

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087 MC-160, Austin, Texas 78711-3087
Telephone (512) 239-4600, FAX (512) 239-4770

APPLICATION FOR A TEMPORARY WATER USE PERMIT FOR MORE THAN 10 ACRE-FEET OF WATER, AND/OR FOR A DIVERSION PERIOD LONGER THAN ONE CALENDAR YEAR

This form is for an application for a temporary permit to divert water under Section 11.138, Texas Water Code. Any permit granted from this application may be suspended at any time by the applicable TCEQ Office if it is determined that surplus water is no longer available.

Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol.

1. **Data on Applicant and Project:** Social Security or Federal ID No. 74-6011311
- A. Name: San Antonio River Authority
- B. Mailing Address: 100 E. Guenther, San Antonio, TX, 78204
- C. Telephone Number: (210)302-3258 Fax Number: (210)302-3694 E-mail Address: [REDACTED]
- D. Applicant owes fees or penalties? ☐ Yes ☒ No
- If yes, provide the amount and the nature of the fee or penalty as well as any identifying number:
- _____

- E. Describe Use of Water Impoundment for gates at Nueva St. and Alamo St. on San Pedro Creek in San Antonio
- F. Description of Project (TDH Project No. if applicable) San Pedro Creek Improvements Project
- G. Highway Designation No. Interstate 10 & Interstate 35 County Bexar

2. **Type of Diversion (check one):** 3. **Rate of Diversion:**
- ☒ From Stream ☐ From Reservoir
- A. Maximum 448.83 gpm
- (capacity of pump)
4. **Amount and Source of Water:**
- 12.93 acre-feet of water within a period of 1 year (specify term period not to exceed a three year term). The water is to be obtained from San Pedro Creek, tributary of _____, tributary of _____, tributary of _____, San Antonio River Basin.

5. **Location of Impoundments:** Provide Latitude and Longitude in decimal degrees to at least six decimal places, and indicate the method used to calculate the diversion point location.
- At Latitude 29.423080 °N, Longitude -98.496393 °W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) Nueva St. (R-O-W) (Highway), located in Zip Code 78204, located 0.91 miles in a southwest direction from _____, San Antonio (County Seat), Bexar County, and 4.6 miles in a southwest direction from _____, Alamo Heights, a nearby town shown on County road map. Note: Distance in straight line miles.

At Latitude 29.413062 °N, -98.503012 °W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) Alamo St. (R-O-W) (Highway), located in Zip Code 78204, located 0.91 miles in a southwest direction from San Antonio (County Seat), Bexar County, and 5.4 miles in a southwest direction from Alamo Heights, a nearby town shown on County road map. Note: Distance in straight line miles.

Enclose a USGS 7.5 minute topographic map with the diversion point and/or the return water discharge points labeled. Owner's written consent is required for water used from any private reservoir, or private access to diversion point.

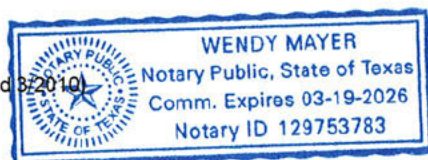
- | | | | | | |
|--|---|--------------------------|--|-----------------------|-----------|
| 6. Access to Diversion Point (check one): | <input type="checkbox"/> Public right-of-way | 7. Fees Enclosed: | 10 ac-ft or less | greater than 10 ac-ft | |
| | <input type="checkbox"/> Private property | | Filing | \$ 100.00 | \$ 250.00 |
| | (A letter of permission from landowner is attached) | | Recording..... | \$ 1.25 | \$ 1.25 |
| | <input type="checkbox"/> Other (Explain) | | Use (\$1.00 per ac-ft or fraction thereof) | \$ _____ | \$ 12.93 |
| | | | (Note: 1 ac-ft = 325,851 gals. Total | \$ _____ | \$ 264.18 |
- 1 ac-ft = 7758.35 bbls.)

Upon completion of any project for which a temporary water permit is granted, the Permittee is required by law to report the amount of water used. This document must be properly signed and duly notarized before it can be accepted or considered by the Texas Commission on Environmental Quality.

[Signature]
Name (sign)

Shaun Donovan
Name (print)

Subscribed and sworn to me as being true and correct before me this 22 day of June, 2024



[Signature]
Notary Public, State of Texas

San Antonio River Authority's Supplement in Support of its Application for A Temporary Permit to Impound Groundwater Based Treated Effluent

A. Background

The San Antonio River Authority (the River Authority) has been working in conjunction with the City of San Antonio (CoSA), Bexar County, and the U.S. Army Corps of Engineers (USACE) to rehabilitate San Pedro Creek to address access, flows, drainage, flood control, habitat restoration and recreational uses within the creek. The improvements to and restoration of San Pedro Creek is known as the San Pedro Creek Improvements Project (SPCIP). In 2021, the River Authority secured Water Use Permit No. 13355 (Appendix A) as a cornerstone component of Phase I of the implementation of the SPCIP along a reach of San Pedro Creek extending from the Tunnel Inlet to the confluence with Alazan Creek. Permit No. 13355 authorizes the use of the bed and banks of San Pedro Creek, tributary of the San Antonio River, San Antonio River Basin, in Bexar County to convey up to 300 acre-feet of contracted groundwater-based reuse water return flows per year for subsequent diversion for recreational and agricultural purposes in Bexar County, including impoundment of 2.71 acre-feet at the Travis Street Gate and subsequent recirculation and return flows to San Pedro Creek.

In support of the SPCIP, and to enhance and keep flows providing continuous recreation uses and maintaining the riverine habitat, the River Authority contracted with CoSA for an alternative water supply source utilizing groundwater-based reuse water in a Letter Agreement dated September 21, 2015 (Appendix B). The groundwater-based reuse water is available to CoSA pursuant to a separate contract between the City and their wastewater handler, the San Antonio Water System (SAWS). The River Authority is not a party to that City-SAWS contract, only the City's commitment pursuant to the Letter Agreement. Pursuant to that Agreement, the River Authority is authorized to utilize the City's portion of the groundwater-based reuse water.

B. Temporary Water Use Permit Extension Application

Like the impoundment of groundwater-based reuse water authorized in Permit No. 13355 at the Travis Street Gate, this Temporary Water Use Permit Application extension, seeks to extend the authorization for two additional impoundments along San Pedro Creek at Nueva Street and Alamo Street. These impoundments are currently approved under Temporary Water Use Permit No. 13842, issued on August 9, 2022, and expires on August 9, 2024. The Nueva Street Gate, when fully raised, will impound approximately 4.73 acre-feet of reuse water, and the Alamo Street Gate, when fully raised, will impound approximately 8.20 acre-feet of reuse water for a combined total of 12.93 acre-feet listed in the application.

When the Gates are raised, the River Authority will maintain the reservoir full and spilling at all times using an alternate source of water and shall pass all inflows of state water downstream. The Application does not seek to use or impound any State Water. Instead, this Application is to use the same contracted groundwater-based return flows to advance the SPCIP and provide the Texas Commission on Environmental Quality (TCEQ) notice of the River Authority's activities, while confirming that no State Water will be appropriated either for impoundment or diversion. The

River Authority intends to rely solely on its contracted groundwater-based reuse water return flows and "pass-through" all State Water inflows.

C. Notice

Based upon the alternative non-State Water source of water the River Authority is using, coupled with the fact that the River Authority will not be impounding or diverting any State Water, the River Authority does not believe that any downstream or basin-wide mailed or published notice is required. The River Authority's submission of this application, using TCEQ Form TCEQ-10202 (revised 3/2010) is driven by the fact that the River Authority wants TCEQ to have notice of both the purpose of River Authority's activities in San Pedro Creek related to the SPCIP, and the fact that TCEQ does not have a Form, or other vehicle, like Form TCEQ-10202 for use to confirm authorization to conduct the activities contemplated by the SPCIP and this request.

Additionally, the River Authority is in the process of securing an amendment to Permit 13355 for long-term authorization of the two impoundments known as the Nueva Street Gate and the Alamo Street Gate described in this Request.

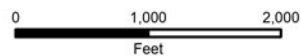
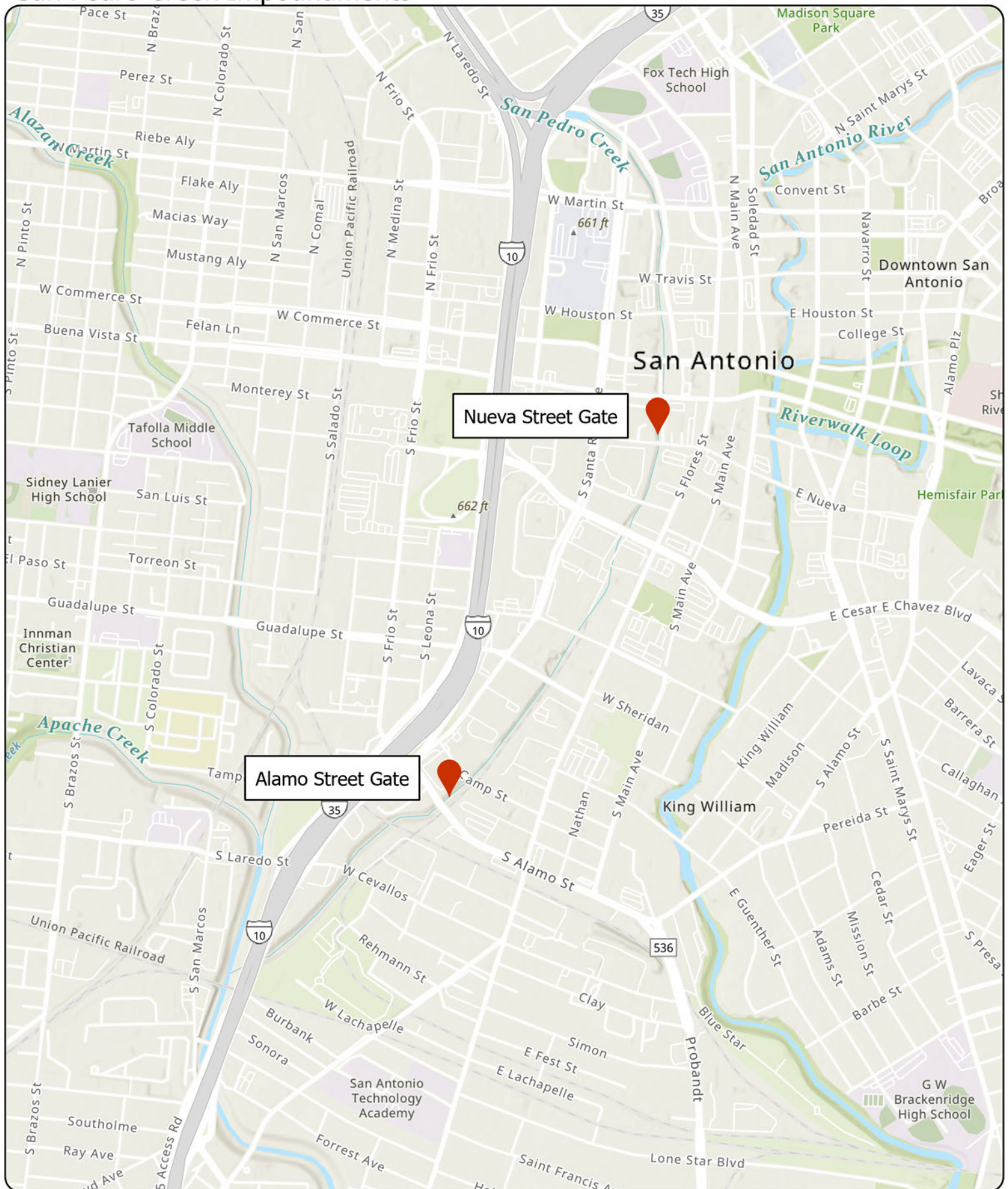
D. Authority to Execute and file this Temporary Permit Request

Section 14 of the River Authority's enabling legislation, and Article II, §§ 1, 3 and Article XV, § 1 of the River Authority's By-Laws, copies of which are on file with TCEQ, evidence the General Manager's authority to sign, file and prosecute applications to the TCEQ for water related matters like the Project and this Request. The General Manager's authority also includes the authority to delegate such signing powers for various activities. Effective February 16, 2022, pursuant to the aforementioned authorization, the General Manager executed and published a document entitled *Delegation of Signature Authority* (the Delegation).

Pursuant to the Delegation, the General Manager authorized, *inter alia*, members of his staff to execute a variety of documents, including Permits such as this Temporary Water Use Permit. Attached hereto as **Appendix C** is a copy of the Delegation.

Consistent with the Delegation, this Temporary Permit Application has been executed by Shaun Donovan. Mr. Donovan is the Manager of the River Authority's Environmental Sciences Department.

San Pedro Creek Impoundments



Disclaimer:
The GIS material included with this transmittal is made available as a public service. The maps and/or data are to be used for reference and/or informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The data herein shall be used and relied upon only at the user's sole risk, and the user agrees to indemnify and hold harmless the San Antonio River Authority, its officials and employees from any liability arising out of the use of the data or information provided. If there are any questions about the appropriateness of this data, please email saragis@sara-tx.org.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



WATER USE PERMIT

PERMIT NO. 13355

TYPE §§ 11.121, 11.042

Permittee:	San Antonio River Authority	Address:	100 East Guenther Street San Antonio, Texas 78204
Filed:	August 13, 2018	Granted:	May 27, 2021
Purposes:	Recreation, Agriculture	County:	Bexar
Watercourse:	San Pedro Creek, tributary of the San Antonio River	Watershed:	San Antonio River Basin

WHEREAS, San Antonio River Authority (SARA) seeks authorization to divert up to 300 acre-feet of contracted groundwater-based return flows per year, at a maximum diversion rate of 1 cfs, from the San Antonio River, San Antonio River Basin; and

WHEREAS, SARA will discharge the diverted contracted return flows, at a maximum discharge rate of 1 cfs, into San Pedro Creek, tributary of the San Antonio River; and

WHEREAS, SARA maintains a contract pursuant to the September 21, 2015 commitment of recycled water from the City of San Antonio; and

WHEREAS, SARA further seeks authorization to use the bed and banks of San Pedro Creek in Bexar County to convey the contracted groundwater-based return flows for subsequent diversion for recreational purposes, for subsequent recirculation in San Pedro Creek, and for subsequent diversion of 26.6 acre-feet of water per year from a reach on San Pedro Creek for agricultural purposes to irrigate 5.5 acres of land in Bexar County; and

WHEREAS, discharged groundwater-based return flows will provide enhanced streamflow within San Pedro Creek to support instream riparian habitat; and

WHEREAS, SARA also seeks authorization to maintain a 2.71 acre-foot capacity reservoir for recreational purposes with a point on the centerline of the dam being located at Latitude 29.42771° N, Longitude 98.496395° W; and

WHEREAS, SARA further seeks authorization to divert and discharge the contracted return flows into two off-channel reservoirs with subsequent return to San Pedro Creek; and

WHEREAS, Off-channel Reservoir 1 impounds 0.05 acre-feet of water and is located at Latitude 29.426733° N, Longitude 98.496483° W; and

WHEREAS, Off-channel Reservoir 2 impounds 0.11 acre-feet of water and is located at Latitude 29.425338° N, Longitude 98.496324° W; and

WHEREAS, Diversion Point No. 1 is located at a point on the San Antonio River, being at Latitude 29.415985° N, Longitude 98.493955° W, with a maximum diversion rate of 1 cfs (448 gpm); and

WHEREAS, Diversion Point No. 2 is located at a point on San Pedro Creek, being at Latitude 29.431826° N, Longitude 98.498592° W, with a maximum diversion rate of 7 cfs (3,142 gpm); and

WHEREAS, Diversion Point No. 3 is located at a point on San Pedro Creek being at Latitude 29.427775° N and Longitude 98.496419° W, with a maximum diversion rate of 7 cfs (3,142 gpm); and

WHEREAS, Diversion Point No. 4 is located at a point on San Pedro Creek being at Latitude 29.425941° N and Longitude 98.496287° W with a maximum diversion rate of 10.7 cfs (4,800 gpm); and

WHEREAS, the proposed diversion reach is located on San Pedro Creek, with the upstream limit being at Latitude 29.431826° N, Longitude 98.498592° W; and the downstream limit being at Latitude 29.408486° N, Longitude 98.509055° W, with a maximum combined diversion rate of 7 cfs (3,142 gpm); and

WHEREAS, contracted groundwater-based return flows will be discharged at the following points:

- a. Discharge Point No. 1 being at Latitude 29.431667° N, Longitude 98.498275° W, at maximum rate of 7 cfs (3,142 gpm).
- b. Discharge Point No. 2 being at Latitude 29.41778° N, Longitude 98.498677° W, at maximum rate of 7 cfs (3,142 gpm).

