

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 6. WATER AND WASTEWATER
SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER
CHAPTER 8814. STERLING COUNTY UNDERGROUND WATER CONSERVATION
DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8814.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means the Sterling County Underground Water Conservation District.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.002. NATURE OF DISTRICT. The district is created under Section 59, Article XVI, Texas Constitution, to provide for the conservation, preservation, protection, recharge, and prevention of waste and pollution of the district's groundwater and surface water, consistent with the objectives of Section 59, Article XVI, Texas Constitution, and Chapter 36 and Subchapters H and I, Chapter 49, Water Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.003. LEGISLATIVE FINDINGS. The legislature finds that:

- (1) the organization of the district is feasible and practicable;
- (2) the land to be included in and the residents of the district will benefit from the creation of the district;
- (3) there is a public necessity for the district; and
- (4) the creation of the district will further the public welfare.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.004. DISTRICT TERRITORY. The district is composed of the territory in Sterling County unless the district's territory has been modified under:

- (1) Subchapter J or K, Chapter 36, Water Code; or
- (2) other law.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.005. DISTRICT NAME CHANGE. The board may change the name of the district if additional territory is annexed to or consolidated with the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.006. OWNERSHIP OF GROUNDWATER AND SURFACE WATER RIGHTS NOT AFFECTED BY CHAPTER. The ownership and rights of the owner of land, the owner's lessees, and assigns in groundwater and any surface water rights are recognized, and this chapter does not deprive or divest the owner, the owner's lessees, or assigns of those ownership rights.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.007. PAYMENT OF ORGANIZATIONAL EXPENSES. (a) The board may pay:

- (1) all costs and expenses necessarily incurred in the creation and organization of the district;
- (2) legal fees; and
- (3) other incidental expenses.

(b) The board may reimburse a person for money advanced for a purpose described by Subsection (a).

(c) A payment may be made from maintenance taxes or other district revenue.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 8814.051. COMPOSITION OF BOARD; TERMS. (a) The board is composed of five directors.

(b) Directors serve staggered four-year terms.

(c) A director takes office at the first regular meeting of the board following the director's election to the board.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.052. ELECTION OF DIRECTORS. One director is elected from the district at large. One director is elected from each county commissioners precinct.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.053. ELECTION DATE. Every two years, an election shall be held on the uniform election date in May to elect the appropriate number of directors.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.054. QUALIFICATIONS FOR ELECTION; ELIGIBILITY TO SERVE. (a) To be qualified for election as a director, a person must be:

- (1) a resident of the district; and
- (2) at least 18 years of age.

(b) In addition to the requirements of Subsection (a), a person who is a director from a county commissioners precinct must be a resident of that precinct unless the composition of the board is changed by annexation or consolidation.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.055. BOARD VACANCY. If a vacancy occurs in the office of director, the remaining directors shall appoint a director for the unexpired term.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.056. COMPOSITION OF BOARD FOLLOWING ANNEXATION OR CONSOLIDATION. If the district annexes territory or consolidates with another district, the board shall determine the composition of the board in a manner that is equitable for the residents of the district as provided by Chapter 36, Water Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.057. COMPENSATION; EXPENSES. (a) A director or officer serves without compensation but may be reimbursed for actual expenses incurred in the performance of official duties.

(b) The expenses described by Subsection (a) must be:

- (1) reported in the district's records; and
- (2) approved by the board.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.058. VOTE REQUIRED FOR OFFICIAL BOARD ACTION. An official action of the board is not valid without the affirmative vote of a majority of the directors.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.059. OFFICERS. (a) After each directors' election, the board shall:

- (1) hold a regular meeting at the district office; and
- (2) organize by electing from the directors a president, a vice president, and a secretary.

(b) A person selected to serve as president, vice president, or secretary serves in that capacity for a two-year term.

(c) The president, vice president, and secretary shall perform the duties and may exercise the powers specifically provided by this chapter or by order of the board.

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

1.05, eff. April 1, 2011.

Sec. 8814.060. GENERAL MANAGER; SERVICE OF PROCESS. (a) The general manager shall execute a bond in the amount determined by the board, payable to the district, and conditioned on the faithful performance of the general manager's duties. The district shall pay for the bond.

(b) The general manager is entitled to receive the compensation provided by the district's budget.

(c) Service of process in a suit may be had by serving the general manager.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.061. TREASURER AND ATTORNEY. (a) The board may appoint a treasurer and an attorney for the district.

(b) The person appointed as treasurer shall execute a bond in the amount determined by the board, payable to the district, conditioned on the faithful performance of the treasurer's duties. The district shall pay for the bond.

