

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 13, 2015

Ms. Bridget Bohac, Chief Clerk  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC-105  
Austin, Texas 78711-3087

Re: TCEQ Docket No. 2014-0487-DIS; Consideration of a Petition for Dissolution of  
Roberts County Fresh Water Supply District No. 1

Dear Ms. Bohac:

Enclosed for filing with the Texas Commission on Environmental Quality (Commission) is the original plus seven copies of the following backup materials for the March 4, 2015 agenda item on the above referenced matter:

1. Staff Memorandum;
2. Proposed Order;
3. Financial Dormancy and Filing Affidavits for 2009 through 2013;
4. Comptroller's Affidavit Certifying No Bond Indebtedness;
5. Notice of Hearing;
6. Mailing List;
7. Caption.

Please do not hesitate to contact me at (512) 239-0676 if you have any questions regarding this material. Thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "L. Horn".

Linda Horn  
Staff Attorney  
Environmental Law Division

Enclosure

cc: Mailing List

# Texas Commission on Environmental Quality

## TECHNICAL MEMORANDUM

**To:** Texas Commission on Environmental Quality      **Date:** October 21, 2014

**Thru:** *JPT* Justin P. Taack, Manager  
*10/21/14* Districts Section

**Thru:** *TG* Tom Glab, P.E., Leader  
*10/21/14* Districts Bond Team

**From:** *AP* Andrew Paynter  
*10-21-14* Districts Bond Team

**Subject:** Docket No. 2014-0487-DIS; Roberts County Fresh Water Supply District No. 1; Petition for Dissolution of District; Pursuant to Texas Water Code Sections 49.321-49.327.  
TCEQ Internal Control No. D-03252014-024 (TC)  
CN: 602721763                      RN: 105491625

### A. GENERAL INFORMATION

The application requests Texas Commission on Environmental Quality (TCEQ) approval for dissolution of Roberts County Fresh Water Supply District No. 1 (the "District"). The District was created by the Roberts County Commissioners Court on September 4, 2007, and contains 6,258.17 acres of land. All of the land within the District is located outside the corporate limits or extraterritorial jurisdiction of any city. The District is governed by Chapters 49 and 53 of the Texas Water Code.

The application includes a petition for the dissolution of the District signed by Ronald D. Bassett, Robert L. Stillwell, Drew A. Campbell, Alton Keith Boone, and Danny W. Tillett (the "Petitioners"). The petition asserts that the Petitioners hold title to all of the property located within the District. The District has remained unimproved since its creation. The petition states that dissolution is desirable because the projects for which the District was created have been abandoned.

The application material supports that the District has performed none of the functions for which it was created for five consecutive years preceding the date of the petition. The District is financially dormant and has no outstanding bonded indebtedness. The District reportedly has no known assets or liabilities. A search of a TCEQ database shows that the Petitioners make up the District's board of directors.

Certified copies of the annual "Financial Dormancy and Filing Affidavit" for the calendar years 2009 through 2013 are included in the application. An affidavit from the comptroller of public accounts of the State of Texas has been included in the application certifying that a review of its records found no evidence of bonded indebtedness for the District from January 1, 1986, to January 13, 2014.

**B. CONCLUSION**

Based on a review of the application and information on file, the District meets the dissolution requirements set forth in 30 Texas Administrative Code Sections 293.131–293.136 and Texas Water Code Sections 49.321–49.327.

**C. RECOMMENDATIONS**

1. Approve the request to dissolve Roberts County Fresh Water Supply District No. 1.
2. Direct that the District's assets, if any, will escheat to the State of Texas, will be administered by the comptroller of public accounts of the State of Texas, and will be disposed of in the manner provided by Texas Property Code Chapter 74, pursuant to Texas Water Code Section 49.327 and 30 Texas Administrative Code Section 293.134.

**D. ADDITIONAL INFORMATION**

The District's professional representative is:

Mr. Clark Stockton Lord – Bracewell & Giuliani LLP

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**AN ORDER** Authorizing the Dissolution of Roberts County Fresh Water Supply District No. 1; TCEQ Docket No. 2014-0487-DIS

On March 4, 2015, the Texas Commission on Environmental Quality (the "Commission") met in regular session at its offices in Austin, Texas, with notice of the meeting issued in compliance with the Open Meetings Act, TEX. GOVT. CODE §§ 551.001–551.146, and the Administrative Procedure Act, TEX. GOVT. CODE §§ 2001.001–2001.902, to consider the petition submitted by Ronald D. Bassett, Robert L. Stillwell, Drew A. Campbell, Alton Keith Boone, and Danny W. Tillett, being owners of property within Roberts County Fresh Water Supply District No. 1 (the "District"), to dissolve the District pursuant to TEX. WATER CODE §§ 49.321–49.327 and 30 TEX. ADMIN. CODE §§ 293.131–293.136.