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, this permit, if granted, is subject to requirements and orders of the South Texas Watermaster; and

WHEREAS, the Executive Director recommends special conditions be included in this permit; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and rules of the Texas Commission on Environmental Quality in issuing this permit;

NOW, THEREFORE, this permit, designated Water Use Permit No. 13355, is issued to San Antonio River Authority, subject to the following conditions:

1. IMPOUNDMENT

Permittee is authorized to maintain a 2.71 acre-foot capacity reservoir on San Pedro Creek, tributary of the San Antonio River, San Antonio River Basin in Bexar County with a point on the centerline of the dam being at Latitude 29.42771° N, Longitude 98.496395° W.

2. USE

- A. Permittee is authorized to use the bed and banks of San Pedro Creek, tributary of the San Antonio River, San Antonio River Basin, in Bexar County to convey up to 300 acre-feet of contracted groundwater-based return flows per year for subsequent diversion and use for recreational purposes in Bexar County, for subsequent recirculation in San Pedro Creek, and to discharge the contracted return flows into two off-channel reservoirs with subsequent return to San Pedro Creek.
- B. Permittee is also authorized to divert and use not to exceed 26.6 acre-feet of contracted groundwater-based return flows for agricultural purposes to irrigate 5.5 acres of land in Bexar County.

3. DISCHARGE

Permittee will discharge its contracted groundwater-based return flows at the following points and rates on San Pedro Creek, tributary of the San Antonio River, San Antonio River Basin:

- A. Discharge Point No. 1 being at Latitude 29.431667° N, Longitude 98.498275° W, at a maximum rate of 7 cfs (3,142 gpm).
- B. Discharge Point No. 2 being at Latitude 29.41778° N, Longitude 98.498677° W, at a maximum rate of 7 cfs (3,142 gpm).

4. DIVERSION

Permittee is authorized to divert its contracted groundwater-based return flows from four diversion points and a reach as follows:

- A. Diversion Point No. 1 is located at a point on the San Antonio River, being at Latitude 29.415985° N, Longitude 98.493955° W, with a maximum diversion rate of 1 cfs (448 gpm).
- B. Diversion Point No. 2 is located at a point on San Pedro Creek, being at Latitude 29.431826° N, Longitude 98.498592° W, with a maximum diversion rate of 7 cfs (3,142 gpm).
- C. Diversion Point No. 3 is located at a point on San Pedro Creek being at Latitude 29.427775° N, Longitude 98.496419° W with a maximum diversion rate of 7 cfs (3,142 gpm).

- D. Diversion Point No. 4 is located at a point on San Pedro Creek being at Latitude 29.425941° N, Longitude 98.496287° W with a maximum diversion rate of 10.7 cfs (4,800 gpm).
- E. A diversion reach located on San Pedro Creek, with the upstream limit being at Latitude 29.431826° N, Longitude 98.498592° W; and the downstream limit being at Latitude 29.408486° N, Longitude 98.509055° W with a combined maximum diversion rate of 7 cfs (3,142 gpm).

5. TIME PRIORITY

- A. The time priority for the right to maintain the reservoir is August 13, 2018.
- B. The groundwater-based return flows authorized to be conveyed via the bed and banks of a State watercourse in this permit do not have a priority date and are not subject to priority calls from senior water rights.

6. SPECIAL CONDITIONS

- A. Permittee is not authorized to impound state water in the reservoir located on San Pedro Creek. Permittee shall maintain the reservoir full and spilling at all times with an alternate source of water. Permittee shall pass all inflows of state water downstream.
- B. Permittee shall maintain by contract and ensure the operation of an alternate source of water with sufficient production to ensure that no state water is used. Permittee has identified contract water made available by the City of San Antonio as the alternate source of water for this permit.
- C. The authorizations in the permit are subject to the continued maintenance of the September 21, 2015 letter agreement between Permittee and the City of San Antonio as such agreement may be extended or amended from time to time. Should the agreement be amended in such a manner as to change the amount of water or the type or location of use of the water, Permittee shall submit an application to amend this permit to conform to the terms of the amended agreement. Upon expiration of the agreement, Permittee shall immediately cease impoundment and diversion of groundwater-based return flows and either apply to amend the permit with a new alternate source, or voluntarily forfeit the permit. Permittee shall immediately notify the Executive Director upon amendment or expiration of the agreement and provide the Commission with copies of appropriate documents effectuating such changes.
- D. Permittee shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens at the diversion structure(s).
- E. Permittee shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the points authorized above in Paragraph 4. DIVERSION and maintain measurement records.
- F. Permittee shall allow representatives of the South Texas Watermaster reasonable access to the property to inspect the measuring device and records.

G. Permittee shall contact the South Texas Watermaster prior to diversion of water authorized by this amendment.

This permit is issued subject to all superior water rights in the San Antonio River Basin.

Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this permit.

All other matters requested in the application which are not specifically granted by this permit are denied.

This permit is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of State water resources exercised by the Commission.



For the Commission

Date Issued: **May 27, 2021**



CITY OF SAN ANTONIO

September 21, 2015

Suzanne B. Scott, General Manager
San Antonio River Authority
P.O. Box 839980
San Antonio, Texas 78283-9980

Re: San Pedro Creek Improvement Project Bed and Banks Request

Dear Ms. Scott:

The City supports the San Antonio River Authority (SARA) in the completion of the construction and subsequent operation of the San Pedro Creek Improvement Project (Project). This support exists, in part, through the contribution of City owned real estate and use of recycled water necessary for successful Project delivery and implementation. In the case of recycled water, the City's Parks and Recreation Department commits up to the 300 acre-feet per year of reuse water that is needed for diversion from the City's bed and banks on the San Antonio River to the City's bed and banks along San Pedro Creek for project implementation and operation. This water allowance comes from the City's interjurisdictional agreement with the San Antonio Water Systems (SAWS) to transfer use and control of City wells to the utility company and provide recycled water to City Facilities.

Pursuant to the interjurisdictional agreement, the release of up to 4,250 acre feet annually of recycled water into the San Antonio River at Brackenridge Park is permitted for City use. This discharge location of recycled water by SAWS is upstream of SARA's proposed diversion for the Project at the point where Arsenal Street crosses the San Antonio River. The City also grants to SARA all rights within the City's power necessary for SARA to transport, divert, and use the allocation of water for the San Pedro Creek Improvement Project based upon its ownership of the bed and banks of the San Antonio River and San Pedro Creek.

The City acknowledges this letter will be relied upon by SARA in support of the Project and presented to the Texas Commission on Environmental Quality as part of Project applications to support SARA's beneficial use of the City's recycled water. Specifically, SARA's reliance will include the use of the City's bed and banks of the San Antonio River to transport the water from the point of discharge into the river at Brackenridge Park down to SARA's diversion point.

Ms. Suzanne B. Scott
September 21, 2015
Page 2

In consideration of the anticipated public, environmental and ecological benefits to be received by the San Antonio community and citizens of Central Texas resulting from the Project, please execute the acknowledgment below. The acknowledgement reflects the City's contribution of up to 300 acre-feet per year of recycled water through the Parks and Recreation Department's allocation to the San Pedro Creek Improvement Project.

Sincerely,

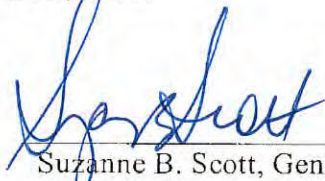


Xavier D. Urrutia
Interim Assistant City Manager

Acknowledgement:

On behalf of the San Antonio River Authority, acting in my capacity as General Manager, I acknowledge that SARA agrees with and accepts the City of San Antonio's recitation of its support of the Project as reflected above on this 21st day of September, 2015.

By:



Suzanne B. Scott, General Manager
San Antonio River Authority



DELEGATION OF SIGNATURE AUTHORITY

Effective Date: February 16, 2022

Responsible Manager: General Manager

PROCEDURE STATEMENT

The General Manager shall execute contracts, obligations, undertakings, conveyances and other instruments when so authorized and directed by the Board of Directors through express authorization or through authorization through policy adoption. Additionally, the General Manager is granted authority concerning the contracting of professional services through the enabling act. No employee of the River Authority has the authority to commit the agency's resources without delegated authority of the General Manager.

PURPOSE

Provide guidelines regarding the delegation of Signature Authority for actions required during the normal course of River Authority operations. Through the delegation of Signature Authority process the River Authority intends to promote greater efficiency for certain activities, such as purchasing and contracting. This procedure ensures that the actions related to the review, approval and signature process for certain activities are properly authorized.

The Contracting Office of the Support Services Division ensures that the delegation of authority process meets all state, bylaw, statutory or other regulatory requirements.

DEFINITIONS

Cooperative Agreement: "Cooperative Agreement" is an alternate term for Interlocal Agreement.

District: The district of the River Authority is the counties of Bexar, Wilson, Karnes, and Goliad.

Employee: Means any person holding a position of employment in the service of the River Authority.

Interlocal Agreement: "Interlocal Agreement" is a contract between governments in accordance with Texas Government Code Chapter 791. Under this Chapter, governments are permitted to contract with each other and with agencies of the state for the performance of specific governmental functions and services to increase the efficiency and effectiveness of the parties.

Responsible Division: means the Contracting Office of the Support Services Division.

Signature Authority: As used in this policy, "Signature Authority" is the permission to execute transactions up to limits established by Exhibit A and all relevant policies. This approval attests to the appropriateness of the transaction within the River Authority's program objectives and budgetary authorizations.

PROCEDURE

Employees with delegated Signature Authority are accountable for their activities and decisions, and appropriate controls must be applied to ensure that documentation related to review and approval of items authorized and/or signed by a person or persons having the appropriate authority to do so.

1. Delegation of Signature Authority

- a. The General Manager may delegate signing authority for documents as necessary in accordance with statutory or other granted authority;
- b. Those delegated Signature Authority may only delegate signing authority in instances where further delegation is allowable, as outlined in Exhibit A;
- c. Those delegated authority not listed in Exhibit A must obtain and provide a Delegation of Signature Authority form (Exhibit B) on file with the Responsible Division that acknowledges the acceptance of responsibilities provided below.

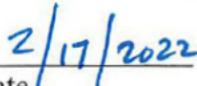
2. Employees with Signature Authority are responsible for assuring the following:

- a. An understanding of what is being approved;
- b. The information and supporting documentation is accurate and complete;
- c. The transaction is allowable, reasonable and justified;
- d. There are adequate funds to cover the expense;
- e. The funding source is appropriate for the expenditure.

The Responsible Division ensures that the delegation of Signature Authority process meets all state, bylaw, statutory or other regulatory requirements. This procedure may be modified to accommodate special needs, if authorized by the General Manager.

Approved


Derek Boese, General Manager


Date



DATE: [DATE]
TO: Contract Office
FROM: [DELEGATING PARTY]
SUBJECT: Delegation of Signature Authority

Contracting Office:

By means of this letter, I, [name and title], delegate the authority herein described to the [position title], on the following terms and conditions:

1. The [title] may review and execute, on my behalf, contracts in an amount and duration not to exceed [dollar limit] and [period of time].
2. The signature authority subject to this delegation are those relating to [describe nature of contracts].
3. The effective date of this delegation is [specify] and shall run [indicate time limit if any; if none, indicate that it shall run until revoked by delegating official or his/her successor].
4. The authority delegated is not subject to sub-delegation without my prior and express written consent.
5. This delegation is made pursuant to the River Authority Contract Approval and Signatory Authority Procedures.

[signature]

Name and Title [delegating official]

Date:

[signature]

Acknowledged and agreed:

Name and Title [delegate]

Date:

cc: File [delegating official]
Director of Legal Services [copy to be transmitted within three calendar days of execution]

Delegation of Signature Authority - Exhibit A

- Ability to Further Delegate only applies to those provided authority through Exhibit A, other than the General Manager
- The authority delegated through this exhibit does not replace or supersede any business process or routing requirements
- Authority may be re-delegated unless otherwise precluded (managers may re-delegate to supervisors)

	Signature Authority							Review and/or Approval				
Action Type	Board of Directors	General Manager	Deputy General Manager	Procurement (Purchasing or Contract Officer)	Division Director	Department	Ability to Further Delegate (Yes / No)	Legal Review	Department Manager	Other Approver (includes PMs)	Ability to Further Delegate (Yes / No)	Related Policy
Finance												
Auditor Selection	X						No				No	
Accounts Payable Signature Authority (checks and ACH deposits)		X	X		Finance		No		Finance		Yes	
Banking Depositories - Signature Authority		X	X		Finance	Sr Mgr Fin.	No		Finance		No	Bylaws Article IX
Budget Adoption	X						No				No	Bylaws Article VI
Budget Amendment - Increase (those that require board approval)	X						No		Finance		No	Bylaws Article VI
Budget Transfer Authority (across departments)		X	X				Yes		Finance		Yes	
Budget Transfer (within departments, across categories)		X	X		Finance		Yes		Finance		Yes	
Grant Application Authority	X	X	X		Finance		No		Finance		No	FN 015
Invoice Payment Approval (Bank Release)		X	X		Finance	Sr Mgr Fin.	No		Finance		No	
Investment Signature Authority (investment management and transactions)			X		Finance	Sr Mgr Fin.	No		Finance		No	Bylaws Article X
Tax Rate Adoption	X						No		Finance		No	
Tax Increment Financing Participation	X						No		Finance		No	Bylaws Article XII
Setting of Fees and Rates (e.g. lab, utilities)	X						No		Finance		No	
Notification of Fees and Rates (external)		X	X		Finance		Yes		Finance		Yes	
Contracts												
Procurement of Goods & Services (see supplemental Procurement Guideline)												
Contract (3 rd Party) - Goods and Services									Procurement	Contract Officer		Bylaws Article II
Approval of 3rd Party Terms and Conditions		X	X				No	Yes			No	
Costs less than \$5,000		X	X	X	ALL	Procurement	Yes				Yes	
Costs between \$5,000 and \$25,000		X	X	X	ALL	Procurement	Yes				No	
Between \$25,000 and \$150,000		X	X	X	Finance		No				No	
Between \$150,000.01 and \$500,000	X	X	X				Yes	Yes			No	
Professional Services - Between \$150,000.01 and \$500,000.01		X	X				Yes	Yes			No	
High Technology-Between \$50,000 and \$500,000.01	X	X	X						Information Technology			
Contracts in excess of \$500,000	X	X										
Emergency Purchase		X	X		Finance		No	Yes	Procurement		No	FN 0009
Purchasing Cooperative Agreements	X							Yes	Procurement	Contract Officer		Bylaws Article II;
Interlocal Agreement (ILA)	X											Bylaws Article II;
Primary		X	X				No				No	
Attest		X			Legal Services		No	Yes			No	
Change Orders to ILAs		X	X		Legal Services							

