

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 6. WATER AND WASTEWATER
SUBTITLE F. MUNICIPAL UTILITY DISTRICTS
CHAPTER 8118. EAST MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT
NO. 14

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8118.001. 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. 14.

Added by Acts 2005, 79th Leg., Ch. 845 (S.B. [891](#)), Sec. 1, eff. September 1, 2005.

Sec. 8118.002. 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. 845 (S.B. [891](#)), Sec. 1, eff. September 1, 2005.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 170 (S.B. [2216](#)), Sec. 1, eff. May 30, 2021.

Sec. 8118.004. 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. 845 (S.B. 891), Sec. 1, eff. September 1, 2005.

Sec. 8118.005. 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. 845 (S.B. 891), Sec. 1, eff. September 1, 2005.

SUBCHAPTER A1. TEMPORARY PROVISIONS

Sec. 8118.021. TEMPORARY DIRECTORS. (a) On or after September 1, 2005, a person who owns land in the district may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as temporary directors the five persons named in the petition.

(b) The Texas Commission on Environmental Quality shall appoint as temporary directors the five persons named in the first petition received by the commission under Subsection (a).

(c) If a temporary director fails to qualify for office or if a vacancy occurs in the office of temporary director, the vacancy shall be filled as provided by Section 49.105, Water Code.

(d) Temporary directors serve until the date the directors are elected under Section 8118.023.

(e) If permanent directors have not been elected under Section 8118.023 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (f) to serve terms that

expire on the earlier of:

(1) the date permanent directors are elected under Section 8118.023; or

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

(f) If Subsection (e) 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 commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

Added by Acts 2005, 79th Leg., Ch. 845 (S.B. 891), Sec. 1, eff. September 1, 2005.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1065 (H.B. 4715), Sec. 7, eff. June 19, 2009.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8118.051. DIRECTORS; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms.

Added by Acts 2005, 79th Leg., Ch. 845 (S.B. 891), Sec. 1, eff. September 1, 2005.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8118.101. 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. 845 (S.B. 891), Sec. 1, eff. September 1, 2005.

Sec. 8118.102. 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. 845 (S.B. 891), Sec. 1, eff. September 1, 2005.

Sec. 8118.103. 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. 8, eff. September 1, 2015.

Sec. 8118.104. 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 2021, 87th Leg., R.S., Ch. 170 (S.B. 2216), Sec. 2,

eff. May 30, 2021.

Sec. 8118.105. 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 2021, 87th Leg., R.S., Ch. 170 (S.B. 2216), Sec. 2, eff. May 30, 2021.

Sec. 8118.106. 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 2021, 87th Leg., R.S., Ch. 170 (S.B. 2216), Sec. 2, eff. May 30, 2021.

Sec. 8118.107. 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 2021, 87th Leg., R.S., Ch. 170 (S.B. 2216), Sec. 2, eff. May 30, 2021.

Sec. 8118.108. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

- (1) has never issued any bonds; and
- (2) is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

(c) Any new district created by the division of the district may not, at the time the new district is created, contain any land outside the area of the district as it existed on January 1, 2021.

(d) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section [49.102](#), Water Code, to confirm the creation of the district.

(f) An order dividing the district shall:

- (1) name each new district;
 - (2) include the metes and bounds description of the territory of each new district;
 - (3) appoint temporary directors for each new district;
- and
- (4) provide for the division of assets and liabilities between or among the new districts.

(g) On or before the 30th day after the date of adoption of an order dividing the district, the district shall file the order with the commission and record the order in the real property records of each county in which the district is located.

(h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section [49.102](#), Water Code.

(i) If the creation of the new district is confirmed, the new district shall provide the election date and results to the Texas Commission on Environmental Quality.

(j) Any new district created by the division of the district must hold an election as required by Section [49.107](#), Water Code, and this chapter to obtain voter approval before the district may impose a maintenance tax or issue bonds payable wholly or partly

from ad valorem taxes.

(k) Municipal consent to the creation of the district and to the inclusion of land in the district acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

Added by Acts 2021, 87th Leg., R.S., Ch. 170 (S.B. [2216](#)), Sec. 2, eff. May 30, 2021.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8118.151. 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 [8118.153](#).

(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 2021, 87th Leg., R.S., Ch. 170 (S.B. [2216](#)), Sec. 3, eff. May 30, 2021.

Sec. 8118.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section [8118.151](#), 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 2021, 87th Leg., R.S., Ch. 170 (S.B. [2216](#)), Sec. 3, eff. May 30, 2021.

Sec. 8118.153. 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 2021, 87th Leg., R.S., Ch. 170 (S.B. [2216](#)), Sec. 3, eff. May 30, 2021.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8118.201. 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 2021, 87th Leg., R.S., Ch. 170 (S.B. [2216](#)), Sec. 3, eff. May 30, 2021.

Sec. 8118.202. 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 2021, 87th Leg., R.S., Ch. 170 (S.B. [2216](#)), Sec. 3, eff. May 30, 2021.

Sec. 8118.203. 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 2021, 87th Leg., R.S., Ch. 170 (S.B. [2216](#)), Sec. 3, eff. May 30, 2021.