

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE I. WATER CONTROL AND IMPROVEMENT DISTRICTS

For contingent expiration of this chapter, see Sec. 9001.003.

CHAPTER 9001. SMILEY ROAD WATER CONTROL AND IMPROVEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9001.001. 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 Smiley Road Water Control and Improvement District.

Added by Acts 2005, 79th Leg., Ch. 446 (S.B. 1828), Sec. 1, eff. June 17, 2005.

Sec. 9001.002. NATURE OF DISTRICT. The district is a water control and improvement district in Denton County created under and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution. The district is created to serve a public use and benefit.

Added by Acts 2005, 79th Leg., Ch. 446 (S.B. 1828), Sec. 1, eff. June 17, 2005.

Sec. 9001.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 9001.023 before September 1, 2007:

(1) the district is dissolved September 1, 2007, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Denton 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, 2010.

Added by Acts 2005, 79th Leg., Ch. 446 (S.B. [1828](#)), Sec. 1, eff. June 17, 2005.

Sec. 9001.004. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act creating this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act creating this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect:

(1) the organization, existence, or validity of the district;

(2) the right of the district to impose ad valorem taxes; or

(3) the legality or operation of the district or the board.

Added by Acts 2005, 79th Leg., Ch. 446 (S.B. [1828](#)), Sec. 1, eff. June 17, 2005.

Sec. 9001.005. APPLICABILITY OF OTHER LAW. Except as otherwise provided by this chapter, Chapters [49](#) and [51](#), Water Code, apply to the district.

Added by Acts 2005, 79th Leg., Ch. 446 (S.B. [1828](#)), Sec. 1, eff. June 17, 2005.

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9001.051. DIRECTORS; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms.

Added by Acts 2005, 79th Leg., Ch. 446 (S.B. [1828](#)), Sec. 1, eff. June 17, 2005.

Sec. 9001.052. ELECTION OF DIRECTORS. On the uniform election date in May of each even-numbered year, the appropriate number of directors shall be elected.

Added by Acts 2005, 79th Leg., Ch. 446 (S.B. [1828](#)), Sec. 1, eff.

June 17, 2005.

## SUBCHAPTER C. POWERS AND DUTIES

Sec. 9001.101. GENERAL POWERS. (a) The district has:

(1) all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 49 and 51, Water Code, applicable to water control and improvement districts created under Section 59, Article XVI, Texas Constitution; and

(2) subject to Section 9001.105, the rights, authority, privileges, and functions of a road district operating under Section 52(b)(3), Article III, Texas Constitution, Chapter 257, Transportation Code, and other general laws of this state relating to road districts.

(b) The district may provide water, sanitary sewer, drainage, and, subject to Section 9001.105, road services to each part of the district not receiving those services on the effective date of the Act creating this chapter.

Added by Acts 2005, 79th Leg., Ch. 446 (S.B. 1828), Sec. 1, eff. June 17, 2005.

Sec. 9001.102. AUTHORITY TO CONTRACT WITH OWNERS OF REAL PROPERTY IN DISTRICT. The district may enter into a contract with an owner of real property in the district for the construction, acquisition, financing, ownership, maintenance, and operation of a work or project described by Section 9001.101(b).

Added by Acts 2005, 79th Leg., Ch. 446 (S.B. 1828), Sec. 1, eff. June 17, 2005.

Sec. 9001.103. CONTRACTS WITH CITY OF CELINA. The district shall use its best efforts to acquire water, sewer, and other powers permitted by law and, if successful, to enter into a contract with the City of Celina to provide water, sewer, and other services to the city.

Added by Acts 2005, 79th Leg., Ch. 446 (S.B. 1828), Sec. 1, eff. June 17, 2005.

Sec. 9001.104. DIVISION OF DISTRICT. (a) The district may be divided into two or more districts only if the district:

- (1) has no outstanding bonded debt; and
- (2) is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

(c) A new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 9001.004.

(d) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(e) An order dividing the district shall:

- (1) name each new district;
- (2) include the metes and bounds of each new district;
- (3) appoint temporary directors for each new district;

and

(4) provide for the division of assets and liabilities between the district and each new district.

(f) On or before the 30th day after the date of adoption of an order dividing the district, the district shall file the order with the Texas Commission on Environmental Quality and record the order in the real property records of each county in which the district is located.

(g) A new district may be created by the division of the district only if approved by the voters of the new district in a confirmation and directors' election held for that purpose.

(h) If the district is located wholly or partly in the corporate limits or the extraterritorial jurisdiction of a municipality, the district may not divide under this section unless the municipality by resolution or ordinance consents to the division of the district.

(i) Any new district created by the division of the district must hold an election to obtain voter approval before the district

may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.

Added by Acts 2005, 79th Leg., Ch. 446 (S.B. [1828](#)), Sec. 1, eff. June 17, 2005.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 626 (H.B. [4287](#)), Sec. 1, eff. June 12, 2017.

Acts 2017, 85th Leg., R.S., Ch. 787 (H.B. [2565](#)), Sec. 2.01, eff. June 15, 2017.

