

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 6. WATER AND WASTEWATER
SUBTITLE I. WATER CONTROL AND IMPROVEMENT DISTRICTS
CHAPTER 9051. JEFFERSON COUNTY WATER CONTROL AND IMPROVEMENT
DISTRICT NO. 10

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9051.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means the Jefferson County Water Control and Improvement District No. 10.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Jefferson County created under Section [59](#), Article XVI, Texas Constitution, for the purposes of:

- (1) controlling, conserving, protecting, preserving, distributing, and using surface water;
- (2) producing, distributing, and using groundwater; and
- (3) regulating, controlling, and disposing of sewerage, waste, and other refuse to prevent the contamination of the public waters.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.003. LEGISLATIVE FINDING. The legislature finds that the district is essential to the accomplishment of the purposes of Section [59](#), Article XVI, Texas Constitution.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.004. LIBERAL CONSTRUCTION OF CHAPTER. This

chapter shall be liberally construed to effect its purposes.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.005. CORRECTION OF INVALID PROCEDURES. If a court holds that any procedure under this chapter violates the constitution of this state or of the United States, the district by resolution may provide an alternative procedure that conforms with the constitution.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

SUBCHAPTER B. DISTRICT TERRITORY AND ANNEXATION

Sec. 9051.051. DISTRICT TERRITORY. The district is composed of the territory described by Section 3, Chapter 245, Acts of the 54th Legislature, Regular Session, 1955, 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 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.052. ANNEXATION OF DISTRICT TERRITORY BY MUNICIPALITY. Territory contained in the district may not be annexed, either wholly or partly, by a municipality unless the annexation is approved by a majority of the voters voting in a single election held jointly in the municipality and the district for that purpose.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

SUBCHAPTER C. DISTRICT ADMINISTRATION

Sec. 9051.101. COMPOSITION OF BOARD; TERMS. The board consists of five elected directors who serve staggered four-year

terms that begin on May 16 following their election.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.102. QUALIFICATIONS FOR OFFICE. A director must:

- (1) be a resident, qualified voter; and
- (2) own taxable property in the district.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.103. DIRECTOR'S BOND. (a) Each director must qualify by giving bond in the amount of \$5,000 for the faithful performance of the director's duties.

(b) The bond must be recorded in the official bond records of the county.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.104. QUORUM. Any three members of the board constitute a quorum.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.105. OFFICERS. The board shall elect from among its members a president, a vice president, and a secretary-treasurer.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.106. EMPLOYEES. The board may employ engineers, attorneys, and other technical or nontechnical employees or assistants and set and provide the amount and manner of their compensation.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.107. EXPENDITURES. The board may provide for the

payment of expenditures considered essential to the proper maintenance and administration of the district.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.108. COMPENSATION OF DIRECTORS. (a) A director shall receive a fee of \$3 per day for attending each board meeting, except that not more than \$6 per day may be paid to a director for meetings held in any one calendar month.

(b) In all areas of conflict with Subsection (a) of this section, Section [49.060](#), Water Code, takes precedence.

(c) A director's compensation may be increased as authorized by Section [49.060](#), Water Code, by resolution adopted by the board in accordance with Subsection (e) of that section on or after September 1, 1995.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.109. BUDGET. (a) Before the adoption of the district's annual tax rate, the president of the board must prepare, or have prepared, and the board must approve a budget to cover all proposed expenditures of the district for the succeeding tax year.

(b) The budget must:

(1) be itemized to make as clear as practicable a comparison between the expenditures included in the proposed budget and the actual expenditures for the same or similar purposes for the preceding tax year;

(2) show as definitely as possible each project for which appropriations are included in the budget and the estimated amount of money included in the budget for each project; and

(3) contain a complete financial statement of the district showing:

(A) all outstanding obligations;

(B) the cash on hand to the credit of each fund;

(C) the money received from all sources during the preceding year;

(D) the money available from all sources during the succeeding year;

(E) the estimated revenue available to cover the proposed budget; and

(F) the estimated tax rate required for the succeeding tax year.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

SUBCHAPTER D. POWERS AND DUTIES

Sec. 9051.151. GENERAL POWERS. (a) Except as otherwise provided by this chapter, the district has all the powers and duties granted to water control and improvement districts by Chapters [49](#) and [51](#), Water Code, and all other laws applicable to water control and improvement districts.

(b) The district may formulate and execute any plan considered essential to the accomplishment of the purposes for which it is created.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.152. DISTRICT PROPERTY. (a) The district may acquire, maintain, use, and operate property of any kind or any interest in property necessary to the exercise of the powers, rights, privileges, and functions of the district under this chapter.

(b) The district may acquire property or an interest in property as provided by Subsection (a) by purchase, construction, lease, gift, or any other manner.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.153. 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 by this chapter makes necessary relocating, raising, rerouting, changing the grade of, or

altering the construction of a highway, railroad, electric transmission line, telegraph or telephone property or facility, or pipeline, the necessary action shall be accomplished at the sole expense of the district.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.154. POWERS RELATING TO WATERWORKS OR SANITARY SEWER SYSTEM. The district may purchase, construct, or otherwise acquire a waterworks or sanitary sewer system and may:

- (1) own and operate the system; and
- (2) construct an addition, extension, or improvement to the system.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.155. CHARGES, FEES, AND TOLLS; PENALTY FOR FAILURE TO PAY. The district may set and collect charges, fees, or tolls for the services of its water and sanitary systems and facilities and impose penalties for the failure to pay when due those charges, fees, or tolls.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.156. SURVEYS AND INVESTIGATIONS. The board may conduct or arrange for a survey or an engineering investigation to provide information for the district to facilitate the accomplishment of a district purpose.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.157. LIMITATION ON DISTRICT POWERS RELATING TO GROUNDWATER. The district may not adopt or enforce a rule relating to or require a permit for the production or use of groundwater by others.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 9051.201. TAX METHOD. The district shall use the ad valorem plan of taxation.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.202. AUTHORITY TO IMPOSE TAX; TAX ELECTION.

