

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 6. WATER AND WASTEWATER
SUBTITLE D. IRRIGATION DISTRICTS
CHAPTER 7502. LAKE PROCTOR IRRIGATION AUTHORITY
OF COMANCHE COUNTY, TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7502.001. DEFINITIONS. In this chapter:

(1) "Authority" means the Lake Proctor Irrigation Authority of Comanche County, Texas.

(2) "Board" means the board of directors of the authority.

(3) "Commission" means the Texas Commission on Environmental Quality.

(4) "Director" means a member of the board.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.05, eff. April 1, 2007.

Sec. 7502.002. NATURE OF AUTHORITY; POLITICAL SUBDIVISION. The Lake Proctor Irrigation Authority of Comanche County, Texas, is:

(1) a conservation and reclamation district under Section 59, Article XVI, Texas Constitution; and

(2) a political subdivision of this state.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.05, eff. April 1, 2007.

Sec. 7502.003. LEGISLATIVE FINDINGS. The legislature finds that:

(1) this chapter will accomplish the purposes of Section 59, Article XVI, Texas Constitution;

(2) all land and other property included in the authority's boundaries will benefit from the works, projects, and operations of the authority; and

(3) the authority serves a public use and benefit.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.05, eff.

April 1, 2007.

Sec. 7502.004. AUTHORITY BOUNDARIES. (a) The authority is composed of the territory described by Section 4(a), Chapter 522, Acts of the 71st Legislature, Regular Session, 1989, as that territory may have been modified under:

- (1) Subchapter N, Chapter 58, Water Code;
- (2) Subchapter J, Chapter 49, Water Code; or
- (3) other law.

(b) The legislature finds that the boundaries of the authority form a closure. If any mistake exists in the description of the authority's boundaries, the mistake does not affect:

- (1) the authority's organization, existence, or validity; or
- (2) the exercise of a power, function, or purpose by the authority under this chapter.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.05, eff. April 1, 2007.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7502.051. COMPOSITION. The board consists of five directors.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.05, eff. April 1, 2007.

Sec. 7502.052. QUALIFICATIONS. A director must:

- (1) be at least 18 years of age; and
- (2) own land, or an interest in land in the authority, directly or as an interest in an entity owning that land at the time of the person's appointment as a director.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.05, eff. April 1, 2007.

Sec. 7502.053. APPOINTMENT OF DIRECTORS BY COMMISSION; TERM. The commission shall:

- (1) appoint a person recommended to the board under

Section 7502.054 or 7502.055 for a four-year term; or

(2) reject the person recommended.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.05, eff. April 1, 2007.

Sec. 7502.054. RECOMMENDATION BY LANDOWNERS. (a) The board shall seek recommendations from the landowners in the authority for the appointment of directors. The board shall take a recommendation for each director whose term expires in January following the annual board meeting held in odd-numbered years.

(b) To determine a recommendation, the board shall conduct a written poll of the landowners in the authority in attendance at the annual board meeting held in odd-numbered years.

(c) For each recommendation taken, a landowner is entitled to one vote for each acre of land the person owns in the authority. Cumulative voting for recommendations is not permitted.

(d) The board shall submit to the Texas Commission on Environmental Quality the name of the person receiving the most votes for each recommendation taken.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.05, eff. April 1, 2007.

Sec. 7502.055. RECOMMENDATION OF DIRECTOR FOLLOWING REJECTION BY COMMISSION. (a) If the commission rejects a recommendation submitted by the board, the board shall hold a special meeting of landowners not later than the 20th day after the date notice of the meeting is mailed to the landowners in the authority.

(b) At the special meeting, the board shall conduct a written poll and submit the results of the poll to the commission in the same manner as the poll conducted at the annual meeting.

(c) The board shall hold subsequent special meetings as needed for the appointment of the appropriate number of directors.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.05, eff. April 1, 2007.

Sec. 7502.056. VACANCIES. A vacancy on the board is filled for the remainder of the unexpired term by appointment by:

(1) the remaining directors, if three or more directors remain on the board; or

(2) the Texas Commission on Environmental Quality, if fewer than three directors remain on the board.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.05, eff. April 1, 2007.

Sec. 7502.057. COMPENSATION. Unless the board by resolution increases the fee to an amount authorized by Section 49.060, Water Code, each director shall receive a fee of \$50 for each day spent performing official duties as a director, not to exceed \$200 per month.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.05, eff. April 1, 2007.

Sec. 7502.058. REGULAR BOARD MEETINGS. The board shall hold regular meetings at least annually.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.05, eff. April 1, 2007.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7502.101. GENERAL RIGHTS, POWERS, PRIVILEGES, FUNCTIONS, AND DUTIES. The authority has the rights, powers, privileges, functions, and duties provided by general law, including Chapter 58, Water Code, applicable to irrigation districts.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.05, eff. April 1, 2007.

Sec. 7502.102. GENERAL POWERS OF BOARD. The board shall provide for:

(1) the proper execution of all contracts, disbursements, and transfers;

(2) the investment of money; and

(3) the handling of any other matter authorized by the board and recorded in the official minutes of the authority.
Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.05, eff. April 1, 2007.

Sec. 7502.103. AWARD OF CERTAIN CONTRACTS. (a) The authority may award a contract for more than \$25,000 for the construction of water system improvements or the purchase of materials and machinery only after publishing notice of the proposed construction or purchase contract in a newspaper of general circulation in Comanche County.

