

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE I. WATER CONTROL AND IMPROVEMENT DISTRICTS

CHAPTER 9075. FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT

DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9075.0001. DEFINITION. In this chapter, "district" means the Fort Bend County Water Control and Improvement District No. 2 in Fort Bend County and Harris County.

Added by Acts 2019, 86th Leg., R.S., Ch. 468 (H.B. [4172](#)), Sec. 1.05, eff. April 1, 2021.

Sec. 9075.0002. FINDINGS OF PUBLIC USE AND BENEFIT.

(a) The district will serve a public use and benefit.

(b) All land and other property in the district will benefit from the district.

Added by Acts 2019, 86th Leg., R.S., Ch. 468 (H.B. [4172](#)), Sec. 1.05, eff. April 1, 2021.

Sec. 9075.0003. NATURE OF DISTRICT. The district is a conservation and reclamation district under Section [59](#), Article XVI, Texas Constitution.

Added by Acts 2019, 86th Leg., R.S., Ch. 468 (H.B. [4172](#)), Sec. 1.05, eff. April 1, 2021.

Sec. 9075.0004. DISTRICT TERRITORY. The district is composed of the territory described by Section 1, Chapter 312, Acts of the 57th Legislature, Regular Session, 1961, as that territory may have been modified under:

- (1) Subchapter [J](#), Chapter [49](#), Water Code;
- (2) Subchapter [O](#), Chapter [51](#), Water Code; or
- (3) other law.

Added by Acts 2019, 86th Leg., R.S., Ch. 468 (H.B. [4172](#)), Sec. 1.05, eff. April 1, 2021.

Sec. 9075.0005. 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 2019, 86th Leg., R.S., Ch. 468 (H.B. [4172](#)), Sec. 1.05, eff. April 1, 2021.

SUBCHAPTER B. DEFINED AREA

Sec. 9075.0051. CREATION OF DEFINED AREA; DESIGNATION.

(a) A defined area is created in the district.

(b) The defined area is designated to pay for improvements, facilities, or services that primarily benefit the defined area and do not generally benefit the district as a whole.

Added by Acts 2019, 86th Leg., R.S., Ch. 468 (H.B. [4172](#)), Sec. 1.05, eff. April 1, 2021.

Sec. 9075.0052. INITIAL TERRITORY. (a) The defined area is initially composed of the territory described by Section 2, Chapter 669, Acts of the 84th Legislature, Regular Session, 2015.

(b) The boundaries and field notes contained in Section 2, Chapter 669, Acts of the 84th Legislature, Regular Session, 2015, form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect:

(1) the defined area's organization, existence, or validity;

(2) the district's right to issue any type of bond or

obligation for the purposes for which the defined area is designated, including to pay the principal of and interest on a bond;

(3) the district's right to impose or collect a tax in the defined area; or

(4) the legality or operation of the defined area or the district.

Added by Acts 2019, 86th Leg., R.S., Ch. 468 (H.B. [4172](#)), Sec. 1.05, eff. April 1, 2021.

Sec. 9075.0053. EXCLUSION OF LAND. Subject to the City of Stafford providing written consent by ordinance or resolution, the district may exclude land from the defined area in the same manner as the district may exclude land from the district.

Added by Acts 2019, 86th Leg., R.S., Ch. 468 (H.B. [4172](#)), Sec. 1.05, eff. April 1, 2021.

Sec. 9075.0054. PROCEDURE FOR ELECTION. (a) Before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes of the defined area, the governing body of the district must call and hold an election in the defined area only.

(b) The governing body of the district may submit the proposition to the voters on the same ballot to be used in another election.

Added by Acts 2019, 86th Leg., R.S., Ch. 468 (H.B. [4172](#)), Sec. 1.05, eff. April 1, 2021.

Sec. 9075.0055. TAXES FOR SERVICES, IMPROVEMENTS, AND FACILITIES. On approval of the voters in the defined area, the district may apply separately, differently, equitably, and specifically its taxing power and lien authority to the defined area to provide money to construct, administer, maintain, and operate services, improvements, and facilities that primarily benefit the defined area.

Added by Acts 2019, 86th Leg., R.S., Ch. 468 (H.B. [4172](#)), Sec. 1.05, eff. April 1, 2021.

Sec. 9075.0056. ISSUANCE OF BONDS. On approval of the voters in the defined area, the district may issue bonds to provide for any land, improvements, facilities, plants, equipment, and appliances for the defined area.

