

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 6. WATER AND WASTEWATER
SUBTITLE I. WATER CONTROL AND IMPROVEMENT DISTRICTS
CHAPTER 9018. BOLING MUNICIPAL WATER DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9018.001. DEFINITIONS. In this chapter:

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

(1-a) "Commission" means the Texas Commission on Environmental Quality.

(1-b) "Director" means a board member.

(2) "District" means the Boling Municipal Water District.

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

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1014 (H.B. [4747](#)), Sec. 1, eff. June 14, 2019.

Sec. 9018.002. NATURE OF DISTRICT. The district is:

(1) a conservation and reclamation district in Wharton County under Section [59](#), Article XVI, Texas Constitution; and

(2) a municipal corporation.

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

Sec. 9018.003. 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 creation of the district.

(c) The creation of the district is essential to accomplish the purpose of Section [59](#), 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 B. DISTRICT TERRITORY; ANNEXATION AND EXCLUSION

Sec. 9018.051. DISTRICT TERRITORY. The district is composed of the territory described by Section 1, Chapter 286, Acts of the 54th Legislature, Regular Session, 1955, as that territory may have been modified under:

(1) this subchapter or its predecessor statute, Section 4(a), Chapter 286, Acts of the 54th Legislature, Regular Session, 1955;

(2) Subchapter O, Chapter 51, Water Code;

(3) Subchapter J, Chapter 49, Water Code; or

(4) other law.

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

Sec. 9018.052. AUTHORITY TO ANNEX OR EXCLUDE TERRITORY. Defined areas of territory not included in the territory described by Section 1, Chapter 286, Acts of the 54th Legislature, Regular Session, 1955, may be added to the district, and territory included in the district may be excluded from the district as provided by this subchapter.

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

Sec. 9018.053. PETITION TO CHANGE BOUNDARIES. (a) A petition for:

(1) annexation of territory must be signed by a majority of the landowners of the territory; and

(2) exclusion of territory must be signed by all of the landowners of the territory sought to be excluded from the district.

(b) The petition must be filed with the board secretary.

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

Sec. 9018.054. HEARING; NOTICE. (a) At the next board meeting after the date the petition is filed, the board shall order

a time and place to hold a hearing on the petition.

(b) The hearing shall be held not earlier than the 15th day and not later than the 60th day after the date of the order.

(c) The secretary shall issue notice of the time and place of the hearing. The notice must contain a description of the territory sought to be annexed or excluded.

(d) Notice of the hearing shall be given by posting a copy of the notice in three public places in the district and one copy in the territory sought to be annexed or excluded.

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

Sec. 9018.055. BOARD APPROVAL OF ANNEXATION. (a) The board shall enter an order of temporary acceptance in the minutes of the hearing if, on hearing the petition for annexation, the board finds that:

(1) the proposed annexation is to the advantage of the district;

(2) no injury would result to the district; and

(3) the territory to be annexed will benefit from the improvements and plans of the district.

(b) The order may include all of the land described in the petition, but if the board finds a modification or change is necessary, the board shall include only territory that will benefit and not result in injury to the existing district.

(c) The board may condition its findings for the annexation of territory on the grant of certain petitions for exclusion.

(d) An annexation of territory does not become effective until ratified at an election under Section [9018.057](#).

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

Sec. 9018.056. BOARD APPROVAL OF EXCLUSION. (a) The board may enter an order of temporary exclusion of territory if, on hearing the petition for exclusion, the board finds that:

(1) the territory will not be benefited by the further improvements planned by the district; and

(2) the benefits accorded to the territory to be excluded by improvements previously authorized by the district do not have a proportionate relationship to the benefits received by the remainder of the district.

(b) An exclusion of territory does not become effective until ratified at an election under Section [9018.057](#).

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

Sec. 9018.057. RATIFICATION ELECTION; NOTICE.

(a) Immediately on the entry of an order under Section [9018.055](#) or [9018.056](#), the board shall enter an order for an election for the purpose of ratifying the board's action by the assumption of the proportionate share of all obligations previously issued, voted, owned, or contracted for by the district.

(b) At an election held to ratify only the annexation of territory, separate polling places shall be provided for the existing territory of the district and the territory to be annexed.

(c) An election held only to ratify the exclusion of territory from the district shall be held in the area of the district as the district will exist if the territory is excluded, and the voters of the territory to be excluded may not participate in the election.

(d) If the annexation and the exclusion of territory are simultaneously submitted as separate propositions, the election shall be held as provided by Subsection (b) except:

(1) the voters in the territory to be excluded shall vote, in a separate box, only on the question of assumption of debt if the election for the exclusion fails; and

(2) the voters in the territory to be annexed and the voters in the district shall have the right to vote for assumption of debt conditioned on exclusion of the other territory and the annexation.

(e) If the board has conditioned an annexation on the exclusion of other territory from the district, the election shall be held as provided by Subsection (b), except the voters of the territory to be excluded may not vote in the election.

(f) If a separate polling place is required under this section, a favorable majority of the participating voters at each polling place is required to assume the debt and approve the tentative order of the board.

(g) The manner of giving notice and holding the election is the same as provided for confirmation elections under general law for water control and improvement districts.

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

Sec. 9018.058. TAX LIABILITY OF EXCLUDED TERRITORY; BONDS OUTSTANDING. (a) Territory excluded by an election is not liable for any obligations voted by the district after the election.

(b) The excluded territory remains liable for the payment of taxes to pay obligations incurred before the exclusion until:

(1) all of the holders of outstanding bonds:

(A) consent to the release of the excluded territory; and

(B) file the consent in writing with the secretary of the district; or

(2) the obligations are paid or refunded.

(c) The territory assuming the obligations is first subject to taxes for the payment of the obligations. The taxes against the excluded territory are levied only to prevent default on the obligations, except the district may levy taxes against the territory to create and maintain a reserve for that contingency. The reserve may not exceed the proportionate amount, based on tax valuations, of the average annual principal and interest requirements on the outstanding obligations.

(d) If the bonds are refunded, the resolution must expressly provide for the release of the excluded territory from the obligation to pay further taxes.

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. 9018.101. COMPOSITION OF BOARD. The board is composed of five elected directors.

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

Sec. 9018.102. TEMPORARY DIRECTORS. (a) The temporary board shall hold an election under Section [49.102](#), Water Code, to elect permanent directors. The temporary board consists of:

- (1) Brett Glenn;
- (2) Steve Nelson;
- (3) James Ezell;
- (4) Theodore Rangel; and
- (5) Bobby Charles.

(b) Temporary directors serve until the earlier of:

- (1) the date permanent directors are elected at an election held under Section [49.102](#), Water Code; or
- (2) the fourth anniversary of the effective date of the Act enacting this section.

(c) If permanent directors have not been elected at an election held under Section [49.102](#), Water Code, and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

- (1) the date permanent directors are elected at an election held under Section [49.102](#), Water Code; or
- (2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

Added by Acts 2019, 86th Leg., R.S., Ch. 1014 (H.B. [4747](#)), Sec. 2, eff. June 14, 2019.

SUBCHAPTER D. POWERS AND DUTIES

Sec. 9018.151. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS. The district has the rights, powers, privileges, and duties provided by general law applicable to a water control and improvement district created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 51, Water Code.

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

Sec. 9018.152. 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 by this chapter, makes necessary the relocating, raising, rerouting, changing the grade, or altering the construction of a highway, railroad, electric transmission line, pipeline, or telegraph or telephone property or facility, 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. 9018.201. TAX METHOD. (a) The district shall use the ad valorem plan of taxation.

(b) The board is not required to hold a hearing on the adoption of a plan of taxation.

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