

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 6. WATER AND WASTEWATER
SUBTITLE E. LEVEE IMPROVEMENT DISTRICTS
CHAPTER 7807. VALWOOD IMPROVEMENT AUTHORITY OF DALLAS COUNTY, TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7807.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a member of the board.
- (3) "District" means the Valwood Improvement Authority of Dallas County, Texas.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.002. NATURE OF DISTRICT. The district is a conservation and reclamation district established under Section [59](#), Article XVI, Texas Constitution.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.003. DISSOLUTION AND ABOLITION OF DISTRICT. The Cities of Carrollton and Farmers Branch, and any other municipality in which the district is located, may dissolve and abolish the district at the municipalities' discretion on written notice of the dissolution and abolition to the board, in the same manner and on the same terms and obligations as prescribed by Section [43.076](#), Local Government Code.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.004. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed to effect the purposes, powers, rights, and functions stated in this chapter.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.02, eff. April 1, 2013.

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 7807.051. COMPOSITION OF BOARD; TERMS. (a) The board consists of seven directors.

(b) Directors serve staggered two-year terms and are appointed as follows:

(1) the Commissioners Court of Dallas County shall appoint one director to a term expiring each even-numbered year;

(2) the city council of the City of Carrollton shall appoint one director to a term expiring each even-numbered year and two directors to terms expiring each odd-numbered year; and

(3) the city council of the City of Farmers Branch shall appoint one director to a term expiring each even-numbered year and two directors to terms expiring each odd-numbered year.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.052. QUALIFICATIONS FOR OFFICE. (a) A director must own land in the district subject to taxation at the time the person qualifies for office.

(b) Each director must be fully qualified to serve as director before taking office.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.053. DIRECTOR'S BOND. (a) Each director shall qualify by giving bond in the amount of \$5,000 for the faithful performance of the director's duties.

(b) The bond must be:

(1) approved by the board; and

(2) recorded in the official bond records of the county clerk of Dallas County.

(c) Each director shall file the bond as soon as practicable after the director's appointment.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.054. BOARD VACANCY. (a) Except as provided by Subsection (b) or (c), a vacancy on the board shall be filled by appointment to the unexpired term by the governing body that appointed the director in whose position a vacancy exists.

(b) If under Subsection (a) the governing body does not fill a vacancy within 60 days after the date the position became vacant, the unexpired term of the position shall be filled by appointment by the remaining directors. The Commissioners Court of Dallas County, after consulting with the Cities of Carrollton and Farmers Branch, shall appoint directors to fill all vacancies on the board when the number of directors is fewer than four.

(c) If any director ceases to possess the qualifications prescribed by Section 7807.052, the remaining directors shall declare the person's office vacant and appoint a successor.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.055. OFFICERS AND ASSISTANTS. (a) The board shall annually elect a president, one or more vice presidents, a secretary, and a treasurer.

(b) The board may appoint one or more assistant secretaries and an assistant treasurer. An assistant secretary or assistant treasurer is not required to be a director.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.056. SECRETARY'S DUTIES. The board secretary or an assistant secretary shall keep the minutes of the board meetings and all official records of the board and may certify to any action the board takes.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.057. COMPENSATION. Unless the board by resolution increases the fee to an amount authorized by Section 49.060, Water Code, each director shall receive a per diem payment of \$50, not to exceed a maximum payment of \$200 per month.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.058. BOARD PROCEDURES. The board shall designate the proper execution of all contracts, signing of checks, or handling of any other matters entered into by the board as shown in the district's official minutes.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.059. MEETING PLACE. (a) The board shall designate a meeting place or places.

(b) Any meeting place of the district is a public place for matters pertaining to the district's business.

(c) The board shall give notice of the meeting place and of any changes in the meeting place by publishing the location in a newspaper of general circulation in Dallas County.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.02, eff. April 1, 2013.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7807.101. LEVEE IMPROVEMENT DISTRICT POWERS. (a) The district has all of the rights, powers, privileges, and functions provided by the general law of this state applicable to a levee improvement district created under the authority of Section 59, Article XVI, Texas Constitution, including those conferred by Chapters 49 and 57, Water Code.

(b) In the accomplishment of the district's purposes, the district may issue bonds, enter into contracts, or incur debt in the manner prescribed by this chapter.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.102. EXCLUSION OR ANNEXATION OF LAND. (a) The board may exclude land from the district or add land to the district in accordance with Subchapter J, Chapter 49, or Subchapter H,

Chapter 54, Water Code.

