

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER

For contingent expiration of this chapter, see Section 8803.004.

CHAPTER 8803. STARR COUNTY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [5320](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 8803.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "District" means the Starr County Groundwater Conservation District.

(3) "Municipally owned utility" has the meaning assigned by Section [13.002](#), Water Code.

(4) "Regional water authority" means the Rio Grande Regional Water Authority.

(5) "Water supply or sewer service corporation" has the meaning assigned by Section [13.002](#), Water Code.

Added by Acts 2005, 79th Leg., Ch. 451 (S.B. [1848](#)), Sec. 4, eff. June 17, 2005.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [5320](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 8803.002. NATURE OF DISTRICT. The district is:

(1) a conservation and reclamation district in Starr County created under Section [59](#), Article XVI, Texas Constitution; and

(2) a groundwater conservation district.

Added by Acts 2005, 79th Leg., Ch. 451 (S.B. [1848](#)), Sec. 4, eff. June 17, 2005.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [5320](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 8803.003. DISTRICT BOUNDARIES. The boundaries of the district are coextensive with the boundaries of Starr County. Added by Acts 2005, 79th Leg., Ch. 451 (S.B. [1848](#)), Sec. 4, eff. June 17, 2005.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [5320](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 8803.004. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held before September 1, 2009:

(1) the district is dissolved on September 1, 2009, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Starr 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, 2012.

Added by Acts 2007, 80th Leg., R.S., Ch. 1395 (H.B. [2072](#)), Sec. 1, eff. June 15, 2007.

SUBCHAPTER B. BOARD OF DIRECTORS

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [5320](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 8803.051. BOARD. The board consists of five directors. Added by Acts 2005, 79th Leg., Ch. 451 (S.B. [1848](#)), Sec. 4, eff.

June 17, 2005.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [5320](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 8803.052. TERMS. Directors serve staggered four-year terms.

Added by Acts 2005, 79th Leg., Ch. 451 (S.B. [1848](#)), Sec. 4, eff. June 17, 2005.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [5320](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 8803.053. METHOD OF ELECTING DIRECTORS: COMMISSIONERS PRECINCTS. (a) The directors of the district shall be elected according to the commissioners precinct method as provided by this section.

(b) One director shall be elected by the voters of the entire district, and one director shall be elected from each county commissioners precinct by the voters of that precinct.

(c) Except as provided by Subsection (e), to be eligible to be a candidate for or to serve as director at large, a person must be a registered voter in the district. To be eligible to be a candidate for or to serve as director from a county commissioners precinct, a person must be a registered voter of that precinct.

(d) A person shall indicate on the application for a place on the ballot:

(1) the precinct that the person seeks to represent;
or

(2) that the person seeks to represent the district at large.

(e) When the boundaries of the county commissioners precincts are redrawn after each federal decennial census to reflect population changes, a director in office on the effective date of the change, or a director elected or appointed before the

effective date of the change whose term of office begins on or after the effective date of the change, shall serve in the precinct to which elected or appointed even though the change in boundaries places the person's residence outside the precinct for which the person was elected or appointed.

Added by Acts 2005, 79th Leg., Ch. 451 (S.B. [1848](#)), Sec. 4, eff. June 17, 2005.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [5320](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 8803.054. ELECTION DATE FOR DIRECTORS. The district shall hold an election to elect the appropriate number of directors on the uniform election date prescribed by Section [41.001](#), Election Code, in May of each even-numbered year.

Added by Acts 2005, 79th Leg., Ch. 451 (S.B. [1848](#)), Sec. 4, eff. June 17, 2005.

SUBCHAPTER C. POWERS AND DUTIES

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [5320](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 8803.101. GENERAL POWERS AND DUTIES. The district has all the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter [36](#), Water Code, applicable to groundwater conservation districts created under Section [59](#), Article XVI, Texas Constitution.

Added by Acts 2005, 79th Leg., Ch. 451 (S.B. [1848](#)), Sec. 4, eff. June 17, 2005.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [5320](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 8803.102. COURT-APPOINTED RECEIVER. The district may serve as the court-appointed receiver in a matter determined by a court concerning the disposition of assets of any other district authorized by Section 52(b)(1) or (2), Article III, or Section 59, Article XVI, Texas Constitution, a municipally owned utility, or a water supply or sewer service corporation.

Added by Acts 2005, 79th Leg., Ch. 451 (S.B. 1848), Sec. 4, eff. June 17, 2005.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. 5320, 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 8803.103. POWER TO CONTRACT WITH MUNICIPALITIES. The district may enter into a contract with a municipality to assume the functions of the municipality's municipally owned utility. A contract under this section may include provisions for the district's:

(1) assumption of the debts, liabilities, and obligations of the municipally owned utility;

(2) ownership or use of the assets and facilities of the municipally owned utility; and

(3) performance of the functions and services previously provided by the municipally owned utility.

Added by Acts 2005, 79th Leg., Ch. 451 (S.B. 1848), Sec. 4, eff. June 17, 2005.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. 5320, 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 8803.104. RELATION TO OTHER WATER-RELATED ENTITIES. (a) To the extent that a rule of the district conflicts with a rule of the regional water authority, the rule of the authority controls.

(b) To the extent that a rule of the district conflicts with an action of a municipally owned utility or water supply or sewer

service corporation whose certificated area is located wholly or partly in the district's territory, the action of the utility or corporation controls.

(c) Notwithstanding Subsections (a) and (b), to the extent that a rule of the district concerning groundwater conflicts with a rule of the regional water authority or with an action of a municipally owned utility or water supply or sewer service corporation whose certificated area is located wholly or partly in the district's territory, the rule of the district controls.

