

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER

For contingent expiration of this chapter, see Sec. 8808.003.

CHAPTER 8808. DUVAL COUNTY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8808.001. 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 Duval County Groundwater Conservation District.

Added by Acts 2005, 79th Leg., Ch. 450 (S.B. 1847), Sec. 1, eff. June 17, 2005.

Sec. 8808.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Duval County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Added by Acts 2005, 79th Leg., Ch. 450 (S.B. 1847), Sec. 1, eff. June 17, 2005.

Sec. 8808.003. 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 Duval 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 on September 1, 2012.

Added by Acts 2005, 79th Leg., Ch. 450 (S.B. 1847), Sec. 1, eff.

June 17, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 701 (H.B. 2070), Sec. 1, eff.  
June 15, 2007.

Sec. 8808.004. INITIAL DISTRICT TERRITORY. The initial boundaries of the district are coextensive with the boundaries of Duval County, Texas.

Added by Acts 2005, 79th Leg., Ch. 450 (S.B. 1847), Sec. 1, eff.  
June 17, 2005.

Sec. 8808.005. APPLICABILITY OF OTHER GROUNDWATER CONSERVATION DISTRICT LAW. Except as otherwise provided by this chapter, Chapter 36, Water Code, applies to the district.

Added by Acts 2005, 79th Leg., Ch. 450 (S.B. 1847), Sec. 1, eff.  
June 17, 2005.

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8808.051. DIRECTORS; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms, with two or three directors' terms expiring June 1 of each even-numbered year.

(c) A director may serve consecutive terms.

Added by Acts 2005, 79th Leg., Ch. 450 (S.B. 1847), Sec. 1, eff.  
June 17, 2005.

Sec. 8808.052. 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 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. 450 (S.B. 1847), Sec. 1, eff. June 17, 2005.

Sec. 8808.053. ELECTION DATE. 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. 450 (S.B. 1847), Sec. 1, eff. June 17, 2005.

Sec. 8808.055. DISTRICT NAME CHANGE. The board by resolution may change the district's name. The board shall give written notice of the change to the county.

Added by Acts 2013, 83rd Leg., R.S., Ch. 174 (H.B. 839), Sec. 1, eff. May 25, 2013.

Sec. 8808.056. ADVISORY COMMITTEES. The board by resolution may appoint one or more advisory committees to assist the board with any matter affecting the district. A person who serves on an advisory committee is not entitled to compensation for

that service.

Added by Acts 2013, 83rd Leg., R.S., Ch. 174 (H.B. 839), Sec. 1, eff. May 25, 2013.

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 8808.101. 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, including a municipal utility district or a water control and improvement district in Duval County.

Added by Acts 2005, 79th Leg., Ch. 450 (S.B. 1847), Sec. 1, eff. June 17, 2005.

Sec. 8808.102. POWER TO CONTRACT WITH MUNICIPAL UTILITY DISTRICTS. The district may enter into a contract with a municipal utility district in Duval County to assume the functions of the municipal utility district. A contract under this section may include provisions for the district's:

(1) assumption of the debts, liabilities, and obligations of the municipal utility district;

(2) ownership or use of the assets and facilities of the municipal utility district; and

(3) performance of the functions and services previously provided by the municipal utility district.

Added by Acts 2005, 79th Leg., Ch. 450 (S.B. 1847), Sec. 1, eff. June 17, 2005.

Sec. 8808.103. RELATION TO OTHER WATER-RELATED ENTITIES.  
(a) To the extent that a rule of the district conflicts with a rule of a water control and improvement district, the rule of the water control and improvement district controls.

(b) To the extent that a rule of the district conflicts with a rule of a municipal utility district, the rule of the municipal utility district controls.

(c) Notwithstanding Subsections (a) and (b), to the extent that a rule of the district concerning groundwater conflicts with a rule of a water control and improvement district or a municipal utility district whose territory is located wholly or partly in the district's territory, the rule of the district controls.

