

AN ACT

relating to a change in the name of "Farmers Branch-Carrollton Flood Control District of Dallas County, Texas" to "Valwood Improvement Authority of Dallas County, Texas," a change the terms of office of the board of directors, validation of elections and other actions and contracts of the district, a severability provision, and compliance with the requirements of Article XVI, Sections 59(d) and (e), of the Texas Constitution.

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

SECTION 1. Section 2, Chapter 201, Acts of the 64th Legislature, Regular Session, 1975, is amended to read as follows:

Sec. 2. The district shall hereinafter be known and designated as the "Valwood Improvement Authority [Formerly Farmers Branch-Carrollton-Flood-Control-District] of Dallas County, Texas," hereinafter referred to as "district".

SECTION 2. Section 3, Chapter 201, Acts of the 64th Legislature, Regular Session, 1975, is amended to read as follows:

Sec. 3. All powers of the district shall be exercised by a board of seven directors. Each director shall serve for his term of office as herein provided, and thereafter until his successor shall be appointed and qualified. If any director ceases to possess the qualifications prescribed herein, his office shall be declared vacant by the board of directors, and his successor appointed by the remaining directors. Each director shall own land

1 with: the district subject to taxation at the time of his
 2 qualification as a director, and shall qualify by subscribing the
 3 constitutional oath of office and by giving bond in the amount of
 4 \$5,000 for the faithful performance of his duties. All directors'
 5 bonds shall be approved by the district's board of directors and
 6 recorded in the official bond records of the County Clerk of Dallas
 7 County. At the appointment of directors to be made in 1991, the
 8 Commissioners Court of Dallas County, Texas, shall appoint one
 9 director for a three-year term and [The-three-directors-serving-at
 10 this-time-this-Act-becomes-effective-shall-continue-as-directors--of
 11 this-district--and--in-addition--] the City Council of the city of
 12 Carrollton, Texas, and the City Council of the city of Farmers
 13 Branch, Texas, shall each appoint one director for a three-year
 14 term. Simultaneous with such appointments, the City Council of the
 15 city of Carrollton, Texas, and the City Council of the city of
 16 Farmers Branch, Texas, shall each appoint two directors for a
 17 two-year term. Upon the expiration of the aforesaid terms, the
 18 applicable governing bodies shall appoint a director or directors,
 19 as appropriate, who shall be appointed for a two-year term so that
 20 no more than four directors shall be subject to appointment by the
 21 applicable governing body in any one year. [two--directors--for--a
 22 term---ending---the---date---of---the---term---for---present---directors--
 23 Thereafter,--every-two--years--the--Commissioners--Court--of--Dallas
 24 County,--Texas,--shall--appoint--one--director,--and--the--city--council--of
 25 the---city---of---Carrollton---and--the--city--of--Farmers--Branch,
 26 respectively,--shall--each--appoint--three--directors,---with---six
 27 directors--serving--for--a-term-of-two-years.] All directors shall

1 file their bonds as soon as practicable after their appointment and
2 shall otherwise be fully qualified to serve as directors prior to
3 taking office. All vacancies on the board of directors shall be
4 filled by appointment to the unexpired term by the governing body
5 that appointed the director in whose position a vacancy exists;
6 provided, however, if such governing body does not fill the vacancy
7 that then exists in such position within 60 days after the date
8 such position became vacant, the unexpired term of such position
9 shall be filled by the remaining directors; and provided further,
10 that if at any time the number of directors shall be less than four
11 because of failure or refusal of one or more directors to qualify
12 to serve, or because of death or incapacity, or for any other
13 reason, then the Commissioners Court of Dallas County, Texas, shall
14 upon consulting with the cities of Carrollton and Farmers Branch
15 appoint directors to fill all vacancies on the board. Four
16 directors shall constitute a quorum of any meeting, and a
17 concurrence of four directors shall be necessary in all district
18 matters; provided, however, that the board of directors shall
19 designate the proper execution of all contracts, signing of checks,
20 or handling of any other matters entered into by the board of
21 directors as shown in the official minutes of the district. The
22 board of directors shall reorganize as soon as all additional
23 directors provided for herein have taken office and shall elect a
24 president, one or more vice-presidents, a secretary, and a
25 treasurer. The board of directors may designate one or more
26 assistant secretaries and an assistant treasurer, who may, but need
27 not be, a member of the board of directors. The secretary of the

1 board of directors, or one of the assistant secretaries, shall be
2 responsible for keeping the minutes of the meetings of the board of
3 directors and all official records of the board, and may certify to
4 any action taken by the board of directors. Each member of the
5 board of directors shall receive a per diem payment of \$50 [~~\$25~~],
6 not to exceed a maximum payment of \$200 [~~\$100~~] per month and shall
7 be reimbursed for actual expenses approved by the board of
8 directors. The board of directors shall hold regular and special
9 meetings at such times and on such dates as the board shall
10 determine upon giving of proper notice thereof.

11 SECTION 3. The organization of the Farmers Branch-Carrollton
12 Flood Control District of Dallas County, Texas, and all elections
13 held, all contracts executed and all bonds and other obligations
14 issued by the Farmers Branch-Carrollton Flood Control District of
15 Dallas County, Texas, and the expenditure of the funds in payment
16 or satisfaction thereof are hereby in all things validated,
17 ratified, and confirmed. All bonds heretofore voted and all
18 maintenance taxes heretofore authorized at elections held within
19 Farmers Branch-Carrollton Flood Control District of Dallas County,
20 Texas, may be issued, levied, and collected by the board of
21 directors of the district without the necessity of any further
22 elections with respect thereto.

23 SECTION 4. If any word, phrase, clause, paragraph, sentence,
24 part, portion or provision of this Act or the application thereof
25 to any person or circumstance shall be held to be invalid or
26 unconstitutional, the remainder of this Act shall nevertheless be
27 valid and the legislature hereby declares that this Act would have

1 been enacted without such invalid or unconstitutional word, phrase,
2 clause, paragraph, sentence, part, portion or provision. All the
3 terms and provisions of this Act shall be liberally construed to
4 effectuate the purposes, powers, rights, functions, and authorities
5 herein set forth.

6 SECTION 5. The legislature specifically finds and declares
7 that the requirements of Article XVI, Section 59(d) and Section
8 59(e), of the Texas Constitution, to the extent applicable, have
9 been met and accomplished in due course, time and order and that
10 all notice required to be given relating to this Act has been
11 given, that all approvals required to be obtained pursuant thereto
12 have been obtained and that the legislature has the authority and
13 power to enact this Act.

14 SECTION 6. The importance of this legislation and the
15 crowded condition of the calendar in both houses create an
16 emergency and an imperative public necessity that the
17 constitutional rule requiring bills to be read on three several
18 days in each house be suspended, and this rule is hereby suspended,
19 and that this Act take effect and be in force from and after its
20 passage, and it is so enacted.