

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 6. WATER AND WASTEWATER
SUBTITLE I. WATER CONTROL AND IMPROVEMENT DISTRICTS
CHAPTER 9056. WILLOW CREEK WATER CONTROL DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9056.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means the Willow Creek Water Control District.

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

Sec. 9056.002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Runnels and Tom Green Counties.

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

Sec. 9056.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

(a) All territory included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section [59](#), Article XVI, Texas Constitution.

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

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

(d) 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. 9056.004. DISTRICT TERRITORY. (a) The district is

composed of the territory described by Section 2, Chapter 638, Acts of the 60th Legislature, Regular Session, 1967, 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.

(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. 9056.005. APPLICABILITY OF WATER CONTROL AND IMPROVEMENT DISTRICTS LAWS. Except as provided by this chapter, the general laws pertaining to water control and improvement districts, including Chapters 49 and 51, Water Code, govern the district.

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

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9056.051. COMPOSITION OF BOARD. The board is composed of five elected directors.

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

Sec. 9056.052. QUALIFICATIONS FOR OFFICE. (a) Each director of the district must:

- (1) be a landowner within the district; and

(2) reside in Runnels or Tom Green County.

(b) A director must maintain compliance with the requirements of Subsection (a) during the director's tenure in office or vacate that office.

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

Sec. 9056.053. DIRECTOR'S BOND. Each director shall give 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. 9056.054. FAILURE TO CALL DIRECTOR ELECTION. Failure to call a director election does not affect the legal status of the district, the board, or a director or the right of the board to act or function, and the directors continue to serve until an election is held and succeeding directors have been elected or appointed and have qualified.

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. 9056.101. GENERAL POWERS. The district may exercise the rights, privileges, and functions specified by this chapter.

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

Sec. 9056.102. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS. The district has the rights, powers, privileges, and duties provided by the general laws of this state applicable to a water control and improvement district created under Section [59](#), Article XVI, Texas Constitution, including the power to:

(1) construct, acquire, improve, maintain, and repair a dam or other structure; and

(2) acquire, by eminent domain or otherwise, land,

easements, equipment, or other property that may be needed to use, control, and distribute any water that may be impounded, diverted, or controlled by the district.

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

Sec. 9056.103. POWERS RELATING TO THE WATER OF WILLOW CREEK; SURVEYS AND PLAN. (a) The district shall conduct preliminary surveys and develop a plan for the control and use of the water of Willow Creek to the end that improvements on any one part of the watershed will be mechanically and economically related to the improvements of the entire watershed.

(b) On completion of the surveys and plan and adoption of the surveys and plan by the board, a certified copy of the surveys and plan shall be filed for informational purposes with the Texas Commission on Environmental Quality.

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

Sec. 9056.104. COST OF RELOCATING OR ALTERING PROPERTY. (a) In this section, "sole expense" means the actual cost of relocating, raising, lowering, rerouting, changing the grade of, or altering the construction of a facility described by Subsection (b) in providing comparable replacement without enhancement of the facility, after deducting from that cost the net salvage value derived from the old facility.

(b) 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, telephone or telegraph 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. 9056.105. COOPERATION IN WILDLIFE PROGRAMS. The

district may cooperate with state, federal, and other agencies and groups in wildlife programs that are:

(1) not inconsistent with the purposes of the district under this chapter; and

(2) designed to improve the general habitat of wildlife and promote the propagation of wildlife.

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

Sec. 9056.106. WATERSHED PROTECTION AND FLOOD PREVENTION ACT. Subject to Section 9056.153, the district has the power necessary to fully qualify for and gain the full benefits of the Watershed Protection and Flood Prevention Act (16 U.S.C. Section 1001 et seq.), including:

(1) all powers necessary to carry out the projects, works, and improvements contemplated by the Watershed Protection and Flood Prevention Act;

(2) the power to secure a loan or loans from the proper agencies of the federal government for the purpose of defraying the costs and expenses of the district in connection with carrying out its projects, works, and improvements under the Watershed Protection and Flood Prevention Act; and

(3) if necessary, the power to issue bonds as collateral for a loan described by Subdivision (2).

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. 9056.151. TAX METHOD. (a) The district shall use the ad valorem plan of taxation, and taxes imposed by the district shall be on the ad valorem basis.

(b) A hearing on a plan of taxation is not required.

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

Sec. 9056.152. PAYMENT OF TAX OR ASSESSMENT NOT

REQUIRED. The district is not required to pay a tax or assessment on a project or any part of a project.

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

Sec. 9056.153. ELECTION REQUIRED FOR FEDERAL LOAN. The district may not consummate a loan from the federal government unless the loan is authorized by a majority of the votes cast in a district election.

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

Sec. 9056.154. MAINTENANCE TAX ELECTION PROCEDURES. A maintenance tax election shall be held and notice of the election shall be given in the manner required by general law for a bond election.

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

Sec. 9056.155. SPECIFICATION OF MAINTENANCE TAX RATE AND METHOD. In calling a maintenance tax election, the board shall specify:

(1) the maximum tax rate that may be imposed in any year; and

(2) that the tax will be imposed on an ad valorem basis.

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

Sec. 9056.156. USE OF MAINTENANCE TAX PROCEEDS. (a) The district may spend maintenance tax proceeds for:

(1) an easement or right-of-way;

(2) any purpose for which a district may spend bond proceeds; and

(3) maintenance purposes.

(b) The district may place surplus maintenance tax proceeds not needed for maintenance purposes into the sinking funds for

outstanding district bonds.

(c) The board's determination to spend district maintenance tax proceeds is final and is not subject to judicial review, except on the grounds of fraud, palpable error, or gross abuse of discretion.

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

Sec. 9056.157. APPROVAL OF AND FUNDING FOR CERTAIN PLANS FOR WORKS AND IMPROVEMENTS. (a) In this section, "commission" means the Texas Commission on Environmental Quality.

(b) This section applies only to plans contemplated by the district for works and improvements, or amendments to the plans, that are prepared by the Natural Resources Conservation Service of the United States Department of Agriculture and approved by the district's board.

(c) An engineer's report covering the plans and improvements to be constructed, and the maps, plats, profiles, and data fully showing and explaining the plans and improvements, are not required to be filed in the district office before an election is held to authorize the issuance of bonds for the works and improvements. The plans and specifications, engineering reports, profiles, maps, and other data, and subsequent amendments to those items, are not required to be approved by the commission before the bonds are issued.

(d) Before the district may spend any money for the construction of any works and improvements, the commission must approve the portion of the works and improvements to be constructed. The commission's advance approval for the entire project contemplated by the district is not required. The commission may approve on a separate or individual basis the portion of the project or works and improvements:

(1) to be constructed at a particular time; and

(2) on which plans and specifications of the Natural Resources Conservation Service have been prepared and submitted by the board to the commission.

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

eff. April 1, 2017.

SUBCHAPTER E. BONDS

Sec. 9056.201. AUTHORITY TO ISSUE BONDS. Subject to Section 9056.202, the district may issue bonds, in the manner provided by general law for water control and improvement districts, to:

(1) provide dams, structures, projects, and works of improvement for flood prevention, the conservation and development of water, and for other necessary plants, facilities, and equipment in connection therewith and for the improvement, repair, and operation of same;

(2) carry out any other power provided by this chapter or by Chapter 49 or 51, Water Code; and

(3) pay all costs, charges, and expenses of the district.

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

Sec. 9056.202. BOND ELECTION REQUIRED. The district may not issue bonds unless the bonds are authorized by a majority of the votes cast in a district election.

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

Sec. 9056.203. 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.