

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE I. WATER CONTROL AND IMPROVEMENT DISTRICTS

CHAPTER 9013. BELL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT

NO. 6

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9013.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means the Bell County Water Control and Improvement District No. 6.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.06, eff. April 1, 2015.

Sec. 9013.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Bell County.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.06, eff. April 1, 2015.

Sec. 9013.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

(a) The district is created to serve a public use and benefit.

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

(c) The creation of the district is essential to accomplish the purposes of Section [59](#), Article XVI, Texas Constitution.

(d) The accomplishment of the purposes stated in this chapter is for the benefit of the people of this state and for the improvement of their property and industries. The district in carrying out the purposes of this chapter will be performing an essential public function under the Texas Constitution.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.06, eff. April 1, 2015.

Sec. 9013.004. APPLICABILITY OF WATER CONTROL AND IMPROVEMENT DISTRICTS LAW. Except as provided in this chapter, general laws pertaining to water control and improvement districts govern the district.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. 1026), Sec. 1.06, eff. April 1, 2015.

SUBCHAPTER B. DISTRICT TERRITORY

Sec. 9013.051. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 2, Chapter 18, Acts of the 55th Legislature, 1st Called Session, 1957, as amended by Section 1, Chapter 300, Acts of the 57th Legislature, Regular Session, 1961, as that territory may have been modified under:

- (1) Subchapter O, Chapter 51, Water Code;
- (2) Subchapter J, Chapter 49, Water Code; or
- (3) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect:

- (1) the district's organization, existence, or validity;
- (2) the district's right to issue bonds or to pay the principal of and interest on the bonds;
- (3) the district's right to impose a tax; or
- (4) the legality or operation of the district or its governing body.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. 1026), Sec. 1.06, eff. April 1, 2015.

Sec. 9013.052. HEARINGS FOR EXCLUSION OF TERRITORY. A hearing may not be held to determine whether to exclude property included in the district.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. 1026), Sec. 1.06, eff. April 1, 2015.

SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 9013.101. COMPOSITION OF BOARD. The board consists of six elected directors.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. 1026), Sec. 1.06, eff. April 1, 2015.

Sec. 9013.102. ELIGIBILITY. (a) Each director of the district must:

(1) be a landowner within the district; and

(2) reside in Bell County.

(b) A director who fails to meet the requirements of this section during the director's tenure in office shall vacate that office.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. 1026), Sec. 1.06, eff. April 1, 2015.

Sec. 9013.103. DIRECTOR'S BOND. Each director shall give a bond in the amount of \$1,000 for the faithful performance of the director's duties.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. 1026), Sec. 1.06, eff. April 1, 2015.

Sec. 9013.104. FAILURE TO ELECT DIRECTORS. Failure to call a director election does not affect the legal status of the district, the board, a director, or the right of the board to act or function, and the directors continue to serve as provided by Section 17, Article XVI, Texas Constitution.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. 1026), Sec. 1.06, eff. April 1, 2015.

SUBCHAPTER D. POWERS AND DUTIES

Sec. 9013.151. GENERAL POWERS. The district may exercise the rights, privileges, and functions provided by this chapter.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. 1026), Sec. 1.06, eff. April 1, 2015.

Sec. 9013.152. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS. To accomplish a purpose for which the district is created, the district has the powers conferred by the general laws of this state on water control and improvement districts, including the power to:

(1) construct, acquire, improve, maintain, and repair a dam or other structure; and

(2) acquire land, easements, equipment, or other property needed to use, control, and distribute water that may be impounded, diverted, or controlled by the district.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.06, eff. April 1, 2015.

Sec. 9013.153. CONTROL OF WATER AND FLOODWATER; RECLAMATION. The district has the power to:

(1) control, store, preserve, and distribute the water and floodwater in the district for the irrigation of arid land, conservation, preservation, reclamation, and drainage of the lands in the district;

(2) carry out flood prevention measures to prevent damage to the property in the district; and

(3) reclaim lands heretofore damaged because of the failure to provide the facilities authorized to be constructed under this chapter.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.06, eff. April 1, 2015.

Sec. 9013.154. STRUCTURES AND FACILITIES. The district may acquire, construct, improve, repair, maintain, and operate a structure or facility inside or outside the district.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.06, eff. April 1, 2015.

