

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE I. WATER CONTROL AND IMPROVEMENT DISTRICTS

CHAPTER 9040. MONTGOMERY COUNTY WATER CONTROL AND IMPROVEMENT

DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9040.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Montgomery County Water Control and Improvement District No. 3.

Added by Acts 2009, 81st Leg., R.S., Ch. 863 (S.B. [2486](#)), Sec. 1, eff. June 19, 2009.

Sec. 9040.002. 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. 863 (S.B. [2486](#)), Sec. 1, eff. June 19, 2009.

Sec. 9040.003. 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. 863 (S.B. [2486](#)), Sec. 1, eff. June 19, 2009.

Sec. 9040.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section [9040.003](#) 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. 863 (S.B. [2486](#)), Sec. 1, eff. June 19, 2009.

Sec. 9040.005. 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 a water control and improvement district as provided by general law and Section 59, Article XVI, Texas Constitution.

Added by Acts 2009, 81st Leg., R.S., Ch. 863 (S.B. 2486), Sec. 1, eff. June 19, 2009.

Sec. 9040.006. 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. 863 (S.B. 2486), Sec. 1, eff. June 19, 2009.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9040.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 9040.052, directors serve staggered four-year terms.

Added by Acts 2009, 81st Leg., R.S., Ch. 863 (S.B. 2486), Sec. 1, eff. June 19, 2009.

Sec. 9040.052. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act creating this chapter, 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 temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 9040.003; 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 9040.003 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 9040.003; 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. 863 (S.B. 2486), Sec. 1, eff. June 19, 2009.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9040.101. 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. 863 (S.B. 2486), Sec. 1, eff. June 19, 2009.

Sec. 9040.102. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS AND DUTIES. (a) 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.

(b) The powers and duties authorized under Subsection (a) shall specifically include the powers authorized under Subchapter H, Chapter 51, Water Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 863 (S.B. 2486), Sec. 1, eff. June 19, 2009.

Sec. 9040.103. 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. 863 (S.B. 2486), Sec. 1, eff. June 19, 2009.

Sec. 9040.104. 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 a recreational facility as defined by Section 49.462, Water Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 863 (S.B. 2486), Sec. 1, eff. June 19, 2009.

Sec. 9040.105. POWERS AND DUTIES RELATED TO FILL PROJECTS. (a) The district has the powers and duties provided by the general law of this state, including Chapters 49 and 57, Water Code, applicable to levee improvement districts created under Section 59, Article XVI, Texas Constitution.

(b) The district may:

- (1) reclaim land in the district; and
- (2) construct works, facilities, and improvements necessary to accomplish that purpose.

(c) The district may finance and contract for the construction of a fill project or for the acquisition of land for a fill project in the district, including drainage and reclamation.

(d) For the district's exercise of a power of or performance of a duty of a levee improvement district as provided by Subsection (c), the Texas Commission on Environmental Quality shall consider the district to be a levee improvement district.

(e) For any fill or levee project located in the district and in the watershed of the San Jacinto River Basin, the district shall obtain approval for the plan from any state or federal agency with jurisdiction to permit a project of the same type and from any municipality with a right to divert state water from a point located between the district and Lake Houston.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1157 (S.B. 320), Sec. 1, eff. June 14, 2013.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9040.151. 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 9040.153.

(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.

Added by Acts 2009, 81st Leg., R.S., Ch. 863 (S.B. 2486), Sec. 1, eff. June 19, 2009.

Sec. 9040.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 9040.151, 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. 863 (S.B. 2486), Sec. 1,

eff. June 19, 2009.

Sec. 9040.153. 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. 863 (S.B. [2486](#)), Sec. 1, eff. June 19, 2009.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 9040.201. 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. 863 (S.B. [2486](#)), Sec. 1, eff. June 19, 2009.

Sec. 9040.202. 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 Chapter [51](#), Water Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 863 (S.B. [2486](#)), Sec. 1, eff. June 19, 2009.

Sec. 9040.203. BONDS FOR RECREATIONAL FACILITIES. (a) The district may develop recreational facilities and issue bonds for the facilities under Chapter [49](#), Water Code, notwithstanding any

overlap of the district's territory with the territory of one or more political subdivisions authorized to develop recreational facilities and issue bonds under Chapter [49](#), Water Code.

(b) The authority of the district to develop recreational facilities and issue bonds under this section does not limit the authority of any other political subdivision whose territory the territory of the district may overlap, wholly or partly, to develop recreational facilities and issue bonds under Chapter [49](#), Water Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 863 (S.B. [2486](#)), Sec. 1, eff. June 19, 2009.