

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE I. WATER CONTROL AND IMPROVEMENT DISTRICTS

CHAPTER 9007. BEXAR-MEDINA-ATASCOSA COUNTIES WATER CONTROL AND
IMPROVEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9007.001. DEFINITIONS. In this chapter:

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

(2) "District" means the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.08, eff. April 1, 2007.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9007.051. COMPOSITION; TERM. (a) The district is governed by a board of seven directors elected to staggered four-year terms.

(b) Five directors are elected from single-member precincts. Two directors are elected at large.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.08, eff. April 1, 2007.

Sec. 9007.052. DIRECTOR QUALIFICATIONS. (a) A person seeking to represent a single-member precinct of the district must own land in the precinct the person seeks to represent.

(b) A person seeking to represent the district at large must own land in the district.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.08, eff. April 1, 2007.

Sec. 9007.053. APPLICATION FOR PLACEMENT ON BALLOT. A person seeking to be placed on the ballot for a board election must:

(1) indicate that the person wishes to run for a

position representing the district at large; or

(2) identify the single-member precinct from which the person wishes to run.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.08, eff. April 1, 2007.

Sec. 9007.054. EMPLOYMENT OF GENERAL MANAGER; APPLICABILITY OF OTHER LAW. Section 49.056(c), Water Code, does not apply to the district.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.08, eff. April 1, 2007.

Sec. 9007.055. COMPENSATION. Notwithstanding Section 49.060(a), Water Code, a director is not entitled to receive a fee of more than \$150 a month for performing the duties of a director. Added by Acts 2009, 81st Leg., R.S., Ch. 1061 (H.B. 4706), Sec. 1, eff. June 19, 2009.

SUBCHAPTER C. EXCLUSION OF LAND BY RESOLUTION

Sec. 9007.101. AUTHORITY TO EXCLUDE LAND. (a) The board by resolution may exclude from the district land that:

(1) is inside the district but was not included in the district when the district was created; and

(2) has been subdivided into town lots and blocks, with streets or other thoroughfares dedicated to the use of the public.

(b) A map and the dedication of the land must be filed for record with the county clerk of the county in which the land is located before the board adopts the resolution to exclude the land. Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.08, eff. April 1, 2007.

Sec. 9007.102. ENTRY OF EXCLUSION INTO MINUTES. The secretary of the district shall enter a resolution passed under Section 9007.101 in the board's minutes.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.08, eff.

April 1, 2007.

Sec. 9007.103. EFFECT OF EXCLUSION RESOLUTION. From and after the time the secretary of the district enters a resolution under Section 9007.102, the excluded land is no longer:

- (1) part of the district; or
- (2) entitled to be served with water by the district.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.08, eff. April 1, 2007.

SUBCHAPTER D. EXCLUSION OF PROPERTY AFTER HEARING

Sec. 9007.151. AUTHORITY TO EXCLUDE PROPERTY. The board may exclude property from the district if the board, after notice and hearing, finds that exclusion of the property is in the best interest of the district and that:

(1) the property is not irrigable with water purchased from the district because:

(A) the district cannot deliver water by gravity flow to a high point on the property to irrigate the property;

(B) the property is subdivided into tracts of less than 10 acres; or

(C) the property is subdivided into town lots, town lots and blocks, or similar small parcels of any size that will not be used for agricultural purposes or are suitable for a residential, commercial, or other nonagricultural purpose; or

(2) the property has not been irrigated with water purchased from the district for a period of not less than three years before the date the notice for the hearing is mailed.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.08, eff. April 1, 2007.

Sec. 9007.152. GROUNDS FOR HEARING. If the board has information that property located in the district is not irrigated or irrigable, the board may call and hold a hearing to determine whether to exclude the property from the district.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.08, eff.

April 1, 2007.