Added by Acts 2005, 79th Leg., Ch. 450 (S.B. [1847](#)), Sec. 1, eff. June 17, 2005.

#### SUBCHAPTER D. MERGER WITH WATER CONTROL AND IMPROVEMENT DISTRICT

Sec. 8808.151. DEFINITIONS. In this subchapter:

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

(2) "Directors" means the board of directors of a water control and improvement district.

Added by Acts 2005, 79th Leg., Ch. 450 (S.B. [1847](#)), Sec. 1, eff. June 17, 2005.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 170 (H.B. [1600](#)), Sec. 2.95, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 171 (S.B. [567](#)), Sec. 95, eff. September 1, 2013.

Sec. 8808.152. AUTHORITY FOR AGREEMENT FOR MERGER; PROVISIONS. (a) Subject to Sections [8808.153](#), [8808.154](#), and [8808.155](#), the district may enter into a merger agreement with a water control and improvement district in Duval County.

(b) The merger agreement must include provisions for:

(1) the district's assumption of the debts, liabilities, and obligations of the water control and improvement district;

(2) the district's assumption of the ownership of the assets and facilities of the water control and improvement district;

(3) the assignment to the district of the certificate of public convenience and necessity obtained by the water control and improvement district 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 water control and improvement district; and

(5) the dissolution of the water control and improvement district.

Added by Acts 2005, 79th Leg., Ch. 450 (S.B. 1847), Sec. 1, eff. June 17, 2005.

Sec. 8808.153. BOARD AND DIRECTORS APPROVAL OF MERGER AGREEMENT. Before an election to confirm a proposed merger agreement described by Section 8808.152 may be held, the board and the directors must each approve the proposed merger agreement in accordance with the laws, rules, and procedures applicable to the district and the water control and improvement district.

Added by Acts 2005, 79th Leg., Ch. 450 (S.B. 1847), Sec. 1, eff. June 17, 2005.

Sec. 8808.154. COMMISSION DETERMINATION OF DISTRICT CAPABILITY FOR SERVICE. Before an election to confirm a proposed merger agreement described by Section 8808.152 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. 450 (S.B. 1847), Sec. 1, eff. June 17, 2005.

Sec. 8808.155. ELECTION TO CONFIRM MERGER AGREEMENT. (a) Before a proposed merger agreement described by Section 8808.152 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 and the directors 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. 450 (S.B. 1847), Sec. 1, eff. June 17, 2005.

Sec. 8808.156. BALLOTS FOR ELECTION. The ballot for an election under Section 8808.155 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 control and improvement district) and the Duval County Groundwater Conservation District under which the debts, liabilities, obligations, assets, and facilities of (name of water control and improvement district) are to be transferred to the district, the district is to perform the functions and services previously provided by the (name of water control and improvement district), and the (name of water control and improvement district) 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. 450 (S.B. 1847), Sec. 1, eff. June 17, 2005.

Sec. 8808.157. ELECTION RESULTS FOR MERGER WITH WATER CONTROL AND IMPROVEMENT DISTRICT. (a) If a majority of the voters voting in an election under Section 8808.155 both in the area of the water control and improvement district and in the territory of the district outside that 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 8808.155 either in the area of the water control and improvement district or in the territory of the district outside that 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 control and improvement district and the district before the first anniversary of the election date.

Added by Acts 2005, 79th Leg., Ch. 450 (S.B. 1847), Sec. 1, eff. June 17, 2005.

Sec. 8808.158. FILING REQUIREMENT. If a proposed merger

agreement is confirmed at an election under Section [8808.155](#), 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 Duval County a copy of:

- (1) the merger agreement;
- (2) the resolutions or other actions taken by the board and the directors approving the merger agreement under Section [8808.153](#); and
- (3) the election results.

Added by Acts 2005, 79th Leg., Ch. 450 (S.B. [1847](#)), Sec. 1, eff. June 17, 2005.