

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 6. WATER AND WASTEWATER
SUBTITLE I. WATER CONTROL AND IMPROVEMENT DISTRICTS
CHAPTER 9053. LAZY RIVER IMPROVEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9053.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means the Lazy River Improvement District.

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

Sec. 9053.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Montgomery County created under 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. 9053.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

(a) The district is created to serve a public use and benefit.

(b) All land and other property included in the boundaries of the district will benefit from the works and projects accomplished by the district under the powers conferred by Section [59](#), Article XVI, Texas Constitution.

(c) The district is essential to accomplish the purposes of Section [59](#), Article XVI, Texas Constitution.

(d) The accomplishment of the purposes stated in this chapter will benefit the people of this state and improve their property and industries.

(e) The district in carrying out the purposes of this chapter will be performing an essential public function under the Texas Constitution.

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

Sec. 9053.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 2, Chapter 584, Acts of the 59th Legislature, Regular Session, 1965, as that territory may have been modified under:

- (1) Subchapter O, Chapter 51, Water Code;
- (2) Subchapter J, Chapter 49, Water Code;
- (3) Section 9053.005 of this chapter or its predecessor statute, former Section 16, Chapter 584, Acts of the 59th Legislature, Regular Session, 1965; or
- (4) other law.

(b) The boundaries and field notes of the district form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect:

- (1) the district's organization, existence, or validity;
- (2) the district's right to issue any type or kind of bond or to pay the principal of and interest on the bond;
- (3) the district's right to impose a tax; or
- (4) the legality or operation of the district or the board.

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

Sec. 9053.005. EXPANSION OF DISTRICT. (a) Except as otherwise provided by this section, the district may annex territory as provided by Section 49.302, Water Code.

(b) Territory may not be annexed to the district without the written consent of at least a three-fourths majority of all landowners in the territory to be annexed whose land must also constitute at least three-fourths of the value of all land in the territory to be annexed, as shown by the tax rolls of the county in which the territory to be annexed is located.

(c) A finding by the district that the requirements of Subsection (b) have been met is:

- (1) conclusive for all purposes; and
- (2) not subject to judicial review.

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

Sec. 9053.006. HEARINGS FOR EXCLUSION OF LAND. (a) The board is not required to call or hold a hearing on the exclusion of land or other property from the district; provided, however, that the board shall hold a hearing if an owner of land or other property located in the district files a written request for a hearing with the board secretary before the district's first bond election is called.

(b) This section may not be construed to prevent the board on its own motion from calling and holding an exclusion hearing under general law.

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

Sec. 9053.007. CERTAIN STATUTES NOT APPLICABLE TO DISTRICT.

(a) The district is created notwithstanding the provisions of Chapter 160, Acts of the 58th Legislature, Regular Session, 1963 (former Article 970a, Vernon's Texas Civil Statutes), as those provisions existed on June 17, 1965, and those provisions do not apply to the district.

(b) Any conflict between this section and subsequent amendments to provisions described by Subsection (a) or the subsequent codification of provisions described by Subsection (a) in the Local Government Code is governed by the rules of statutory construction, including Sections [311.025\(a\)](#) and [311.026](#), Government Code (Code Construction Act).

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

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 9053.051. BOARD OF DIRECTORS. (a) The board consists of five elected directors.

(b) To be appointed as a director, a person must:

- (1) be at least 18 years of age; and

(2) reside in this state.

(c) Such director is not required to reside in the district.

(d) Such director is not required to own land in the district, but before the district awards any construction contracts, each director must own land in the district subject to district taxation.

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

Sec. 9053.052. DIRECTOR'S BOND. Each director shall give a bond in the amount of \$5,000 for the faithful performance of the director's duties.

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

Sec. 9053.053. DUTY OF SECRETARY; ABSENCE OF SECRETARY FROM BOARD MEETING. (a) The board secretary shall sign the minutes of each board meeting.

(b) If the board secretary is absent from a board meeting, the board shall name a secretary pro tem for the meeting who may:

(1) exercise all powers and duties of the secretary for the meeting;

(2) sign the minutes of the meeting; and

(3) attest all orders passed or other action taken at the meeting.

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

Sec. 9053.054. VOTE BY BOARD PRESIDENT. The board president has the same right to vote as any other director.

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

Sec. 9053.055. 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 or general law gives the president.

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

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9053.101. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS. The district has the rights, powers, privileges, and duties provided by general law applicable to a water control and improvement district created under Section [59](#), Article XVI, Texas Constitution, including Chapters [49](#) and [51](#), Water Code.

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

Sec. 9053.102. ADDITIONAL POWERS. (a) The district may:

(1) purchase, construct, or otherwise acquire a waterworks system, sanitary sewer system, storm sewer system, or drainage facility or any part of those systems or facilities;

(2) make any purchase, construction, improvement, extension, addition, or repair necessary to a system or facility described by Subdivision (1);

(3) purchase or otherwise acquire, operate, and maintain any land, right-of-way, easement, site, equipment, building, plant, structure, or facility necessary for a system or facility described by Subdivision (1); and

(4) sell water and other services.

(b) The district may exercise any of the rights or powers granted by this chapter inside or outside the district's boundaries, but only in Montgomery County.

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

Sec. 9053.103. LIMIT ON EMINENT DOMAIN POWER. The district may exercise the power of eminent domain only in Montgomery County.

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

Sec. 9053.104. 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. 9053.105. NOTICE OF ELECTION. Notice of an election may be given under the hand of the board president or secretary.

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

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9053.151. TAX METHOD. (a) The district shall use the ad valorem plan of taxation.

(b) The board is not required to call or hold a hearing on the adoption of a plan of taxation.

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

Sec. 9053.152. DEPOSITORY. (a) The board shall select one or more banks or trust companies in this state to act as a depository of bond proceeds or of revenue derived from the operation of district facilities.

(b) The depository shall, as determined by the board:

- (1) furnish indemnity bonds;
- (2) pledge securities; or
- (3) meet any other requirements.

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

Sec. 9053.153. PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED. The district is not required to pay a tax or assessment

on:

- (1) a district project or any part of the project; or
- (2) a district purchase.

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

SUBCHAPTER E. BONDS

Sec. 9053.201. AUTHORITY TO ISSUE BONDS. The district may:

- (1) issue bonds of any kind to carry out any purpose authorized by this chapter; and

- (2) provide for and make payment for the bonds and for any expense necessarily incurred in connection with 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. 9053.202. EXCHANGING BONDS FOR PROPERTY OR WORK. The district may exchange bonds, including refunding bonds:

- (1) for property acquired by purchase; or

- (2) in payment of the contract price of work performed or materials or services provided for the use and benefit of the district.

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

Sec. 9053.203. FAILED BOND ELECTION. (a) A general law, including Sections 51.781-51.791, Water Code, that provides for calling a hearing on the dissolution of a district after a failed district bond election does not apply to the district.

(b) After the expiration of 30 days from the date of a failed bond election, the board may call a subsequent bond election.

(c) The district continues to exist and retain its full power to function and operate regardless of the outcome of a bond election.

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

Sec. 9053.204. BONDS EXEMPT FROM TAXATION. A bond issued under this chapter, the transfer of the bond, and income from the bond, including profits made on the sale of the bond, are exempt from taxation in this state.

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