Proper notice of the hearing was published on January 8 and January 15, 2015, in the Miami Chief, a newspaper generally circulated in Roberts County, the county in which the District is located. Accordingly, the notice requirements of 30 TEX. ADMIN. CODE § 293.132 have been satisfied.

The Commission, after having considered the petition, application material, and the memorandum dated October 21, 2014, from the Executive Director, a copy of which is attached and made a part hereof, finds that the petition for dissolution of the District should be approved. The Commission finds that the District has performed none of the functions for which it was created for a period of five consecutive years before the day of the proceeding. The District has no outstanding bonded indebtedness. The District should be directed to escheat the District's assets, if any, to the State of Texas, which will be administered by the Comptroller of Public

Accounts and disposed of in the manner provided by TEX. PROPERTY CODE §§ 74.001–74.710.

**NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** that the petition for the dissolution of the District filed by Ronald D. Bassett, Robert L. Stillwell, Drew A. Campbell, Alton Keith Boone, and Danny W. Tillett, being owners of property located within Roberts County Fresh Water Supply District No. 1, is granted pursuant to TEX. WATER CODE §§ 49.321–49.327 and 30 TEX. ADMIN. CODE §§ 293.131–293.136. The Commission will file a certified copy of this order of dissolution in the deed records of Roberts County. The District is directed to escheat the District's assets, if any, to the State of Texas which will be administered by the Comptroller of Public Accounts and disposed of in the manner provided by TEX. PROPERTY CODE §§ 74.001–74.710.

Issue Date:

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

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Bryan W. Shaw, Ph.D., P.E., Chairman



## FINANCIAL DORMANCY AND FILING AFFIDAVIT

STATE OF TEXAS COUNTY OF Roberts

A. I, Clark S. Lord, being duly sworn, am an authorized;

(Name)

representative of Roberts County Fresh Water Supply District No. 1

(Name of District)

I have personal knowledge of all financial activities of said district; and affirm that the above district had:

1. \$500 or less of receipts from operations, tax assessments, loans, contributions, or any other sources, AND
2. \$500 or less of disbursements of funds, AND
3. no bonds or other long-term (more than one year) liabilities, AND
4. no cash or investments that exceeded \$5,000;

For the following period

1. 2013 calendar year, January 1, 2013 through December 31, 2013

2. 2013 fiscal period, January 1, 2013 through December 31, 2013  
(Date) (Date)

**CHECK ONE:**

B. I affirm that payments have  have not  been made by (an) other party(ies) on behalf of the district. These payments are estimated to be \$ \_\_\_\_\_

**CHECK ONE:**

C. The district has ; has not  been confirmed by voters.

A confirmation election was held on 11/06/07

D. I also affirm that the district has complied in full with the requirements of Section 49.194(c) of the Texas Water Code by filing copies of this affidavit in the district's office, located at:

8117 Preston Road, Suite 260, Houston, TX 75225

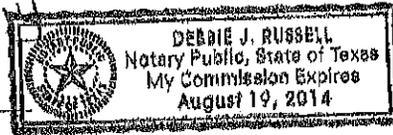
(District Office Address)

E. Date 01/13/2014 By: Clark S. Lord  
(Signature)

Clark S. Lord, General Counsel to the District  
(Name and Title)

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State of  
Texas this day 13th of Jan, 2014

My Commission Expires on \_\_\_\_\_



[Signature]  
(Signature of Notary)

Please file the Financial Dormancy and Filing Affidavit with the Texas Commission on Environmental Quality before each January 31 the district is dormant. Districts not complying with this requirement may be referred to the Office of the Attorney General to enforce compliance.

The completed Financial Dormancy and Filing Affidavit should be mailed to:  
Districts Review Team, (MC-152)  
Water Supply Division  
Texas Commission on Environmental Quality (TCEQ)  
P.O. Box 13087  
Austin, TX 78711-3087

Please call the Districts Review Team at (512) 239-4691 if you have any questions.

