

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE I. WATER CONTROL AND IMPROVEMENT DISTRICTS

CHAPTER 9032. COKE COUNTY KICKAPOO WATER CONTROL AND
IMPROVEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9032.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Coke County Kickapoo Water Control and Improvement District No. 1.

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

Sec. 9032.002. NATURE OF DISTRICT. The district is a conservation, reclamation, and improvement district in Coke County.

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

Sec. 9032.003. FINDINGS OF BENEFIT. All territory included in the district will benefit from the works and projects accomplished by the district under the powers conferred by 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.

Sec. 9032.004. APPLICABILITY OF OTHER WATER CONTROL AND IMPROVEMENT DISTRICT 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. 9032.051. DISTRICT TERRITORY. The district is composed of the territory described by Section 2, Chapter 17, Acts of the 56th Legislature, 1st Called Session, 1959, 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.

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

Sec. 9032.052. HEARING FOR EXCLUSION OF TERRITORY. A hearing is not required for the exclusion of territory from 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. 9032.101. 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. 9032.102. QUALIFICATIONS FOR OFFICE. A director must be:

- (1) at least 18 years of age;
- (2) a resident of the state and district; and
- (3) an owner of taxable property in the district.

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

Sec. 9032.103. ELECTION OF DIRECTORS. (a) An election order for a directors' election must state the time, place, and purpose of the election.

(b) Notice of a directors' election must be published in a

newspaper of general circulation in the district for two consecutive weeks in not less than two publications at least 20 days before the date of the election.

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

Sec. 9032.104. ELECTION RESULTS. (a) The candidates receiving the highest number of votes shall be elected.

(b) The board shall declare the results of the election.
Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.06, eff. April 1, 2015.

Sec. 9032.105. BALLOT PROCEDURE FOR CANDIDATES. (a) A person who wants the person's name printed on the ballot as a candidate for director must submit a petition to the board secretary requesting that action.

(b) The petition must be:
(1) signed by at least 15 qualified voters; and
(2) presented to the board secretary not later than the 21st day before the date of the election.

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

Sec. 9032.106. DIRECTOR'S BOND. Each director shall make bond in the amount of \$5,000 payable to the county judge of Coke County 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. 9032.107. VOTE BY BOARD PRESIDENT. The president has the same right to vote as any other director.

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

Sec. 9032.108. ABSENCE OR INACTION OF BOARD PRESIDENT. When the board president is absent or fails or declines to act, the board vice president shall perform all duties and

exercise all power this chapter gives the president.

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

Sec. 9032.109. APPOINTMENT OR EMPLOYMENT OF SECRETARY AND TREASURER. (a) The board may appoint or employ a secretary. The secretary shall also serve as treasurer.

(b) The secretary is not required to be a director.
Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.06, eff. April 1, 2015.

Sec. 9032.110. SECRETARY'S BOND. (a) The secretary shall make bond in an amount required by the board, conditioned on the secretary's faithfully accounting for all money that comes into the secretary's custody as district treasurer.

(b) The bond must be payable to the order of the county judge of Coke County.
Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.06, eff. April 1, 2015.

Sec. 9032.111. EMPLOYEES. The board may employ a general manager, attorney, engineer, or other technical or nontechnical employees or assistants and set the amount and manner of their compensation.
Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.06, eff. April 1, 2015.

Sec. 9032.112. SEAL. The board may adopt a seal for the district.
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. 9032.151. GENERAL POWERS. (a) The district may exercise the rights, privileges, functions, and authority granted water control and improvement districts by:

(1) Chapters 49 and 51, Water Code; and

(2) all other laws relating to water control and improvement districts.

(b) To the extent a general law described by Subsection (a) conflicts or is inconsistent with this chapter, this chapter prevails.

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

Sec. 9032.152. 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, rights, property, or equipment needed to use, control, or 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. 9032.153. 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 land and other property in the district; and

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

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

Sec. 9032.154. POWERS RELATING TO THE WATER OF KICKAPOO CREEKS; SURVEYS, MAPS, AND PLANS. (a) The district may conduct

preliminary surveys and develop and map out a plan for the control and use of the water of Kickapoo Creeks to the end that improvements on any part of the watershed will be mechanically and economically related to the improvements of the entire watershed.

(b) On the completion of the survey, map, or plan and the adoption of the survey, map, or plan by the board, a certified copy of the survey, map, or plan must be filed for informational purposes with the Texas Commission on Environmental Quality.

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

Sec. 9032.155. GENERAL PROPERTY POWER. In addition to powers granted the district under other law, the district has the power to purchase, construct, maintain, condemn, or in any other manner acquire, provide, and develop all works, facilities, improvements, lands, easements, rights, and other properties in the district that may be necessary or useful in fulfilling the purposes of the district.

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

Sec. 9032.156. 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 grades of, or altering the construction of any highway, railroad, electric transmission line, pipeline, telephone, or telegraph 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.

Sec. 9032.157. SURVEYS; ENGINEERING INVESTIGATIONS. The board may conduct or provide for surveys and engineering investigations for the district and its associates or affiliates to accomplish district purposes.

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

eff. April 1, 2015.

Sec. 9032.158. EQUIPMENT; SUPPLIES. The board may provide equipment and supplies considered essential to properly maintain the district.

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

Sec. 9032.159. COOPERATION IN WILDLIFE PROGRAMS. The district may cooperate with state, federal, and other agencies and groups in wildlife programs that are:

(1) not inconsistent with the purposes of this chapter; and

(2) designed to improve the general habitat of wildlife and promote the general propagation of wildlife.

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

SUBCHAPTER E. TAXES

Sec. 9032.201. 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 the plan of taxation. Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.06, eff. April 1, 2015.

Sec. 9032.202. 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. 9032.203. 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.

SUBCHAPTER F. BONDS

Sec. 9032.251. 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, easements, or improvements, to maintain a structure, or for channeling, or other works of improvement performed or constructed by the district or others in cooperation with the district.

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

Sec. 9032.252. PLEDGE OF REVENUE TO PAY BONDS. When the board selects a plan of taxation, the board may pledge district revenue to pay bonds authorized by voters.

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