Sec. 9007.153. NOTICE OF HEARING; PUBLICATION. (a) The board, by certified mail, return receipt requested, shall issue to each owner of property in the area proposed to be excluded a written notice of a hearing to be held under this subchapter. For purposes of this subsection, the board shall use the current tax rolls of the district to determine property ownership.

(b) The board shall issue a notice under Subsection (a) not earlier than the 21st day and not later than the 16th day before the date of a hearing held under this subchapter. The notice must:

- (1) describe the property proposed to be excluded;
- (2) describe the basis for the proposed exclusion;
- (3) state the time, date, and location of the hearing;

and

(4) advise that an interested property owner has the right to appear at the hearing to offer evidence to contest the proposed exclusion.

(c) The board shall publish notice of a hearing to be held under this subchapter at least once a week for two consecutive weeks in a newspaper of general circulation in each county in which the property proposed to be excluded is located. The first published notice must appear in the newspaper not earlier than the 40th day and not later than the 16th day before the date of the hearing. The notice must:

- (1) describe the property proposed to be excluded;
- (2) state the time, date, and location of the hearing;

and

(3) advise that an interested property owner has the right to appear at the hearing and to offer evidence to contest the proposed exclusion.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. [2019](#)), Sec. 1.08, eff. April 1, 2007.

Sec. 9007.154. CONSENT FROM HOLDERS OF INDEBTEDNESS. If the district has outstanding bonded indebtedness, or indebtedness under a loan from a governmental agency, a written consent from an

authorized representative of the holder or holders of the indebtedness consenting to an exclusion of land from the district under this subchapter shall be obtained and filed with the district before a hearing is held under this subchapter.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.08, eff. April 1, 2007.

Sec. 9007.155. SUIT TO REVIEW ORDER; APPEAL. An interested person may:

(1) bring a suit to review an exclusion order issued under this subchapter in the manner provided by Section 49.308, Water Code; and

(2) appeal as provided by Section 49.308(c), Water Code.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.08, eff. April 1, 2007.

Sec. 9007.156. NOTICE AND RECORD OF EXCLUSION. (a) The district shall record a copy of an exclusion order issued under this subchapter in the real property records of the county in which the excluded property is located. The copy of the order must be certified and acknowledged by the secretary of the board.

(b) The board shall provide a copy of the order to the Texas Commission on Environmental Quality not later than the 30th day after the date the board issues the order.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.08, eff. April 1, 2007.

Sec. 9007.157. EFFECT OF EXCLUSION. (a) Property excluded under this subchapter is not a part of the district and is not entitled to purchase water from or to receive any other service from the district.

(b) A tax, assessment, or other charge on the excluded property that is owed to the district at the time the exclusion order takes effect remains the obligation of the owner of the excluded property and continues to be secured by any statutory liens on the property.

(c) After property is excluded under this subchapter, the owner of the property is not liable to the district for future taxes, assessments, or other charges of the district based on the excluded property.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.08, eff. April 1, 2007.

Sec. 9007.158. DISTRICT FACILITIES AND EASEMENTS. An exclusion order issued under this subchapter does not affect or interfere with any rights that the district has to maintain and continue operation of an easement, canal, ditch, pipeline, pump, or other district facility that is located on the excluded property for the purpose of servicing property remaining in the district.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.08, eff. April 1, 2007.

Sec. 9007.159. SUBSTITUTION FOR EXCLUDED PROPERTY. (a) At the sole discretion of the board, after the board issues an exclusion order under this subchapter, property may be added to the district if the property is:

(1) practically irrigable with water purchased from the district; and

(2) in the aggregate less than or equal to the acreage of property excluded under the exclusion order.

(b) Property may be added to the district under this section only if the owner of the property files a petition requesting inclusion. If the owner requesting inclusion already has acreage within the district, all taxes and other assessments owed to the district by the owner must be current before the board may consider the petition requesting inclusion.

Added by Acts 2005, 79th Leg., Ch. 729 (H.B. 2019), Sec. 1.08, eff. April 1, 2007.