Delegation of Signature Authority - Exhibit A

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- Authority may be re-delegated unless otherwise precluded (managers may re-delegate to supervisors)

	Signature Authority							Review and/or Approval				
Action Type	Board of Directors	General Manager	Deputy General Manager	Procurement (Purchasing or Contract Officer)	Division Director	Department	Ability to Further Delegate (Yes / No)	Legal Review	Department Manager	Other Approver (includes PMs)	Ability to Further Delegate (Yes / No)	Related Policy
Task Order (Note: original agreement must include authorization to negotiate, execute, and amend)(Single Task order value not to exceed total contract value)									Procurement	Contract Officer		
Costs less than \$5,000		X	X	X	ALL	ALL	Yes				Yes	
Costs between \$5,000 and \$25,000		X	X	X	ALL	Procurement	No				No	
Between \$25,000 and \$150,000		X	X	X	Finance	Procurement	No				No	
Costs between \$150,000.01 and \$500,000		X	X				No				No	
Costs more than \$500,000		X					No					
Memorandum of Understanding (MOU)												
Primary		X	X				No				No	
Attest			X				No	Yes			No	
Personnel												
New Staff Authorization (budget cycle)	X						No				No	
Market Salary Adjustments		X					No				No	
Reallocation of Authorized Staff Position		X			HR		No				No	
Reclassification of Staff Position		X			HR		No				No	
Projects												
Alternate Delivery Method (CMAR, Design Build, etc.)	X							Yes				FN 0001
Change Order/Amendment - Signature Authority (Dollar thresholders apply to the single change order value. Cummulative change order that exceeds 25% of orginal contract require GM signature)												
Costs less than \$5,000		X	X	X	ALL		No				No	
Costs between \$5,000 and \$25,000		X	X	X	ALL		No				No	
Between \$25,000.01 and \$150,000		X	X	X			No				No	
Between \$150,000.01 and \$500,000		X	X				No	Yes			No	
>\$500,000.01		X										
Construction (Water Code Chapter 49 only)												
Change Orders > +/- \$150,000.01	X						No	Yes				
New Project Authorization	X											
New Project Funding – Existing Project	X	X	X									
Purchasing												
Procurement of Goods & Services (see supplemental Procurement Guideline)												
Goods and Non-Professional Services - Approval and Signature Authority									Procurement	Contract Officer		FN 0009
Costs less than \$5,000		X	X	X	ALL	ALL	Yes				Yes	
Costs between \$5,000 and \$25,000		X	X	X	ALL		No				No	
Between \$25,000 and \$150,000		X	X	X	Finance		No				No	
Between \$150,000 and \$500,000	X	X	X				No	Yes			No	
Costs ≥ \$500,000.01	X	X					No	Yes			No	
Emergency Purchase in excess of \$150,000	Ratification	X	X		Finance		No	Yes	Procurement		No	FN 0009
High Technology												
Costs less than \$5,000		X	X	X	ALL	ALL	Yes				Yes	
									Information Technology			
Costs between \$5,000 and \$25,000		X	X	X	ALL		No				No	

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	Signature Authority							Review and/or Approval				
Action Type	Board of Directors	General Manager	Deputy General Manager	Procurement (Purchasing or Contract Officer)	Division Director	Department	Ability to Further Delegate (Yes / No)	Legal Review	Department Manager	Other Approver (includes PMs)	Ability to Further Delegate (Yes / No)	Related Policy
Between \$25,000 and \$50,000.01		X	X	X	Finance		No		Information Technology		No	
Between \$50,000 and \$500,000.01	X	X	X				No	Yes	Information Technology		No	
Costs more than \$500,000	X	X					No	Yes	Information Technology		No	
Emergency Purchase in excess of \$50,000	Ratification	X	X		Finance		No	Yes	Procurement	Information Technology	No	FN 0009
Professional Services - Approval and Signature Authority									Procurement			FN 0001
Costs less than \$5,000		X	X	X	ALL	ALL	No				No	
Costs between \$5,000 and \$150,000		X	X	X	ALL		No				No	
Cost ≥ \$150,000.01		X	X				No				No	
Costs > \$150,000	Notice Required	X					No				No	Bylaws XIII
Construction Services												
Costs ≤ \$150,000		X	X	X			Yes				Yes	
Between \$150,000.01 and \$500,000	X	X	X				No				No	
Costs ≥ \$500,000.01	X	X					No	Yes			No	
Emergency Purchase in excess of \$150,000.01	Ratification	X	X		Finance		No	Yes	Procurement		No	FN 0009
Purchasing Card												FN 0005
Monthly Limit - \$5,000		X	X		ALL	ALL	Yes				Yes	
Monthly Limit - \$10,000		X	X		ALL	ALL	No				No	
Monthly Limit - Beyond \$10,000		X	X		Finance	ALL	No				No	
Fuel Card												
add values		X	X		Finance	Sr Mgr Fin.	Yes				Yes	
add values		X	X		Finance	Sr Mgr Fin.	No				No	
Surplus Property - Disposition	X											
Disposition of Surplus (Forms)		X	X		Finance	Sr Mgr Fin.	Yes				Yes	FN 0014
Real Estate												
Permits - SARA Board of Director Approved Projects		X	X		ALL	Eng. Manager	No	Yes		Project Manag	No	
Eminent Domain	X							Yes				RE0001 1.a., Bylaws XV
Land Acquisition												RE0001 1.a., Bylaws XV
Under \$100,000		X	X				No	Yes			No	
Over \$100,000	X						No	Yes			No	
Documents - Closing Documents		X	X		Technical Services		Yes	Yes			Yes	
Land Disposition	X							Yes				
Land Use Agreements												Bylaws XV
Short term land use agreements with terms of fifteen (15) years or less, including easements, leases, temporary use permits, licenses, utility dedications, rights of entry, and construction permits.		X	X		Technical Services	Real Estate Supervisor	No	Yes			No	
Plats and consent and indemnity agreements.		X	X				No	Yes			No	
Joint Use Agreements for the co-location of utilities or other improvements on SARA land, easements, or leases.		X	X				No	Yes			No	
Leases that may be canceled upon thirty (30) days notice.		X	X				No	Yes			No	
Easements across SARA’s bed and banks.		X	X				No	Yes			No	
Minor easements that are less than 1 acre in size or less than \$50,000 in value.		X	X				No	Yes			No	

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[illegible]

SAN ANTONIO RIVER AUTHORITY

CHAPTER 276, PAGE 556,

ACTS OF THE 45TH LEGISLATURE, 1937,

AND AS SUBSEQUENTLY AMENDED

FOREWORD

The organic act of the SAN ANTONIO RIVER AUTHORITY was enacted in 1937 by the 45th Legislature, H. B. No. 726, Chapter 276, Page 556. This Act has been subsequently added to and amended by the following laws: Spec. L., Page 1083, 46th Legislature (1939); Chapter 60, Page 82, 53rd Legislature (1953); Chapter 37, Page 1469, 55th Legislature (1957); Chapter 37, Page 78, 56th Legislature (1959); Chapter 233, Page 466, 57th Legislature (1961); Chapter 836, Page 2488, 61st Legislature (1969); Chapter 301, Page 776; Chapter 604, Page 1893, 64th Legislature (1975); Chapter 60, Page 123, 67th Legislature (1981); Chapter 701, Page 5139, 70th Legislature (1987); Chapter 1148 s 15, Page 3866, 84th Legislature (2015); and H. B. 1535, 88th Legislature (2023).

The statute has been before the appellate courts in *San Antonio River Authority v. Sheppard*, 157 Tex. 63, 299, S. W. 2d 920 (1957); *City of San Antonio v. Trease*, 243 S. W. 2d 187, err. ref. (1951); *San Antonio River Authority v. Lewis*, 343 S. W. 2d 475; aff. 363 S. W. 2d 444 (1962); and *San Antonio River Authority v. Hunt*, 405 S. W. 2d 700, ref. n.r.e. (1966).

Revised: February 1, 1990

Reprinted: January 5, 2001

Revised: April 11, 2017

Revised: August 3, 2023

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SAN ANTONIO RIVER AUTHORITY

Section 1. Definitions. The words and phrases used in this Act shall, unless the same be inconsistent with the context, be construed as follows:

- (a) 'District' shall mean the San Antonio River Authority.
- (b) 'Section 59' shall mean Section 59 of Article 16 of the Constitution of Texas, as the same now provides.

Repealed, H. B. 1535, 88th Legislature.

- (c) 'Board' or 'Directors' shall be understood to mean the Board of Directors of this District, or the members thereof in their official capacity.
- (d) 'Federal' shall mean or relate to the Government of the United States of America, and/or its functions or subsidiary agencies.
- (e) 'State' shall mean or relate to the Government of the State of Texas, and/or such of its functions and agencies as are appropriate to accomplish the objects of this Act.
- (f) 'Persons' means and includes an individual, partnership, association, corporation, business trust, legal representative, or receiver or any organized group of persons.
- (g) 'Professional services' shall mean those services rendered, either individually or by firms, by accountants, attorneys, engineers, surveyors, geologists, physicians, surgeons, laboratory technicians, bond brokers, fiscal advisers, appraisers, statisticians, researchers and by such other vocations, callings, occupations or employments involving labor, skill, education, special knowledge and compensation or profit, but the labor and skill involved therein being predominantly mental or intellectual rather than physical or manual. Amended, H. B. 83, 57th Legislature.
- (h) 'Flood Plain' shall mean the area of the channel of a river or stream and those portions of land abutting and adjacent to such channel which are reasonably required to carry floodwaters. Added, S. B. 704, 61st Legislature.
- (i) 'San Antonio River Basin' shall mean all of the area except Bandera, Real and Kerr Counties which has topographic characteristics causing surface

waters to flow into the San Antonio River and its tributaries. Added, S. B.704, 61st Legislature.

Section 1-a. APPLICATION OF SUNSET ACT.

- (a) The District is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the District were a state agency scheduled to be abolished September 1, 2035, and every 12th year after that year. Amended, H. B. 1535, 88th Legislature.
- (b) The District shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the District shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost. Amended, S.B. 523, 84th Legislature.

Section 2. District Created. Under the authority of, and in pursuance with the policy of, Section 59 of Article 16, of the Constitution of Texas, there is hereby created within the State of Texas, in addition to the Districts into which the State has heretofore been divided, a Conservation and Reclamation District to be known as 'San Antonio River Authority' (hereinafter called the 'District'), which is hereby declared to be a governmental agency, a municipality, body politic and corporate, vested with all the authority and full sovereignty of the State, in behalf of the State, insofar as intended by this Act, and with the authority to exercise the powers, rights, privileges and functions hereinafter specified. The creation of such District is hereby determined to be essential to the accomplishment of the purposes of Section 59 of Article 16 of the Constitution of the State of Texas, including but not limited to the construction, maintenance and operation of navigable canals or waterways, hereinafter authorized, and the control of the waters of those parts of all rivers, streams and tributaries thereof which are within the boundaries of the District as hereinafter defined. Amended, H. B. 83, 57th Legislature.

Section 2-a. Boundaries of the District. The District shall include all of that part of the State of Texas within the boundaries of the Counties of Bexar, Wilson, Karnes and Goliad.

It is hereby found and determined that all of the land included in the District will be benefited by the exercise of the power conferred by this Act. Added, H. B. 83, 57th Legislature.

Section 3. POWERS OF THE DISTRICT. The District is hereby invested with all of the powers of the State of Texas under Article 16, Section 59, of the Constitution of the State of Texas to effectuate the construction, maintenance and operation of navigable canals or waterways, to effectuate flood control, to effectuate the conservation and use, for all beneficial purposes, of ground, storm, flood and unappropriated flow waters in the District, to effectuate irrigation, to effectuate soil conservation, to effectuate sewage treatment, to effectuate pollution prevention, to encourage and develop parks, recreational facilities and to preserve fish, to effectuate forestation and reforestation, and to do all things as are required therefor, subject only to: (i) declarations of policy by the Legislature of the State of Texas as to the use of water; (ii) continuing supervision and control by the State Board of Water Engineers and any board or agency which may thereafter succeed to its duties; (iii) the provisions of Section 4, page 212, Acts of the Thirty-fifth Legislature, 1917, as subsequently amended (codified under Article 7471, Vernon's Civil Statutes of the State of Texas), prescribing the priorities of uses for water; and (iv) the rights heretofore or hereafter

legally acquired in water by municipalities and other users. Subject to the foregoing, it shall be the duty of the District to exercise for the greatest practicable measure of the conservation and beneficial utilization of all ground, storm, flood and unappropriated flow waters of the District, in the manner and for the particular purposes specified hereinafter in this Section 3 and elsewhere in this Act the following powers, rights, privileges and functions, to wit: Amended, H. B. 1535, 88th Legislature.

