LOCAL GOVERNMENT CODE

TITLE 5. MATTERS AFFECTING PUBLIC OFFICERS AND EMPLOYEES

SUBTITLE C. MATTERS AFFECTING PUBLIC OFFICERS AND EMPLOYEES OF MORE THAN ONE TYPE OF LOCAL GOVERNMENT

CHAPTER 178. REMOVAL OF SPECIAL DISTRICT BOARD MEMBERS

## SUBCHAPTER A. GENERAL PROVISIONS

Sec. 178.001. DEFINITIONS. In this chapter:

(1) "Board" means the governing body of a special district.

(2) "Director" means a board member.

(3) "Misconduct" means intentionally or knowingly:

(A) violating a law relating to the office of director; or

(B) misapplying any thing of value belonging to a special district that has come into the custody or possession of a director by virtue of the director's office.

(4) "Special district" means a political subdivision of this state with a limited geographic area created by local law or under general law for a special purpose.

Added by Acts 2007, 80th Leg., R.S., Ch. 985 (S.B. 1207), Sec. 1, eff. June 15, 2007.

Renumbered from Local Government Code, Section 177.001 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 27.001(65), eff. September 1, 2009.

## SUBCHAPTER B. REMOVAL OF APPOINTED BOARD MEMBERS FOR MISCONDUCT

Sec. 178.051. APPLICABILITY. This subchapter applies to any type of special district with a board that is wholly or partly appointed, including:

(1) agricultural development districts;

(2) appraisal districts;

(3) athletic stadium authorities;

(4) civic center authorities;

(5) coastal water authorities;

(6) coordinated county transportation authorities;

(7) conservation and reclamation districts;

(8) county development districts;

(9) county health care funding districts;

(10) county hospital authorities;

(11) county mass transit authorities;

(12) crime control and prevention districts;

(13) defense adjustment management authorities;

(14) defense base development authorities;

(15) districts governing groundwater;

(16) drainage districts;

(17) emergency communication districts;

(18) emergency services districts;

(19) fire control, prevention, and emergency medical services districts;

(20) freight rail districts;

(21) fresh water supply districts;

(22) groundwater conservation districts;

(23) health care funding districts;

(24) health services districts;

(25) higher education facility authorities;

(26) hospital districts;

(27) improvement districts;

(28) indigent health care districts;

(29) intermunicipal commuter rail districts;

(30) irrigation districts;

(31) jail districts;

(32) levee improvement districts;

(33) library districts;

(34) metropolitan rapid transit authorities;

(35) multi-jurisdictional library districts;

(36) municipal development districts;

(37) municipal hospital authorities;

(38) municipal management districts;

(39) municipal utility districts;

(40) navigation districts;

(41) noxious weed control districts;

(42) park and recreation districts;

(43) parks and recreational facilities districts;

(44) port authorities;

(45) public improvement districts;

(46) rail districts;

(47) rapid transit authorities;

(48) regional districts;

(49) regional transportation authorities;

(50) river authorities;

(51) road districts;

(52) road utility districts;

(53) rural rail transportation districts;

(54) rural transit districts;

(55) school districts;

(56) seawall commissions;

(57) solid waste management districts;

(58) soil and water conservation districts;

(59) special utility districts;

(60) sports and community venue districts;

(61) sports facility districts;

(62) stormwater control districts;

(63) subsidence districts;

(64) urban transit districts;

(65) water control and improvement districts;

(66) water control and preservation districts;

(67) water districts;

(68) water import authorities; and

(69) water improvement districts.

Added by Acts 2007, 80th Leg., R.S., Ch. 985 (S.B. 1207), Sec. 1, eff. June 15, 2007.

Renumbered from Local Government Code, Section 177.051 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 27.001(65), eff. September 1, 2009.

Sec. 178.052. EXEMPTIONS. (a) This subchapter does not apply to a regional planning commission under Chapter 391.

(b) This subchapter does not apply to a director who is a

county officer under Section 24, Article V, Texas Constitution.

Added by Acts 2007, 80th Leg., R.S., Ch. 985 (S.B. 1207), Sec. 1, eff. June 15, 2007.

Renumbered from Local Government Code, Section 177.052 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 27.001(65), eff. September 1, 2009.

Sec. 178.053. REMOVAL OF DIRECTOR BY COMMISSIONERS COURT FOR MISCONDUCT. (a) The commissioners court of a county may remove for misconduct a director who:

(1) serves as a director of a special district located wholly or partly in the county; and

(2) was appointed by the commissioners court.

(b) To the extent of a conflict, this section prevails over any conflicting law.

Added by Acts 2007, 80th Leg., R.S., Ch. 985 (S.B. 1207), Sec. 1, eff. June 15, 2007.

Renumbered from Local Government Code, Section 177.053 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 27.001(65), eff. September 1, 2009.

Sec. 178.054. HEARING. (a) A commissioners court that desires to remove a director for misconduct shall hold a hearing on the director's removal.

(b) The director and any interested person is entitled to appear at the hearing.

Added by Acts 2007, 80th Leg., R.S., Ch. 985 (S.B. 1207), Sec. 1, eff. June 15, 2007.

Renumbered from Local Government Code, Section 177.054 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 27.001(65), eff. September 1, 2009.

Sec. 178.055. ORDER REMOVING DIRECTOR. (a) To remove a director of a special district located wholly in one county, the commissioners court of the county must:

(1) find after the hearing that the director engaged in misconduct; and

(2) issue an order removing the director.

(b) To remove a director of a special district located in more than one county:

(1) a commissioners court that appointed the director on its sole authority must find after the hearing that the director engaged in misconduct and issue an order removing the director; or

(2) for a director appointed other than on the sole authority of a single commissioners court, the commissioners court of each county in which the district is located must find after the hearing held by that court that the director engaged in misconduct and issue an order removing the director.

Added by Acts 2007, 80th Leg., R.S., Ch. 985 (S.B. 1207), Sec. 1, eff. June 15, 2007.

Renumbered from Local Government Code, Section 177.055 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 27.001(65), eff. September 1, 2009.

Sec. 178.056. VACANCY. (a) If a general or special law that governs the special district does not provide a method for filling a vacancy, the commissioners court that removed the director by order may appoint a director to serve the remainder of the removed director's term.

(b) If the special district is located wholly or partly in more than one county and if the action of more than one commissioners court was needed under Section 178.055(b)(2) to remove the director, the commissioners court of each of those counties must agree on the appointment.

Added by Acts 2007, 80th Leg., R.S., Ch. 985 (S.B. 1207), Sec. 1, eff. June 15, 2007.

Renumbered from Local Government Code, Section 177.056 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 27.001(65), eff. September 1, 2009.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 27.002(14), eff. September 1, 2009.