

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 5. TRANSPORTATION

SUBTITLE A. NAVIGATION DISTRICTS AND PORT AUTHORITIES

CHAPTER 5001. ARANSAS COUNTY NAVIGATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 5001.001. DEFINITIONS. In this chapter:

(1) "Commission" means the navigation and canal commission of the district.

(2) "Commissioner" means a member of the commission.

(3) "District" means the Aransas County Navigation District.

Acts 2003, 78th Leg., ch. 1277, Sec. 1, eff. April 1, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 436 (S.B. 1953), Sec. 2, eff. September 1, 2007.

Sec. 5001.002. NATURE OF DISTRICT. The district is a navigation district operating under Section 59, Article XVI, Texas Constitution.

Acts 2003, 78th Leg., ch. 1277, Sec. 1, eff. April 1, 2005.

Sec. 5001.003. DISTRICT TERRITORY. The district is composed of all the territory in Aransas County, unless the district territory is modified under:

(1) Section 3 or 3a, Chapter 103, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8263a, Vernon's Texas Civil Statutes), after May 14, 1949, and before August 30, 1971;

(2) Subchapter H, Chapter 62, Water Code; or

(3) other law.

Acts 2003, 78th Leg., ch. 1277, Sec. 1, eff. April 1, 2005.

Sec. 5001.004. GOVERNANCE OF DISTRICT. The district is governed by Chapter 62, Water Code, and all statutes relating to a navigation district created under that chapter.

Acts 2003, 78th Leg., ch. 1277, Sec. 1, eff. April 1, 2005.

SUBCHAPTER A-1. COMMISSION

Sec. 5001.021. COMMISSION; TERMS. (a) The district is governed by a commission consisting of five elected commissioners.

(b) Commissioners serve staggered four-year terms of office, with two or three commissioners' terms expiring January 1 of each odd-numbered year.

(c) One commissioner is elected from each Aransas County commissioners precinct and one commissioner is elected from the district at large.

Added by Acts 2007, 80th Leg., R.S., Ch. 436 (S.B. 1953), Sec. 3, eff. September 1, 2007.

Sec. 5001.022. ELECTION OF COMMISSIONERS. On the uniform election date in November of each even-numbered year, the appropriate number of commissioners shall be elected.

Added by Acts 2007, 80th Leg., R.S., Ch. 436 (S.B. 1953), Sec. 3, eff. September 1, 2007.

Sec. 5001.023. COMPENSATION OF COMMISSIONERS. Notwithstanding Section 62.070, Water Code, the commission shall set the amount of the compensation, office and travel expenses, and other allowances for the commissioners, other district officers, and employees who are paid wholly from district money.

Added by Acts 2007, 80th Leg., R.S., Ch. 436 (S.B. 1953), Sec. 3, eff. September 1, 2007.

Sec. 5001.024. NOTICE OF ELECTION. The secretary of the commission shall give notice of an election by posting or publishing the notice for at least 20 days before the date of the election.

Amended by Acts 2007, 80th Leg., R.S., Ch. 921 (H.B. 3167), Sec. 13.0035(b), eff. September 1, 2007.

Sec. 5001.025. VACANCIES. (a) A vacancy in the office of a

commissioner that occurs for any reason shall be filled by the remaining members of the commission except as provided by this section.

(b) If three or more vacancies in commissioners' offices occur at the same time, a special election may be called as provided by Section 62.066, Water Code.

Amended by Acts 2007, 80th Leg., R.S., Ch. 921 (H.B. 3167), Sec. 13.0035(b), eff. September 1, 2007.

Sec. 5001.026. REMOVAL FROM OFFICE. (a) A commissioner may be removed from office for malfeasance or nonfeasance in office by unanimous vote of the commissioners court of Aransas County after a hearing.

(b) Appeal from a judgment of removal may be taken to a district court in Aransas County. The court shall try the case de novo.

Amended by Acts 2007, 80th Leg., R.S., Ch. 921 (H.B. 3167), Sec. 13.0035(b), eff. September 1, 2007.

