

1 AN ACT

2 relating to the adoption of a nonsubstantive revision of local laws  
3 concerning special districts, including conforming amendments.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. ADOPTION OF CODE. The Special District Local  
6 Laws Code is adopted to read as follows:

7 SPECIAL DISTRICT LOCAL LAWS CODE

8 TITLE 1. GENERAL PROVISIONS

9 CHAPTER 1. GENERAL PROVISIONS

10 [Chapters 2-20 reserved for expansion]

11 TITLE 2. ENVIRONMENT AND SANITATION

12 SUBTITLE A. SOLID WASTE MANAGEMENT

13 [Chapters 21-1000 reserved for expansion]

14 TITLE 3. HEALTH

15 SUBTITLE A. HOSPITAL DISTRICTS

16 [Chapter 1001 reserved for expansion]

17 CHAPTER 1002. ANGLETON-DANBURY HOSPITAL DISTRICT OF BRAZORIA

18 COUNTY, TEXAS

19 CHAPTER 1003. BOOKER HOSPITAL DISTRICT

20 [Chapters 1004-3000 reserved for expansion]

21 TITLE 4. DEVELOPMENT AND IMPROVEMENT

22 SUBTITLE A. AGRICULTURE

23 CHAPTER 3001. SOUTHEAST TEXAS AGRICULTURAL DEVELOPMENT

24 DISTRICT

[Chapters 3002-3500 reserved for expansion]

SUBTITLE B. DEFENSE BASE DEVELOPMENT

CHAPTER 3501. LUBBOCK REESE REDEVELOPMENT AUTHORITY

CHAPTER 3502. WESTWORTH VILLAGE-WHITE SETTLEMENT REDEVELOPMENT  
AUTHORITY

[Chapters 3503-3800 reserved for expansion]

SUBTITLE C. DEVELOPMENT, IMPROVEMENT, AND MANAGEMENT

CHAPTER 3801. HOUSTON DOWNTOWN MANAGEMENT DISTRICT

CHAPTER 3802. WESTCHASE DISTRICT

CHAPTER 3803. GREATER GREENSPPOINT MANAGEMENT DISTRICT  
OF HARRIS COUNTY

CHAPTER 3804. FIRST COLONY MANAGEMENT DISTRICT

CHAPTER 3805. UPPER KIRBY MANAGEMENT DISTRICT

CHAPTER 3806. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 2

CHAPTER 3807. GREATER EAST END MANAGEMENT DISTRICT

CHAPTER 3808. EAST DOWNTOWN MANAGEMENT DISTRICT

CHAPTER 3809. MIDTOWN MANAGEMENT DISTRICT

CHAPTER 3810. HARRIS COUNTY MUNICIPAL MANAGEMENT DISTRICT  
NO. 1

CHAPTER 3811. NEAR NORTHWEST MANAGEMENT DISTRICT

CHAPTER 3812. GREATER NORTHSIDE MANAGEMENT DISTRICT

CHAPTER 3813. OLD TOWN SPRING IMPROVEMENT DISTRICT

CHAPTER 3814. ENERGY CORRIDOR MANAGEMENT DISTRICT

CHAPTER 3815. GREATER SOUTHEAST MANAGEMENT DISTRICT

CHAPTER 3816. FRISCO SQUARE MANAGEMENT DISTRICT

CHAPTER 3817. ALDINE COMMUNITY IMPROVEMENT DISTRICT

[Chapters 3818-5000 reserved for expansion]

1 TITLE 5. TRANSPORTATION  
2 SUBTITLE A. NAVIGATION DISTRICTS AND PORT AUTHORITIES  
3 CHAPTER 5001. ARANSAS COUNTY NAVIGATION DISTRICT NO. 1  
4 [Chapters 5002-5200 reserved for expansion]  
5 SUBTITLE B. ROAD AND ROAD UTILITY DISTRICTS  
6 [Chapters 5201-6600 reserved for expansion]  
7 TITLE 6. WATER AND WASTEWATER  
8 SUBTITLE A. DRAINAGE DISTRICTS  
9 CHAPTER 6601. ANGLETON DRAINAGE DISTRICT  
10 [Chapters 6602-6900 reserved for expansion]  
11 SUBTITLE B. FRESH WATER SUPPLY DISTRICTS  
12 CHAPTER 6901. BAYVIEW MUNICIPAL UTILITY DISTRICT OF  
13 GALVESTON COUNTY  
14 [Chapters 6902-7200 reserved for expansion]  
15 SUBTITLE C. SPECIAL UTILITY DISTRICTS  
16 [Chapters 7201-7500 reserved for expansion]  
17 SUBTITLE D. IRRIGATION DISTRICTS  
18 [Chapters 7501-7800 reserved for expansion]  
19 SUBTITLE E. LEVEE IMPROVEMENT DISTRICTS  
20 CHAPTER 7801. BOIS D'ARC ISLAND LEVEE IMPROVEMENT DISTRICT  
21 OF DALLAS AND KAUFMAN COUNTIES  
22 [Chapters 7802-8100 reserved for expansion]  
23 SUBTITLE F. MUNICIPAL UTILITY DISTRICTS  
24 CHAPTER 8101. ATHENS MUNICIPAL WATER AUTHORITY  
25 CHAPTER 8102. ADDICKS UTILITY DISTRICT  
26 [Chapters 8103-8500 reserved for expansion]  
27 SUBTITLE G. RIVER AUTHORITIES

