

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 6. WATER AND WASTEWATER
SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER
CHAPTER 8836. FAYETTE COUNTY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8836.001. DEFINITIONS. In this chapter:

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

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

Sec. 8836.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Fayette County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

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

Sec. 8836.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

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

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

Sec. 8836.004. DISTRICT TERRITORY. The district's boundaries are coextensive with the boundaries of Fayette County, Texas, unless the district's territory has been modified under:

- (1) Subchapter J, 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. 8836.005. DISTRICT NAME CHANGE. The board by resolution may change the district's name.

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

Sec. 8836.006. CONFLICTS OF LAW. The following provisions prevail over a conflicting or inconsistent provision of this chapter:

- (1) Sections 36.1071-36.108, Water Code;
- (2) Sections 36.159-36.161, Water Code; and
- (3) Subchapter I, Chapter 36, Water Code.

Added by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 22.024, eff. September 1, 2011.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8836.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms.

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

Sec. 8836.052. ELECTION OF DIRECTORS. (a) Directors are elected according to the commissioners precinct method as provided by this section.

(b) One director is elected by the voters of the entire district. One director is elected from each county commissioners precinct by the voters of that precinct.

(c) 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.

(d) At the first election after the county commissioners

precincts are redrawn under Section 18, Article V, Texas Constitution, four new directors shall be elected to represent the precincts. The directors from Precincts 1 and 3 are elected for two-year terms. The directors from Precincts 2 and 4 are elected for four-year terms.

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

Sec. 8836.053. ELECTION DATE. On the first Tuesday after the first Monday in November of each even-numbered year, the appropriate number of directors shall be elected for terms beginning January 1 of the following year.

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

Sec. 8836.054. QUALIFICATIONS FOR OFFICE. (a) To be qualified to be a candidate for or to serve as director at large, a person must be a registered voter in the district.

(b) To be qualified 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.

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. 8836.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Except as provided by this chapter, the district has the rights, powers, privileges, 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 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8836.102. REGIONAL COOPERATION. To provide for regional continuity, the district shall:

(1) participate in coordination meetings with adjacent districts on an as-needed basis;

(2) coordinate the collection of data with adjacent districts in such a way as to achieve relative uniformity of data type and quality;

(3) coordinate efforts to monitor water quality with adjacent districts, local governments, and state agencies;

(4) provide groundwater level data to adjacent districts;

(5) investigate any groundwater and aquifer pollution with the intention of locating its source;

(6) notify adjacent districts and all appropriate agencies of any detected groundwater pollution;

(7) annually provide to adjacent districts an inventory of water wells and an estimate of groundwater production within the district; and

(8) include adjacent districts on the mailing lists for district newsletters, seminars, public education events, news articles, and field days.

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

SUBCHAPTER D. FINANCIAL PROVISIONS

Sec. 8836.151. DISTRICT REVENUE. To pay the district's maintenance and operating costs and to pay any bonds or notes issued by the district, the district may:

(1) impose an ad valorem tax at a rate not to exceed two cents on each \$100 valuation of taxable property in the district, subject to voter approval;

(2) assess fees for services or for water withdrawn from non-exempt wells; or

(3) solicit and accept grants from any private or public source.

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

Sec. 8836.152. ELECTION TO APPROVE BONDS OR NOTES. The district may not issue or sell bonds or notes payable from any source unless the action is approved by a majority of the voters of the district voting at an election held for that purpose.

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