Applicable Statutes:

- Water Code Section 49.197 - Financially Dormant Districts
- Water Code Section 49.198 - Audit Report Exemption (Financial Reports)
- Water Code Section 49.194 - Filing of Audits, Affidavits and Financial Reports
- Water Code Section 49.158 - Fiscal Year



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2. \$500 or less of disbursements of funds, AND
3. no bonds or other long-term (more than one year) liabilities, AND
4. no cash or investments that exceeded \$5,000;

For the following period

- 1. 2012 calendar year, January 1, 2012 through December 31, 2012
2. 2012 fiscal period, January 1, 2012 through December 31, 2012 (Date) (Date)

CHECK ONE:

B. I affirm that payments have [ ] have not [x] been made by (an) other party(ies) on behalf of the district. These payments are estimated to be \$

CHECK ONE:

C. The district has [x] has not [ ] been confirmed by voters.

A confirmation election was held on 11/06/07

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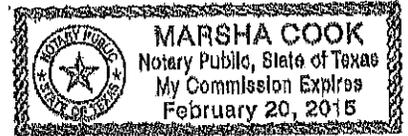
(District Office Address)

E. Date 12/10/2013 By: *Clark S. Lord*  
(Signature)

Clark S. Lord, General Counsel to the District  
(Name and Title)

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State of  
Texas this day 10<sup>th</sup> of December, 20 13

My Commission Expires on 2-20-15



*Marsha Cook*  
(Signature of Notary)

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3. no bonds or other long-term (more than one year) liabilities, AND
4. no cash or investments that exceeded \$5,000;

For the following period

- 1. 2011 calendar year, January 1, 2011 through December 31, 2011
2. 2011 fiscal period, January 1, 2011 through December 31, 2011
(Date) (Date)

CHECK ONE:

B. I affirm that payments have [ ] have not [x] been made by (an) other party(ies) on behalf of the district. These payments are estimated to be \$ .

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C. The district has [x] has not [ ] been confirmed by voters.

A confirmation election was held on 11/06/07

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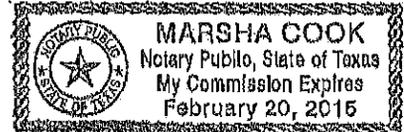
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Clark S. Lord, General Counsel to the District  
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For the following period

1. 2010 calendar year, January 1, 2010 through December 31, 2010
2. 2010 fiscal period, January 1, 2010 through December 31, 2010  
(Date) (Date)

CHECK ONE:

B. I affirm that payments have  have not  been made by (an) other party(ies) on behalf of the district. These payments are estimated to be \$ \_\_\_\_\_

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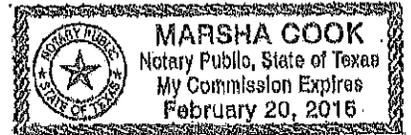
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(Signature)

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(Name and Title)

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For the following period

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2. 2009 fiscal period, January 1, 2009 through December 31, 2009  
(Date) (Date)

### CHECK ONE:

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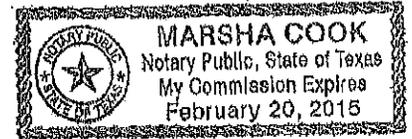
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4. no cash or investments that exceeded \$5,000;

For the following period

- 1. 2008 calendar year, January 1, 2008 through December 31, 2008
2. 2008 fiscal period, January 1, 2008 through December 31, 2008 (Date)

CHECK ONE:

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CHECK ONE:

C. The district has [x] has not [ ] been confirmed by voters.

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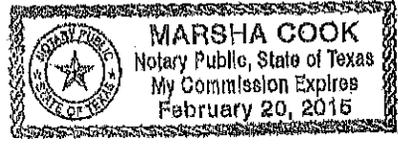
E. Date 12/10/2013 By: *Clark S. Lord*  
(Signature)

Clark S. Lord, General Counsel to the District  
(Name and Title)

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State of  
Texas this day 11<sup>th</sup> of December 2013

My Commission Expires on 2-20-15

*Marsha Cook*  
(Signature of Notary)



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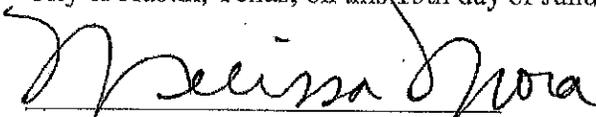
THE STATE OF TEXAS

COUNTY OF TRAVIS

I, Melissa Mora, of the Cash and Securities Management Division of the Comptroller of Public Accounts of the State of Texas, DO HEREBY CERTIFY, I am a designated Assistant Bond Clerk for bond issues registered by the Comptroller of Public Accounts.

I FURTHER CERTIFY that a review of our records on September 14, 2012, found no registration by the Comptroller of bonds issued by Roberts County Fresh Water Supply District No. 1, from January 1, 1986 through January 13, 2014.