(a) Navigation:

(1) To promote, construct, maintain and operate, and/or to make practicable, promote, aid and encourage, the construction, maintenance and operation of navigable canals or waterways and all navigational systems or facilities auxiliary thereto using the natural bed and banks of the San Antonio River to its junction with the Guadalupe River where practicable and thence traversing such route as may be found by the District to be most feasible and practicable to connect with the Intracoastal Canal and/or with any new canal to be constructed and/or with any harbor at or near San Antonio Bay or the Gulf of Mexico, and also using such new correlated artificial waterways, together with all locks and other works, structures and artificial facilities as may be necessary and convenient for the construction, maintenance and operation of said navigable canals or waterways and all navigational systems or facilities auxiliary thereto. The District is empowered to construct, or cause to be constructed, said system of artificial waterways, canals, locks, works and other facilities so as to connect the watershed area of the San Antonio River, including navigation to or at a point near the City of San Antonio, with the Intracoastal Canal and/or with any new canal to be constructed and/or with any harbor at or near San Antonio Bay or the Gulf of Mexico;

(2) To control, develop, store and use the natural flow and floodwaters of the San Antonio River and its tributaries for the purpose of operating and maintaining said navigable canals or waterways and all navigational systems or facilities auxiliary thereto, provided, however, that such navigational use shall be subordinate to consumptive use of water, and navigation shall be incidental thereto;

(3) In the case of the construction of said navigable canals or waterways and all navigational systems or facilities auxiliary thereto by the Federal Government or otherwise, the District shall have the power to construct, maintain and operate lateral connecting canals and turning basins to serve local needs, and shall also have the power to provide, construct, acquire, purchase, take over, lease from others, lease to others, and to maintain and operate, develop, regulate and/or by franchise control wharves, docks, warehouses, grain elevators, bunkering facilities, belt or terminal railroads, floating plants, lighterage, towing facilities, and all other facilities incident to or in aid of the efficient operation and development of said canals or waterways and all navigational systems or facilities auxiliary thereto, and any ports incident thereto, whether the same be upon land or upon water;

(4) In the event the construction and/or maintenance and operation of said

navigable canals or waterways and all navigational systems or facilities auxiliary thereto is taken over by the Federal Government or any agency of the Federal Government, then and in such event the District shall be fully authorized to make and enter into any such contracts as may be lawfully required by the Federal Government, including such assignments and transfers of property and rights of property and easements and privileges and any and all other lawful things and acts may be necessary and required in order to meet the requirements of the Federal Government or any agency of the Federal Government in taking over the construction and/or maintenance and operation of said navigable canals or waterways and all navigational systems or facilities auxiliary thereto;

(5) The District may grant a franchise or right to any person or body politic or corporate for the use of said navigable canals or waterways and all navigational systems or facilities auxiliary thereto or any facility thereof in aiding navigation and no person or body politic or corporate may provide, maintain or operate any facility of aid of navigation in any way connected with said navigable canals or waterways and all navigational systems or facilities auxiliary thereto and intended for use by the public within the meaning and intent of this Act, except by and under the franchise granted by this District, in the form of an ordinance as provided by this Act, which franchise may be for any term not to exceed fifty (50) years. Such ordinance granting franchise may contain provisions for the payment of reasonable fees, and/or other charges to be paid to the District, and shall contain provisions adequate to regulate the fees, tolls, rates or exactions to be demanded for the use of, or service to be rendered by any means or facility to be provided or operated under any such franchise, to the end that the same will be uniform, reasonable, and without discrimination against any person, both as to charges and the conditions of use or service, and such ordinance shall contain all provisions reasonably required to procure service adequate to serve the public necessity and convenience. The District may grant a franchise for the design, construction, repair, enlargement, alteration, maintenance, operation of, and service from, or use of any facility to be provided for use in aid of navigation on said navigable canals or water ways and all navigational systems or facilities auxiliary thereto, whether upon land, or in or upon water. The right hereby granted shall include the right to require uniform and adequate analytic accounting systems and forms, periodic verified reports based thereon, and the right of audit by the District, and other reasonable regulations designed to protect the public. In order to procure observance of the conditions of a franchise granted hereunder, and/or compliance with the rules and regulations established by ordinance of the District (to be adopted and promulgated as elsewhere is provided in this Act) hereunder, such ordinance may provide reasonable and commensurate penalties as provided by Section 49.004, Water Code. The forfeiture or suspension of a franchise granted under this Act, where not otherwise provided in any such franchise, may be only because of discrimination in rendering service, affording use, or in taking or demanding a toll, rate or charge. Forfeiture or suspension of a franchise granted hereunder, unless otherwise provided therein, shall be upon a decree of a District Court within the County in which this District may

maintain its general office. The District may likewise by ordinance establish rules necessary or designed to protect the physical property owned by it, or physical property owned or operated by another under a franchise hereunder granted, and/or to effect the safety or efficient use of the same, and in such ordinance may provide reasonable and commensurate penalties for the violation thereof, as provided by Section 49.004, Water Code; Amended, H. B. 1535, 88th Legislature.

(b) Flood Control and Flood Plain Management.

To prevent and aid in the prevention of damage to persons and property by the overflow of any and all rivers, streams or tributaries thereof within the District including the study and designation of flood plains and the regulation thereof;

(c) Water Conservation, Storage, Procurement, Distribution and Supply:

(1) To store and conserve to the greatest beneficial use the storm, flood and unappropriated flow waters of any and all rivers, streams or the tributaries thereof within the District, so as to prevent the escape of any water without maximum beneficial use either within or without the District;

(2) For the conservation of water for uses either within or without the District, including providing water supply for cities and towns, and the right to sell water and stand-by service to any person, firm, or corporation, including cities and towns and other public agencies within or without the District; provided that it is the intent of this Act to establish a District that is concerned primarily with the conservation, control, storage, distribution and sale of water in bulk quantities in the public interest and only incidentally with the retail sale of water insofar as it does not compete with municipal water distributors and then only when necessary or convenient as a service to the public;

(3) To acquire water appropriation permits either within or without the District directly from the State Board of Water Engineers or to purchase or otherwise acquire such permits or certified filings either within or without the District from the owners thereof;

(4) To purchase water, water supply facilities or conservation storage capacity either within or without the District from any person, firm, corporation, State agency or other public agency, or from the United States or its agencies;

(5) To execute water supply contracts with users of water within or without the District. Included in the services for which the District may contract, and for which it may make charges, is that of standby service as well as for the actual delivery of water;

(6) To provide water for the development of commercial and industrial enterprises within or without the District;

- (7) To bring water into the boundaries of the District;
- (8) To construct, acquire, equip, to acquire storage rights at, and operate and maintain dams and reservoirs, either within or without the District, had in carrying out the powers conferred upon the District, or to exercise such powers in conjunction with others;
- (9) To construct, operate and maintain or otherwise provide water supply lines, water purification and water pumping systems and facilities either within or without the District; Amended, H. B. 1535, 88th Legislature.
- (10) Power to execute contracts with municipalities and others involving the construction of reservoirs, dams, water supply lines, water purification and pumping facilities, and the furnishing of water supply service substantially in the manner prescribed by Chapter 342, Acts of the Regular Session of the Fifty-first Legislature, for Districts organized and created pursuant to Article 16, Section 59, of the Constitution, extended so as to permit such contracts with individuals, partnerships, and all classes of corporations, and to permit the inclusion of provisions for the operation, maintenance and ownership of such properties, but the powers granted the District in this Subsection are not to be considered a limitation on the powers, rights, privileges and functions otherwise granted herein;
- (11) To acquire from the United States Government, through the Secretary of the Army or the Secretary of the Interior or any other of its officials authorized to make such contracts, or from the State of Texas or any agency thereof, or from any privately financed reservoirs, unsold conservation storage capacity at any dam within or without the District now constructed or to be constructed either by or with the assistance of the United States Government or the State of Texas, or by both. It may acquire additional conservation storage capacity which may be provided at any such dam;

(d) Irrigation:

To provide water for irrigation of lands within and without the District, and incident thereto, to construct, operate and maintain supply lines and pumping systems and facilities either within or without the District;

(e) Soil Conservation:

For the conservation of soils and other surface resources within the District against destructive erosion, thereby preventing the increased flood menace incident thereto, and for the prevention of sedimentation and siltation of lands, channels and reservoirs, including the right either to act as local sponsoring agent of upstream soil and water conservation and flood prevention projects authorized by State or Federal Agencies in conjunction with Soil Conservation Districts or to aid and supplement the work of such upstream soil and water conservation and flood prevention projects, all in furtherance of the purposes of

the District as provided by this Act. In connection therewith, the District is authorized to make arrangements satisfactory to the Secretary of Agriculture of the United States for defraying costs of operating and maintaining such projects, in accordance with regulations presented by the Secretary of Agriculture; provided, however, that any portion of the total construction cost of any such project which is allocable to flood control and/or soil conservation shall be paid for or financed by funds which have their source in the county in which each particular project is situated and which funds may be of any kind or character, except taxes collected in accordance with the provisions of Sections 15-a and 15-b of this Act; Amended, H. B. 1535, 88th Legislature.

(f) Sewage Treatment and Solid Waste Disposal.

As a necessary aid to the conservation, control, preservation, purification and distribution of surface and ground waters within the District, the District shall have the power to construct, own, operate, maintain or otherwise provide, within the San Antonio River Basin, sewage gathering, treatment and/or disposal services, including solid waste disposal services, to charge for such services, and to make contracts in reference thereto with counties, municipalities and others. Provided, however, that the District shall not exercise the powers hereinabove granted by this Section 3(f) within the boundaries of Kerr, Real, or Bandera Counties unless the Commissioners Court of such county or counties shall first have consented by a majority vote thereof to the exercise of such power within such county or counties;

(g) Pollution Prevention.

To provide for the study, correcting and control of both artificial and natural pollution including organic, inorganic and thermal, of all ground or surface water within the San Antonio River Basin. In this connection, the District is given the power by ordinance to promulgate rules and regulations with regard to such pollution, both artificial and natural, with the right of policing by said District to enforce such rules and regulations and of providing reasonable and commensurate penalties for the violation of any rules and regulations, as provided by Section 49.004, Water Code. Provided, however, that no ordinance enacted pursuant to the powers hereinabove given the District by this Section 3(g) shall be promulgated in any county or counties outside the existing boundaries of the District; Amended, H. B. 1535, 88th Legislature.

(h) Parks, Recreational Facilities and Preservation of Fish:

For the encouragement and development of parks, recreational facilities and the preservation of fish, the District shall have the power to acquire additional land adjoining any permanent work of improvement constructed within the District for the purpose of developing parks, or recreational facilities. The District may negotiate contracts with any county, municipality, municipal corporation, person, firm, corporation, non-profit organization, or State or Federal agency for the operation and/or maintenance of any such park, or recreational facility. The preservation of fish shall be in accordance with rules and regulations, if any, prescribed by the Game and Fish Commission of the State of Texas;

(i) Forestation and Reforestation:

To forest and reforest and to aid in foresting and reforesting of all areas within the District;

(j) Contractual:

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, with the United States, its agencies, counties, cities, all municipal corporations, political subdivisions and districts, and with private persons, partnerships, associations, nonprofit organizations, and corporations. The District shall make and execute such contracts and instruments in accordance with the following procedures: Amended, H. B. 1535, 88th Legislature.

(1) Concerning any wholesale contract for the sale, purchase, procurement, distribution and/or supply of water or conservation storage capacity, or for the construction of a navigable canal or waterway, or any contract authorized by Section 1, Chapter 84, page 140, Acts of the 52nd Legislature, 1951, as subsequently amended (codified under Article 7048b, Vernon's Civil Statutes of Texas), the Manager shall cause a notice describing the general nature of such contract to be published once each week for two (2) consecutive weeks in a newspaper of general circulation in each county in the District within which such contract is to have effect. Such contract may be considered and acted upon at the regular meeting of the Board next following the last date of publication or, without further notice, at any meeting thereafter. The affirmative vote of a majority of the membership of the Board shall be required for the approval of confirmation or ratification of any such contract. The District may use any such contract as the sole basis, or as a supplement to the basis, for securing its bonds; Amended, H. B. 1535, 88th Legislature.

(2) Concerning any construction, maintenance, operation or repair contract, contract for the purchase of material, equipment or supplies or any contract for services, not including any purchase, procurement, or contract described by Section 49.278, Water Code, if the contract will require an estimated expenditure of more than the maximum amount for which competitive bidding is required by Chapter 49, Water Code, the Board shall award such contract to the lowest and best bidder after publication of a notice to bidders once each week for two (2) consecutive weeks. The Board by bylaw shall promulgate the procedures for the publication of notice to bidders and related procedures and may, within the limitations set forth in this section, from time to time prescribe the amount of estimated expenditures to be subjected to competitive bidding. In the event of an emergency, the authority may let such contracts as are necessary to protect and preserve the public health and welfare or the properties of the authority, without such bidding procedures. Members of the Board of Directors shall be ineligible to submit such bids. Any provision of this Subsection to the contrary notwithstanding, the District may purchase surplus property from the United States by negotiated contract and without the necessity of advertising for bids. Notwithstanding any other provision of this Act, the District may use any procurement method under Chapter 49, Water Code, or other applicable general law. Amended, H. B. 1535, 88th Legislature.

(k) General:

(1) This District hereby is vested with such title and right of control as the State has, or may have, in, to and concerning the natural bed and banks of the San Antonio River in its entire length, and all of its tributaries as are within the District, as said District is defined in Section 2-a of this Act, and the District hereby is further vested with such title and right of control as the State has, or may have, in, to and concerning the natural bed and banks of any other navigable stream or tributary thereof as may be situated within the District, as said District is defined in Section 2-a of this Act; which investment, however, shall be in trust, and to authorize said District to make such uses, and/or disposition of such lands and rights (and the proceeds, income, revenues, or trading values thereof) as in actual experience may prove to be reasonably required for, or in aid of, the accomplishment of the purposes of this Act;

(2) To make preliminary investigations and surveys in the manner and for the purposes specified in Chapters 49 and 51, Water Code, and any other applicable general law (either independently at its own cost, or jointly with others, or to contribute to the cost thereof when done by another), whereby to procure cooperation by the Government of the United States of America, to the end that any project lawfully within the purposes of this Act may be approved for construction as a Federal project under such contractual terms and conditions as may be demanded by the Federal Congress; Amended, H. B. 1535, 88th Legislature.

- (3) To expend all sums reasonably deemed to be necessary or expedient for seeking cooperation in accomplishing the objects of this Act from the Federal Government, and/or any and all other persons, creatures, or entities, whether natural, or creatures of law or contract;
- (4) Subject to the provisions of this Act from time to time to 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;
- (5) To overflow and inundate any public lands and public property and to require the relocation of roads and highways in manner and to the extent permitted to districts organized under General Laws pursuant to Section 59 of Article 16 of the Constitution of the State of Texas. 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, raising, rerouting or changing the grade of, or altering the construction of any railroad, or street railway, all such necessary relocation, raising, rerouting, changing of grade or alteration of construction shall be accomplished at the sole expense of the District;
- (6) To construct, extend, improve, maintain and reconstruct, to cause to be constructed, extended, improved, maintained, and reconstructed, and to use and operate, any and all facilities of any kind necessary or convenient to the exercise of such powers, rights, privileges, and functions;
- (7) To sue and to be sued in its corporate name;
- (8) To adopt, use, and alter a corporate seal;
- (9) To adopt and to amend its bylaws for the management of its affairs;
- (10) To appoint officers, agents, employees and professional consultants, none of whom shall have any interest, direct or indirect, in any contracts awarded by the District;
- (11) To prescribe the duties and fix the compensation of all officers, agents, employees and professional consultants;
- (12) To acquire by purchase, lease, gift, or in any other lawful manner and to maintain, use, and operate any and all property of any kind, real, personal or mixed, or any interest therein, within and 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, 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;

(13) Amended, H. B. 1535, 88th Legislature.

To borrow money for its corporate purposes and to execute proper notes or other evidences of indebtedness, and without limitation of the generality of the foregoing, to borrow money and accept grants from the United States of America, and in connection with any such loan or grant, to enter into such agreements as the United States of America or such corporation or agency may require; and to make and issue its negotiable bonds for moneys borrowed in the manner and to the extent provided in Section 16. Nothing in this Act shall authorize the issuance of any bonds, notes, or other evidences of indebtedness of the District, except as specifically provided in this Act, and no issuance of bonds, notes, or other evidences of indebtedness, except as specifically provided in this Act, shall ever be authorized except by an Act of the Legislature;

(14) To obtain loans from and accept grants from the United States and its agencies, and from the State of Texas, and its agencies, and it shall have the right to participate in and be the beneficiary of any plan which may be evolved by the State or Federal Government for guaranteeing or otherwise subsidizing the obligations of the District;

(15) The District shall have the power to adopt and promulgate by ordinance all reasonable rules and regulations for purposes elsewhere provided in this Act and generally to secure and protect any and all of its property and any and all of its works of improvement, and to regulate residence, hunting, fishing, boating and camping, and all recreational and business privileges on any navigable river of the District, or any reservoir of the District, or upon any land owned by the District. The District may prescribe reasonable and commensurate penalties for the violation of any and all such rules and regulations of the District, as provided by Section 49.004, Water Code. No rule or regulation which provides a penalty for the violation thereof shall be in effect, as to enforcement of the penalty, until five (5) days next after the District may have caused a substantive statement of the particular rule or regulation and the penalty for the violation thereof to be published once a week for two (2) consecutive weeks in a newspaper of general circulation in each county in which it is to be effective. The substantive statement so to be published shall be as condensed as is possible to afford an intelligent direction of the mind to the act forbidden by the rule or regulation; one (1) notice may embrace any number of regulations; there must be embraced in the notice advice that breach of the particular regulation, or regulations, will subject the violator to the infliction of a penalty and there also shall be included in the notice advice that the full text of the regulations sought to be enforced is on file in the principal office of the

District, where the same may be read by any interested person. Five (5) days after the second publication of the notice hereby required, the advertised regulation shall be in effect, and ignorance of any such regulation shall not constitute a defense to a prosecution for the enforcement of a penalty and, the rules and regulations authorized hereby, after the required publication, shall judicially be known to the courts. Section 49.004, Water Code, governs costs incurred by the District before the court in any suit by the District to enforce its rules or regulations; Amended, H. B. 1535, 88th Legislature.