Sec. 9013.155. COST OF RELOCATING OR ALTERING PROPERTY. If the district's exercise of the power of eminent domain, the power of relocation, or any other power granted under this chapter makes

necessary the relocating, raising, rerouting, changing the grade, or altering the construction of a highway, a railroad, an electric transmission line, a telephone or telegraph property or facility, or a pipeline, the necessary action shall be accomplished at the sole expense of the district.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.06, eff. April 1, 2015.

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 9013.201. TAX METHOD. Subject to Section [9013.202](#), the district shall use an ad valorem plan of taxation, and the taxes imposed by the district shall be on an ad valorem basis.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.06, eff. April 1, 2015.

Sec. 9013.202. HEARING ON CHANGE IN METHOD OF TAXATION; LIMITATION. (a) Except as provided by Subsection (b), the district may call a hearing to consider changing the method of taxation.

(b) Once district bonds are approved by the attorney general or district court, the district may not change its plan of taxation. Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.06, eff. April 1, 2015.

Sec. 9013.203. PROJECTS EXEMPT FROM ASSESSMENT OR TAXATION. The district is not required to pay a tax or assessment on a project or any part of a project.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.06, eff. April 1, 2015.

Sec. 9013.204. MAINTENANCE TAX ELECTION PROCEDURES. (a) A maintenance tax election shall be called and notice given in the same manner as for a bond election.

(b) This chapter does not prevent the calling of a later maintenance tax election to establish or increase the amount of tax if the board determines that a maintenance tax election is

required.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.06, eff. April 1, 2015.

Sec. 9013.205. MAINTENANCE TAX RATE. In calling a maintenance tax election, the board must specify the maximum proposed tax rate. To impose a maintenance tax at a rate that exceeds the maximum proposed rate approved by the voters, the board must submit the question of a tax rate increase to the voters.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.06, eff. April 1, 2015.

Sec. 9013.206. USE OF MAINTENANCE TAX PROCEEDS. (a) The district may spend maintenance tax proceeds for:

- (1) an easement or right-of-way;
- (2) any purpose for which a district may spend bond proceeds; and
- (3) maintenance and operation purposes.

(b) The district may place surplus maintenance tax proceeds not needed for maintenance purposes into the sinking funds for outstanding district bonds.

(c) The board's determination to spend maintenance tax proceeds is final and is not subject to judicial review, except on the grounds of fraud, palpable error, or gross abuse of discretion. Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.06, eff. April 1, 2015.

Sec. 9013.207. APPROVAL OF AND FUNDING FOR CERTAIN PLANS FOR WORKS AND IMPROVEMENTS. (a) In this section, "commission" means the Texas Commission on Environmental Quality.

(b) This section applies only to plans contemplated by the district for works and improvements, or amendments to the plans, that are prepared by the Natural Resources Conservation Service of the United States Department of Agriculture and approved by the district directors.

(c) An engineer's report covering the plans and improvements to be constructed, and the maps, plats, profiles, and

data fully showing and explaining the plans and improvements, are not required to be filed in the district office before an election is held to authorize the issuance of bonds for the works and improvements. The plans and specifications, engineering reports, profiles, maps, and other data, and subsequent amendments to those items, are not required to be approved by the commission before the bonds are issued.

(d) Before the district may spend any funds for the construction of any works and improvements, the commission must approve the portion of the works and improvements to be constructed. The commission's advance approval for the entire project contemplated by the district is not required. The commission may approve on a separate basis the portion of the entire project or works and improvements:

(1) to be constructed at a particular time; and

(2) on which plans and specifications of the Natural Resources Conservation Service have been prepared and submitted by the district to the commission.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.06, eff. April 1, 2015.

SUBCHAPTER F. BONDS

Sec. 9013.251. ISSUANCE OF BONDS. To accomplish a district purpose, the district may issue bonds as provided by general law for water control and improvement districts to obtain money necessary to furnish land or easements or permanent improvements on the land or easements.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.06, eff. April 1, 2015.

Sec. 9013.252. FAILED BOND ELECTION. (a) A general law, including Sections 51.781-51.791, Water Code, that provides for calling a hearing on the dissolution of a district after a failed district bond election does not apply to the district.

(b) The district continues to exist and retain its full power to function and operate regardless of the outcome of a bond

election.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.06, eff. April 1, 2015.

Sec. 9013.253. BONDS EXEMPT FROM TAXATION. A bond issued under this chapter, the transfer of the bond, and income from the bond, including profits made on the sale of the bond, are exempt from taxation in this state.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.06, eff. April 1, 2015.