

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE F. MUNICIPAL UTILITY DISTRICTS

For contingent expiration of this chapter, see Section 8214.003.

CHAPTER 8214. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 494

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8214.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means Harris County Municipal Utility District No. 494.

Added by Acts 2007, 80th Leg., R.S., Ch. 782 (H.B. 3982), Sec. 1, eff. September 1, 2007.

Sec. 8214.002. NATURE OF DISTRICT. The district is a municipal utility district in Harris County created under and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

Added by Acts 2007, 80th Leg., R.S., Ch. 782 (H.B. 3982), Sec. 1, eff. September 1, 2007.

Sec. 8214.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8214.023 before September 1, 2011:

(1) the district is dissolved September 1, 2011, except that the district shall:

- (A) pay any debts incurred;
- (B) transfer to Harris County any assets that remain after the payment of debts; and
- (C) maintain the organization of the district until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2014.

Added by Acts 2007, 80th Leg., R.S., Ch. 782 (H.B. 3982), Sec. 1, eff. September 1, 2007.

Sec. 8214.004. 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 2007, 80th Leg., R.S., Ch. 782 (H.B. 3982), Sec. 1, eff. September 1, 2007.

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8214.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms.

Added by Acts 2007, 80th Leg., R.S., Ch. 782 (H.B. 3982), Sec. 1, eff. September 1, 2007.

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 8214.101. 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 2007, 80th Leg., R.S., Ch. 782 (H.B. 3982), Sec. 1, eff. September 1, 2007.

Sec. 8214.102. ROAD PROJECTS. (a) To the extent authorized by Section 52, Article III, Texas Constitution, 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 regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the district is located. If the district is not located in the corporate limits or extraterritorial jurisdiction of a municipality, a road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each county in which the district is located.

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

Added by Acts 2007, 80th Leg., R.S., Ch. 782 (H.B. [3982](#)), Sec. 1, eff. September 1, 2007.

Sec. 8214.103. COMPLIANCE WITH MUNICIPAL ORDINANCES OR RESOLUTIONS. The district shall comply with all applicable requirements of any ordinance or resolution adopted by the governing body of the City of Houston.

Added by Acts 2007, 80th Leg., R.S., Ch. 782 (H.B. [3982](#)), Sec. 1, eff. September 1, 2007.

Sec. 8214.104. EFFECT OF ANNEXATION BY CITY OF HOUSTON. If, before the date of the confirmation election, the City of Houston annexes into its corporate limits all territory described by the Act creating this chapter, Section [43.075](#), Local Government Code, does not apply to the district.

Added by Acts 2007, 80th Leg., R.S., Ch. 782 (H.B. [3982](#)), Sec. 1, eff. September 1, 2007.

#### SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8214.151. TAX TO REPAY BONDS. The district may impose a tax to pay the principal of or interest on bonds or other obligations issued under Section [8214.201](#).

Added by Acts 2007, 80th Leg., R.S., Ch. 782 (H.B. 3982), Sec. 1, eff. September 1, 2007.

Sec. 8214.152. 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; or

(4) a person who provides to the public cable television or advanced telecommunications services.

Added by Acts 2007, 80th Leg., R.S., Ch. 782 (H.B. 3982), Sec. 1, eff. September 1, 2007.

#### SUBCHAPTER E. BONDS

Sec. 8214.201. 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 a project under Section 8214.101 or 8214.102.

(b) The district may not issue bonds or other obligations to finance projects authorized by Section 8214.102 unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election called for that purpose.

(c) Bonds or other obligations issued or incurred to finance projects authorized by Section 8214.102 may not exceed one-fourth of the assessed value of the real property in the district.

Added by Acts 2007, 80th Leg., R.S., Ch. 782 (H.B. 3982), Sec. 1, eff. September 1, 2007.