

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 6. WATER AND WASTEWATER
SUBTITLE I. WATER CONTROL AND IMPROVEMENT DISTRICTS
CHAPTER 9037. COMAL COUNTY WATER CONTROL AND IMPROVEMENT
DISTRICT NO. 6

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9037.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means the Comal County Water Control and Improvement District No. 6.

Added by Acts 2009, 81st Leg., R.S., Ch. 1096 (H.B. [4811](#)), Sec. 1, eff. June 19, 2009.

Sec. 9037.002. 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. 1096 (H.B. [4811](#)), Sec. 1, eff. June 19, 2009.

Sec. 9037.003. 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. 1096 (H.B. [4811](#)), Sec. 1, eff. June 19, 2009.

Sec. 9037.004. CONSENT REQUIRED. (a) The temporary directors may not hold an election under Section [9037.003](#) until:

- (1) 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;

- (2) each municipality in whose extraterritorial jurisdiction the district is located has:

(A) approved and entered into a strategic partnership agreement with the district under Section [43.0751](#), Local Government Code; and

(B) approved and entered into a development agreement with the owners of land in the district under Section [212.172](#), Local Government Code;

(3) an agreement that addresses the provision of water and wastewater treatment to the land in the district has been approved and entered into by:

(A) each municipality in whose extraterritorial jurisdiction the district is located;

(B) the commissioners court of each county in which the district is located;

(C) a retail or wholesale provider of water and wastewater treatment; and

(D) the owners of land in the district;

(4) the commissioners court of each county in which the district is located has issued an order making the findings under Sections [51.021](#)(a)(1), (2), (3), and (4), Water Code; and

(5) the commissioners court of each county in which the district is located has approved and entered into an agreement with the district that must include, but is not limited to, provisions relating to the use of county right-of-way, the district's exercise of the power of eminent domain outside the boundaries of the district, drainage serving the land in the district, platting of land in the district, and the provision of water and wastewater treatment to the land in the district.

(b) A municipality that contains district territory in its corporate limits or extraterritorial jurisdiction may include in its consent to the creation of the district any restriction on or condition to the consent, including a limitation on the powers of the district otherwise granted by this chapter.

(c) Sections [51.022](#) through [51.025](#), Water Code, do not apply to the district or the order of the county under Subsection (a)(4). Added by Acts 2009, 81st Leg., R.S., Ch. 1096 (H.B. [4811](#)), Sec. 1, eff. June 19, 2009.

Sec. 9037.005. EXTRATERRITORIAL STATUS. All of the land included in the district, as approved by the City of Bulverde for inclusion in the district, is included in the extraterritorial jurisdiction of the City of Bulverde on adoption of the resolution or ordinance consenting to the creation of the district by the governing body of the City of Bulverde.

Added by Acts 2009, 81st Leg., R.S., Ch. 1096 (H.B. [4811](#)), Sec. 1, eff. June 19, 2009.

Sec. 9037.006. 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, as limited by this chapter, including the disposal of waste and control of storm water; and

(2) Section [52](#), Article III, Texas Constitution, as limited by this chapter, 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. 1096 (H.B. [4811](#)), Sec. 1, eff. June 19, 2009.

Sec. 9037.007. 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. 1096 (H.B. [4811](#)), Sec. 1, eff. June 19, 2009.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9037.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section [9037.052](#), directors serve staggered four-year terms.

Added by Acts 2009, 81st Leg., R.S., Ch. 1096 (H.B. [4811](#)), Sec. 1, eff. June 19, 2009.

Sec. 9037.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

- (1) Shannon Miller;
- (2) Jim Leonard;
- (3) David Rittenhouse;
- (4) George Weron; and
- (5) Blaine Lopez.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section [9037.003](#); 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 [9037.003](#) 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 [9037.003](#); 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. 1096 (H.B. [4811](#)), Sec. 1, eff. June 19, 2009.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9037.101. GENERAL POWERS AND DUTIES. The district has the powers and duties, as limited by this chapter, necessary to accomplish the purposes for which the district is created.

Added by Acts 2009, 81st Leg., R.S., Ch. 1096 (H.B. [4811](#)), Sec. 1, eff. June 19, 2009.

Sec. 9037.102. 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, including the powers and duties that relate to the disposal of waste and control of storm water under Section [51.331](#), Water Code, as limited by this chapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 1096 (H.B. [4811](#)), Sec. 1, eff. June 19, 2009.

Sec. 9037.103. AUTHORITY FOR ROAD PROJECTS. Under Section [52](#), Article III, Texas Constitution, as limited by this chapter, 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. 1096 (H.B. [4811](#)), Sec. 1, eff. June 19, 2009.

Sec. 9037.104. APPROVAL OF ROAD PROJECT. (a) The district may not undertake a road project authorized by Section [9037.103](#)

unless:

(1) the proposed road project complies with applicable municipal or county subdivision ordinances or regulations; or

(2) the Texas Transportation Commission has approved the plans and specifications of the road project, if the state will operate and maintain the road.

(b) Except as provided by Subsection (a), the district is not required to obtain approval from the Texas Transportation Commission to design, acquire, construct, finance, issue bonds for, improve, or convey a road project.

Added by Acts 2009, 81st Leg., R.S., Ch. 1096 (H.B. [4811](#)), Sec. 1, eff. June 19, 2009.

Sec. 9037.105. 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](#) or [42.0425](#), 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. 1096 (H.B. [4811](#)), Sec. 1, eff. June 19, 2009.

Sec. 9037.106. LIMITATION ON USE OF EMINENT DOMAIN. (a) The district shall not exercise the power of eminent domain outside the district to acquire a site or easement for:

(1) a road project authorized by Section [9037.103](#); or

(2) a recreational facility as defined by Section [49.462](#), Water Code.

(b) The district shall not exercise the power of eminent domain outside the boundaries of the district for any purpose unless the proposed exercise is approved by a written resolution of the commissioners court of each county in which the district is located.

Added by Acts 2009, 81st Leg., R.S., Ch. 1096 (H.B. [4811](#)), Sec. 1, eff. June 19, 2009.

Sec. 9037.107. WATER AND WASTEWATER INFRASTRUCTURE. The

district may not construct any water or wastewater improvement unless the plans and specifications for the improvement have been approved by Comal County, the City of Bulverde, and any wholesale provider of water or wastewater treatment to the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 1096 (H.B. [4811](#)), Sec. 1, eff. June 19, 2009.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9037.151. 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 [9037.153](#).

(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. 1096 (H.B. [4811](#)), Sec. 1, eff. June 19, 2009.

Sec. 9037.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section [9037.151](#), 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. 1096 (H.B. [4811](#)), Sec. 1, eff. June 19, 2009.

Sec. 9037.153. 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. 1096 (H.B. [4811](#)), Sec. 1, eff. June 19, 2009.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 9037.201. 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. 1096 (H.B. [4811](#)), Sec. 1, eff. June 19, 2009.

Sec. 9037.202. 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. 1096 (H.B. [4811](#)), Sec. 1, eff. June 19, 2009.

Sec. 9037.203. 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. 1096 (H.B. [4811](#)), Sec. 1, eff. June 19, 2009.