

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE F. MUNICIPAL UTILITY DISTRICTS

For contingent expiration of this chapter, see Sec. 8126.003.

CHAPTER 8126. DENTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 6

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8126.001. 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 Denton County Municipal Utility District No. 6.

Added by Acts 2005, 79th Leg., Ch. 774 (H.B. 3534), Sec. 1, eff. September 1, 2005.

Sec. 8126.002. NATURE OF DISTRICT. The district is a municipal utility district in Denton County created under and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution. The district is created to serve a public use and benefit.

Added by Acts 2005, 79th Leg., Ch. 774 (H.B. 3534), Sec. 1, eff. September 1, 2005.

Sec. 8126.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8126.023 before September 1, 2007:

(1) the district is dissolved September 1, 2007, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Denton County; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2010.

Added by Acts 2005, 79th Leg., Ch. 774 (H.B. 3534), Sec. 1, eff. September 1, 2005.

Sec. 8126.004. 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. 774 (H.B. 3534), Sec. 1, eff. September 1, 2005.

Sec. 8126.005. APPLICABILITY OF OTHER LAW. Except as otherwise provided by this chapter, Chapters 49, 53, and 54, Water Code, apply to the district.

Added by Acts 2005, 79th Leg., Ch. 774 (H.B. 3534), Sec. 1, eff. September 1, 2005.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8126.051. 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. 774 (H.B. 3534), Sec. 1, eff. September 1, 2005.

Sec. 8126.052. ELECTION OF DIRECTORS. On the uniform election date in May of each even-numbered year, the appropriate number of directors shall be elected.

Added by Acts 2005, 79th Leg., Ch. 774 (H.B. 3534), Sec. 1, eff. September 1, 2005.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8126.101. MUNICIPAL UTILITY DISTRICT AND FRESH WATER SUPPLY DISTRICT POWERS AND DUTIES. (a) Except as provided by Subsections (b) and (c), the district has the powers and duties provided by the general law of this state, including Chapters 49, 53, and 54, Water Code, applicable to municipal utility districts and fresh water supply districts created under Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

(b) Sections 53.029(b), 53.030-53.034, and 53.040-53.043, Water Code, do not apply to the district.

(c) If a provision of Chapter 53, Water Code, is in conflict or inconsistent with this chapter or Chapter 54, Water Code, this chapter and Chapter 54, Water Code, prevail.

Added by Acts 2005, 79th Leg., Ch. 774 (H.B. 3534), Sec. 1, eff. September 1, 2005.

Sec. 8126.102. ROAD PROJECTS. (a) The district may construct, acquire, improve, maintain, or operate macadamized, graveled, or paved roads or turnpikes, or improvements in aid of those roads or turnpikes, inside or outside the district.

(b) A project authorized by this section must meet only the construction standards adopted by the North Central Texas Council of Governments, or its successor agency.

Added by Acts 2005, 79th Leg., Ch. 774 (H.B. 3534), Sec. 1, eff. September 1, 2005.

Sec. 8126.103. ROAD CONTRACTS. The district may contract for a road project in the same manner as provided by Subchapter I, Chapter 49, Water Code.

Added by Acts 2005, 79th Leg., Ch. 774 (H.B. 3534), Sec. 1, eff. September 1, 2005.

Sec. 8126.104. CERTIFICATE OF CONVENIENCE AND NECESSITY.

(a) The district may pay out of bond proceeds or other available district money all expenses, including legal, engineering, and other fees, related to obtaining a new certificate of convenience and necessity under Chapter 13, Water Code, authorizing the district to provide retail water or sewer service inside or outside the district.

(b) The district may pay out of bond proceeds or other available district money all expenses, including the purchase price, related to acquiring certificate of convenience and necessity rights from another retail public utility to allow the district to provide retail water or sewer service in the district. Added by Acts 2005, 79th Leg., Ch. 774 (H.B. 3534), Sec. 1, eff. September 1, 2005.