(b) Land may not be added to the district until the board has obtained the written consent of the Cities of Carrollton and Farmers Branch to approve any petition for annexation.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.103. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain provided by Chapter 49, Water Code.

(b) The district may not exercise the power of eminent domain without first obtaining the approval of any municipality in which the subject property is located.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.104. COST OF RELOCATING OR ALTERING PROPERTY.

(a) In this section, "sole expense" means the actual cost of relocating, raising, lowering, rerouting, changing the grade of, or altering the construction of a facility described by Subsection (b) in providing comparable replacement without enhancement of the facility, after deducting from that cost the net salvage value of the old facility.

(b) If the district's exercise of its power of eminent domain, police power, or any other power conferred by this chapter makes necessary the relocation, raising, lowering, rerouting, changing the grade, or alteration of the construction of a railroad, an electric transmission, telegraph, or telephone line, property, or facility, or a pipeline, the necessary action shall be accomplished at the sole expense of the district.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.105. CONTRACTS FOR FACILITIES AND IMPROVEMENTS; ELECTION NOT REQUIRED. (a) The district may enter into a contract with the United States, the City of Carrollton, the City of Farmers Branch, another public body, or an individual,

corporation, or other entity for the operation and maintenance of or construction of any facility or improvement authorized by this chapter.

(b) The district is not required to hold an election to approve a contract described by Subsection (a).

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.106. CONSTRUCTION CONTRACTS: MUNICIPAL APPROVAL REQUIRED. Plans and specifications for a construction contract must be approved, before the contract is awarded, by any municipality in which the improvements or facilities are to be constructed.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.107. CONSTRUCTION CONTRACTS: AWARD. (a) The board shall award all construction contracts.

(b) The board may award contracts to construct improvements included in the approved plan of reclamation for the district at the times and in the amounts that the board considers in the best interest of the district.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.108. CONSTRUCTION CONTRACTS: EXECUTION AND AVAILABILITY. (a) A contract under Section [7807.107](#) must be in writing and be signed by:

(1) the contractor; and

(2) the president and secretary of the board.

(b) A copy of each construction contract shall be kept in the district's records and be subject to public inspection.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.109. CONSTRUCTION CONTRACTS: PAYMENT. (a) A contract under Section [7807.107](#) may be paid for in partial payments

as the work progresses, based on estimates approved by the district's engineer.

(b) The payments may not exceed 90 percent of the amount due at the time of such payments as shown by approved estimates, except that on certification by the district's engineer that the project is substantially complete, the board may authorize payment of not to exceed 95 percent of the amount due at the time of such certification before the acceptance of the job and the certificate of completion of the job.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.110. FLOOD HAZARD AREAS. (a) The board shall designate flood hazard areas in the district if the board finds that the public health and safety and the purposes of Section 59, Article XVI, Texas Constitution, will be promoted by the designation.

(b) The area to be included in a flood hazard area shall be described by field notes, map, or both.

(c) Before designating a flood hazard area, the board shall hold a public hearing. The board must publish notice of the hearing in a newspaper having general circulation in Dallas County at least 15 days before the hearing. Any interested person is entitled to an opportunity to be heard.

(d) The board may, following notice and a hearing as required by Subsection (c), amend the designated flood hazard areas as necessary.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.111. SETBACK LINES. (a) The board shall establish building setback lines along any waterway in the boundaries of the district if the board finds the setback lines are needed to protect the public health and safety and to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

(b) After the establishment of building setback lines, no structure may be erected within the setback lines. In any subsequent eminent domain proceeding instituted by the district to

acquire the area within the setback lines, it shall constitute prima facie showing that the person erecting the structure did so at the person's own risk with knowledge of:

(1) the fact that erecting the structure interfered with the district's setback provisions; and

(2) the district's right to remove the structure erected after the establishment of the setback lines without payment of the value of the structure.

(c) The area included within the building setback lines shall be described by field notes, map or plat, or both. A certified copy of the description shall be filed for record immediately with the county clerk of Dallas County.

(d) Before establishing building setback lines, the board shall hold a public hearing. The board must:

(1) publish notice of the hearing in a newspaper having general circulation in Dallas County at least 15 days before the hearing; and

(2) mail notice of the hearing to the latest available address for each landowner affected by the proposed setback lines.

(e) After establishing building setback lines, the board may, following notice and a hearing as required by Subsection (d), amend or grant exceptions to the setback lines.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.112. DISTRICT ELECTIONS. (a) The board shall order each election the district is required to hold.

