

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 9030.004.

CHAPTER 9030. BURNET COUNTY WATER CONTROL AND

IMPROVEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9030.001. 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 Burnet County Water Control and Improvement District No. 1.

(4) "Project" means a program or project authorized by this chapter or general law, to be undertaken inside or outside the boundaries of the district, that is necessary to accomplish the public purposes of the district.

Added by Acts 2007, 80th Leg., R.S., Ch. 945 (H.B. 3990), Sec. 1, eff. September 1, 2007.

Sec. 9030.002. NATURE OF DISTRICT. The district is a water control and improvement district in Burnet County created under and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

Added by Acts 2007, 80th Leg., R.S., Ch. 945 (H.B. 3990), Sec. 1, eff. September 1, 2007.

Sec. 9030.003. LEGISLATIVE FINDINGS. The legislature finds that:

(1) all of the land and other property included in the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district pursuant to the powers conferred by Section 52, Article III, and Section 59, Article XVI, Texas Constitution; and

(2) the district serves a public use and benefit.

Added by Acts 2007, 80th Leg., R.S., Ch. 945 (H.B. 3990), Sec. 1, eff. September 1, 2007.

Sec. 9030.004. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 9030.023 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 Burnet 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. 945 (H.B. 3990), Sec. 1, eff. September 1, 2007.

Sec. 9030.005. 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; or

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

Added by Acts 2007, 80th Leg., R.S., Ch. 945 (H.B. 3990), Sec. 1, eff. September 1, 2007.

Sec. 9030.006. APPLICABILITY OF ADMINISTRATIVE PROVISIONS OF OTHER LAW; CONFLICT OF LAW. The district shall operate as a water control and improvement district and comply with the administrative provisions of Chapter 51, Water Code, except as

otherwise provided by this chapter. The district shall also comply with Chapter 49, Water Code, to the extent that chapter does not conflict with Chapter 51 of that code. If there is a conflict between Chapters 49 and 51, Water Code, Chapter 51 controls.

Added by Acts 2007, 80th Leg., R.S., Ch. 945 (H.B. 3990), Sec. 1, eff. September 1, 2007.

Sec. 9030.007. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the legislative findings and purposes stated in this chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 945 (H.B. 3990), Sec. 1, eff. September 1, 2007.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9030.051. 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. 945 (H.B. 3990), Sec. 1, eff. September 1, 2007.

Sec. 9030.052. 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 2007, 80th Leg., R.S., Ch. 945 (H.B. 3990), Sec. 1, eff. September 1, 2007.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9030.101. WATER CONTROL AND IMPROVEMENT DISTRICT AND MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state applicable to:

(1) water control and improvement districts, including Chapters 49 and 51, Water Code; and

(2) municipal utility districts, including Chapter 54, Water Code.

Added by Acts 2007, 80th Leg., R.S., Ch. 945 (H.B. 3990), Sec. 1, eff. September 1, 2007.

Sec. 9030.102. ROAD PROJECTS. To the extent authorized by Section 52, Article III, Texas Constitution, the district may construct, acquire, improve, maintain, or operate macadamized, graveled, or paved roads, or improvements in aid of those roads. Added by Acts 2007, 80th Leg., R.S., Ch. 945 (H.B. 3990), Sec. 1, eff. September 1, 2007.

Sec. 9030.103. CONTRACT WITH POLITICAL SUBDIVISION FOR WATER OR SEWER SERVICES. (a) The district may enter into a contract to allow a political subdivision to provide retail water or sewer service in the district. The contract may contain terms the board considers desirable, fair, and advantageous to the district.

(b) The contract may provide that the district will construct or acquire and convey to the political subdivision a water supply or treatment system, a water distribution system, or a sanitary sewage collection or treatment system, as necessary to provide water or sewer service in the district.

(c) The district may use bond proceeds or other available district money to pay for its obligations under, or for services or facilities provided under, the contract.

(d) If the contract requires the district to make payments from taxes other than operation and maintenance taxes, the contract is subject to Section 49.108, Water Code.

Added by Acts 2007, 80th Leg., R.S., Ch. 945 (H.B. 3990), Sec. 1, eff. September 1, 2007.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9030.151. TAX TO REPAY BONDS. The district may impose a tax to pay the principal of or interest on bonds or other obligations issued under Section 9030.201.

Added by Acts 2007, 80th Leg., R.S., Ch. 945 (H.B. 3990), Sec. 1, eff. September 1, 2007.

SUBCHAPTER E. BONDS

Sec. 9030.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may issue bonds or other obligations as provided by Chapters 49, 51, and 54, Water Code, to finance:

(1) the construction, maintenance, or operation of projects under Sections 9030.101 and 9030.102; or

(2) the district's contractual obligations under Section 9030.103.

(b) The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, grants, or other district money.

(c) The district may not issue bonds or other obligations secured wholly or partly by ad valorem taxation to finance projects authorized by Section 9030.102 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.

(d) Bonds or other obligations issued or incurred to finance projects authorized by Section 9030.101 or 9030.102 or contractual obligations under Section 9030.103 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. 945 (H.B. 3990), Sec. 1, eff. September 1, 2007.