IN TESTIMONY WHEREBY, I have hereunto signed my name officially and caused to be impressed hereon the seal of the Comptroller of Public Accounts in the City of Austin, Texas, on this 13th day of January 2014.



Melissa Mora  
Assistant Bond Clerk  
Comptroller of Public Accounts of the  
State of Texas

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF DISTRICT HEARING TCEQ Docket No. 2014-0487-DIS

**APPLICATION.** The Texas Commission on Environmental Quality (TCEQ) will conduct a hearing on an application for dissolution (the "Application") of Roberts County Fresh Water Supply District No. 1 (the "District"). The Application was filed with the TCEQ and includes a petition by Ronald D. Bassett, Robert L. Stillwell, Drew A. Campbell, Alton Keith Boone, and Danny W. Tillett (landowners within the District) requesting dissolution of the District. The TCEQ will conduct this hearing under the authority of Texas Water Code Chapters 49 and 53, 30 Texas Administrative Code Chapter 293, and the procedural rules of the TCEQ. The TCEQ will conduct the hearing at:

9:30 a.m., Wednesday, March 4, 2015  
Building E, Room 201S  
12100 Park 35 Circle  
Austin, Texas

The District was created by order of the Roberts County Commissioners Court on September 4, 2007, and organized under the terms and provisions of Article XVI, Section 59 of the Texas Constitution, and Chapters 49 and 53 of the Texas Water Code. The District contains 6,258.17 acres of land within Roberts County, Texas. The petitioners state that dissolution is desirable because the projects for which the District was created have been abandoned.

The petition filed with the Application states that the District: (1) has performed none of the functions for which it was created for five consecutive years preceding the date of the Application, (2) is financially dormant, and (3) has no outstanding bonded indebtedness.

An affidavit from the state Comptroller of Public Accounts has been included in the Application, certifying that the District has no bonded indebtedness.

Pursuant to Texas Water Code Section 49.327, if the request for dissolution is approved, the District's assets, if any, will escheat to the State of Texas and will be administered by the state Comptroller of Public Accounts and disposed of in the manner provided by Chapter 74 of the Texas Property Code.

**HEARING.** The purpose of this hearing is to provide all interested persons the opportunity to appear and offer testimony for or against the proposal contained in the Application. At the hearing, pursuant to Texas Water Code Section 49.324, the TCEQ will determine if the District should be dissolved.

**INFORMATION.** For information regarding the date and time this application will be heard before the TCEQ, please submit written inquiries to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Office of Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Bond Team at 1-512-239-4691. General information regarding the TCEQ can be found at our Web site at <[www.tceq.state.tx.us](http://www.tceq.state.tx.us)>.

**Si desea información en español, puede llamar al 1-512-239-0200.**

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the TCEQ Office of Public Assistance at 1-800-687-4040 or 1-800-RELAY-TX (TDD) at least one week prior to the hearing.

Issued: December 29, 2014

**MAILING LIST**  
**Docket No. 2014-0487-DIS**  
**Roberts County Fresh Water Supply District No. 1**  
**TCEQ Internal Control No. D-03252014-024**

Mr. Clark Stockton Lord  
Bracewell & Giuliani LLP  
711 Louisiana St., Suite 2300  
Houston, Texas 77002-2770

Mr. Brad Jones  
TCEQ Region 1  
3918 Canyon Dr.  
Amarillo, Texas 79109-4933

Roberts County Clerk  
Attn: Toni Rankin  
300 East Commercial St.  
Miami, Texas 79059

Panhandle Regional Planning Commission  
P.O. Box 9257  
Amarillo, Texas 79105-9257

Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Todd Galiga, Senior Attorney, Environmental Law Division, MC-173  
Linda Horng, Staff Attorney, Environmental Law Division, MC-173  
Tom Glab, P.E., Districts Section, MC-152  
Andrew Paynter, Technical Manager, Districts Section, MC-152  
Kent Steelman, Districts Section, MC-153  
Office of Public Interest Counsel, MC-103

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**CAPTION:** Docket No. 2014-0487-DIS. Consideration of a petition from five landowners (the "Petitioners") within Roberts County Fresh Water Supply District No. 1 (the "District"). The Petitioners request that the Commission dissolve the District pursuant to Texas Water Code Sections 49.321 to 49.327 and Title 30 of the Texas Administrative Code, Sections 293.101 to 293.136. The District was created by the Roberts County Commissioners Court in 2007, and contains 6,258.17 acres of land. (Linda Horng, Andrew Paynter)