

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE I. WATER CONTROL AND IMPROVEMENT DISTRICTS

For contingent expiration of this chapter, see Section 9022.003.

CHAPTER 9022. KENDALL COUNTY WATER CONTROL AND IMPROVEMENT

DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9022.001. 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 Kendall County Water Control and Improvement District No. 2.

Added by Acts 2007, 80th Leg., R.S., Ch. 989 (S.B. [1245](#)), Sec. 1, eff. September 1, 2007.

Sec. 9022.002. NATURE OF DISTRICT. The district is a water control and improvement district in Kendall County created under and essential to accomplish the purposes of Section [59](#), Article XVI, Texas Constitution.

Added by Acts 2007, 80th Leg., R.S., Ch. 989 (S.B. [1245](#)), Sec. 1, eff. September 1, 2007.

Sec. 9022.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 9022.023 before September 1, 2011:

(1) the district is dissolved September 1, 2011, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Kendall 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, 2014.

Added by Acts 2007, 80th Leg., R.S., Ch. 989 (S.B. [1245](#)), Sec. 1, eff. September 1, 2007.

Sec. 9022.004. 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 taxes;

(3) the validity of the district's bonds, notes, or indebtedness; or

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

Added by Acts 2007, 80th Leg., R.S., Ch. 989 (S.B. [1245](#)), Sec. 1, eff. September 1, 2007.

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9022.051. DIRECTORS; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms.

Added by Acts 2007, 80th Leg., R.S., Ch. 989 (S.B. [1245](#)), Sec. 1, eff. September 1, 2007.

Sec. 9022.052. ELECTION OF DIRECTORS. Notwithstanding Section [49.103](#)(b), Water Code, on the uniform election date in November of each even-numbered year, the appropriate number of directors shall be elected.

Added by Acts 2007, 80th Leg., R.S., Ch. 989 (S.B. [1245](#)), Sec. 1, eff. September 1, 2007.

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 9022.101. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS AND DUTIES. The district has the powers 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. Added by Acts 2007, 80th Leg., R.S., Ch. 989 (S.B. 1245), Sec. 1, eff. September 1, 2007.

Sec. 9022.102. ROAD PROJECTS. (a) To the extent authorized by Section 52, Article III, Texas Constitution, the district may:

(1) construct, acquire, improve, maintain, or operate macadamized, graveled, or paved roads, or improvements in aid of those roads, inside the district; and

(2) improve or maintain roads, or improvements in aid of those roads, outside the district.

(b) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulatory ordinances of the 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 the county in which the district is located.

(c) 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.

Added by Acts 2007, 80th Leg., R.S., Ch. 989 (S.B. 1245), Sec. 1, eff. September 1, 2007.

Sec. 9022.103. DIVISION OF DISTRICT. (a) The district may divide into two new districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

(b) The division procedure is prescribed by Sections 53.030 through 53.041, Water Code. Sections 51.748 through 51.753, Water Code, do not apply to the district.

(c) Any new district created by the division of the district has all the powers and duties of the district.

(d) Any 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 2 of the Act creating this chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 989 (S.B. [1245](#)), Sec. 1, eff. September 1, 2007.

Sec. 9022.105. LIMIT ON EMINENT DOMAIN POWER. The district may exercise the power of eminent domain outside the district only to acquire an easement necessary for belowground water, sewer, storm water, or drainage pipelines that serve the district.

Added by Acts 2007, 80th Leg., R.S., Ch. 989 (S.B. [1245](#)), Sec. 1, eff. September 1, 2007.

#### SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9022.151. TAX TO REPAY BONDS. The district may impose a tax to pay the principal of and interest on bonds issued under Section [9022.201](#).

Added by Acts 2007, 80th Leg., R.S., Ch. 989 (S.B. [1245](#)), Sec. 1, eff. September 1, 2007.

#### SUBCHAPTER E. BONDS

Sec. 9022.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may issue bonds or other obligations as provided by Chapters [49](#) and [51](#), Water Code, to finance the construction, maintenance, or operation of projects under Section [9022.101](#) or [9022.102](#).

(b) The district may not issue bonds authorized by Section [9022.102](#) unless the issuance is approved by a vote of a two-thirds majority of the voters of the district voting at an election called for that purpose.

(c) Bonds or other obligations issued or incurred to finance projects authorized by Section [9022.102](#) may not exceed one-fourth

of the assessed value of the real property in the district.

Added by Acts 2007, 80th Leg., R.S., Ch. 989 (S.B. [1245](#)), Sec. 1,  
eff. September 1, 2007.