

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER

For contingent expiration of this chapter, see Section 8860.003.

CHAPTER 8860. CALHOUN COUNTY GROUNDWATER

CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8860.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Calhoun County Groundwater Conservation District.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1091 (S.B. 1290), Sec. 1, eff. September 1, 2011.

Sec. 8860.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Calhoun County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1091 (S.B. 1290), Sec. 1, eff. September 1, 2011.

Sec. 8860.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8860.022 before December 31, 2016:

(1) the district is dissolved on December 31, 2016, except that the district shall:

(A) pay any debts incurred;

(B) transfer to Calhoun County any assets that remain after the payment of debts; and

(C) maintain the organization of the district until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2018.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1091 (S.B. 1290), Sec. 1,

eff. September 1, 2011.

Sec. 8860.004. LEGISLATIVE FINDINGS. (a) The organization of the district is feasible and practicable.

(b) All land in and residents of the district will benefit from the creation of the district.

(c) The creation of the district is a public necessity and will provide a public benefit.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1091 (S.B. 1290), Sec. 1, eff. September 1, 2011.

Sec. 8860.005. INITIAL DISTRICT TERRITORY. The initial boundaries of the district are coextensive with the boundaries of Calhoun County.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1091 (S.B. 1290), Sec. 1, eff. September 1, 2011.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8860.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Directors serve staggered four-year terms, with two or three directors' terms expiring December 31 of each even-numbered year.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1091 (S.B. 1290), Sec. 1, eff. September 1, 2011.

Sec. 8860.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS PRECINCTS. (a) The directors of the district 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, and one director is 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 director's residence outside the precinct for which the director was elected or appointed.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1091 (S.B. 1290), Sec. 1, eff. September 1, 2011.

Sec. 8860.053. 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 November of each even-numbered year.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1091 (S.B. 1290), Sec. 1, eff. September 1, 2011.

Sec. 8860.054. VACANCIES. If a vacancy occurs on the board, the remaining directors shall appoint a person to fill the vacancy until the next regularly scheduled election of directors. If the position is not scheduled to be filled at the election, the person elected serves only for the remainder of the unexpired term.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1091 (S.B. 1290), Sec. 1, eff. September 1, 2011.

Sec. 8860.055. COMPENSATION; EXPENSES. (a) A director is

not entitled to receive compensation for performing the duties of a director.

(b) The board may authorize a director to receive reimbursement for the director's reasonable expenses incurred while engaging in activities on behalf of the district.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1091 (S.B. [1290](#)), Sec. 1, eff. September 1, 2011.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8860.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Except as otherwise provided by this chapter, the district has the powers 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 2011, 82nd Leg., R.S., Ch. 1091 (S.B. [1290](#)), Sec. 1, eff. September 1, 2011.

Sec. 8860.102. CERTAIN PERMIT DENIALS PROHIBITED. The district may not deny the owner of a tract of land, or the owner's lessee, who does not have a well equipped to produce more than 25,000 gallons each day on the tract, either a permit to drill a well on the tract or the privilege to produce groundwater from the tract, subject to district rules.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1091 (S.B. [1290](#)), Sec. 1, eff. September 1, 2011.

Sec. 8860.103. MITIGATION ASSISTANCE. In addition to the authority granted by Chapter [36](#), Water Code, the district may assist in the mediation between landowners regarding the loss of existing groundwater supply of exempt domestic and livestock users due to the groundwater pumping of others.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1091 (S.B. [1290](#)), Sec. 1, eff. September 1, 2011.

Sec. 8860.104. NO EMINENT DOMAIN POWER. The district may

not exercise the power of eminent domain.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1091 (S.B. [1290](#)), Sec. 1, eff. September 1, 2011.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8860.151. FEES. (a) The board by rule may impose a reasonable fee on each well for which a permit is issued by the district and that is not exempt from regulation by the district. The fee may be based on:

- (1) the size of column pipe used by the well; or
- (2) the actual, authorized, or anticipated amount of water to be withdrawn from the well.

(b) In addition to a fee imposed under Subsection (a), the district may impose a reasonable fee or surcharge for an export fee using one of the following methods:

- (1) a fee negotiated between the district and the transporter; or
- (2) a combined production and export fee.

(c) Fees authorized by this section may be assessed annually and may be used to fund the cost of district operations.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1091 (S.B. [1290](#)), Sec. 1, eff. September 1, 2011.

Sec. 8860.152. LIMITATION ON TAXES. The district may not impose an ad valorem tax at a rate that exceeds two cents on each \$100 valuation of taxable property in the district, and any tax imposed under this section must first be approved by the voters of the district at the election held to confirm the creation of the district or at a separate election held in accordance with Section [36.201](#), Water Code.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1091 (S.B. [1290](#)), Sec. 1, eff. September 1, 2011.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 819 (S.B. [1835](#)), Sec. 2, eff. June 14, 2013.