

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE F. MUNICIPAL UTILITY DISTRICTS

For contingent expiration of this chapter, see Sec. 8140.003.

CHAPTER 8140. EAST MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICTS

NOS. 5, 6, AND 7

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8140.001. DEFINITIONS. In this chapter:

(1) "Board" or "boards" means, as appropriate, the board of directors of one or all of the districts.

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

(3) "District" or "districts" means, as appropriate, one or all of the East Montgomery County Municipal Utility Districts Nos. 5, 6, and 7.

Added by Acts 2005, 79th Leg., Ch. 775 (H.B. 3546), Sec. 1, eff. September 1, 2005.

Sec. 8140.002. NATURE OF DISTRICT. Each district is a municipal utility district in Montgomery County created under and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

Added by Acts 2005, 79th Leg., Ch. 775 (H.B. 3546), Sec. 1, eff. September 1, 2005.

Sec. 8140.003. CONFIRMATION ELECTION REQUIRED. If the creation of a district is not confirmed at a confirmation election held under Section 8140.023 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 Montgomery County; and

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

(2) the provisions of this chapter relating to that district expire September 1, 2010.

Added by Acts 2005, 79th Leg., Ch. 775 (H.B. 3546), Sec. 1, eff. September 1, 2005.

Sec. 8140.004. INITIAL DISTRICT TERRITORY. (a) Each district is initially composed of the territory described by Section 2 of the Act creating this chapter.

(b) The boundaries and field notes of each district, as described by 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. 775 (H.B. 3546), Sec. 1, eff. September 1, 2005.

Sec. 8140.005. APPLICABILITY OF OTHER LAW. Except as otherwise provided by this chapter, Chapters 49 and 54, Water Code, apply to the districts.

Added by Acts 2005, 79th Leg., Ch. 775 (H.B. 3546), Sec. 1, eff. September 1, 2005.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8140.051. DIRECTORS; TERMS. (a) Each district is governed by a board of five directors.

(b) Directors serve staggered four-year terms.

Added by Acts 2005, 79th Leg., Ch. 775 (H.B. 3546), Sec. 1, eff. September 1, 2005.

Sec. 8140.052. ELECTION OF DIRECTORS. On the uniform

election date in May of each even-numbered year, the appropriate number of directors of each district shall be elected.

Added by Acts 2005, 79th Leg., Ch. 775 (H.B. 3546), Sec. 1, eff. September 1, 2005.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8140.101. GENERAL POWERS. Each district has all of the rights, powers, privileges, authority, functions, 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 2005, 79th Leg., Ch. 775 (H.B. 3546), Sec. 1, eff. September 1, 2005.

Sec. 8140.102. 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 the district.

(b) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulatory ordinances of the municipality or county in whose jurisdiction the district is located.

(c) The district may not undertake a road project unless each municipality or county in whose jurisdiction the district is located consents by ordinance or resolution.

Added by Acts 2005, 79th Leg., Ch. 775 (H.B. 3546), Sec. 1, eff. September 1, 2005.

Sec. 8140.103. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section 54.016, Water Code, each district shall comply with all applicable requirements of any ordinance or resolution adopted by the city council of the City of Houston, 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. 775 (H.B. 3546), Sec. 1, eff. September 1, 2005.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8140.151. TAX TO REPAY BONDS. Each district may impose a tax to pay the principal of or interest on bonds issued under Section 8140.201.

Added by Acts 2005, 79th Leg., Ch. 775 (H.B. 3546), Sec. 1, eff. September 1, 2005.

SUBCHAPTER E. BONDS

Sec. 8140.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) Each 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 8140.101 and 8140.102.

(b) A district may not issue bonds to finance projects authorized by Section 8140.102 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 8140.102 may not exceed one-fourth of the assessed value of the real property in the district.

(d) Sections 49.181 and 49.182, Water Code, do not apply to a project undertaken by a district under Section 8140.102 or to bonds issued by the district to finance the project.

Added by Acts 2005, 79th Leg., Ch. 775 (H.B. 3546), Sec. 1, eff. September 1, 2005.