(a) If a tax is authorized at an election under Section [49.107](#), Water Code, the district may impose a tax to provide money:

(1) necessary to construct or acquire, maintain, and operate improvements, works, plants, and facilities considered essential or beneficial to the district; or

(2) adequate to defray the cost of the maintenance, operation, and administration of the district.

(b) An election for the imposition of taxes authorized by this section must be ordered by the board.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.203. TAX ASSESSOR AND COLLECTOR. The board shall appoint a tax assessor and collector.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.204. TAX RATE. The board shall set the tax rate of the district annually and certify the rate to the tax assessor and collector.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

SUBCHAPTER F. BONDS

Sec. 9051.251. DEFINITION. In this subchapter, "net revenue" means the gross revenue of the district minus the amount necessary to pay the cost of maintaining and operating the district

and its property.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.252. ISSUANCE OF BONDS. (a) To accomplish district purposes, the board may borrow money, issue bonds, and prescribe the method of payment of the bonds by the use of net revenue, taxes, or both net revenue and taxes.

(b) Bonds must be authorized by a board resolution.

(c) In the resolution authorizing the bonds, the district may set aside an amount from the bond proceeds for:

(1) the payment of interest expected to accrue during construction; and

(2) a reserve interest and sinking fund.

(d) Bond proceeds may be used to pay all expenses necessarily incurred in accomplishing district purposes, including the expenses of issuing and selling the bonds.

(e) Pending the use of bond proceeds for the purpose for which the bonds were issued, the board may invest the proceeds in obligations of the United States.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.253. FORM OF BONDS. District bonds must be:

(1) signed by the president; and

(2) attested by the secretary.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.254. ELECTION FOR BONDS PAYABLE FROM AD VALOREM TAXES. (a) Bonds, other than refunding bonds, payable wholly or partly from ad valorem taxes may not be issued unless authorized by a majority of the district voters voting at an election.

(b) The board may order an election under this section without a petition. The order must specify:

(1) the time and places at which the election will be held;

- (2) the purpose for which the bonds will be issued;
- (3) the maximum amount of the bonds;
- (4) the maximum maturity of the bonds;
- (5) the maximum interest rate;
- (6) the form of the ballot; and
- (7) the presiding judge for each voting place.

(c) Notice of the election must be given by publishing a substantial copy of the order in a newspaper of general circulation in the district. The notice must be published once each week for two consecutive weeks. The first publication must be at least 14 days before the date of the election.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.255. BONDS PAYABLE FROM AD VALOREM TAXES; TAX RATE. (a) If bonds are issued payable wholly or partly from ad valorem taxes, the board shall impose a tax sufficient to pay the bonds and the interest on the bonds as the bonds and interest become due.

(b) The board may adopt the rate of a tax imposed under Subsection (a) for any year after giving consideration to the money received from the pledged revenue that may be available for payment of principal and interest to the extent and in the manner permitted by the resolution authorizing the issuance of the bonds.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.256. ELECTION NOT REQUIRED FOR CERTAIN BONDS. Bonds payable solely from the district's net revenue, from the proceeds of any water contract, or from any source other than ad valorem taxes may be issued pursuant to a board resolution without a hearing or election.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.257. BONDS SECURED BY REVENUE; ADDITIONAL BONDS. District bonds may be secured by a pledge of all or part of

the net revenue of the district, or by the net revenue of one or more contracts made before or after the issuance of the bonds, or other revenue in the manner specified by board resolution. The pledge may reserve the right, under conditions specified by the pledge, to issue additional bonds that will be on a parity with or subordinate to the bonds then being issued.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.258. CHARGES FOR DISTRICT SERVICES. If district bonds payable wholly or partly from revenue are issued, the board shall set by contract with the persons who contract with it for a water supply or water or sewer facilities the rates of compensation for water sold and water or sewer services provided by the district. The rates must be sufficient to pay:

(1) the expense of operating and maintaining the district and its facilities; and

(2) all obligations incurred by the district as they mature, including the reserve fund and other funds as may be provided for the bonds or other contracts under the terms of the bonds or other contracts and as may be provided in the board resolution pertaining to the bonds or other contracts.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.259. REFUNDING BONDS. (a) The board may issue refunding bonds without an election to refund outstanding bonds issued under this subchapter and interest on those bonds.

(b) Refunding bonds may be issued to refund bonds of more than one series.

(c) In the case of bonds secured wholly or partly by net revenue, the district may:

(1) combine the pledges for the outstanding bonds for the security of the refunding bonds; or

(2) secure the refunding bonds by a pledge of other or additional revenue.

(d) The provisions of this subchapter regarding the

issuance of other bonds and the rights and remedies of the holders apply to refunding bonds.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.

Sec. 9051.260. BONDS EXEMPT FROM TAXATION. A bond issued under this chapter, the transfer of the bond, and the income from the bond, including profits on the sale of the bond, are exempt from taxation by this state or by any political subdivision of this state.

Added by Acts 2015, 84th Leg., R.S., Ch. 855 (S.B. [1162](#)), Sec. 1.06, eff. April 1, 2017.