

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE I. WATER CONTROL AND IMPROVEMENT DISTRICTS

CHAPTER 9034. FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT

DISTRICT NO. 10

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9034.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Fort Bend County Water Control and Improvement District No. 10.

Added by Acts 2009, 81st Leg., R.S., Ch. 219 (S.B. [1241](#)), Sec. 1, eff. May 27, 2009.

Sec. 9034.002. NATURE OF DISTRICT. The district is a water control and improvement district created under Section [59](#), Article XVI, Texas Constitution.

Added by Acts 2009, 81st Leg., R.S., Ch. 219 (S.B. [1241](#)), Sec. 1, eff. May 27, 2009.

Sec. 9034.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section [49.102](#), Water Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 219 (S.B. [1241](#)), Sec. 1, eff. May 27, 2009.

Sec. 9034.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section [9034.003](#) until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 219 (S.B. [1241](#)), Sec. 1, eff. May 27, 2009.

Sec. 9034.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a water control and improvement district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Added by Acts 2009, 81st Leg., R.S., Ch. 219 (S.B. 1241), Sec. 1, eff. May 27, 2009.

Sec. 9034.006. 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 the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

Added by Acts 2009, 81st Leg., R.S., Ch. 219 (S.B. 1241), Sec. 1, eff. May 27, 2009.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9034.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 9034.052, directors serve staggered four-year terms.

Added by Acts 2009, 81st Leg., R.S., Ch. 219 (S.B. 1241), Sec. 1,

eff. May 27, 2009.

Sec. 9034.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

- (1) Jay Henry;
- (2) Mark Schindler;
- (3) David Vercellino;
- (4) Chris Sitka; and
- (5) Chrystal Seymour.

(b) Temporary directors serve until the earlier of:

- (1) the date permanent directors are elected under Section 9034.003; or
- (2) the fourth anniversary of the effective date of the Act creating this chapter.

(c) If permanent directors have not been elected under Section 9034.003 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 under Section 9034.003; 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 Texas Commission on Environmental Quality 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 2009, 81st Leg., R.S., Ch. 219 (S.B. 1241), Sec. 1, eff. May 27, 2009.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9034.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for

which the district is created.

Added by Acts 2009, 81st Leg., R.S., Ch. 219 (S.B. [1241](#)), Sec. 1, eff. May 27, 2009.

Sec. 9034.102. 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 2009, 81st Leg., R.S., Ch. 219 (S.B. [1241](#)), Sec. 1, eff. May 27, 2009.

Sec. 9034.103. AUTHORITY FOR ROAD PROJECTS. Under Section [52](#), Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Added by Acts 2009, 81st Leg., R.S., Ch. 219 (S.B. [1241](#)), Sec. 1, eff. May 27, 2009.

Sec. 9034.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Added by Acts 2009, 81st Leg., R.S., Ch. 219 (S.B. [1241](#)), Sec. 1, eff. May 27, 2009.

Sec. 9034.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section [42.042](#), Local Government Code, and that consents to the creation of the district or to the inclusion of land in the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 219 (S.B. [1241](#)), Sec. 1, eff. May 27, 2009.

Sec. 9034.106. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

- (1) a road project authorized by Section [9034.103](#); or
- (2) a recreational facility as defined by Section [49.462](#), Water Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 219 (S.B. [1241](#)), Sec. 1, eff. May 27, 2009.

Sec. 9034.107. FIRE DEPARTMENTS. (a) The district may contract with the City of Richmond to perform firefighting services in the district on the same terms that the municipality provides firefighting services in the extraterritorial jurisdiction of the municipality. The district, with voter approval, may issue bonds payable from ad valorem taxes to pay for capital costs required under the contract, including:

- (1) the construction and purchase of facilities, land, and equipment; and
- (2) the provision of adequate water supply.

(b) Notwithstanding Sections [49.351](#)(g), (h), and (i), Water Code, if the district contracts with the City of Richmond to provide firefighting services in the district, the district is not required to submit a fire plan to the Texas Commission on Environmental Quality for approval.

Added by Acts 2009, 81st Leg., R.S., Ch. 219 (S.B. [1241](#)), Sec. 1, eff. May 27, 2009.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9034.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

- (1) revenue other than ad valorem taxes; or
- (2) contract payments described by Section 9034.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 51, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Added by Acts 2009, 81st Leg., R.S., Ch. 219 (S.B. 1241), Sec. 1, eff. May 27, 2009.

Sec. 9034.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 9034.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Added by Acts 2009, 81st Leg., R.S., Ch. 219 (S.B. 1241), Sec. 1, eff. May 27, 2009.

Sec. 9034.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

Added by Acts 2009, 81st Leg., R.S., Ch. 219 (S.B. 1241), Sec. 1, eff. May 27, 2009.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 9034.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Added by Acts 2009, 81st Leg., R.S., Ch. 219 (S.B. [1241](#)), Sec. 1, eff. May 27, 2009.

Sec. 9034.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Section [51.433](#), Water Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 219 (S.B. [1241](#)), Sec. 1, eff. May 27, 2009.

Sec. 9034.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 219 (S.B. [1241](#)), Sec. 1, eff. May 27, 2009.