

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 6. WATER AND WASTEWATER
SUBTITLE F. MUNICIPAL UTILITY DISTRICTS
CHAPTER 8246. LAVACA COUNTY FLOOD CONTROL DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8246.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a member of the board.
- (3) "District" means the Lavaca County Flood Control District No. 3.
- (4) "President" means the president of the board.
- (5) "Secretary" means the secretary of the board.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.04, eff. April 1, 2011.

Sec. 8246.002. NATURE OF DISTRICT. (a) The district is a municipal utility district and a conservation and reclamation district as provided by this chapter.

(b) The creation of the district is essential to accomplish the purposes of Section [59](#), Article XVI, Texas Constitution.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.04, eff. April 1, 2011.

Sec. 8246.003. DISTRICT TERRITORY. The district is composed of the territory described by Section 1, Chapter 95, Acts of the 56th Legislature, Regular Session, 1959, as that territory may have been modified under:

- (1) Subchapter [H](#), Chapter [54](#), Water Code;
- (2) Subchapter [J](#), Chapter [49](#), Water Code; or
- (3) other law.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.04, eff. April 1, 2011.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8246.051. COMPOSITION OF BOARD. The board is composed of five elected directors who serve staggered terms.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.04, eff. April 1, 2011.

Sec. 8246.052. DIRECTOR'S BOND; TREASURER'S BOND. (a) Each director shall give bond in the amount of \$1,000 for the faithful performance of the director's duties.

(b) The treasurer of the district shall give bond in the amount of \$2,500 for the faithful performance of the treasurer's duties.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.04, eff. April 1, 2011.

Sec. 8246.053. OFFICIAL ACTIONS; QUORUM. (a) The board shall perform official actions by resolution.

(b) Two-thirds of the board constitutes a quorum for the transaction of any business of the district.

(c) A majority vote of those present is sufficient in any official action, including final passage and enactment of a resolution.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.04, eff. April 1, 2011.

Sec. 8246.054. BOARD MEETINGS. (a) The board shall hold regular meetings at least once every three months. The dates of regular meetings must be established in the district's bylaws or by resolution.

(b) The president or any three directors may call a special meeting as necessary to administer district business. At least five days before the date of a special meeting, the secretary must mail notice of the meeting to the address each director filed with the secretary. A director may waive in writing notices of special meetings.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.04, eff. April 1, 2011.

Sec. 8246.055. BOARD COMPENSATION FOR ATTENDING MEETINGS. Unless the board by resolution increases the fee to an amount authorized by Section [49.060](#), Water Code:

(1) each director is entitled to receive a fee of \$20 for attending each board meeting; and

(2) a director may not be paid more than \$40 for meetings held in one calendar month.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.04, eff. April 1, 2011.

Sec. 8246.056. OFFICERS. (a) The president shall perform those functions that are customarily incident to the office of president.

(b) The vice president shall act as president in case of the inability, absence, or failure of the president to act.

(c) The secretary may be a director or an individual who is not a director.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.04, eff. April 1, 2011.

SUBCHAPTER C. GENERAL POWERS AND DUTIES

Sec. 8246.101. MUNICIPAL UTILITY DISTRICT POWERS; GENERAL POWERS. (a) The district has and may exercise the powers, functions, duties, and privileges provided by general law applicable to a municipal utility district, including those conferred by Chapters [49](#) and [54](#), Water Code.

(b) The district may exercise the rights, privileges, and functions provided by this chapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.04, eff. April 1, 2011.

Sec. 8246.102. EMINENT DOMAIN. The district may exercise the power of eminent domain inside district boundaries to acquire property of any kind, or an interest in property, necessary or convenient for the district to exercise a right, power, privilege, or function conferred on the district by this chapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.04, eff. April 1, 2011.

Sec. 8246.103. CONTRACTS AND WARRANTS. The district may enter into contracts and issue warrants payable from current funds under the applicable provisions of Chapter 252, Local Government Code, that relate to a municipality with a population of less than 5,000, to the extent those provisions are not in conflict with this chapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.04, eff. April 1, 2011.

SUBCHAPTER D. FLOOD CONTROL

Sec. 8246.151. FLOOD CONTROL POWERS AND DUTIES. The district may:

(1) exercise a power, right, privilege, or function conferred by general law on a flood control district created under Section 59, Article XVI, Texas Constitution, as applicable to Lavaca County and essential to the flood control project;

(2) devise plans and construct works to lessen and control floods;

(3) reclaim land in the district;

(4) prevent the deposit of silt in navigable streams;

(5) remove natural or artificial obstructions from streams and other watercourses;

(6) regulate the flow of surface and floodwaters;

(7) provide drainage essential to the flood control project;

(8) acquire, by gift, devise, purchase, or condemnation, land, a right or interest in land, or any other character of property needed to carry on the work of flood control;

(9) sell, trade, or otherwise dispose of land or other property, or a right in the property, no longer needed for the flood control project or flood control purposes;

(10) use the bed and banks of a bayou, river, or stream in the district, subject to the concurrence of the Texas Commission

on Environmental Quality;

(11) authorize its officers, employees, or agents to enter any land in the district to make or examine a survey in connection with a flood control plan or project or for any other authorized purpose;

(12) overflow or inundate any public land or public property, and require the relocation of a road or highway, in the manner and to the extent permitted to a district organized under general law under Section 59, Article XVI, Texas Constitution, subject to the concurrence of the state agency with jurisdiction over the land or property or the Texas Transportation Commission, as applicable;

