

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 6. WATER AND WASTEWATER
SUBTITLE F. MUNICIPAL UTILITY DISTRICTS
CHAPTER 8116. EAST MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT
NO. 12

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8116.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

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

(3) "District" means the East Montgomery County Municipal Utility District No. 12.

Added by Acts 2005, 79th Leg., Ch. 843 (S.B. [887](#)), Sec. 1, eff. September 1, 2005.

Sec. 8116.002. NATURE AND PURPOSES OF DISTRICT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section [59](#), Article XVI, Texas Constitution; and

(2) Section [52](#), Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Added by Acts 2005, 79th Leg., Ch. 843 (S.B. [887](#)), Sec. 1, eff. September 1, 2005.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 149 (H.B. [4654](#)), Sec. 1, eff. May 24, 2019.

Sec. 8116.004. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act creating this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act creating this chapter form a closure. A mistake made in the

field notes or in copying the field notes in the legislative process does not affect:

(1) the organization, existence, or validity of the district;

(2) the right of the district to impose taxes;

(3) the validity of the district's bonds, notes, or indebtedness; or

(4) the legality or operation of the district or the board.

Added by Acts 2005, 79th Leg., Ch. 843 (S.B. 887), Sec. 1, eff. September 1, 2005.

Sec. 8116.005. APPLICABILITY OF OTHER LAW. Except as otherwise provided by this chapter, Chapters 49 and 54, Water Code, apply to the district.

Added by Acts 2005, 79th Leg., Ch. 843 (S.B. 887), Sec. 1, eff. September 1, 2005.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8116.051. DIRECTORS; TERMS. (a) The district is governed by a board of five directors.

(b) Except as provided by Section 8116.053, directors serve staggered four-year terms.

Added by Acts 2005, 79th Leg., Ch. 843 (S.B. 887), Sec. 1, eff. September 1, 2005.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 149 (H.B. 4654), Sec. 2, eff. May 24, 2019.

Sec. 8116.053. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Larry Williams;

(2) Rachel Maybray;

(3) Michael Others;

(4) Virginia French; and

(5) Valerie Mullan.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected at an election held under Section 49.102, Water Code; or

(2) the fourth anniversary of the effective date of the Act enacting this section.

(c) If permanent directors have not been elected at an election held under Section 49.102, Water Code, and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected at an election held under Section 49.102, Water Code; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as successor temporary directors the five persons named in the petition. The Texas Commission on Environmental Quality shall appoint as successor temporary directors the five persons named in the petition.

Added by Acts 2019, 86th Leg., R.S., Ch. 149 (H.B. 4654), Sec. 3, eff. May 24, 2019.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8116.101. UTILITIES. The district may not impose an impact fee or assessment on the property, equipment, rights-of-way, facilities, or improvements of:

(1) an electric utility as defined by Section 31.002, Utilities Code;

(2) a gas utility as defined by Section 101.003 or 121.001, Utilities Code;

(3) a telecommunications provider as defined by Section 51.002, Utilities Code; or

(4) a cable operator as defined by 47 U.S.C. Section 522, as amended.

Added by Acts 2005, 79th Leg., Ch. 843 (S.B. 887), Sec. 1, eff. September 1, 2005.

Sec. 8116.102. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section 54.016, Water Code, the district shall comply with all applicable requirements of any ordinance or resolution adopted by a municipality in the corporate limits or extraterritorial jurisdiction of which the district is located, including an ordinance or resolution adopted before September 1, 2005, that consents to the creation of the district or to the inclusion of lands within the district.

Added by Acts 2005, 79th Leg., Ch. 843 (S.B. 887), Sec. 1, eff. September 1, 2005.

Sec. 8116.103. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain as provided by this section only if the district submits a letter to the comptroller not later than December 31, 2015, in accordance with the requirements of Section 2206.101(b), Government Code, other than the requirement that the letter be submitted by the date specified by that section.

(b) Notwithstanding the expiration of the district's authority to exercise the power of eminent domain under Section 2206.101(c), Government Code, the district may exercise the power of eminent domain as provided by law applicable to the district on or after the 90th day after the date the district submits a letter in accordance with Subsection (a).

Added by Acts 2015, 84th Leg., R.S., Ch. 984 (H.B. 4175), Sec. 6, eff. September 1, 2015.

Sec. 8116.104. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Added by Acts 2019, 86th Leg., R.S., Ch. 149 (H.B. 4654), Sec. 4, eff. May 24, 2019.

Sec. 8116.105. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Added by Acts 2019, 86th Leg., R.S., Ch. 149 (H.B. 4654), Sec. 4, eff. May 24, 2019.

Sec. 8116.106. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Added by Acts 2019, 86th Leg., R.S., Ch. 149 (H.B. 4654), Sec. 4, eff. May 24, 2019.

Sec. 8116.107. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Added by Acts 2019, 86th Leg., R.S., Ch. 149 (H.B. 4654), Sec. 4, eff. May 24, 2019.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8116.151. ELECTIONS REGARDING TAXES OR BONDS.

(a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section [8116.153](#).

(b) The district must hold an election in the manner provided by Chapters [49](#) and [54](#), Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Added by Acts 2019, 86th Leg., R.S., Ch. 149 (H.B. [4654](#)), Sec. 5, eff. May 24, 2019.

Sec. 8116.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section [8116.151](#), the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section [49.107](#), Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Added by Acts 2019, 86th Leg., R.S., Ch. 149 (H.B. [4654](#)), Sec. 5, eff. May 24, 2019.

Sec. 8116.153. CONTRACT TAXES. (a) In accordance with Section [49.108](#), Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

Added by Acts 2019, 86th Leg., R.S., Ch. 149 (H.B. [4654](#)), Sec. 5, eff. May 24, 2019.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8116.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Added by Acts 2019, 86th Leg., R.S., Ch. 149 (H.B. [4654](#)), Sec. 5, eff. May 24, 2019.

Sec. 8116.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections [54.601](#) and [54.602](#), Water Code.

Added by Acts 2019, 86th Leg., R.S., Ch. 149 (H.B. [4654](#)), Sec. 5, eff. May 24, 2019.

Sec. 8116.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

Added by Acts 2019, 86th Leg., R.S., Ch. 149 (H.B. [4654](#)), Sec. 5, eff. May 24, 2019.