Added by Acts 2019, 86th Leg., R.S., Ch. 468 (H.B. 4172), Sec. 1.05, eff. April 1, 2021.

Sec. 9075.0057. POWERS AND DUTIES. (a) For the benefit of the defined area, the district has the powers and duties provided by the general law of this state necessary to accomplish the purposes of:

(1) Section 59, Article XVI, Texas Constitution;

(2) Section 52, Article III, Texas Constitution, applicable to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads; and

(3) except as provided by this chapter, Chapters 49 and 51, Water Code, applicable to water control and improvement districts created under Section 59, Article XVI, Texas Constitution.

(b) Except as provided by Subsection (c), the governing body of the district shall administer the defined area as provided by Chapter 51, Water Code.

(c) Sections 51.518, 51.519, 51.520, 51.521, 51.522, 51.523, 51.524, 51.526, 51.527, 51.528, and 51.529, Water Code, do not apply to the district.

Added by Acts 2019, 86th Leg., R.S., Ch. 468 (H.B. 4172), Sec. 1.05, eff. April 1, 2021.

Sec. 9075.0058. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, for the benefit of the defined area, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads, including roads located

outside the boundaries of the defined area that benefit the defined area.

Added by Acts 2019, 86th Leg., R.S., Ch. 468 (H.B. [4172](#)), Sec. 1.05, eff. April 1, 2021.

Sec. 9075.0059. ROAD STANDARDS AND REQUIREMENTS. A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

Added by Acts 2019, 86th Leg., R.S., Ch. 468 (H.B. [4172](#)), Sec. 1.05, eff. April 1, 2021.

Sec. 9075.0060. IMPROVEMENT PROJECTS AND SERVICES. For the benefit of the defined area, the district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using any money available to the district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter.

Added by Acts 2019, 86th Leg., R.S., Ch. 468 (H.B. [4172](#)), Sec. 1.05, eff. April 1, 2021.

Sec. 9075.0061. ELECTIONS REGARDING TAXES AND BONDS. (a) For the benefit of the defined area, the district may issue, without an election, bonds, notes, and other obligations secured by revenue other than ad valorem taxes.

(b) The district must hold an election in the defined area to obtain approval of the voters of the defined area before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes in the defined area.

(c) An election under this section does not require that an election be held in the part of the district located outside the defined area.

(d) All or any part of any facilities or improvements that may be acquired by a district through the issuance of bonds may be

submitted as a single proposition or as several propositions to be voted on at the election.

Added by Acts 2019, 86th Leg., R.S., Ch. 468 (H.B. [4172](#)), Sec. 1.05, eff. April 1, 2021.

Sec. 9075.0062. OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the voters in the defined area voting at an election held in accordance with Section [9075.0061](#), the district may impose an operation and maintenance tax on taxable property in the defined area in accordance with Section [49.107](#), Water Code, for any district purpose, including to:

- (1) maintain and operate the defined area;
- (2) construct or acquire improvements; or
- (3) provide a service.

(b) The governing body of the district shall determine the tax rate. The rate may not exceed the rate approved at the election described by Subsection (a).

(c) Section [49.107](#)(h), Water Code, does not apply to the district.

Added by Acts 2019, 86th Leg., R.S., Ch. 468 (H.B. [4172](#)), Sec. 1.05, eff. April 1, 2021.

Sec. 9075.0063. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) For the benefit of the defined area, the district may borrow money on terms determined by the governing body of the district.

(b) The district may issue bonds, notes, or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, grants, or other district money, or any combination of those sources of money from the defined area, to pay for any authorized district purpose.

(c) The limitation on the outstanding principal amount of bonds, notes, and other obligations provided by Section [49.4645](#), Water Code, does not apply to the district.

(d) The district must obtain approval from the Texas Commission on Environmental Quality as provided by Chapter [49](#), Water Code, before the district issues bonds to provide water,

sewer, or drainage facilities for the benefit of the defined area.

Added by Acts 2019, 86th Leg., R.S., Ch. 468 (H.B. [4172](#)), Sec. 1.05, eff. April 1, 2021.

Sec. 9075.0064. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes from the defined area, the governing body of the district shall provide for the annual imposition of a continuing direct annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding as required and in the manner provided by Sections [51.433](#) and [51.436](#), Water Code.

Added by Acts 2019, 86th Leg., R.S., Ch. 468 (H.B. [4172](#)), Sec. 1.05, eff. April 1, 2021.