(b) Notice of a district election must be published once a week for two consecutive weeks in a newspaper with general circulation in Dallas County, with the first publication occurring at least 14 days before the date of the election.

(c) A district election may be held separately or at the same time as an election for another purpose, including a maintenance tax election that may be held on the same day as a bond election. An election held at the same time as an election for another purpose may be ordered by the board in a single election order, and the results may be canvassed in a single order.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.02, eff. April 1, 2013.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7807.151. TAX METHOD. (a) The district shall use the ad valorem plan of taxation.

(b) Subchapter G, Chapter 54, Water Code, applies to all matters relating to the imposition of district taxes.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.152. TAX ASSESSOR AND COLLECTOR. (a) The board shall appoint a tax assessor and collector and may appoint deputies that the board considers necessary.

(b) The tax assessor and collector and each deputy shall qualify by executing a bond for \$10,000 conditioned on the faithful performance of the person's duties. The bond must be payable to the district and approved by the board.

(c) The board shall set the compensation of the tax assessor and collector and any deputies.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.153. DEPOSITORY. (a) The district's treasurer shall see that all district money is deposited in the depository bank or banks designated by the board as the official depository of the district.

(b) To the extent that money in the depository bank is not insured by the Federal Deposit Insurance Corporation, the money must be secured in the manner provided by law for the security of county funds.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.154. INVESTMENT OF DISTRICT MONEY. District money may be invested by the board, the treasurer, or another

qualified representative of the district in direct or indirect obligations of the United States, the state, or any political subdivision of the state, or may be placed in certificates of deposit of state or national banks or savings and loan associations in this state, if that money is secured in the manner provided for the security of county funds.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.02, eff. April 1, 2013.

SUBCHAPTER E. BONDS

Sec. 7807.201. AUTHORITY TO ISSUE BONDS. The board may issue district tax bonds to acquire money to carry out any power or accomplish any purpose conferred by this chapter. The bonds may be authorized by a board order.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.202. FORM OF BONDS. District bonds shall be signed and executed as provided by the board in the order authorizing the issuance of the bonds.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.203. MATURITY. District bonds must mature not later than 40 years after their date of issuance.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.204. ELECTION REQUIRED. (a) Bonds, other than refunding bonds, may not be issued unless authorized by a majority of the votes cast in an election held to determine whether the bonds should be issued and whether a tax should be imposed to pay the principal of and interest on the bonds.

(b) The board may order and provide notice of an election under this section.

(c) In addition to other requirements, the ballot shall be

printed to provide for voting for or against the proposition: "The issuance of bonds and the imposition of a tax in payment thereof." Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.205. USE OF BOND PROCEEDS. (a) The board may set aside part of the bond proceeds to:

(1) pay interest on the bonds and administrative and operational expenses expected to accrue during the period of construction of the improvements or facilities; and

(2) create reserves for the payment of the principal of and interest on the bonds.

(b) For purposes of Subsection (a), the period of construction may not exceed two years.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.206. TAXES FOR BONDS. The board of directors may impose continuing direct annual ad valorem taxes on all taxable property in the district sufficient to:

(1) provide for the payment of interest on bonds issued under this subchapter as the interest accrues; and

(2) create and provide a sinking fund for the payment of principal of the bonds as the principal matures.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.207. BOND ANTICIPATION NOTES AND PRELIMINARY BONDS. (a) The district may issue either bond anticipation notes or preliminary bonds, which need not be designated as such, to provide a fund to pay:

(1) the cost of making surveys and investigations, attorneys' fees, and engineers' work;

(2) the cost of issuing bonds; and

(3) all other costs and expenses incident to the organization of the district and the district's operation in investigating and determining plans for the district's plant and

improvements.

(b) Preliminary bonds shall be voted and authorized in the manner and under the same provisions applicable to the district's construction bonds and shall be of equal dignity with those construction bonds.

(c) The district may issue bond anticipation notes as provided by Section [49.154\(c\)](#), Water Code. These notes shall be sold on the best terms and for the best price possible.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.02, eff. April 1, 2013.

Sec. 7807.208. REFUNDING BONDS. (a) The board may issue refunding bonds to refund or refinance all or part of the district's outstanding bonds and matured but unpaid interest coupons.

(b) District refunding bonds must mature not later than 40 years after their date of issuance.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.02, eff. April 1, 2013.