

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 6. WATER AND WASTEWATER
SUBTITLE F. MUNICIPAL UTILITY DISTRICTS
CHAPTER 8274. HARRIS COUNTY UTILITY DISTRICT NO. 6

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8274.001. 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 Harris County Utility District No. 6.

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

Sec. 8274.002. NATURE OF DISTRICT. The district is a municipal utility district and a conservation and reclamation district in Harris County created under 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. 8274.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the boundaries of the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

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

(d) The accomplishment of the purposes stated in this chapter is for the benefit of the people of this state and for the improvement of their property and industries. The district in carrying out the purposes of this chapter will be performing an essential public function under the Texas Constitution.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec.

1.04, eff. April 1, 2011.

Sec. 8274.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 2, Chapter 391, Acts of the 61st Legislature, Regular Session, 1969, as that territory may have been modified under:

- (1) Subchapter [H](#), Chapter [54](#), Water Code;
- (2) Subchapter [J](#), Chapter [49](#), Water Code;
- (3) Section 9, Chapter 391, Acts of the 61st Legislature, Regular Session, 1969; or
- (4) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in copying the field notes in the legislative process or another mistake in the field notes does not affect:

- (1) the district's organization, existence, or validity;
- (2) the district's right to issue any type of bond for a purpose for which the district is created or to pay the principal of and interest on the bond;
- (3) the district's right to impose a tax; or
- (4) the legality or operation of the district or the board.

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

Sec. 8274.005. EXPANSION OF DISTRICT. (a) If land is annexed to the district under Section [49.301](#), Water Code, the board may require the petitioners to:

- (1) allow the assumption by the area to be annexed of its pro rata share of the taxes necessary to support voted but unissued tax or tax-revenue bonds of the district; and
- (2) authorize the board to impose a tax on the petitioners' property to pay for the bonds after the bonds have been issued.

(b) If land is annexed to the district under Section [49.302](#), Water Code, the board may submit to the voters of the area to be annexed a proposition on the question of the assumption by the area

to be annexed of its pro rata share of the voted but not yet issued or sold tax or tax-revenue bonds of the district and the imposition of an ad valorem tax on taxable property in the area to be annexed along with a tax in the rest of the district for the payment of the bonds.

(c) If the petitioners consent or if the election results favorably, the district may issue its voted but unissued tax or tax-revenue bonds regardless of changes to district boundaries since the original voting or authorization of the bonds.

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

Sec. 8274.006. STATE POLICY REGARDING WASTE DISPOSAL. The district's powers and functions are subject to the state policy of encouraging the development and use of integrated area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of this state's residents, if integrated systems can reasonably be provided for an area, so as to avoid the economic burden on residents and the effect on state water quality caused by the construction and operation of numerous small waste collection, treatment, and disposal facilities.

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

Sec. 8274.007. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed to effect the purposes, powers, rights, and functions stated in this chapter.

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

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 8274.051. COMPOSITION OF BOARD. The board consists of five directors elected by position.

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

Sec. 8274.052. DIRECTOR'S BOND. Each director shall qualify by giving bond in the amount of \$5,000 for the faithful performance of the director's duties.

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

Sec. 8274.053. ABSENCE OR INACTION OF BOARD PRESIDENT. (a) When the board president is absent or fails or declines to act, the board vice president shall perform all duties and exercise all power this chapter or general law gives the president.

(b) If the board president is absent from a board meeting:

(1) the board vice president may sign an order or other action adopted at the meeting; or

(2) the board may authorize the president to sign the order or other action.

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

Sec. 8274.054. DISTRICT OFFICE. (a) Except as provided by this section, the board shall designate, establish, and maintain a district office as provided by Section 49.062, Water Code.

(b) The board may establish a second district office outside the district. If the board establishes a second district office, the board shall give notice of the location of that office by:

(1) filing a copy of the board resolution that establishes the location of the office:

(A) with the Texas Commission on Environmental Quality; and

(B) in the municipal utility district records of Harris County; and

(2) publishing notice of the location of the office in a newspaper of general circulation in Harris County.

(c) A district office that is a private residence, office, or dwelling is a public place for matters relating to the district's business.

(d) The board shall provide notice of any change in the location of the district office outside the district in the manner

required by Subsection (b).

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

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8274.101. MUNICIPAL UTILITY DISTRICT POWERS. (a) The district has all of the rights, powers, privileges, and functions conferred and imposed by the general law of this state relating to municipal utility districts created under Section 59, Article XVI, Texas Constitution, including those conferred by Chapters 49 and 54, Water Code.

(b) The district may exercise inside or outside the district's boundaries any of the rights or powers granted by this chapter or under the general law relating to municipal utility districts, including the provision of water, sanitary sewerage, and drainage services.

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

Sec. 8274.102. ADDITIONAL POWERS. (a) The district may:

(1) make, purchase, construct, lease, or otherwise acquire, inside or outside the district's boundaries, property, works, facilities, or improvements, whether previously existing or to be made, constructed, or acquired, that are necessary to carry out the powers granted by this chapter or general law; or

(2) enter into a contract with a person on terms the board considers desirable, fair, and advantageous for:

(A) the purchase or sale of water;

(B) the transportation, treatment, and disposal of the domestic, industrial, or communal wastes of the district or others, including the purposes provided by Chapter 30, Water Code;

(C) the continuing and orderly development of land and property in the district through the purchase, construction, or installation of facilities, works, or improvements that the district is otherwise authorized to do or perform so that, to the greatest extent reasonably possible,

considering sound engineering and economic practices, all of the land and property may ultimately receive the services of the facilities, works, or improvements; and

(D) the performance of any of the powers granted by this chapter or the general law.

