

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE F. MUNICIPAL UTILITY DISTRICTS

For contingent expiration of this chapter, see Section 8342.004.

CHAPTER 8342. HOOD COUNTY GRANBURY MUNICIPAL UTILITY

DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8342.001. DEFINITIONS. In this chapter:

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

Added by Acts 2009, 81st Leg., R.S., Ch. 422 (H.B. 2035), Sec. 1, eff. September 1, 2009.

Sec. 8342.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Added by Acts 2009, 81st Leg., R.S., Ch. 422 (H.B. 2035), Sec. 1, eff. September 1, 2009.

Sec. 8342.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 422 (H.B. 2035), Sec. 1, eff. September 1, 2009.

Sec. 8342.004. CONSENT OF MUNICIPALITY AND DEVELOPMENT AGREEMENT REQUIRED. (a) The temporary directors may not hold an election under Section 8342.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has:

- (1) consented by ordinance or resolution to the creation of the district; and

(2) entered into a development agreement with the majority owner of the assessed value of the real property in the district.

(b) If a development agreement required under Subsection (a)(2) has not been entered into before September 1, 2010:

(1) the district is dissolved September 1, 2010, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Hood 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, 2013.

Added by Acts 2009, 81st Leg., R.S., Ch. 422 (H.B. 2035), Sec. 1, eff. September 1, 2009.

Sec. 8342.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

(a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Added by Acts 2009, 81st Leg., R.S., Ch. 422 (H.B. 2035), Sec. 1, eff. September 1, 2009.

Sec. 8342.006. 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 the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

Added by Acts 2009, 81st Leg., R.S., Ch. 422 (H.B. 2035), Sec. 1, eff. September 1, 2009.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8342.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8342.052, directors serve staggered four-year terms.

Added by Acts 2009, 81st Leg., R.S., Ch. 422 (H.B. 2035), Sec. 1, eff. September 1, 2009.

Sec. 8342.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

- (1) Jeffrey Krueger;
- (2) William Bruce Schneider;
- (3) Kevin Patton;
- (4) Virgil R. Briscoe; and
- (5) Jeffrey K. Wilson.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8342.003; or

(2) September 1, 2013.

(c) If permanent directors have not been elected under Section 8342.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8342.003; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

Added by Acts 2009, 81st Leg., R.S., Ch. 422 (H.B. 2035), Sec. 1, eff. September 1, 2009.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8342.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Added by Acts 2009, 81st Leg., R.S., Ch. 422 (H.B. 2035), Sec. 1, eff. September 1, 2009.

Sec. 8342.102. 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 2009, 81st Leg., R.S., Ch. 422 (H.B. 2035), Sec. 1, eff. September 1, 2009.

Sec. 8342.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Added by Acts 2009, 81st Leg., R.S., Ch. 422 (H.B. 2035), Sec. 1, eff. September 1, 2009.

Sec. 8342.104. ROAD STANDARDS AND REQUIREMENTS. (a) 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 road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Added by Acts 2009, 81st Leg., R.S., Ch. 422 (H.B. 2035), Sec. 1, eff. September 1, 2009.

Sec. 8342.105. COMPLIANCE WITH MUNICIPAL REGULATIONS. Any water, sanitary sewer, drainage, or other infrastructure or public facilities constructed, acquired, improved, maintained, or operated by the district shall comply with any subdivision or other applicable regulations of any municipality in whose corporate limits or extraterritorial jurisdiction the infrastructure or public facilities are located.

Added by Acts 2009, 81st Leg., R.S., Ch. 422 (H.B. 2035), Sec. 1, eff. September 1, 2009.

Sec. 8342.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 422 (H.B. 2035), Sec. 1, eff. September 1, 2009.

Sec. 8342.107. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

- (1) a road project authorized by Section 8342.103; or

(2) a recreational facility as defined by Section [49.462](#), Water Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 422 (H.B. [2035](#)), Sec. 1, eff. September 1, 2009.

Sec. 8342.108. DIVISION OF DISTRICT. (a) The district may be divided into two or more 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 and is subject to all limitations and conditions provided by this chapter.

(d) A new district created by the division of the district may not, at the time the new district is created, contain land that is not contiguous to the area described by Section 2 of the Act creating this chapter.

(e) A division of the district may not occur until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has adopted a resolution consenting to the division.

Added by Acts 2009, 81st Leg., R.S., Ch. 422 (H.B. [2035](#)), Sec. 1, eff. September 1, 2009.

Sec. 8342.109. LIMITATION ON DISSOLUTION OF DISTRICT. (a) Before the issuance of bonds, the district or any new district created by the division of the district may not be dissolved unless the dissolution is approved by:

- (1) the board;
- (2) the majority owner of the assessed value of the real property in the district or the new district, as applicable; and
- (3) the governing body of each municipality in whose corporate limits or extraterritorial jurisdiction the district or the new district is located.

(b) The district or any new district may not be dissolved if

it has outstanding bonded debt unless:

(1) all the property in the district or the new district is annexed by a municipality;

(2) the dissolution is approved by the governing body of the municipality; and

(3) the bonded debt and developer reimbursement obligations of the district or the new district are assumed by the municipality in whose corporate limits or extraterritorial jurisdiction the district or the new district is located or by another entity approved by the municipality.

(c) A dissolution subject to Subsection (b) is effective when all outstanding bonded debt and developer reimbursement obligations have been discharged.

Added by Acts 2009, 81st Leg., R.S., Ch. 422 (H.B. 2035), Sec. 1, eff. September 1, 2009.

Sec. 8342.110. DEDICATION OF AIRPORT PROPERTY. The district may dedicate, by fee or easement, property owned by the district for any purposes necessary or convenient for the operation, use, or expansion of a municipal airport.

Added by Acts 2009, 81st Leg., R.S., Ch. 422 (H.B. 2035), Sec. 1, eff. September 1, 2009.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8342.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 8342.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an

election held for that purpose.

Added by Acts 2009, 81st Leg., R.S., Ch. 422 (H.B. 2035), Sec. 1, eff. September 1, 2009.

Sec. 8342.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8342.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Added by Acts 2009, 81st Leg., R.S., Ch. 422 (H.B. 2035), Sec. 1, eff. September 1, 2009.

Sec. 8342.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

Added by Acts 2009, 81st Leg., R.S., Ch. 422 (H.B. 2035), Sec. 1, eff. September 1, 2009.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8342.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Added by Acts 2009, 81st Leg., R.S., Ch. 422 (H.B. 2035), Sec. 1, eff. September 1, 2009.

Sec. 8342.202. TAXES FOR BONDS. At the time the district

issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections [54.601](#) and [54.602](#), Water Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 422 (H.B. [2035](#)), Sec. 1, eff. September 1, 2009.

Sec. 8342.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 422 (H.B. [2035](#)), Sec. 1, eff. September 1, 2009.