(c) A person appointed under this section is entitled to the compensation provided by the district's budget.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.062. ENGINEER. The board may:

(1) appoint or contract with a competent professional engineer for the district; and

(2) determine the amount of compensation to be paid to the engineer.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.063. PERSONNEL. (a) The general manager or the board may:

(1) employ other persons necessary to properly handle the district's business and operation; and

(2) employ or contract with expert and specialized personnel who are necessary to carry out this chapter.

(b) The board shall determine the terms of employment and the compensation to be paid to employees described by this section.

(c) The district shall pay for any bond that an employee of or person under contract with the district is required to furnish under Section 36.057(d), Water Code.

(d) The general manager or the board may dismiss an employee of the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.064. DISTRICT OFFICE. The board shall maintain an office in the district for conducting district business.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.065. MEETINGS. The board shall hold regular meetings at the district office on a date established by the board.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.066. RECORDS. The board shall keep a complete written account of board meetings and other proceedings and shall preserve the board's minutes, contracts, records, plans, notices, accounts, receipts, and records in a secure manner at the district's office.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8814.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Except to the extent of any conflict with this chapter or as specifically limited by this chapter, the district may exercise the powers granted by, and shall exercise the duties provided by, Chapter 36, Water Code, to carry out the purpose of the district and

this chapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.102. RULES. (a) The board may adopt rules necessary to carry out the purpose and powers under this chapter.

(b) In addition to the rules adopted under Subsection (a), the board may adopt and enforce rules as provided by Chapter 36 and Subchapters H and I, Chapter 49, Water Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.103. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain to acquire by condemnation a fee simple or other interest in property in the district if the property interest is necessary to the exercise of the authority conferred by this chapter.

(b) The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code, but the district is not required to deposit in the trial court money or a bond as provided by Section 21.021(a), Property Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.104. CERTAIN PERMIT DENIALS PROHIBITED. If the district regulates production of groundwater by permit as authorized by Chapter 36, Water Code, the board may not deny a permit to drill a well to the owner of land, or the owner's heirs, assigns, and lessees on that land, and the right to produce water from that well under rules adopted by the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.105. CONTROL, STORAGE, AND PRESERVATION OF STORM AND FLOOD WATER. The district may control, store, and preserve the storm and flood water in the district and the water of the rivers and streams in the district for:

- (1) irrigation of arid land;
- (2) prevention of floods and flood damage in the district; and
- (3) domestic, agricultural, municipal, and industrial uses.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.106. RECLAMATION. The district may:

- (1) reclaim land in the district; and
- (2) construct works, facilities, and improvements necessary to accomplish that purpose.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.107. SOIL CONSERVATION AND IMPROVEMENT. The district may construct and maintain terraces or other structures on land in the district and may engage in or promote land treatment measures for soil conservation and improvement.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.108. ACQUISITION OF PROPERTY. The district may acquire land or other property necessary to carry out this chapter by:

- (1) gift;
- (2) devise;
- (3) lease;
- (4) purchase; or
- (5) condemnation.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.109. SALE AND DISPOSAL OF PROPERTY. Subject to this chapter and Chapter [36](#) and Subchapters [H](#) and [I](#), Chapter [49](#), Water Code, the district may sell or otherwise dispose of land and other property of the district that is not necessary to carry out

the purpose or powers of the district as determined by the board.
Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.110. IMPROVEMENTS AND FACILITIES. (a) The district may construct or acquire and improve and maintain works, facilities, and improvements necessary to carry out the purpose, powers, and plans of the district.

(b) The district must construct and acquire works, facilities, and improvements in the manner provided by Chapter 49, Water Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.111. INPUT WELLS. The district may drill, equip, operate, and maintain input wells, pumps, and other facilities to carry out its purpose and powers under this chapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.112. APPEARANCE BEFORE RAILROAD COMMISSION. The district, through the directors or the district's general manager, may appear before the Railroad Commission of Texas and present evidence and information relating to a pending permit application for an injection well to be located in the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.113. STUDIES AND SURVEYS. (a) The board may have a professional engineer conduct studies and surveys of the groundwater and surface water supplies in the district and the facilities available for use in the conservation, preservation, protection, recharge, and prevention of waste and pollution of those water resources.

(b) A professional engineer may determine the quantities of groundwater and surface water in the district.

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

1.05, eff. April 1, 2011.

Sec. 8814.114. RESEARCH; INFORMATION. The district may engage in research projects and shall develop information to be used by the district in preparing and implementing the district's plans and in carrying out the district's powers and duties under this chapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.115. DISTRICT PLANS. (a) The district shall develop and implement comprehensive plans for the conservation, preservation, protection, recharge, and prevention of waste and pollution of groundwater and surface water in the district.

(b) The plans must include all works, facilities, and improvements necessary to implement the plans and the specifications for those works, facilities, and improvements.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8814.116. PAYMENT OF JUDGMENTS. A court of this state that renders a money judgment against the district may require the board to pay the judgment from money in the district depository that is not dedicated to the payment of any indebtedness of the district. Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.