(16) To designate an official newspaper of the District in each county in the District, each of which newspapers shall be a newspaper having general circulation in the county in which it is situated;

(17) To acquire such rights-of-way as are necessary to construct, operate and maintain such roads as are necessary for ingress and egress to any work of improvement or to any park, recreational facility, or fish or wildlife preserve or reserve;

(18) To grant concessions and franchises upon the premises of any works of improvement or any park, recreational facility or fish or wildlife preserve or reserve to any person or corporation;

(19) When germane to the accomplishment and the purposes of this Act, and not otherwise adequately provided by Chapter 49 or 51, Water Code, or provided elsewhere in this Act, the Directors of the District shall have the power to adopt and promulgate ordinances, which may be done by a majority of the membership of the Board. No notice shall be required before the passage of such ordinance, except such notices of special or regular meetings of the Board as may be provided elsewhere in this Act. After having adopted such ordinances, the Directors shall cause the same to be filed and recorded in the official records of the Authority. The Directors may, if they deem necessary and proper, in addition to filing and recording same in the official records of the Authority, either caused certified copies of same to be forthwith filed of record in the office of the County Clerk of each county situated in whole or in part within the District within which such ordinance is intended to have application and/or to be published once or more each week for two (2) or more consecutive weeks in a newspaper or newspapers of general circulation in each county within the District within which ordinance is intended to have application, following either or all of which methods of recording and/or publication the ordinance shall be in full force and effect; and thereafter all courts and persons shall be held to have knowledge thereof, just as though the same had been embraced in the body of this Act and the County Clerk in any county is authorized and directed to file and record all certified copies of such county and to charge therefor the same fees as is provided for recording deeds of conveyance. And the powers of said District to adopt ordinances shall include, among other

things as follows: in any case in which Chapters 49 and 51, Water Code, do not provide a specific power or right germane to, or appropriate, or adequate to accomplish an object of this Act, and such specific power has been, or hereafter may, conferred by law on Counties, Cities, Water Improvement Districts, Water Control and Improvement Districts, Drainage Districts, Navigation Districts, Canal Corporations, Channel and Dock Corporations, Deep Water Corporations, Railway Corporations, Terminal Railway Corporations, Telegraph and Telephone Corporations, or other like creatures of the law, then to the extent required to make adequate hereto the powers and rights of this District, it may by ordinance adopt and have as part of the law of its being so much of the power and right of any of the herein designated creatures of the law as will enable it effectively to accomplish that purpose of this Act. The adoption of a power or mode of procedure hereunder shall not be held to include any incidental limitation which would impede the lawful accomplishment of the purposes of this Act. As to this, there shall be no limit hereof save such as would violate the provisions of the Constitution of the United States and the State of Texas concerning the rights of others; Amended, H. B. 1535, 88th Legislature.

(20) This District shall have all such powers and rights, and regulations for government and procedure, as are contained in Chapters 49 and 51, Water Code, and any other applicable general law, which shall be cumulative of those provided by this Act, and those rules for procedure which may be provided by ordinances adopted by the District under other provisions of this Act. Amended and added to, H. B. 83, 57th Legislature; S. B. 704, 61st Legislature; S. B. 741, 67th Legislature; and H. B. 1535, 88th Legislature.

Section 4. Repealed, H. B. 83, 57th Legislature.

Section 4-a. Repealed, H. B. 1535, 88th Legislature.

Section 5. PARTNERSHIP WITH NONPROFIT ORGANIZATION.

(a) In this section, "affiliated nonprofit organization" means a nonprofit organization:

- (1) created by the District; or
- (2) for which the District, the Board, or the District's employees have a right to appoint one or more of the members of the governing body of the nonprofit organization.

(b) The District may contract or otherwise coordinate with a nonprofit organization, including an affiliated nonprofit organization, to accomplish the purposes of the District.

(c) Members of the Board may not constitute a majority of the board of directors or other governing body of an affiliated nonprofit organization. Employees of the District may not serve on the board of directors or other governing body of an affiliated nonprofit organization.

(d) The Board shall develop a policy regarding fund-raising activities of any nonprofit organizations that enter into a partnership with the District. The policy must:

- (1) include acceptable and prohibited fund-raising activities;
- (2) specify how fund-raising is conducted and supervised; and

- (3) include criteria for seeking and selecting corporate sponsors to ensure that sponsorships serve the public interest and are consistent with the purposes of the District.

(e) A memorandum of understanding between the District and an affiliated nonprofit organization entered into under this section must include the policy developed by the Board under Subsection (d) of this section. _Added, H. B. 1535, 88th Legislature.

Section 6. District Constabulary. In order to accomplish the objects of this Act, this District may constitute and maintain its own independent constabulary under oath and bond, in so far as is applicable, conditioned as is provided for a sheriff of a county, who shall be charged with the duty to police the District's property and its controlled facilities, with power to make arrests to prevent injury to such properties or after such offense or violation of any penal ordinance of the District, and, upon complaint or indictment lawfully had thereon, to make arrests either within or beyond the boundaries of the District.

Section 7. Repealed, H. B. 83, 57th Legislature.

Section 8. Duties of Certain State Officers. The State Board of Water Engineers and the Reclamation Engineer of Texas shall be under duty to cooperate with this District in the making of investigations and plans and the approval of plans for improvements to be provided by this District. Such plans, however, shall be subject to approval by them when appropriate under the General Laws of Texas; provided, only, that where the Federal Government shall have adopted a plan for improvements, the same, as to all matters save the use of water already under permit from the State, shall control.

Section 9. GOVERNING BODY OF THE DISTRICT; QUALIFICATIONS OF MEMBERS OF THE BOARD; VACANCIES; TERM OF OFFICE. The government and control of the District shall be vested in a Board of Directors consisting of 12 members, 6 of whom shall be elected from Bexar County, 2 of whom shall be elected from Wilson County, 2 of whom shall be elected from Karnes County, and 2 of whom shall be elected from Goliad County. Each director shall serve for a term of four years, and shall hold office until the director's successor has been elected and has qualified by taking the oath of office. Before entering upon the duties of the member's office, each member of the Board shall take the Constitutional Oath of Office and the same shall be filed in written form with the Secretary of the Board. Vacancies occurring on the Board from any county shall be filled by appointment by the Governor of the State, with the advice and consent of the Senate, for such unexpired term. Any person over the age of 21 years, residing within the District and within the county from which the person is elected or appointed, and possessing the qualifications of a juror shall be eligible to be elected or appointed and to serve as a director. Amended, H. B. 83, 57th Legislature; S. B. 741, 67th Legislature; and H. B. 1535, 88th Legislature.

Section 10. ELECTION OF DIRECTORS. All elections within the District shall be carried out in accordance with rules set forth in the bylaws and the Election Code, and the results of all elections shall be canvassed by the Board of Directors of the District at the regular meeting next following each biennial election. All elections shall be held on the uniform election date in November of each odd-numbered year and at the polling places designated by the Board of Directors of the District. The terms of office of Directors elected at each election after the said

first election shall commence on the first day of January following their election. In all elections the following rules shall apply: Amended, H. B. 1535, 88th Legislature.

- (a) Those persons seeking to have their names placed on the official ballot shall make application to the Secretary of the Board in accordance with rules prescribed by the Board either in the ordinance calling the election or in the bylaws.
- (b) The Secretary of the Board shall make up the official ballot for each county from the names of candidates who have filed applications, and the placing of the names of the candidates on the ballots shall be determined by lot. The drawing of lots for the placing of the names of the candidates on the ballots shall be by the Secretary of the Board, and all candidates, or their designated representatives, may be present at such drawing.
- (c) The Directors from Wilson, Karnes, and Goliad Counties shall be elected at large from each county. Four (4) Directors from Bexar County shall be elected from single-member districts and two (2) Directors shall be elected at large. The four (4) single-member districts shall be coterminous with and bear the same number as the Bexar County Commissioners Precincts. A candidate for a single-member district position must live in the district the candidate seeks to represent.
- (d) The candidates receiving the greatest number of votes, that is a plurality, shall be declared elected. Should there be a tie in the votes received, the winner of the election shall be determined by the majority of the Board. The two (2) at-large Directors of Bexar County shall be elected simultaneously by plurality, and the two (2) candidates receiving the greatest number of votes shall be declared elected.
- (e) Directors of the District serving from single-member districts at the time new single-member districts are adopted shall serve for the remainder of the terms to which they were elected regardless of the redistricting.

Section 11. COMPENSATION AND EXPENSES OF DIRECTORS. The Directors of the District shall be entitled to the compensation and allowances established by general law for each day of official service, whether sitting as a Board or serving on a committee of the Board, and in addition thereto shall be entitled to reimbursement for all expenses necessarily incurred by reason of such service. A meeting shall be deemed a day of service, provided that no charge shall be made for more than one meeting held on any one day, and no Director shall be paid per diem in excess of one hundred and fifty (150) days in any one fiscal year, exclusive of reimbursement for expenses, as compensation for service rendered as a Director and as a member of a committee. Amended, H. B. 83, 57th Legislature; S. B. 741, 67th Legislature; and S.B. 1437, 70th Legislature.

Section 12. Removal of Directors and Officers. Any Director or Officer shall be subject to removal or suspension from office by the affirmative vote of eight (8) Directors for incompetency, official misconduct, official gross negligence, habitual drunkenness or for

nonattendance at six (6) consecutive regular meetings of the Board; provided, that no Director or Officer shall be removed or suspended from office until charges in writing are filed against him and he is given the opportunity of a fair hearing before the Board of Directors. Amended, H. B. 83, 57th Legislature.

Section 13. ORGANIZATION AND MEETINGS OF THE BOARD; OFFICERS; QUORUM. There shall be appointed by a majority vote of the Board of Directors from its membership a Chairman, a Vice-Chairman, a Secretary and a Treasurer, and any other officers or assistant officers the Board considers necessary. Assistant officers need not be members of the Board of Directors and may be granted limited powers in the bylaws. The officers so appointed shall serve for a term of two (2) years and until their successors have been appointed, except that assistant officers, if such officers are appointed, shall hold office at the pleasure of the Board. A quorum at all meetings of the Board of Directors shall consist of not less than seven (7) members. Regular and special meetings of the Board of Directors shall be held as provided by general law and the bylaws, and notice of such meetings shall be given as required by general law and the bylaws. All meetings of the Board shall be open to the public. Amended, H. B. 83, 57th Legislature; S.B. 1437, 70th Legislature; and H. B. 1535, 88th Legislature.

Section 13-a. TRAINING FOR BOARD MEMBERS.

- (a) A person who is elected or appointed to and qualifies for office as a member of the Board may not vote, deliberate, or be counted as a member in attendance at a meeting of the Board until the person completes a training program that complies with this section.
- (b) The training program must provide the person with information regarding:
 - (1) the law governing the District's operations;
 - (2) the programs, functions, rules, and budget of the District;
 - (3) the scope of and limitations on the rulemaking authority of the Board;
 - (4) the results of the most recent formal audit of the District;
 - (5) the requirements of:
 - (A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest; and
 - (B) other laws applicable to members of the governing body of a river authority in performing their duties; and
- (6) any applicable ethics policies adopted by the District or the Texas Ethics Commission.
- (c) A person elected or appointed to the Board is entitled to reimbursement for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.
- (d) The Manager of the District shall create a training manual that includes the information required by Subsection (b) of this section. The Manager of the District shall distribute a copy of the training manual annually to each member of the Board. Each member of the Board shall sign and submit to the Manager of the District a

statement acknowledging that the member received and reviewed the training manual.

Section 13-b. POLICIES TO SEPARATE POLICY-MAKING AND STAFF FUNCTIONS. The Board shall develop and implement policies that clearly separate the policy-making responsibilities of the Board and the management responsibilities of the Manager and the staff of the District.

Section 13-c. PUBLIC TESTIMONY AT BOARD MEETINGS. The Board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the Board and to speak on any issue under the jurisdiction of the District.

Section 13-d. COMPLAINT INFORMATION REQUIREMENTS.

- (a) The District shall maintain a system to promptly and efficiently act on complaints filed with the District. The District shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.
- (b) The District shall make information available describing its procedures for complaint investigation and resolution.
- (c) The District shall periodically notify the complaint parties of the status of the complaint until final disposition unless the notice would jeopardize an investigation. Added, H. B. 1535, 88th Legislature.

Section 14. POWERS OF THE BOARD AND EXECUTIVE COMMITTEE; BONDS REQUIRED. The Board of Directors shall be responsible for the management and control of all affairs of the District. In connection therewith, the Board of Directors shall have the power: Amended, H. B. 1535, 88th Legislature.

- (a) To exercise all the powers, rights, privileges and functions conferred by law upon the District;
- (b) To adopt all such bylaws as are not inconsistent with the law; Amended, H. B. 1535, 88th Legislature.
- (c) To appoint and fix the salary of a Manager, who shall be the chief executive officer of the District. The Manager shall employ and supervise, subject to policies promulgated by the Board, all employees, agents, accountants, attorneys, engineers and others rendering professional services necessary and required to accomplish the purposes of this Act. The Manager may execute, on behalf of the District, without specific authorization of the Board, any contract not subject to competitive bidding. The Manager may execute on behalf of the District and with specific authorization of the Board, any other contract.

Except as specifically provided elsewhere in this Act, all the powers, rights, privileges and functions of the District may be exercised by a majority of the membership of the Board. Amended, H. B. 1535, 88th Legislature.

Said Board of Directors shall have all such additional powers as may be conferred on this District by the other provisions of this Act, Chapters 49 and 51, Water Code, and any other

general law applicable to river authorities or water control and improvement districts, and of said Article 16, Section 59, of the Constitution of the State of Texas; provided, however, that members of the Board shall be ineligible to engage in any transaction for gain or profit with the District. Amended, H. B. 1535, 88th Legislature.

The Directors and all officers of the District who are not Directors shall, within fifteen (15) days after their election or appointment, file a good and sufficient bond with the Secretary of the Board; the official bond of each Director and Officer shall be in the sum of Five Thousand Dollars (\$5,000), shall be payable to the District, shall be conditioned upon the faithful performance of their duties as such Directors or Officers, and shall be subject to approval by the Secretary of the Board. Amended, H. B. 83, 57th Legislature and H. B. 741, 67th Legislature.

Section 14-a. Repealed, H. B. 1535, 88th Legislature.