Sec. 8126.105. CONTRACT WITH POLITICAL SUBDIVISION FOR WATER OR SEWER SERVICES. (a) The district may enter into a contract to allow a political subdivision to provide retail water or sewer service in the district. The contract may contain terms the board considers desirable, fair, and advantageous to the district.

(b) The contract may provide that the district will construct or acquire and convey or lease to the political subdivision a water supply or treatment system, a water distribution system, or a sanitary sewage collection or treatment system, as necessary to provide water or sewer service in the district.

(c) The district may use bond proceeds or other available district money to pay for its obligations and for services and facilities provided under the contract.

(d) If the contract requires the district to make payments from taxes other than operation and maintenance taxes, the contract is subject to Section 49.108, Water Code.

Added by Acts 2005, 79th Leg., Ch. 774 (H.B. 3534), Sec. 1, eff. September 1, 2005.

Sec. 8126.106. 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 the city council of the City of Aubrey, 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. 774 (H.B. 3534), Sec. 1, eff. September 1, 2005.

Sec. 8126.107. DIVISION OF DISTRICT. (a) The district may be divided into two new districts only if the district:

- (1) has no outstanding bonded debt; and
- (2) is not imposing ad valorem taxes.

(b) The division procedure is prescribed by Sections 53.030 through 53.041, Water Code.

(c) Any new district created by the division of the district has all the powers and duties of the district.

(d) Any new district created by the division of the district may not contain any land outside the area described by Section 2, Chapter 774, Acts of the 79th Legislature, Regular Session, 2005. Added by Acts 2007, 80th Leg., R.S., Ch. 1239 (H.B. 2523), Sec. 1, eff. June 15, 2007.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8126.151. OPERATION AND MAINTENANCE TAX. (a) The district may impose a tax for any district operation and maintenance purpose in the manner provided by Section 49.107, Water Code.

(b) Section 49.107(f), Water Code, does not apply to reimbursements for projects constructed or acquired under Section 8126.102.

Added by Acts 2005, 79th Leg., Ch. 774 (H.B. 3534), Sec. 1, eff. September 1, 2005.

Sec. 8126.152. TAX TO REPAY BONDS. The district may impose a tax to pay the principal of or interest on bonds issued under Section 8126.201.

Added by Acts 2005, 79th Leg., Ch. 774 (H.B. 3534), Sec. 1, eff. September 1, 2005.

Sec. 8126.153. TAX FOR CONTRACTUAL OBLIGATIONS. The district may impose a tax to pay for the district's contractual obligations under Section 8126.103.

Added by Acts 2005, 79th Leg., Ch. 774 (H.B. 3534), Sec. 1, eff. September 1, 2005.

Sec. 8126.154. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND ASSESSMENTS. The district may not impose an impact fee or assessment on the property, including the equipment, rights-of-way, facilities, or improvements, of:

(1) an electric utility or a power generation company 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;

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

(5) a person who provides to the public advanced telecommunications services.

Added by Acts 2005, 79th Leg., Ch. 774 (H.B. 3534), Sec. 1, eff. September 1, 2005.

SUBCHAPTER E. BONDS

Sec. 8126.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may issue bonds or other obligations as provided by Chapters 49 and 54, Water Code, to finance the construction, maintenance, or operation of projects under Sections 8126.101 and 8126.102.

(b) The district may not issue bonds to finance projects under Section 8126.102 unless the issuance is approved by a vote of a two-thirds majority of the voters of the district voting at an election called for that purpose.

(c) Bonds or other obligations issued or incurred to finance projects authorized by Section [8126.102](#) may not exceed one-fourth of the assessed value of the real property in the district.

(d) Sections [49.181](#), [49.182](#), and [50.107](#), Water Code, do not apply to a project undertaken by the district under Section [8126.102](#) or to bonds issued by the district to finance the project. Added by Acts 2005, 79th Leg., Ch. 774 (H.B. [3534](#)), Sec. 1, eff. September 1, 2005.