Sec. 9001.105. VOTER APPROVED ROAD DISTRICT POWERS. (a) If a majority of the voters of the district vote in favor of the district's assumption of road district powers in the manner provided by Section [53.029](#), Water Code, at an election held for that purpose, the district shall assume the rights, authority, privileges, and functions of a road district as described by Section [9001.101](#)(a)(2).

(b) If the voters approve road district powers under Subsection (a), the district may provide for, or provide aid for, the construction, acquisition, financing, maintenance, and operation of macadamized, graveled, or paved roads inside the district. Road district powers under this section do not include any powers related to the construction, acquisition, financing, maintenance, or operation of a turnpike or toll road.

(c) A road project must meet or exceed all applicable construction standards, zoning and subdivision requirements, and regulatory ordinances of each municipality in whose corporate limits or extraterritorial jurisdiction the district is located. If the district is located outside the extraterritorial jurisdiction of a municipality, a road project must meet all applicable construction standards, zoning and subdivision requirements, and regulatory ordinances of each county in which the district is located.

(d) The district may not undertake a road project unless each municipality in whose corporate limits or extraterritorial jurisdiction the district is located consents by ordinance or resolution. If the district is located outside the

extraterritorial jurisdiction of a municipality, the district may not undertake a road project unless the county in which the district is located consents by ordinance or resolution.

(e) If the district assumes road district powers under this section, construction plans and specifications for all roads must be submitted to Denton County for approval.

(f) Section 49.182, Water Code, does not apply to a project undertaken by the district under this section.

Added by Acts 2005, 79th Leg., Ch. 446 (S.B. 1828), Sec. 1, eff. June 17, 2005.

Sec. 9001.106. ADDITION OF LAND TO DISTRICT. The district may add land to the district in the manner provided by Section 49.301, Water Code, if the owner of the land submits a petition to the district for the addition of the land to the district and the land is adjacent to the territory of the district or is separated from the district only by public land or a right-of-way.

Added by Acts 2005, 79th Leg., Ch. 446 (S.B. 1828), Sec. 1, eff. June 17, 2005.

#### SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9001.151. AD VALOREM PLAN OF TAXATION. The district shall use the ad valorem plan of taxation, subject to voter approval at an election held in the district for that purpose.

Added by Acts 2005, 79th Leg., Ch. 446 (S.B. 1828), Sec. 1, eff. June 17, 2005.

Sec. 9001.152. AD VALOREM TAX FOR ROAD PROJECTS. The district may impose an ad valorem tax to pay the principal of or interest on bonds issued under Section 9001.201(b) to finance projects under Section 9001.105.

Added by Acts 2005, 79th Leg., Ch. 446 (S.B. 1828), Sec. 1, eff. June 17, 2005.

Sec. 9001.153. UTILITY EXEMPTION FROM IMPACT FEES AND ASSESSMENTS. The district may not impose an impact fee or

assessment on the property, equipment, rights-of-way, facilities, or improvements of:

(1) an electric utility as defined by Section 31.002, Utilities Code;

(2) a gas utility as defined by Section 101.003 or 121.001, Utilities Code;

(3) a telecommunications provider as defined by Section 51.002, Utilities Code; or

(4) a cable operator as defined by 47 U.S.C. Section 522.

Added by Acts 2005, 79th Leg., Ch. 446 (S.B. 1828), Sec. 1, eff. June 17, 2005.

#### SUBCHAPTER E. BONDS

Sec. 9001.201. AUTHORITY TO ISSUE BONDS. (a) The district may issue bonds as provided by Chapter 49 or 51, Water Code, or Section 53.029, Water Code, the general laws of this state, or this section.

(b) Except as provided by Subsection (c) and Section 9001.202, the district may issue bonds, notes, or other obligations as provided by Section 53.029, Water Code, to finance, or assist in the financing of, projects under Section 9001.105.

(c) The district may not issue bonds under Subsection (b) unless the issuance is authorized by two-thirds of the district's voters voting at an election called for that purpose.

(d) Section 49.181, Water Code, does not apply to a bond issued by the district under Section 53.029, Water Code.

Added by Acts 2005, 79th Leg., Ch. 446 (S.B. 1828), Sec. 1, eff. June 17, 2005.

Sec. 9001.202. LIMIT ON BONDS AND OTHER OBLIGATIONS. (a) Bonds, notes, or other obligations issued or incurred by the district under Section 53.029, Water Code, may not exceed one-fourth of the assessed value of the real property in the district.

(b) The district may not issue bonds until a development

agreement between the City of Celina and the district has been signed.

Added by Acts 2005, 79th Leg., Ch. 446 (S.B. [1828](#)), Sec. 1, eff. June 17, 2005.

Sec. 9001.203. USE OF BOND PROCEEDS. The district may use proceeds from the sale of bonds to acquire improvements or facilities:

(1) from a private water supply corporation to provide water or sanitary sewer services to territory in the district; or

(2) to provide services described by Section [9001.101](#)(b).

Added by Acts 2005, 79th Leg., Ch. 446 (S.B. [1828](#)), Sec. 1, eff. June 17, 2005.