Section 14-b. FISCAL YEAR. The District's fiscal year ends on September 30 of each year. Added, H. B. 1535, 88th Legislature.

Section 15. Payment of Debts. Any and every indebtedness, liability, or obligation of the District, for the payment of money, however entered into or incurred, and whether arising from express contracts or implied contracts, or otherwise, shall be payable solely out of revenue received by the District in respect of its properties, and from out of any other moneys or income from any source whatsoever coming into possession of said District including proceeds of sale of bonds.

Section 15-a. TAXATION. Subject to the limitation as to the maximum rate of tax as prescribed in this Section, the District may levy and collect throughout the territory of the District such ad valorem taxes as are voted at an election or elections called by the Board for that purpose and conducted throughout the territory of the District. The maximum rate of tax which can be levied and collected for any year shall be two cents (2¢) on the One Hundred Dollars (\$100) of taxable property based on its assessed valuation, in accordance with the following conditions and procedures: Amended, H. B. 1535, 88th Legislature.

- (a) The Board of Directors of the District may, by ordinance, call an election to submit to the voters for approval such taxation; provided that a public hearing to discuss the proposed tax issue shall be held in each county in the District, said public hearing to be held not less than ten (10) days nor more than twenty-five (25) days prior to the scheduled date of any such election, and said hearings shall be called by the Board of Directors of the District and notice of the time, day, date, place and purpose of said meeting shall be given by publishing said notice in at least one (1) newspaper of general circulation in each county where the meeting is to be held at least ten (10) days prior to such hearing;
- (b) The order calling the election shall specify the polling place or places in each of the several counties. The notice of election will be sufficient as to any county within the District if it states that the election is to be held throughout the territory comprising the District and if it specifies the polling place or places in such county. But it shall not be necessary to publish such details except in the county

to which they are applicable; Amended, H. B. 1535, 88th Legislature.

- (c) Returns of the election shall be made to the Board, and the Board shall canvass the returns of the election and adopt an ordinance declaring the results thereof. The Board may levy taxes within the maximum rate thus voted if a majority of the votes cast throughout the District are in favor of the levy of the tax and if a majority of the votes cast in any three (3) counties in the District are in favor of the levy of the tax;
- (d) The rate of tax shall be uniform throughout the territory comprising the District, and shall be certified by the Chairman and the Secretary of the Board of Directors of the District to the Tax Assessor and the Tax Collector of each included county;
- (e) After an election has resulted favorably to the levy of a tax, the Board of Directors may borrow money payable therefrom and may evidence such loan by a negotiable note given in the name of the District;
- (f) Any taxes thus collected shall be used for the purpose of general administration and for planning and other services with respect to any of the purposes, rights, privileges and functions of the District; provided, however, that none of the taxes thus collected shall be used to pay for or finance the construction of any dams, reservoirs, levees, channels, pipelines or other major physical works of the District, or pay for the cost of any right-of-way acquisitions, or the expense of right-of-way acquisition, or damages awarded by any Court under Article 1, Section 17, of the Constitution of the State of Texas. It is the intent of this Act that any taxes thus collected will enable the District to accomplish its purposes, including the maximum development of the soil and water resources of the District, it being hereby found and determined that the benefits to be realized from such maximum development can be obtained only through area-wide participation and planning. It is the intent of this Act that the construction of any dams, reservoirs, levees, channels, pipelines or other major physical works of the District shall be paid for or financed by revenue bonds of the District to be redeemed either by the sale of services or by taxes to be levied by a county or municipality and paid over to the District as an independent contractor of said county or municipality. It is likewise the intent of this Act that any taxes thus collected may be used to pay for the operation, repair and/or maintenance of any flood control, soil conservation, watershed protection and/or erosion structures or works of improvement constructed in cooperation with the Federal Government; provided, however, that any such operation, repair and/or maintenance costs shall be paid for out of taxes thus collected in the county in which the particular structure or work of improvement is situated. It is further the intent of this Act that the taxes authorized by this Section 15-a thus collected shall not be pledged to the redemption of any bonds of the District. Added, H. B. 83, 57th Legislature; Amended, H. B. 1535, 88th Legislature.

Section 15-b. Rendition, Assessment, Levying and Collection of Taxes. The rendition and assessment of property for taxation and the collection of taxes for the benefit of the District shall be in accordance with the law applicable to counties, insofar as such law is applicable.

Renditions shall be to the County Tax Assessor of the county in which the property is taxable for State and County purposes. It shall be the duty of the Assessor and Collector in each county to cause to be placed on the county tax rolls such additional column or columns as are needed to show the tax levied by the District and the amount thereof, based on the value of such property as approved finally for State and County purposes by the Board of Equalization of such County. The fee for assessing and collecting taxes shall be two per cent (2%) of the taxes collected, such fee to be paid over and disbursed in each county as are other fees of office. All of the laws for the enforcement of State and County taxes shall be available to the District. The District has the right to cause the officers of each county to enforce the taxes due to the District in that county, as provided in the law for the enforcement of State and County taxes. Taxes assessed and levied for the benefit of the District shall be payable and shall become delinquent at the same time, in the same manner and subject to the same discount for advance payment as taxes levied by and for the benefit of the county in which the property is taxable. The fee for collecting delinquent taxes through prosecution of suit shall be fifteen per cent (15%) of the taxes collected by such suit, such fee to be paid over and disbursed in each county as are other fees of office. Added, H. B. 83, 57th Legislature.

Section 16. Issuance of Bonds. For the purpose of constructing improvements related to the exercise of any power or powers conferred on it by law, the District shall have the power and is hereby authorized to issue negotiable bonds, either as a single issue or in separate issues, from time to time, to be secured by a pledge of revenues, income and funds of the District without reference to their source and having such priority of liens thereon as may be prescribed in the proceedings authorizing the issuance of such bonds; provided, however, that no ad valorem taxes collected in accordance with the provisions of Sections 15-a and 15-b shall be pledged to any issue or issues of bonds. The District shall have the power to issue the bonds provided for in this Section by action of its Board of Directors and without the necessity of an election. Said bonds may either be (1) sold for cash, at public sale, at such price or prices as the Board shall determine, provided that the interest cost of the money received therefor, computed to maturity in accordance with standard bond tables in general use by banks and insurance companies, shall not exceed six per cent (6%) per annum, or (2) may be issued on such terms as the Board shall determine in exchange for property of any kind, real, personal, or mixed, or any interest therein which the Board shall deem necessary or convenient for any such corporate purpose, or (3) may be issued in exchange for principal amounts or other obligations of the District, matured or unmatured. The proceeds of sale of such bonds may be deposited in such banks or trust company or trust companies, and may be paid out pursuant to such terms and conditions, as may be agreed upon between the District and the purchasers of such bonds. All such bonds shall be authorized by resolution of the Board concurred in by at least eight (8) of the members thereof, and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates (not exceeding six per cent [6%] per annum), payable annually or semiannually, be in such denominations, be in such form, either coupon or registered, carry such registration privileges as to principal only or as to both principal and interest, and as to exchange of coupon bonds for registered bonds or vice versa, and exchange of bonds of one denomination for bonds of other denomination, be executed in such manner and be payable at such place or places within or without the State of Texas, as such resolution or resolutions may provide. Any resolution or resolutions authorizing any bonds may contain provisions, which shall be part of the contract between the District and the holders thereof, from time to time: (a) reserving the right to redeem such bonds at such time or times, in such amounts and at such prices, not exceeding one hundred and five per cent (105%) of the principal amount thereof,

plus accrued interest, as may be provided; (b) providing for the setting aside of sinking funds or reserve funds and the regulation and disposition thereof; (c) pledging to secure the payment of the principal of and interest on such bonds and of the sinking fund or reserve fund payments agreed to be made in respect of such bonds, any part or all of the revenue and income of every kind and character from any source whatsoever thereafter received by the District; (d) prescribing the purpose to which such bonds or any bonds thereafter to be issued, or the proceeds thereof, may be applied; (e) agreeing to fix and collect rates, charges, and assessments sufficient to produce net revenues adequate to pay the items specified above in subdivisions (a), (b) and (c) of this Section 16, and prescribing the use and disposition of all revenues; (f) prescribing limitations upon the issuance of additional bonds and upon the agreements which may be made with the purchasers and successive holders thereof; (g) with regard to the construction, extension, improvement, reconstruction, operation, maintenance, and repair of the properties of the District and carrying of insurance upon all or any part of said properties covering loss or damage or loss of use, and reconstruction, operation, maintenance, and repair of the properties of the District and carrying of insurance upon all or any part of said properties covering loss or damage or loss of use and occupancy resulting from specified risks; (h) fixing the procedure, if any, by which, if the District shall so desire, the terms of any contract with the holders of such bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given; (i) for the execution and delivery by the District to a bank or trust company authorized by law to accept trusts, or to the United States of America or any officer or agency thereof, of indentures and agreements for the benefit of the holders of such bonds, setting forth any or all of the agreements herein authorized to be made with or for the benefit of the holders of such bonds and such other provisions as may be customary in such indentures or agreements; and (j) such other provisions not inconsistent with the provisions of this Act, as the Board may approve.

Any such resolution and any indenture or agreement entered into pursuant thereto may provide that in the event that:

- (a) default shall be made in the payment of the interest of any or all bonds when and as the same shall become due and payable, or
- (b) default shall be made in the payment of the principal of any or all bonds when and as the same shall become due and payable, whether at the maturity thereof by call for redemption or otherwise, or
- (c) default shall be made in the performance of any agreement made with the purchasers or successive holders of any bonds,

And such default shall have continued such period, if any, as may be prescribed by said resolution in respect thereof, the trustee under the indenture or indentures entered into in respect of the bonds, authorized thereby, or if there shall be no such indenture, a trustee appointed in the manner provided in such resolution or resolutions by the holders of twenty-five per cent (25%) in aggregate principal amount of the bonds authorized thereby and at the time outstanding, may, and upon the written request of the holders of twenty-five per cent (25%) in aggregate principal amount of the bonds authorized by such resolutions at the time outstanding, shall, in his or its own name, but for the equal proportionate benefit of the holders of all such bonds, and with or without having possession thereof:

- (1) by mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the holders of such bonds;
- (2) bring suit upon such bonds and/or the appurtenant coupons;
- (3) by action or suit in equity, require the District to account as if it were the trustee or an express trust for the bondholders;
- (4) by action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds; and/or
- (5) after such notice to the District as such resolution may provide, declare the principal of all such bonds due and payable, and if all defaults shall have been made good, then with the written consent of the holders of twenty-five per cent (25%) in aggregate principal amount of such bonds at the time outstanding annul such declaration and its consequences; provided, however, that the holders of more than a majority in principal amount of the bonds authorized thereby and at the time outstanding shall by instrument or instruments in writing delivered to such trustee have the right to direct and control any and all action taken or to be taken by such trustee under this paragraph. Any such resolution, indenture, or agreement may provide that in any such suit, action, or proceeding any such trustee, whether or not all of such bonds shall have been declared due and payable and with or without possession of any thereof, shall be entitled as of right to the appointment of a receiver who may enter and take possession of all or any part of the properties of the District and operate and maintain the same, and fix, collect, and receive rates and charges sufficient to provide revenues adequate to apply the item set forth in subparagraphs (a), (b) and (c) of Section 16 hereof and costs and disbursements of such suit, action, or proceeding and to apply such revenues in conformity with the provisions of this Act and the resolution or resolutions authorizing such bonds. In any suit, action, or proceeding by any such trustee, the reasonable fees, counsel fees, and expenses of such trustee and of the receiver or receivers, if any, shall constitute taxable disbursements, and all costs and disbursements allowed by the Court shall be a first charge upon any revenues pledged to secure the payment of such bonds. Subject to the provisions of the Constitution of the State of Texas, the Courts of the County of Bexar shall have jurisdiction of any such suit, action, or proceeding by any such trustee on behalf of the bondholders and of all property involved therein. In addition to the powers hereinabove specifically provided for, each such trustee shall have and possess all powers necessary or appropriate for the exercise of any thereof, or incident to the general representation of the bondholders in the enforcement of their rights.

Before any bonds shall be sold by the District, a certified copy of the proceedings for the issuance thereof, including the form of such bonds, together with any other information which the Attorney General of the State of Texas may require, shall be submitted to the Attorney General, and if he shall find that such bonds have been issued in accordance with law, and if he shall approve such bonds, he shall execute a certificate to that effect which shall be filed in the

office of the Comptroller of the State of Texas and be recorded in a record kept for that purpose. In lieu of the approval by the Attorney General, the District may institute proceedings as authorized by Chapter 316, Acts of the Regular Session of the Fifty-sixth Legislature, 1959. No bonds shall be issued until the same shall have been registered by the Comptroller, who shall so register the same if the Attorney General shall have filed with the Comptroller his certificate approving the bonds and the proceedings for the issuance thereof as hereinabove provided.

All bonds approved by the Attorney General as aforesaid, and registered by the Comptroller as aforesaid, and issued in accordance with the proceedings as approved, shall be valid and binding obligations of the District and shall be incontestable for any cause from and after the time of such registration.

Nothing herein shall prevent the District from making a private sale of its bonds to the Texas Water Development Board under such terms and conditions as District's Board of Directors shall in their discretion deem advisable, and such private sale is specifically authorized by this Act. Amended, H. B. 83, 57th Legislature.

Section. 16-a. Repealed by Ch. 233, 57th Leg., R.S., 1961

Section. 17. Purchase of Bonds by District. The District shall have power out of any funds available therefor to purchase any bonds issued by it at a price not exceeding the redemption price applicable at the time of such purchase, or if such bonds shall not be redeemable, at a price not exceeding the principal amount thereof plus accrued interest. All bonds so purchased shall be cancelled and no bonds shall ever be issued in lieu thereof.

Section 17-a. Bonds legal for investment and security. The bonds of the District shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, guardians, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. Such bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts or other political corporations or subdivisions of the State of Texas; and such bonds shall be lawful and sufficient security for said deposits to the extent of their value, when accompanied by all unmatured coupons appurtenant thereto. Added Acts 1959, 56th Legislature, p. 78, ch. 39, Section 1.

Section 18. Property of the District.

(a) Prohibition Against Encumbering Property.

Nothing in this Act shall be construed as authorizing the District, and it shall not be authorized, to mortgage or otherwise encumber any of its property of any kind, real, personal or mixed, or any interest therein, or to acquire any such property or interest subject to a mortgage or conditional sale; provided, however, that this Subsection shall not be construed as preventing the pledging of any and all revenues and income of the District of every kind and character and from any source whatever, except ad valorem taxes collected by the District in accordance with Sections 15-a and 15-b of this Act.

(b) Disposition of Property.

Nothing in this Act shall be construed as authorizing the District, or any receiver of its properties, or any court, to sell, lease or otherwise dispose of any of its property of any kind, real, personal or mixed, or any interest therein, unless such sale, lease or other disposition has been generally authorized by this Act or a general law applicable to the District; provided, however, that the District may sell or otherwise dispose of any property of any kind or any interest in property that is not necessary to carry on the business of the Authority provided that the Board, by a majority vote of a quorum present at any regular or special meeting, determines that the property is not convenient to the business of the Authority and is surplus. The Board shall cause a notice of such proposed sale to be published once each week for two (2) consecutive weeks in a newspaper of general circulation in the county or counties in which said property or interest therein is situated if the appraised value of said property or interest therein is in excess of Five Thousand Dollars (\$5,000) and if the said property or interest therein is not partial or total consideration in a transaction for the exchange of properties. Amended, H. B. 1535, 88th Legislature.

