

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE I. WATER CONTROL AND IMPROVEMENT DISTRICTS

CHAPTER 9054. HIDALGO COUNTY WATER IMPROVEMENT DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9054.0001. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Hidalgo County Water Improvement District No. 3.

Added by Acts 2023, 88th Leg., R.S., Ch. 1109 (S.B. 1056), Sec. 1, eff. June 18, 2023.

Sec. 9054.0002. NATURE OF DISTRICT. The district is a conservation and reclamation district organized to accomplish the purposes of Section 59, Article XVI, Texas Constitution, and operating as a water control and improvement district in accordance with Chapters 49 and 51, Water Code.

Added by Acts 2023, 88th Leg., R.S., Ch. 1109 (S.B. 1056), Sec. 1, eff. June 18, 2023.

SUBCHAPTER B. ELECTIONS

Sec. 9054.0101. ELECTIONS. (a) The district shall hold an election on the uniform election date in November of each even-numbered year to elect the appropriate number of directors.

(b) The district shall contract with the county elections administrator as provided by Subchapter D, Chapter 31, Election Code, to perform all duties and functions of the district in relation to an election of directors.

Added by Acts 2023, 88th Leg., R.S., Ch. 1109 (S.B. 1056), Sec. 1, eff. June 18, 2023.

Sec. 9054.0102. ELIGIBILITY TO VOTE. To be eligible to vote in an election in the district, a person must be:

(1) a qualified voter as defined by Section 11.002, Election Code, on the day the person offers to vote; and

(2) a person who resides on land inside the territory defined by the boundaries of the district as submitted to the commission under Section 49.455(j), Water Code, or commission rule. Added by Acts 2023, 88th Leg., R.S., Ch. 1109 (S.B. 1056), Sec. 1, eff. June 18, 2023.

Sec. 9054.0103. PROCEDURES FOR IDENTIFYING VOTERS; PROVISIONAL VOTING. (a) The district shall submit to the registrar a description or map of the territory defined by the boundaries of the district as submitted to the commission under Section 49.455(j), Water Code, or commission rule, that is in sufficient detail to enable the registrar to produce the official list of the district's eligible voters.

(b) The district shall submit the information required under this section not later than the 30th day after the date of the last day to order a general or special election.

(c) If county election officials are unable to verify whether a voter is eligible under Section 9054.0102, the voter may be accepted to vote only provisionally under Section 63.011, Election Code.

Added by Acts 2023, 88th Leg., R.S., Ch. 1109 (S.B. 1056), Sec. 1, eff. June 18, 2023.

Sec. 9054.0104. BOND AND CONTRACT ELECTIONS; NOVEMBER DATES. (a) A bond election held by the district must be held in accordance with Section 49.106, Water Code, except that the district may not hold the election on a date other than the uniform election date prescribed by Section 41.001, Election Code, that occurs in November of the applicable tax year.

(b) A contract election held by the district must be held in accordance with Section 49.108, Water Code, except that the district may not hold the election on a date other than the uniform election date prescribed by Section 41.001, Election Code, that

occurs in November of the applicable tax year.

Added by Acts 2023, 88th Leg., R.S., Ch. 1109 (S.B. 1056), Sec. 1, eff. June 18, 2023.

Sec. 9054.0105. EXCLUSION OF TERRITORY. (a) This section applies to the exclusion of territory by the district under the authority of Subchapters J and J-1, Chapter 49, Water Code, and Subchapter O, Chapter 51, Water Code.

(b) The district may exclude territory on the basis that the land is in agricultural use only if the land meets the requirements for agricultural use under Section 23.51, Tax Code.

(c) The district may exclude territory on the basis that the land is nonirrigated property only if the land meets the requirements for nonirrigated property under Section 49.309, Water Code.

(d) The district may exclude territory on the basis of the property being urban property only if the property meets the requirements of Section 49.3181, Water Code.

(e) The district may not exclude territory during the period of time between the first day that a candidate may file an application under Section 141.040, Election Code, and the day of the election in which that candidate appears on the ballot.

Added by Acts 2023, 88th Leg., R.S., Ch. 1109 (S.B. 1056), Sec. 1, eff. June 18, 2023.

SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 9054.0201. DIRECTORS; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered terms of four years.

Added by Acts 2023, 88th Leg., R.S., Ch. 1109 (S.B. 1056), Sec. 1, eff. June 18, 2023.

Sec. 9054.0202. VACANCIES. (a) The district shall fill a vacancy on the board in accordance with Sections 49.105(a)-(c), Water Code.

(b) If a position on the board becomes vacant on a date that

is more than two years before the next scheduled date for an election for the office, the board shall:

(1) appoint a person to fill the vacant office until a person elected to that office has qualified; and

(2) hold an election to elect a member to fill the vacant office for the remainder of the unexpired term together with the next regularly scheduled election for other directors' offices.

(c) Section 49.105(d) does not apply to the board.
Added by Acts 2023, 88th Leg., R.S., Ch. 1109 (S.B. 1056), Sec. 1, eff. June 18, 2023.

Sec. 9054.0203. QUALIFICATIONS FOR DIRECTOR. (a) To be qualified to serve as a director, a person:

(1) must be eligible to hold office under Section 141.001, Election Code, and Section 9054.0204; and

(2) must:

(A) own land subject to taxation in the district;

(B) be a user of the facilities of the district;

or

(C) be a qualified voter of the district under Section 9054.0102.

(b) Section 49.052, Water Code, applies to the district.
Added by Acts 2023, 88th Leg., R.S., Ch. 1109 (S.B. 1056), Sec. 1, eff. June 18, 2023.

Sec. 9054.0204. DISQUALIFICATION OF DIRECTORS. (a) A member of the governing body of another political subdivision is disqualified from serving as a director.

(b) A director is disqualified from serving as a director if:

(1) the director is appointed or elected as a member of the governing body of another political subdivision; or

(2) the board determines a relationship or employment exists that constitutes a disqualification under Section 49.052(a), Water Code.

(c) A person is disqualified from serving as a director if the person or a relative of the person within the third degree by

consanguinity or affinity, as determined by Chapter 573, Government Code:

(1) received 10 percent or more of gross income for the previous year from a business entity or other organization, other than a governmental entity, that receives money from the district;

(2) is employed by or participates in the management of a business entity or other organization, other than a governmental entity, that receives money from the district;

(3) directly or indirectly owns or controls more than a 10 percent interest in the fair market value of a business or other organization that receives money from the district;

(4) serves as a corporate officer or member of the board of directors of a business entity or other organization that receives money from the district;

(5) is a creditor, debtor, or guarantor in an amount of \$5,000 or more of a person or business entity that receives money from the district;

(6) uses or receives a substantial amount of tangible goods, services, or money from the district other than compensation or reimbursement authorized by law; or

(7) is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the district.

Added by Acts 2023, 88th Leg., R.S., Ch. 1109 (S.B. 1056), Sec. 1, eff. June 18, 2023.