SUBCHAPTER B. DISTRICT PROMOTION AND DEVELOPMENT FUND

Sec. 5001.051. DEFINITION. In this subchapter, "fund" means a promotion and development fund created by the district.

Acts 2003, 78th Leg., ch. 1277, Sec. 1, eff. April 1, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 436 (S.B. 1953), Sec. 4, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 921 (H.B. 3167), Sec. 13.0035(c), eff. September 1, 2007.

Sec. 5001.052. AUTHORITY TO CREATE FUND. The district may create a promotion and development fund.

Acts 2003, 78th Leg., ch. 1277, Sec. 1, eff. April 1, 2005.

Sec. 5001.053. LIMITATION ON DEPOSITS TO FUND. The district may deposit to the credit of the fund not more than five percent of its gross income from operations in a calendar year.

Acts 2003, 78th Leg., ch. 1277, Sec. 1, eff. April 1, 2005.

Sec. 5001.054. SEPARATE FUND. (a) Money in the promotion and development fund shall be kept separate from all other funds and accounts of the district.

(b) Money derived from the imposition of taxes may not be deposited to the credit of the fund.

Acts 2003, 78th Leg., ch. 1277, Sec. 1, eff. April 1, 2005.

Sec. 5001.055. AUTHORIZED EXPENDITURES OF MONEY IN FUND. Money in the fund may be spent by the commission, or as the commission may direct, to pay any expense connected with:

(1) an activity or matter incidental to the advertising, development, or promotion of the district or a port, waterway, harbor, or terminal of the district;

(2) the furtherance of the general welfare of the district or a facility of the district; or

(3) the improvement of the district's relations with a steamship or rail line, a shipper, a consignee of freight, a government official, or another person interested or thought to be interested in a port, waterway, harbor, or terminal of the district.

Acts 2003, 78th Leg., ch. 1277, Sec. 1, eff. April 1, 2005.

Sec. 5001.056. CONTROL OVER FUND AND EXPENDITURES. The commission:

(1) has exclusive control over the fund; and

(2) is fully responsible for auditing, approving, and safeguarding each expenditure of money from the fund.

Acts 2003, 78th Leg., ch. 1277, Sec. 1, eff. April 1, 2005.

Sec. 5001.057. DUTIES OF COUNTY AUDITOR IN RELATION TO FUND. (a) The county auditor shall exercise the auditor's usual supervision and control to ensure that the commission complies with Section [5001.053](#).

(b) The county auditor may not audit expenditures from the fund but is entitled to receive a monthly statement that shows with

respect to each expenditure:

- (1) the date of the expenditure;
- (2) the amount of the expenditure;
- (3) the person or entity who received the expenditure;

and

- (4) the general purpose of the expenditure.

Acts 2003, 78th Leg., ch. 1277, Sec. 1, eff. April 1, 2005.

Sec. 5001.058. EFFECT OF FUND ON OTHER EXPENDITURES. The creation of the fund or an expenditure of money from the fund does not affect the payment of any expense that is customarily approved, audited, or paid out of the regular funds of the district.

Acts 2003, 78th Leg., ch. 1277, Sec. 1, eff. April 1, 2005.

SUBCHAPTER C. PROPERTY MANAGEMENT

Sec. 5001.101. PURCHASE OR LEASE OF PROPERTY. The district may purchase or lease property in the same manner as a county.

Added by Acts 2007, 80th Leg., R.S., Ch. 436 (S.B. [1953](#)), Sec. 5, eff. September 1, 2007.

Sec. 5001.102. SECURITY FOR BIDS ON LAND TO BE SOLD. Notwithstanding Section [60.041](#), Water Code, the commission may determine the amount of the check or bond a bidder must submit with a bid to purchase land from the district to guarantee that the bidder will perform the terms of the purchase bid if it is accepted by the commission.

Added by Acts 2011, 82nd Leg., R.S., Ch. 549 (H.B. [2792](#)), Sec. 1, eff. June 17, 2011.