the ~~[staggered]~~ terms to which they were appointed or  
26 elected in the original district. Notwithstanding Section  
27 3861.053, a director appointed under Subsection (a)(1) is eligible

1 to serve only if the director owns land inside the area described by  
 2 the boundaries of the original district. Directors appointed under  
 3 Subsection (a)(2) serve until May 31 of the first even-numbered  
 4 year after the year in which the directors are appointed [~~the~~  
 5 ~~election for directors under Subsection (c)].~~

6 (c) On the uniform election date in May of the first  
 7 even-numbered year after the year in which the directors are  
 8 appointed, the appointed board shall hold an election to elect two  
 9 ~~[five]~~ directors and the mayor and members of the governing body of  
 10 the city shall appoint three directors in the manner prescribed by  
 11 Section 3861.052(a) in each district for which directors were  
 12 appointed under Subsection (a)(2).

13 (d) Section 3861.0521 applies to a new district in the same  
 14 manner as that section applies to the original district. [~~The~~  
 15 ~~directors shall draw lots to determine which two shall serve until~~  
 16 ~~the next regularly scheduled election of directors and which three~~  
 17 ~~shall serve until the second regularly scheduled election of~~  
 18 ~~directors.]~~

19 SECTION 6. (a) A member of a board of directors who was  
 20 elected under Section 3861.052 or 3861.203, Special District Local  
 21 Laws Code, or appointed to fill a vacancy under Section 3861.054,  
 22 Special District Local Laws Code, before the effective date of this  
 23 Act shall continue to serve until the expiration of the member's  
 24 term. As members' terms expire, the mayor and members of the  
 25 governing body of the city shall fill an appropriate number of the  
 26 vacancies by appointment so that the board consists of three  
 27 appointed directors and two elected directors as required by

1 Section 3861.052, Special District Local Laws Code, as amended by  
2 this Act.

3 (b) The mayor and members of the governing body of the city  
4 may make the appointments permitted by Section 3861.052(a), Special  
5 District Local Laws Code, as amended by this Act, to fill a vacancy  
6 occurring on the board of directors on or after the effective date  
7 of this Act.

8 SECTION 7. This Act takes effect September 1, 2015.