(13) appoint a flood control manager and any agents or employees of the county as necessary for flood control purposes, including an engineer and counsel, prescribe their duties, and set the amounts of their bonds and compensation;

(14) cooperate or contract with the United States to receive and use money from a grant, loan, or advancement to exercise a power or further a purpose under this chapter;

(15) contribute to the United States in connection with any project undertaken by the United States that affects or relates to flood control in Lavaca County;

(16) cooperate or contract with an agency or political subdivision of this state, including a municipality in Lavaca County, in relation to:

(A) a survey;

(B) the acquisition of land or a right-of-way; or

(C) the construction, maintenance, or financing of all or part of a project in connection with any matter within the scope of this chapter;

(17) contract with an agency or political subdivision of this state, including a municipality in Lavaca County, for the imposition of taxes on behalf of and for the benefit of the district;

(18) sue and be sued under the laws of this state; and

(19) perform any act necessary or proper to carry out the powers described by this section or Section 8246.152.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.04, eff. April 1, 2011.

Sec. 8246.152. EASEMENT OVER AND RELOCATION OF ROADS. The district has a right-of-way and easement over and across a road or highway of this state or a subdivision of this state for the construction or maintenance of a district flood control project, subject to the concurrence of the Texas Transportation Commission if the project requires the relocation or bridging of a state highway.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.04, eff. April 1, 2011.

Sec. 8246.153. MAINTENANCE OF FEDERAL FLOOD CONTROL PROJECTS. The district is entitled to maintain a flood control project constructed in Lavaca County by the United States if the project:

(1) extends wholly or partly into the district or is within five miles of the boundaries of the district; and

(2) is considered by the board to protect property in the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.04, eff. April 1, 2011.

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 8246.201. PETITION AND ELECTION AUTHORIZING AD VALOREM TAX; TAX LIMIT. (a) The board may impose on all taxable property in the district an annual tax at a rate not to exceed 15 cents on the \$100 valuation.

(b) Before an election is held on the ad valorem tax proposition, a petition for the tax must be presented to the board. The petition must be signed by 10 percent of the registered voters who own taxable property in the district.

(c) The petition, election order, and notice of the election must state:

(1) the specific tax rate to be voted on or that the

rate may not exceed the limit under Subsection (a); and

(2) one or more of the purposes authorized by this chapter for which the tax money may be spent.

(d) The total amount of all taxes imposed by the district for all purposes may not exceed 15 cents on the \$100 valuation.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.04, eff. April 1, 2011.

Sec. 8246.202. NOTICE FOR AND MANNER OF HOLDING AD VALOREM TAX ELECTION. (a) Notice of an election under Section 8246.201 must be published once each week for two weeks in a newspaper that is published in Lavaca County and has general circulation in the district.

(b) The date of the first publication of notice must be not less than 20 days and not more than 30 days before the date of the election.

(c) The presiding judge for each voting place shall appoint the necessary judges and clerks to assist the presiding judge in holding the election.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.04, eff. April 1, 2011.

Sec. 8246.203. TAX LAWS APPLICABLE. The laws of this state relating to the imposition of ad valorem taxes and collection of delinquent taxes by a water control and improvement district apply to the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.04, eff. April 1, 2011.

SUBCHAPTER F. BONDS

Sec. 8246.251. PETITION FOR BOND ELECTION. (a) A petition requesting an election on the proposition of the issuance of bonds for any purpose authorized in this chapter may be presented to the board.

(b) The petition must be signed by at least 50 registered, property tax paying voters residing in the district.

(c) The petition must state:

- (1) the amount of bonds to be voted on;
- (2) the general nature of the work to be done;
- (3) the necessity for and feasibility of the work;
- (4) the estimated cost; and
- (5) the operating costs.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.04, eff. April 1, 2011.

Sec. 8246.252. DATE AND NOTICE OF PETITION HEARING. (a) The board shall set a date for a public hearing on the petition that is not more than 30 days after the date the petition is filed with the board.

(b) Notice of the hearing must be published once a week for two consecutive weeks in a newspaper of general circulation in the district. The first publication of notice must be not less than 20 days before the date of the hearing.

(c) The secretary shall post or cause to be posted for at least 15 days before the date of the hearing a copy of the notice at the courthouse door of Lavaca County and at three other public places in the district that will give reasonable notice throughout the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.04, eff. April 1, 2011.

Sec. 8246.253. HEARING AND DETERMINATION ON PETITION. (a) The board shall consider and determine all matters brought before the board at the hearing.

(b) If the board determines that the proposed improvements are feasible and practicable and a benefit to the public, the board shall grant the petition and order the requested election. If the board refuses the petition, the board's reasons must be stated in the minutes of the board. The board's decision is final.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.04, eff. April 1, 2011.

Sec. 8246.254. ELECTION FOR, ISSUANCE OF, AND SALE OF BONDS.

(a) Except as provided by this section, the election for, issuance of, and sale of district bonds are governed by the provisions of Chapters [1201](#), [1207](#), [1251](#), and [1431](#), Government Code, that pertain to the election for, issuance of, and sale of bonds by counties.

(b) As determined by the board, district bonds mature serially not later than 30 years after the date of their issuance.

(c) District bonds may be sold only by sealed competitive bids to the highest bidder.

(d) Notice of a proposed sale must be published in a financial publication of general circulation in this state once a week for two consecutive weeks. The date of the first publication must be at least 15 days before the date of the proposed sale.

(e) District bonds must be signed by the president and attested by the secretary.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.04, eff. April 1, 2011.