

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE I. WATER CONTROL AND IMPROVEMENT DISTRICTS

CHAPTER 9078. FANNIN COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT

NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9078.0001. DEFINITIONS. In this chapter:

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

(2) "District" means the Fannin County Water Control and Improvement District No. 1.

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

Sec. 9078.0002. NATURE OF DISTRICT. The district is a conservation and reclamation district in Fannin County established 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. 9078.0003. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

(a) The district is essential to the accomplishment of the preservation and conservation of the natural resources of the state.

(b) All land and property in the district will benefit from the improvements to be constructed, acquired, and operated by the district and from the preservation and conservation of the natural resources of the state.

(c) This chapter addresses a subject in which the state is interested.

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

Sec. 9078.0004. DISTRICT TERRITORY. The district is composed of the territory described by metes and bounds in the resolution and order of the commissioners court of Fannin County

creating the district, recorded in Volume 1, page 3, of the Water Control Improvement District minutes of Fannin County, 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. 9078.0005. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed to effect its purposes.

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

SUBCHAPTER B. POWERS AND DUTIES

Sec. 9078.0051. GENERAL POWERS AND DUTIES. The district may exercise the powers essential to the accomplishment of the purposes of Section 59, Article XVI, Texas Constitution, and may exercise the rights, powers, privileges, prerogatives, and functions enumerated in or implied by that section, including those listed in this subchapter.

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

Sec. 9078.0052. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS. The district has the rights, powers, privileges, and functions provided by general law applicable to a water control and improvement district including Chapters 49 and 51, Water Code, including the power to:

- (1) construct, acquire, improve, maintain, and repair a dam or other structure; and
- (2) acquire land, easements, properties, or equipment needed to use, control, and distribute water that may be impounded, diverted, or controlled by the district.

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

Sec. 9078.0053. CONTROL OF WATER AND FLOODWATER; RECLAMATION. The district may:

(1) control, store, preserve, and distribute the water and floodwater in the district for the irrigation of arid land, conservation, preservation, reclamation, and drainage of land in the district;

(2) carry out flood prevention measures to prevent damage to land and property in the district; and

(3) reclaim lands damaged before April 10, 1961, because of the prior failure to provide the facilities authorized to be constructed under this chapter.

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

Sec. 9078.0054. 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 under 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 district's sole expense.

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

SUBCHAPTER C. TAXES

Sec. 9078.0101. IMPOSITION OF MAINTENANCE TAX; ELECTION PROCEDURE. (a) If approved by a majority of the voters of the district voting at an election called for that purpose, the district may impose a maintenance tax for the purposes of:

- (1) maintaining structures;
- (2) securing and purchasing land rights;
- (3) purchasing rights-of-way, including moving utilities;
- (4) administering contracts; and

(5) paying other general operating expenses.

(b) A maintenance tax election shall be called and notice given in the same manner as for a bond election and may be held simultaneously with a bond election.

(c) This chapter does not prevent the calling of a subsequent maintenance tax election to establish or increase the amount of tax if the board determines that a maintenance tax election is required.

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

Sec. 9078.0102. MAINTENANCE TAX RATE. In calling a maintenance tax election, the board must specify the maximum proposed tax rate. To impose a maintenance tax at a rate that exceeds the maximum rate approved by the voters, the board must submit the question of a tax rate increase to the voters.

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

Sec. 9078.0103. TAX METHOD. (a) The district shall use the ad valorem plan of taxation.

(b) The district is not required to conduct a hearing on the adoption of a plan of taxation.

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

SUBCHAPTER D. BONDS

Sec. 9078.0151. DEFINITION OF NET REVENUES. In this subchapter, "net revenues" or "net operating revenues" means all income or increment from the ownership and operation of improvements and facilities operated by the district, minus the amount reasonably required to provide for the administration, efficient operation, and adequate maintenance of the improvements and facilities. The terms do not include money derived from taxation.

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

eff. April 1, 2021.

Sec. 9078.0152. AUTHORITY TO ISSUE BONDS. (a) The district may issue bonds to:

(1) furnish land, easements, or permanent improvements to land or easements;

(2) provide dams, structures, projects, and works of improvement for flood prevention, including structural and land treatment measures, and for agricultural phases of the conservation, development, use, and disposal of water, and for necessary facilities and equipment in connection therewith and for the improvement, maintenance, and repair of the same; and

(3) exercise any other district power.

(b) Except as otherwise provided by this chapter, district bonds must be authorized by a board resolution.

(c) District bonds may be secured by and payable wholly from:

(1) ad valorem taxes;

(2) net operating revenues of the district, the net revenues of any contract made, or other revenues as specified in the resolution authorizing the issuance of the bonds; or

(3) any combination of ad valorem taxes and net revenues as determined by the board.

(d) In a resolution authorizing the issuance of bonds secured wholly or partly by district revenues, the board may reserve the right under conditions specified in the resolution to issue additional bonds on a parity with or subordinate to the bonds being issued.

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

Sec. 9078.0153. SECURITY FOR REVENUE BONDS. For bonds authorized to be issued that are secured by and payable wholly or partly from net revenues, the board may mortgage and encumber:

(1) any part or all of the district's property and facilities acquired or to be acquired;

(2) a franchise of or revenues from the operation of

the district's property and facilities acquired or to be acquired;
and

(3) anything pertaining to the district's property and facilities acquired or to be acquired or the operation of the district's property or facilities.

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

Sec. 9078.0154. BOND ELECTION REQUIRED. (a) Bonds, other than refunding bonds, may not be issued unless approved by the voters of the district as provided by general law.

(b) If a proposition submitted at an election is defeated, another election may be held in the district to vote on the same or a similar proposition at a time determined by the board.

(c) The board may call an election under this section without a petition. The resolution calling the election must specify:

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

(2) the purpose for which the bonds will be issued;

(3) the maximum maturity date and maximum interest rate of the bonds;

(4) the form of the ballot; and

(5) the presiding judge for each voting place.

(d) Notice of the election must be given by publishing a substantial copy of the resolution calling the election 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 not later than the 14th day before the date of the election.

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

Sec. 9078.0155. REFUNDING BONDS. (a) The district may issue refunding bonds to refund outstanding district bonds and interest on those bonds.

(b) Bonds issued to refund revenue-supported bonds may:

- (1) be issued to refund bonds of more than one series;
- (2) combine the pledges for the outstanding bonds for the security of the refunding bonds; and
- (3) be secured by other or additional revenues.

(c) The comptroller shall register the refunding bonds on surrender and cancellation of the bonds to be refunded.

(d) Instead of issuing refunding bonds to be registered on the surrender and cancellation of the bonds to be refunded as provided by Subsection (c), the district, in the resolution authorizing the issuance of the refunding bonds, may provide for the sale of the refunding bonds and the deposit of the proceeds in a bank at which the bonds to be refunded are payable. In that case, the refunding bonds may be issued in an amount sufficient to pay the principal of and interest on the bonds to be refunded to their option date or maturity date, and the comptroller shall register the refunding bonds without the surrender and cancellation of the bonds to be refunded.

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