(b) A contract under Subsection (a)(2) may not have a duration of more than 40 years.

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

Sec. 8274.103. EMINENT DOMAIN. The district may exercise the power of eminent domain only:

(1) in a county in which the district is located; and

(2) when necessary to carry out the purposes for which the district was created.

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

Sec. 8274.104. COST OF RELOCATING OR ALTERING PROPERTY. (a) In this section, "sole expense" means the actual cost of relocating, raising, lowering, rerouting, changing the grade of, or altering the construction of a facility described by Subsection (b) in providing comparable replacement without enhancement of the facility, after deducting from that cost the net salvage value of the old facility.

(b) If the district's exercise of the power of eminent domain, the power of relocation, or any other power conferred by this chapter makes necessary the relocation, raising, rerouting, changing the grade, or alteration of the construction of a highway, a railroad, an electric transmission line, a telegraph or telephone property or facility, or a pipeline, the necessary action shall be accomplished at the sole expense of the district.

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

Sec. 8274.105. CONTRACT FOR PURCHASE OF WATER, SEWER, OR DRAINAGE SERVICES; ELECTION NOT REQUIRED. (a) The district and a

political subdivision may enter into a contract for water, sewer, or drainage services or any combination of those services without the necessity of an election by any contracting party to approve the contract.

(b) The district may pay for an obligation incurred by such a contract by issuing bonds that, if otherwise necessary, have been approved by the voters in the manner provided by this chapter.

(c) The district may deliver the district's bonds to the United States or an agency or instrumentality of the United States, or this state or an agency or instrumentality of this state, that entered into a contract with the district.

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

Sec. 8274.106. NOTICE OF ELECTION. The board president or secretary may give notice of an election.

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

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8274.151. TAX METHOD. (a) The district shall use the ad valorem plan of taxation.

(b) The board is not required to call or hold a hearing on the adoption of a plan of taxation.

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

Sec. 8274.152. TAX TO PAY OBLIGATIONS INCURRED UNDER CONTRACT FOR WATER PURCHASE. (a) If the tax is authorized at an election held for that purpose in the manner provided by Section [49.107](#), Water Code, the district may impose a tax and pledge the tax for the payment of all or part of an obligation incurred under a contract to purchase water.

(b) The election may be held in conjunction with an election authorizing tax bonds or authorizing a maintenance tax.

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

1.04, eff. April 1, 2011.

Sec. 8274.153. DISTRICT ACCOUNTS. The district shall keep a complete system of the district's accounts.

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

Sec. 8274.154. FISCAL YEAR. The fiscal year of the district is from January 1 to December 31 of the same year.

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

Sec. 8274.155. COPY OF AUDIT REPORT. A copy of the audit report prepared under Subchapter G, Chapter 49, Water Code, shall be delivered:

(1) to each director; and

(2) to a holder of at least 25 percent of the outstanding bonds of the district, on request.

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

Sec. 8274.156. PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED. The district is not required to pay a tax or assessment on:

(1) district property; or

(2) a purchase made by the district.

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

Sec. 8274.157. DEPOSITORY. (a) The board shall select one or more banks in this state to act as depository for the district's money.

(b) To the extent that money in the depository bank is not insured by the Federal Deposit Insurance Corporation, the money must be secured in the manner provided by law for the security of county funds.

(c) A director may be a shareholder in a bank that is a depository of district money.

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

SUBCHAPTER E. BONDS

Sec. 8274.201. AUTHORITY TO ISSUE BONDS. The district may vote and issue any kind of bonds or issue refunding bonds for contiguous or noncontiguous areas for any district purpose.
Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.04, eff. April 1, 2011.

Sec. [8274.202](#). USE OF BOND PROCEEDS OUTSIDE DISTRICT. The proceeds from the sale of tax-supported district bonds may not be spent outside the district unless the expenditure is absolutely necessary to the operation of the district in the exercise of the district's rights, powers, privileges, and functions.
Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.04, eff. April 1, 2011.

Sec. 8274.203. USE OF BOND PROCEEDS DURING CONSTRUCTION.
(a) The district may appropriate or set aside out of the proceeds from the sale of any bonds issued under this chapter an amount for the payment of interest, administrative, and operating expenses expected to accrue during a period of construction, as may be provided in the bond orders or resolutions.

(b) For purposes of this section, the period of construction may not exceed three years.
Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.04, eff. April 1, 2011.

Sec. 8274.204. LOST OR MUTILATED BONDS. A trust indenture securing bonds issued under this chapter may provide for the issuance of bonds to replace lost or mutilated bonds.
Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.04, eff. April 1, 2011.

Sec. 8274.205. REFUNDING BONDS. (a) By order or resolution

adopted by the board, the district may issue revenue refunding bonds or tax-revenue refunding bonds to refund revenue bonds or tax-revenue bonds, whether original bonds or refunding bonds, previously issued by the district.

(b) The comptroller shall register the refunding bonds on the surrender and cancellation of the bonds to be refunded.

(c) Instead of issuing bonds to be registered on the surrender and cancellation of the bonds to be refunded, the district, in the order or resolution authorizing the issuance of the refunding bonds, may provide for the sale of the refunding bonds and the deposit of the proceeds in the place or places where the bonds to be refunded are payable. In that case, the refunding bonds may be issued if an amount sufficient to pay the principal of and interest on the bonds to be refunded to their maturity dates, or to their option dates if according to their terms the bonds have been called for payment before maturity, has been deposited in the place or places where the bonds to be refunded are payable, and the comptroller shall register the refunding bonds without the surrender and cancellation of the bonds to be refunded.

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