Added by Acts 2005, 79th Leg., Ch. 451 (S.B. [1848](#)), Sec. 4, eff. June 17, 2005.

SUBCHAPTER D. MERGER WITH WATER SUPPLY OR SEWER SERVICE CORPORATION

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [5320](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 8803.151. DEFINITIONS. In this subchapter:

(1) "Commission" means the Public Utility Commission of Texas.

(2) "Directors" means the board of directors of a water supply or sewer service corporation.

Added by Acts 2005, 79th Leg., Ch. 451 (S.B. [1848](#)), Sec. 4, eff. June 17, 2005.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 170 (H.B. [1600](#)), Sec. 2.94, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 171 (S.B. [567](#)), Sec. 94, eff. September 1, 2013.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [5320](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 8803.152. AUTHORITY FOR AGREEMENT FOR MERGER;

PROVISIONS. (a) Subject to Sections [8803.153](#), [8803.154](#), and [8803.155](#), the district may enter into a merger agreement with a water supply or sewer service corporation.

(b) The merger agreement must include provisions for:

(1) the district's assumption of the debts, liabilities, and obligations of the water supply or sewer service corporation;

(2) the district's assumption of the ownership of the corporation's assets and facilities;

(3) the assignment to the district of the certificate of public convenience and necessity obtained by the corporation under Subchapter [G](#), Chapter [13](#), Water Code, and any right obtained under the certificate;

(4) the district's performance of the functions and services previously provided by the corporation; and

(5) the dissolution of the corporation.

Added by Acts 2005, 79th Leg., Ch. 451 (S.B. [1848](#)), Sec. 4, eff. June 17, 2005.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [5320](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 8803.153. BOARD, DIRECTORS, AND MEMBERS APPROVAL OF MERGER AGREEMENT. Before an election to confirm a proposed merger agreement described by Section [8803.152](#) may be held, the board, the directors, and, if the water supply or sewer service corporation has members with voting rights, the members of the corporation must each approve the proposed merger agreement in accordance with the laws, rules, charter, bylaws, and procedures applicable to the district and the corporation.

Added by Acts 2005, 79th Leg., Ch. 451 (S.B. [1848](#)), Sec. 4, eff. June 17, 2005.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [5320](#), 89th Legislature, Regular Session, for amendments affecting the

following section.

Sec. 8803.154. COMMISSION DETERMINATION OF DISTRICT CAPABILITY FOR SERVICE. Before an election to confirm a proposed merger agreement described by Section 8803.152 may be held, the commission must determine that the district is capable of rendering adequate and continuous service as required by Section 13.251, Water Code.

Added by Acts 2005, 79th Leg., Ch. 451 (S.B. 1848), Sec. 4, eff. June 17, 2005.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. 5320, 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 8803.155. ELECTION TO CONFIRM MERGER AGREEMENT. (a) Before a proposed merger agreement described by Section 8803.152 may take effect, the board shall hold an election to confirm the agreement.

(b) The election must be held on the first authorized uniform election date after the board, the directors, and, if required, the members of the water supply or sewer service corporation approve the proposed merger agreement that allows sufficient time for the board to comply with all applicable provisions of the Election Code.

Added by Acts 2005, 79th Leg., Ch. 451 (S.B. 1848), Sec. 4, eff. June 17, 2005.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. 5320, 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 8803.156. BALLOTS FOR ELECTION. The ballot for an election under Section 8803.155 shall read as follows:

"By voting YES on this ballot, you are voting in favor of the proposed merger agreement between the (name of water supply or sewer service corporation) and the Starr County Groundwater Conservation District under which the corporation's debts,

liabilities, obligations, assets, and facilities are to be transferred to the district, the district is to perform the functions and services previously provided by the corporation, and the corporation is to be dissolved. By voting NO on this ballot, you are voting against the proposed merger agreement."

Added by Acts 2005, 79th Leg., Ch. 451 (S.B. [1848](#)), Sec. 4, eff. June 17, 2005.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [5320](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 8803.157. ELECTION RESULTS FOR MERGER WITH WATER SUPPLY OR SEWER SERVICE CORPORATION. (a) If a majority of the voters voting in an election under Section [8803.155](#) both in the certificated area of the water supply or sewer service corporation and in the territory of the district outside the certificated area vote in favor of the ballot proposition, the proposed merger agreement takes effect.

(b) If a majority of the voters voting in an election under Section [8803.155](#) either in the certificated area of the water supply or sewer service corporation or in the territory of the district outside the certificated area do not vote in favor of the ballot proposition:

(1) the proposed merger agreement does not take effect; and

(2) the board may not hold a subsequent election to confirm a proposed merger agreement between the same water supply or sewer service corporation and the district before the first anniversary of the election date.

Added by Acts 2005, 79th Leg., Ch. 451 (S.B. [1848](#)), Sec. 4, eff. June 17, 2005.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [5320](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 8803.158. FILING REQUIREMENT. If a proposed merger agreement is confirmed at an election under Section [8803.155](#), not later than the 15th day after the date of the election the board shall file with the commission and in the deed records of Starr County a copy of:

(1) the merger agreement;

(2) the resolutions or other actions taken by the board, the directors, and, if required, the members of the water supply or sewer service corporation approving the merger agreement under Section [8803.153](#); and

(3) the election results.

Added by Acts 2005, 79th Leg., Ch. 451 (S.B. [1848](#)), Sec. 4, eff. June 17, 2005.