(b) Notice under Subsection (a) must be published once a week for two consecutive weeks, with the first publication occurring at least 14 days before the date sealed bids are opened.
Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.05, eff. April 1, 2007.

Sec. 7502.104. EXCLUSION OF LAND. (a) If the authority has no outstanding bonds, the board may exclude land or other property from the authority under Subchapter J, Chapter 49, Water Code.

(b) The board may require a petitioner for exclusion to:

(1) pay the authority:

(A) the fair market value of submains, lateral lines, surface lines, and emitters located on land disannexed from the authority; and

(B) the actual cost of disconnecting submains, lateral lines, surface lines, and emitters located on land disannexed from the authority; and

(2) provide, without charge, an easement across the excluded land if, in the opinion of the board, the easement is necessary for the authority to continue to serve other property in the authority effectively and efficiently.

(c) For purposes of Subsection (b), the fair market value must be determined by an independent appraisal unless the fair market value is mutually agreed on.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.05, eff. April 1, 2007.

Sec. 7502.105. FAILURE TO REPAIR OR IMPROVE. (a) If the board finds that the failure or refusal of a landowner receiving water from the authority to make repairs or improvements to any of the landowner's water lines connected to the authority's water system adversely affects the system, the board may:

(1) discontinue service to the land; or

(2) give notice to the landowner that the board will make necessary repairs or improvements and demand payment from the landowner for the costs incurred unless the landowner makes the repairs or improvements not later than the 10th day after the date the landowner receives the notice.

(b) If the board discontinues service to the land, the authority shall immediately give notice to the landowner.

(c) The notice and the 10-day period for the landowner to make repairs or improvements under Subsection (a)(2) does not apply if there is an urgent necessity to make the repairs or improvements immediately to protect and conserve the authority's water supply.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.05, eff. April 1, 2007.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7502.151. USE OF BOND PROCEEDS FROM PREVIOUS DISTRICT. The authority may use any bond or bond retirement funds not canceled under Section 3, Chapter 522, Acts of the 71st Legislature, Regular Session, 1989, for any lawful purpose.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.05, eff. April 1, 2007.

Sec. 7502.152. AD VALOREM TAXES PROHIBITED. The authority may not impose an ad valorem tax.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.05, eff. April 1, 2007.

Sec. 7502.153. ASSESSMENTS FOR COSTS AND EXPENSES. (a) Before October 1 of each year, or as soon after that date as

practicable, the board shall:

(1) estimate the total costs and expenses to be incurred by the authority during the ensuing fiscal year for the proper maintenance and operation of the authority's facilities, including any necessary reserves and replacement funds; and

(2) impose assessments to provide money to pay those costs and expenses.

(b) The board, in its discretion, shall determine the costs and expenses that will be paid by:

(1) an assessment on all of the land in the authority on a per acre basis; and

(2) an assessment on a prorated basis on all persons who use or apply to use the authority's water.

(c) The board shall:

(1) determine the time at which payment of an assessment is due;

(2) provide a penalty for late payment;

(3) provide for collection charges and termination of water service for delinquent accounts;

(4) allow an assessment to be paid in periodic installments;

(5) allow a reasonable discount for lump-sum payment of an assessment; and

(6) adopt any other rules regarding assessments and use of the authority's water the board determines necessary for proper and efficient operation and maintenance of the authority's facilities.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. [2019](#)), Sec. 1.05, eff. April 1, 2007.

SUBCHAPTER E. BONDS

Sec. 7502.201. AUTHORITY TO ISSUE REVENUE BONDS. The board may issue revenue bonds of the authority.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. [2019](#)), Sec. 1.05, eff. April 1, 2007.

Sec. 7502.202. PURPOSE OF BONDS. Bonds sold under this subchapter must be for the purpose of:

(1) constructing improvements, additions, and extensions to the authority's water system and rebuilding, replacing, or protecting the water system as required to provide efficient service;

(2) acquiring necessary sites and easements; and

(3) paying any incidental costs, professional fees, and costs of issuance of the bonds.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.05, eff. April 1, 2007.

Sec. 7502.203. SECURITY FOR REVENUE BONDS. (a) The principal of and interest on revenue bonds issued under this subchapter and the redemption price of the bonds must be secured by and payable solely from a pledge of all or any part of designated revenue resulting from the operations of the authority's water system.

(b) The board additionally may secure revenue bonds issued under this subchapter by a deed of trust or mortgage lien on all or part of the physical facilities of the authority as provided by Section 54.504, Water Code.

(c) The holders of revenue bonds issued under this subchapter may not demand payment from money raised or to be raised from taxation.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.05, eff. April 1, 2007.

Sec. 7502.204. MATURITY OF BONDS. Revenue bonds issued under this subchapter may be issued to mature within 30 years after the date of issuance.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.05, eff. April 1, 2007.

Sec. 7502.205. CAPITALIZED INTEREST AND DISCOUNT ON BONDS.

(a) Capitalized interest on bonds issued under this subchapter may not exceed two years.

(b) A discount on bonds issued under this subchapter may not exceed five percent of the par value of the bonds.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. [2019](#)), Sec. 1.05, eff. April 1, 2007.

Sec. 7502.206. VALIDATION OF BONDS. The board may file suit to validate bonds in the manner provided by Section [58.453](#), Water Code.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. [2019](#)), Sec. 1.05, eff. April 1, 2007.