(c) Property Exempt from Forced Sale.

All property of the District shall be at all times exempt from forced sale, and nothing in this Act shall authorize the sale of any of the property of the District under any judgment rendered in any suit, and such sales are hereby prohibited and forbidden. Amended H. B. 83, 57th Legislature and S. B. 741, 67th Legislature.

Section 19. Bonds, Tax Free. All bonds and the interest thereon issued pursuant to the provisions of this Act shall be exempt from taxation (except inheritance taxes) by the State of Texas or by any municipal corporation, county, or other political subdivision or taxing district of the State.

Section 20. Appeal Bond Not Required. This District shall not be required to give bond on any appeal from judgment in any Court.

Section 21. Full Authority to Issue Bonds. This Act without reference to other Statutes of the State of Texas shall constitute full authority for the authorization and issuance of bonds hereunder and no other Act or law with regard to the authorization or issuance of obligation or the deposit of the proceeds thereof, or in any way impeding or restricting the carrying out of the acts herein authorized to be done, shall be construed as applying to any proceedings taken hereunder or acts done pursuant hereto.

Section 21-a. Contract with Bexar County. Recognizing the fact that the District has heretofore entered into a contract with the Commissioners Court of Bexar County, Texas, for the purpose of financing the construction of certain flood control and soil conservation works of improvement in Bexar County, the District is hereby prohibited from spending any income or revenue derived from said contract, and all amendments thereto or reformations thereof, for any purpose other than those which are specifically provided for therein; provided, however, that a reasonable amount of said income or revenue may be allocated by the Board for the payment of the District's overhead, operational costs and the fees of the Directors who reside in Bexar County. Added, H. B. 83, 57th Legislature.

Section 21-b. POLLUTION CONTROL DISTRICTS.

- (a) Authority to establish; purpose. The Authority may establish one or more pollution control districts for the purpose of accomplishing any of the powers, purposes, rights, privileges, or authority vested in the Authority regarding waste treatment.
- (b) Procedure for establishing districts; resolution; public hearing; election. Pollution control districts may be established by the procedures contained in this section.

(1) The Board may adopt a resolution calling for the creation of a pollution control district, defining the boundaries thereof, estimating the principal amount of and stating the purpose of bonds proposed to be issued by the Authority on behalf of the proposed pollution control district, declaring that taxes for the payment of the proposed bonded indebtedness shall be levied exclusively on the taxable property within the proposed pollution control district, and fixing a time and place for a public hearing on the matters set out in the resolution; or

(2) The Board may adopt a resolution calling for the creation of a pollution control district, defining the boundaries thereof, declaring that taxes for the maintenance of the Authority and its improvements shall be levied on the taxable property within the proposed pollution control district, and fixing a time and place for a public hearing on the matters set out in the resolution.

(A) The resolutions hereby authorized may be adopted simultaneously, and simultaneous hearings on proposed bond and maintenance taxes may be held.

(B) The public hearing may be conducted by a quorum of the Board of Directors, or one or more directors, or one or more employees who may be designated by the Board. If someone other than a quorum of the Board conducts the hearing, he shall have power to accept evidence and make recommendations upon which the Board may act. The Board may alter, modify, or change any provision of the resolution calling for the creation of the proposed pollution control district subsequent to the public hearing; provided, however, that the boundaries of the pollution control district may not be enlarged or expanded without further notice as hereinafter provided.

(C) Notice of the public hearing shall be published in a newspaper of general circulation within the proposed pollution control district once not less than fifteen (15) nor more than thirty

(30) days prior to the public hearing. To the extent not inconsistent with the provisions hereof, notice of the public hearing shall also comply with Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes).

(D) All public hearings on creation of a pollution control district shall be held within the boundaries of the proposed pollution control district, and may be held concurrently or in connection with any other public hearing, meeting, or proceeding conducted by the Board.

(E) Any interested person, including persons residing or owning property within the Authority, may appear at the public hearing and present evidence relevant to the matter set forth in the resolution calling for the creation of the proposed pollution control district. All persons residing within or owning property within the proposed pollution control district shall have the right to appear at the public hearing and present evidence with regard to whether they will receive benefits from the proposed improvements or taxation. Failure to appear at the public hearing shall constitute a waiver of all objections which the absent party might have had to all matters set forth in the resolution calling for the creation of the proposed pollution control district.

(F) The Board shall review the findings and recommendations resulting from the public hearing, and may adopt a resolution creating the pollution control district, stating the purposes for which the pollution control district has been created, designating the boundaries of the pollution control district, declaring that the indebtedness to be incurred or the cost of services to be rendered by the Authority for the benefit of the pollution control district shall be payable from taxes levied on property within the pollution control district, finding that the property within the pollution control district will benefit from the indebtedness proposed to be incurred or the services proposed to be rendered by the Authority on its behalf, and calling for an election within the pollution control district to authorize said indebtedness and/or said maintenance tax. Said resolution shall further state the date of the election, the proposition or propositions to be voted on, the location of the polling places, and the names of the officers of the election. Said election may be held in conjunction with general election or any special election other than a primary election. The provisions of the Texas Election Code, as amended, shall govern the election unless contrary to any provision of this Act.

(G) The resolution of the Board creating a pollution control

district shall be final and conclusive, and shall not be subject to review by any court except on the basis of whether the resolution is supported by substantial evidence. Said resolution shall be filed in the deed records of the county or counties wherein the territory within the pollution control district is situated. Any action or proceeding wherein the validity of the Board's resolution creating a pollution control district or of the proceedings relative thereto is contested, questioned, or denied, shall be commenced within thirty (30) days from the effective date of the resolution; otherwise, said resolution and all proceedings relative thereto, including the creation of the pollution control district, shall be held to be valid and in every respect legal and incontestable.

(c) Boundaries; annexation proceedings.

(1) The boundaries of a pollution control district may include any territory within the Authority, whether or not the territory contains noncontiguous parcels of land, and whether or not the territory is located within the boundaries of any incorporated city, town, village, or any other governmental entity or political subdivision of the State of Texas. If any portion of the territory of a proposed pollution control district falls within the boundaries or within the exclusive extraterritorial jurisdiction of an incorporated city, town, or village, the Board shall not create said pollution control district until it has obtained the consent of said city, town, or village. Said consent may contain such conditions as may be mutually agreed on by the Authority and said city, town, or village, and shall be evidenced by a duly enacted ordinance of the governing body of said city, town, or village.

(2) Proceedings for the annexation of territory to an existing pollution control district may be initiated by a resolution of the Board or by a petition signed by the owners of 50 percent or more of the value of the land subject to the proceedings, or by a petition signed by a majority of the residents of the land to be annexed. The petition shall, insofar as is practicable, set forth substantially those matters set forth in a resolution calling for the creation of a pollution control district, and shall request a public hearing by the Board on the matters set out in the petition. The public hearing shall be held in substantial compliance with the provisions set forth herein for a public hearing on creation of a pollution control district. If the Board determines that the annexation should be accomplished, it may adopt a resolution calling separate elections on the matter of annexation to be held within the existing pollution control district and within the land to be annexed. The annexation shall not become final until approved by a majority of the qualified voters within the existing pollution control district, and until a majority of the qualified voters within the boundaries of the land to be annexed approve said annexation and elect to allow the land to be annexed to be taxed for maintenance purposes and/or to assume its pro rata share of indebtedness theretofore authorized and/or taxes necessary to support the voted but

unissued tax or tax-revenue bonds of the Authority which are to be issued on behalf of the existing pollution control district, and authorize the Board to levy a tax on the property therein for payment for such unissued bonds, when issued. Said elections shall conform to the Texas Election Code, as amended, insofar as said code is not inconsistent with the provisions of this Act. The Board's resolution canvassing the returns of such elections shall redefine the boundaries of the pollution control district and shall be recorded in the deed records of the county within which the annexed territory lies.

(3) Proceedings for the addition of territory to an existing pollution control district on which less than three (3) qualified voters reside may be initiated by a petition signed by the owner or owners thereof praying that the land described therein be added thereto and become a part thereof. The petition shall, insofar as applicable, set forth substantially those matters set forth in a resolution calling for the creation of a pollution control district and shall request a public hearing by the Board on the matters set out in the petition. The public hearing shall be held in substantial compliance with provisions set forth herein for a public hearing on creation of a pollution control district. If the Board determines that the addition should be accomplished, it may adopt a resolution adding such land. If taxes or bonds have been authorized within the pollution control district prior to the addition of said land, said resolution adding the land shall be temporary and the addition shall not become final until approved by a majority of the qualified voters with the pollution control district as it exists after said addition. Such election shall be held as soon as practicable after said addition on the proposition of approving said addition, ratifying the unissued tax or tax-revenue bonds of the Authority which are to be issued on behalf of the pollution control district, and to authorize the Board to levy a tax on the property within the pollution control district as enlarged for payment of said unissued bonds when issued and/or for the maintenance of the Authority. Such election shall conform to the Texas Election Code, as amended, so far as such code is not inconsistent with the provisions of this Act. The Board's resolution canvassing the returns of such election or adding the territory shall redefine the boundaries of the pollution control district and shall be recorded in the deed records of the county within which the added territory lies.

(d) Bonds; maintenance tax.

(1) If the qualified voters in the elections called pursuant hereto authorize the Authority to incur indebtedness for the benefit of a pollution control district, the Board shall have authority to issue bonds as provided in this Act; provided, however, that taxes levied for the purpose of making payments of the interest on or principal of said bonds shall be levied only on taxable property within the pollution control district.

(2) Notwithstanding any provision of this Act to the contrary, if the qualified voters in the elections called pursuant hereto authorize the Authority to levy and collect ad valorem taxes for the maintenance of the Authority and its improvements, the Board shall have authority to levy, assess, and collect said maintenance tax; provided, however, that said maintenance tax shall be levied only on taxable property within the pollution control district.

(e) Indebtedness authorized; taxes.

The Board may incur all such indebtedness as may be necessary to provide all improvements, and the maintenance thereof, requisite to the achievement of the purposes for which any pollution control district is organized, and the Authority is authorized to levy and collect all such taxes as may be necessary for the payment of the interest thereon and the creation of a sinking fund for the payment thereof, and such taxes shall be a lien on the property assessed for the payment thereof.

Section 22. Liberal Construction; Conflicts. This Act and all of the terms and provisions thereof shall be liberally construed to effectuate the purposes set forth herein.

It is especially provided, however, that in the event any authority or power granted in this Act overlaps or conflicts with any authority or power heretofore vested in the Guadalupe-Blanco River Authority as created by H. B. No. 138, Chapter 410, Acts of the 44th Legislature at its First Called Session, that the power and authority granted by said Act creating said Guadalupe-Blanco River Authority shall supersede and control over any power or authority granted by this Act, unless said Guadalupe-Blanco River Authority consents to the exercise of such power or authority by San Antonio River Authority.

It is further especially provided that no provision of this Act shall have the effect of divesting any person, firm or corporation of any vested riparian rights heretofore vested, or any vested rights derived under existing permits for the appropriation and use of public waters heretofore issued by the State Board of Water Engineers, or any vested rights derived under any certified filings heretofore filed with said Board.

It is further especially provided that nothing in this Act shall impair or supersede the authority and supervision granted to the State Board of Water Engineers under the General Laws of the State of Texas or under the rules formulated by said State Board in accordance with said General Laws, any provision of this Act to the contrary notwithstanding. Amended, H. B. 83, 57th Legislature; S. B. 704, 61st Legislature.

Section 23. Domicile. The general office and place of domicile of this District shall be in the City of San Antonio, Bexar County, Texas.

Section 24. Constitutional Conformity. Nothing in this Act contained shall be construed to violate any provision of the Federal or State Constitutions, and all Acts done under this Act shall be done in such a manner as will conform thereto, whether herein expressly provided or not. Where any procedure hereunder may, by the Board, be deemed to be violative thereof,

this District shall have the power by ordinance to provide a procedure conformable therewith. If any provision of this Act shall be invalid, such holding shall not affect the instant creation of this District, or the validity of any other provision of this Act. Acts 1937, 45th Legislature, p. 556, ch. 276; Acts 1939, 46th Legislature, Spec. L., p. 1083, paragraph 1.

Section 25. Severability Clause. The provisions of this Act are severable. If any section, subsection, provision or part whatsoever of this Act should be held to be void as in violation of the Constitution, it shall not affect the validity of the remaining portions thereof, and it is hereby declared to be the legislative intent that this Act would have been passed as to the remaining portions hereof, regardless of the invalidity of any part. Added, H. B. 83, 57th Legislature.

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Oath and Bond	6	18
Power to arrest	6	18
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Manager may execute	14(c)	22
Term, 2 years or more, publication required	3(j)(2)	10

CONTRACTUAL POWERS	3(j)	10
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CORPORATE SEAL	3(k)(8)	12
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COUNTY CLERK to file and record ordinance	3(k)(20)	15
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COURT COSTS:

Default on bonds, proceedings subsequent to	16	26
Incurred in enforcement of penalties	3(k)(16)	14

CUMULATIVE POWERS	3(k)(21)	17
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Fees	16	26
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Receiver, appointment of	16	26
Suits in equity authorized	16	26
Venue in Bexar County	16	26
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Directors	1(d)	1
District	1(a)	1
Federal	1(e)	1
Persons	1(g)	1
Professional services	1(h)	1
Section 59	1(b)	1
State	1(f)	1
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DISTRICT:		
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Chief Executive Officer	14(c)	22
Constabulary	6	18
Created	2	2
Defined	1(a)	1
DISTRICT COURT:		
Jurisdiction as to forfeiture or suspension of navigational franchise	3(a)(5)	4
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DOMICILE	23	38

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Compensation	3(k)(11)	13
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Execute certain contracts	3(j)(2)	10
Exercise certain powers of District	14	22
Number	14(b)	22
Quorum	13	21
EXPENSES OF DIRECTORS	11	21
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Obtaining cooperation of	3(k)(3)	12
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Bexar County	21-a	32
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Granted by ordinance	3(a)(5)	4
Granting of	3(a)(5)	4
Penalties for violation of	3(a)(5)	4
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Acquire property	3(k)(12)	13
Appoint officers, agents, employees and professional consultants	3(k)(10)	13
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Participate in guaranteeing or subsidizing obligations	3(k)(15)	14
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Prescribe duties of officers, agents, employees and professional consultants	3(k)(11)	13
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Chief, executive officer	14(c)	22
Duties	14(c)	22
Execution of contracts	14(c)	22
May call upon Executive Committee for policy decisions and advice	14(b)	22
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Franchise or right	3(a)(5)	4
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Compensation of	3(k)(11)	13
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Filing certified copies	3(k)(20)	15
Generally	3(k)(20)	15
Navigational franchises	3(a)(5)	4
Notice not generally required	3(k)(20)	15
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Generally	3(h)	9
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Imprisonment	3(k)(16)	14
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Procedure for establishing	21-b(b)	32
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District to effectuate	3	2
Generally	3(g)	9
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Fish, preservation of	3(h)	9
Flood control	3(b)	6
Forestation	3(i)	10
General	3(k)	11
Irrigation	3(d)	8
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Parks	3(h)	9
Pollution prevention	3(g)	9
Reforestation	3(i)	10
Sewage treatment	3(f)	8
Soil conservation	3(e)	8
Water conservation, storage, procurement, distribution and supply	3(c)	6
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Compensation	3(k)(11)	13
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Manager to employ and supervise	14(c)	22
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Disposal of surplus	3(k)(4)	12
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Power to overflow and inundate	3(k)(5)	12
PUBLICATION OF NOTICE:		
Contracts for sale, purchase, procurement, distribution and/or supply of water or conservation storage capacity; treatment, transmission and disposal of sewage; construction of navigable canal or water-way; with counties for flood control	3(j)(1)	10
Contract for construction, maintenance, operation, repair; non-professional services; purchase of material, equipment supplies	3(j)(2)	10
Election of Directors	10	19
Master Plan, adopt, amend, supplement or revise	4-a	17
Rule or regulation providing penalty	3(k)(16)	14
Sale of surplus property	18(b)	31
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PURPOSE OF DISTRICT, generally	2	2
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RAILROADS AND RAILWAYS

relocation, raising, rerouting, changing grade, altering construction	3(k)(5)	12
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RECEIVER, appointment of	16	29
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RECLAMATION ENGINEER, duty of	8	18
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RECONSTRUCT facilities, Power to	3(k)(6)	12
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RECREATIONAL FACILITIES:

Generally	3(h)	9
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Roads for ingress and egress	3(k)(18)	15
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REGULATE RESIDENCE, hunting, fishing, boating, camping, recreational and business privileges, power to	3(k)(16)	14
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REGULATIONS, Power to adopt	3(k)(16)	14
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REGULAR MEETINGS OF BOARD:

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Required for certain acts:

Canvassing returns of Directors' election	10	19
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Contracts for sale, purchase, procurement, distribution and/or supply of water or conservation storage capacity; treatment, transmission and disposal of sewage; construction of navigable canal or waterway; with counties for flood control	3(j)(1)	10
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Master Plan, adopt, amend, supplement or revise	4-a	17
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Sale of surplus property	18(b)	31
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RELOCATION of roads and highways	3(k)(5)	12
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REMOVAL OF DIRECTORS	12	21
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RENDITION OF PROPERTY FOR TAXATION	15-b	25
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RESOLUTION AUTHORIZING BONDS	16	26
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ROADS:		
Acquire property for, operate and maintain	3(k)(18)	15
Relocation can be required	3(k)(5)	12
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Power to adopt	3(k)(16)	14
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SAN ANTONIO, general office	23	38
SAN ANTONIO BAY		
route of navigable canals	3(a)(1)	3
SAN ANTONIO RIVER:		
Investment in trust	3(k)(1)	11
Route of navigable canals	3(a)(1)	3
Title and right of control	3(k)(1)	11
SEAL		
adopt, use and alter	3(k)(8)	12
SECRETARY OF BOARD:		
Certifies rate of tax to County Tax Officers	15-a(d)	24
Draws lots for placing candidates on ballot	10(b)	19
Generally	13	21
Make up official ballot	10(b)	19
Receive application of candidates	10(a)	19
SECTION 59, defined	1(b)	1
SELL SURPLUS PROPERTY	3(k)(4)	12
SEVERABILITY CLAUSE	25	38
SEWAGE TREATMENT	3(f)	8
SOIL CONSERVATION:		
Generally	3(e)	8
Taxes may be used to operate and maintain certain structures	15-a(f)	25
SPECIAL MEETINGS OF BOARD:		
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SPECIAL VOTE REQUIRED: See Voting

STATE, DEFINED	1(f)	1
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STATE AUDITOR, duties of	14-a	23
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STATE BOARD OF WATER ENGINEERS:
See Board of Water Engineers

STREAMS other than San Antonio River and its tributaries:		
Investment in trust	3(k)(1)	11
Title and right of control	3(k)(1)	11

STORAGE OF WATER:
See water conservation, storage procurement, distribution and supply

STORM WATERS		
effect the conservation and use of	3	2

SUBSIDIZING OBLIGATIONS		
Power to participate in	3(k)(15)	14

SUPPLY OF WATER:
See Water Conservation, storage, procurement, distribution and supply

SURFACE WATERS		
prevent pollution of	3(g)	9

SURPLUS PROPERTY:		
Board of Directors:		
Agree as to appraised value	18(b)	31
Determine not convenient to business of District	18(b)	31
May trade or exchange	18(b)	31
Publish notice if not sale or exchange and valued above \$5,000	18(b)	31

SUE AND BE SUED, District may	3(k)(7)	12
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TAXATION AND TAXES:		
Borrow in advance of collections	15-a(e)	25
Certification by Chairman and Secretary	15-a(d)	24
Election called by Board	15-a(a)	24
Generally	15-a	23

Maximum rate	15-a	23
Public hearing, requisite to election	15-a(a)	24
Pollution Control Districts	21-b(d)	37
Purposes to be used for	15-a(f)	25
Rendition, assessment, levying and collecting	15-b	25
Uniform rate	15-a(d)	24
Vote by majority of District and of three counties required	15-a(c)	24
TERMS OF OFFICE:		
Directors	9	19
Officers of Board	13	21
TEXAS WATER DEVELOPMENT BOARD		
Negotiate private sale of bonds to	16	26
TREASURER	13	21
TRIBUTARIES:		
Navigable streams other than San Antonio River	3(k)(1)	11
San Antonio River	3(k)(1)	11
TRUST, rivers, streams and tributaries of		
District	3(k)(1)	11
TRUSTEE, appointment of	16	26
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UNITED STATES:		
Accept grants from	3(k)(15)	14
Acquisition of unsold conservation capacity from	3(c)(4)	6
Borrow money from	3(k)(14)	13
Procure cooperation of	3(k)(2)	11
Purchase water, supply facilities or conservation storage capacity from	3(c)(4)	6
USE OF PROPERTY	3(k)(12)	13
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VACANCIES:		
Elected Directors	9	19
Interim appointed Directors	9	19

VENUE IN BEXAR COUNTY:

Default on bonds	16	26
Forfeiture or suspension of navigable franchise	3(a)(5)	4

VICE CHAIRMAN OF BOARD

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VOTING:

By County:

Contracts for sale, purchase, procurement, distribution and/or supply of water or conservation storage capacity, treatment, transmission and disposal of sewage; construction of navigable canal or water-way; with county for flood control	3(j)(1)	10
Master Plan, adopt, amend, supplement or revise	4-a	17

Eight (8) Directors:

Removal of Directors	12	21
Sale of surplus property	18(b)	31

Majority	14	22
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WATER CONSERVATION

Storage, procurement, distribution and supply:

Appropriation permits, acquisition of	3(c)(3)	6
Bring water into District	3(c)(7)	7
Certified filings, acquisition of	3(c)(3)	6
Cities, water supply for	3(c)(2)	6
Commercial enterprises, provide water for	3(c)(6)	7
Conservation of storm, flood and unappropriated flow waters	3(c)(1)	6
Conservation storage capacity:		
Acquisition of additional	3(c)(11)	7
Acquisition of unsold	3(c)(11)	7
Purchase of	3(c)(4)	6

Contracts:

Construction of reservoirs, dams, water supply lines, water purification and pumping facilities, water supply service	3(c)(10)	7
Water supply	3(c)(5)	6

Dams:

Construct, acquire, equip, acquire storage rights at, operate and maintain	3(c)(8)	7
Contract with municipalities and others concerning	3(c)(10)	7
Industrial enterprises, provide water for	3(c)(6)	7
Pumping systems and facilities:		
Contract, operate and maintain	3(c)(9)	7
Contract with municipalities and others concerning	3(c)(10)	7

Reservoirs:

Construct, acquire, equip, acquire storage rights at, operate and maintain	3(c)(8)	7
Contract with municipalities and others concerning	3(c)(10)	7
Stand-by service:		
Contracts	3(c)(5)	6
Sale of	3(c)(2)	6
Storage rights, acquisition of	3(c)(8)	7
Supply contracts, execution of	3(c)(5)	6
Supply facilities, purchase of	3(c)(4)	6
Supply lines:		
Contract, operate and maintain	3(c)(9)	7
Contract with municipalities and others concerning	3(c)(10)	7
Towns, water supply for	3(c)(2)	6
Water, purchase of	3(c)(4)	6
Water, sale of:		
Bulk	3(c)(2)	6
Generally	3(c)(2)	6
Retail	3(c)(2)	6
Stand-by service	3(c)(2)	6
WATER RIGHTS	22	37
WILDLIFE PRESERVE OR RESERVE:		
Franchise and concessions	3(k)(19)	15
Roads for ingress and egress	3(k)(18)	15
WORK OF IMPROVEMENT:		
Roads for ingress and egress	3(k)(18)	15

The residency requirements of Subsection (c), Section 10, Chapter 276, Acts of the 45th Legislature, Regular Session, 1937, as amended by this Act, do not apply to persons serving as directors when this Act takes effect or to candidates for District 2 at the 1989 election or to candidates for District 4 at the 1991 election.

The directors for Bexar County elected in 1989, 1991, and 1993 shall be elected as follows:

- (a) Election of directors for District 1 and 2 in January, 1989;
- (b) Election of directors by District 3 and 4 in January, 1991; and
- (c) Election of directors for the two at-large positions in January 1993. Amended, H. B. 83, 57th Legislature; S. B. 704, 61st Legislature; S. B. 741, 67th Legislature; and S.B. 1437, 70th Legislature.

NON-AMENDATORY PROVISIONS

CH. 233, 57th Leg., R.S., 1961

Section 25. The validity of the collection or receiving of taxes, revenue or other income of, by and for the District, of any bonds or other securities of the District or the issuance thereof, or of any elections conducted heretofore authorizing taxation or the issuance of bonds or other securities of the District shall not be affected or impaired by the provisions of this Act.

Section 26. If any provision of this Act or the application thereof to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 27. Wherever there is any conflict between this Act and any other laws or parts of laws, or any provisions of said Chapter 276, Acts of the Forty-fifth Legislature, 1937, as subsequently amended, the provisions of this Act shall prevail.

Section 28. Severability Clause. The provisions of this Act are severable. If any Section, Subsection, provision or part whatsoever of this Act should be held to be void as in violation of the Constitution, it shall not affect the validity of the remaining portions thereof, and it is hereby declared to be the legislative intent that this Act would have been passed as to the remaining portions hereof, regardless of the invalidity of any part.

CH. 836, 61st Leg., R.S., 1969

Section 10. If any provision of this Act or the application thereof to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 11. Wherever there is any conflict between this Act, and any other laws or parts of laws, or any provisions of said Chapter 276, Acts of the 45th Legislature, 1937, as amended, the provisions of this Act shall prevail.

Section 12. The provisions of this Act are severable. If any Section, subsection, provision or part whatsoever of this Act should be held to be void as in violation of the Constitution, it shall not affect the validity of the remaining portions thereof, and it is hereby declared to be the legislative intent that this Act would have been passed as to the remaining portions hereof, regardless of the invalidity of any part.

CH. 604, 64th Leg., R.S., 1975

Section 2. The legislature specifically finds and declares that the requirements of Article XVI, Section 59(d), of the Texas Constitution have been done and accomplished in due course and time and in due order and that the legislature has the power and authority to enact this Act.

TRANSITION/SAVINGS CLAUSES

(2 of 2)

CH. 60, 67th Leg., R.S., 1981

Section 4. All proceedings, actions, and elections of the San Antonio River Authority are in all things and all respects ratified, confirmed, approved, and validated, notwithstanding that any of the proceedings, actions, and elections of the San Antonio River Authority may not in all respects have been done in accordance with law.

Section 5. The persons who are directors of the San Antonio River Authority on the effective date of this Act shall continue in office until their successors are elected and have qualified under amendments made to Chapter 276, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 8280-119, Vernon's Texas Civil Statutes), by this Act.

CH. 701, 70th Leg., R.S., 1987

SECTION 2. (a) The residency requirements of Subsection (c), Section 10, Chapter 276, Acts of the 45th Legislature, Regular Session, 1937, as amended by this Act, do not apply to persons serving as directors when this Act takes effect or to candidates for District 2 at the 1989 election or to candidates for District 4 at the 1991 election.

(b) The directors for Bexar County elected in 1989, 1991, and 1993 shall be elected as follows:

- (1) election of directors for Districts 1 and 2 in January, 1989;
- (2) election of directors for Districts 3 and 4 in January, 1991; and
- (3) election of directors for the two at-large positions in January, 1993.

SECTION 3. The legislature finds that proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act has been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and laws of this state, including the governor of Texas, who has submitted the notice and Act to the Texas Water Commission. Also, the legislature finds that the Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time. All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 13.

(a) The change in law made by this Act to the terms of the directors of the San Antonio River Authority applies only to the term of a director who is appointed or elected on or after the effective date of this Act.

(b) The two at-large director positions for Bexar County shall be scheduled for election on the November uniform election date in 2023. The person who receives the highest number of votes shall be elected to the first at-large Bexar County director position and shall serve a four-year term beginning January 1, 2024, and ending December 31, 2027. An election shall be scheduled for that position on the November uniform election date in 2027 and every four years thereafter. The person who receives the second highest number of votes shall be elected to the second at-large Bexar County director position and shall serve a two-year term beginning January 1, 2024, and ending December 31, 2025. An election shall be scheduled for that position on the November uniform election date in 2025 and every four years thereafter for a four-year term beginning on January 1 of the year following each election.

(c) The following director positions shall be scheduled for election on the November uniform election date in 2025 and every four years thereafter, and the directors elected to each position shall serve four-year terms beginning January 1 of the year following each election:

- (1) the single-member district director elected from Bexar County commissioners court precinct 1;
- (2) the single-member district director elected from Bexar County commissioners court precinct 2;
- (3) the at-large director position for Karnes County for which an election was held, or scheduled to be held but canceled because of an unopposed candidate, in November 2019;
- (4) the at-large director position for Goliad County for which an election was held, or scheduled to be held but canceled because of an unopposed candidate, in November 2019; and
- (5) the at-large director position for Wilson County for which an election was held, or scheduled to be held but canceled because of an unopposed candidate, in November 2019.

(d) The following director positions shall be scheduled for election on the November uniform election date in 2027 and every four years thereafter, and the directors elected to those director positions shall serve four-year terms beginning January 1 of the year following each election:

- (1) the single-member district director elected from Bexar County commissioners court precinct 3;
- (2) the single-member district director elected from Bexar County commissioners court precinct 4;
- (3) the at-large director position for Karnes County for which an election was held, or scheduled to be held but canceled because of an unopposed candidate, in November 2021;
- (4) the at-large director position for Goliad County for which an election was held, or scheduled to be held but canceled because of an unopposed candidate, in November 2021; and

(5) the at-large director position for Wilson County for which an election was held, or scheduled to be held but canceled because of an unopposed candidate, in November 2021.

(e) The members of the board of directors serving in the director positions described by Subsections (b), (c), and (d) of this section on the effective date of this Act shall continue to serve until their successors have been elected and qualified.

(f) Notwithstanding Section 13-a, Chapter 276, Acts of the 45th Legislature, Regular Session, 1937, as added by this Act, a person serving on the board of directors of the district may vote, deliberate, and be counted as a director in attendance at a meeting of the board until December 1, 2023.

SECTION 14.

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

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

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 15.

(a) Except as provided by Subsection (b) of this section, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

(b) Section 14-b, Chapter 276, Acts of the 45th Legislature, Regular Session, 1937, as added by this Act, takes effect January 1, 2025.