1 CHAPTER 8501. ANGELINA AND NECHES RIVER AUTHORITY  
2 [Chapters 8502-8800 reserved for expansion]  
3 SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER  
4 CHAPTER 8801. HARRIS-GALVESTON COASTAL SUBSIDENCE DISTRICT  
5 [Chapters 8802-9000 reserved for expansion]  
6 SUBTITLE I. WATER CONTROL AND IMPROVEMENT DISTRICTS  
7 [Chapters 9001 and 9002 reserved for expansion]  
8 CHAPTER 9003. AQUILLA-HACKBERRY CREEK CONSERVATION DISTRICT  
9 [Chapters 9004-9300 reserved for expansion]  
10 SUBTITLE J. WATER IMPROVEMENT DISTRICTS  
11 CHAPTER 9301. CAMERON COUNTY WATER IMPROVEMENT DISTRICT  
12 NUMBER TEN  
13 [Chapters 9302-9500 reserved for expansion]  
14 SUBTITLE K. SEAWALL COMMISSIONS  
15 CHAPTER 9501. SEAWALL COMMISSION IN MATAGORDA COUNTY  
16 [Chapters 9502-11000 reserved for expansion]  
17 SUBTITLE X. DISTRICTS WITH COMBINED POWERS  
18 CHAPTER 11001. ROAD DISTRICT AUTHORITY OF BASTROP COUNTY  
19 WATER CONTROL AND IMPROVEMENT DISTRICT  
20 NO. 2  
21 SPECIAL DISTRICT LOCAL LAWS CODE  
22 TITLE 1. GENERAL PROVISIONS  
23 CHAPTER 1. GENERAL PROVISIONS  
24 Sec. 1.001. PURPOSE OF CODE  
25 Sec. 1.002. CONSTRUCTION OF CODE  
26 Sec. 1.003. REFERENCE IN LAW TO STATUTE REVISED BY CODE  
27 CHAPTER 1. GENERAL PROVISIONS

1           Sec. 1.001. PURPOSE OF CODE. (a) This code is enacted as  
2 a part of the state's continuing statutory revision program, begun  
3 by the Texas Legislative Council in 1963 as directed by the  
4 legislature in the law codified as Section 323.007, Government  
5 Code. The program contemplates a topic-by-topic revision of the  
6 state's general and permanent statute law without substantive  
7 change.

8           (b) Consistent with the objectives of the statutory  
9 revision program, the purpose of this code is to make the law  
10 encompassed by this code more accessible and understandable by:

11                 (1) rearranging the statutes into a more logical  
12 order;

13                 (2) employing a format and numbering system designed  
14 to facilitate citation of the law and to accommodate future  
15 expansion of the law;

16                 (3) eliminating           repealed,           duplicative,  
17 unconstitutional, expired, executed, and other ineffective  
18 provisions; and

19                 (4) restating the law in modern American English to  
20 the greatest extent possible. (New.)

21           Sec. 1.002. CONSTRUCTION OF CODE. Chapter 311, Government  
22 Code (Code Construction Act), applies to the construction of each  
23 provision in this code except as otherwise expressly provided by  
24 this code. (New.)

25           Sec. 1.003. REFERENCE IN LAW TO STATUTE REVISED BY CODE. A  
26 reference in a law to a statute or a part of a statute revised by  
27 this code is considered to be a reference to the part of this code

1 that revises that statute or part of that statute. (New.)

2 [Chapters 2-20 reserved for expansion]

3 TITLE 2. ENVIRONMENT AND SANITATION

4 SUBTITLE A. SOLID WASTE MANAGEMENT

5 [Chapters 21-1000 reserved for expansion]

6 TITLE 3. HEALTH

7 SUBTITLE A. HOSPITAL DISTRICTS

8 [Chapter 1001 reserved for expansion]

9 CHAPTER 1002. ANGLETON-DANBURY HOSPITAL DISTRICT OF  
10 BRAZORIA COUNTY, TEXAS

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 1002.001. DEFINITIONS

13 Sec. 1002.002. AUTHORITY FOR CREATION

14 Sec. 1002.003. POLITICAL SUBDIVISION

15 Sec. 1002.004. DISTRICT TERRITORY

16 Sec. 1002.005. CORRECTION OF INVALID PROCEDURES

17 Sec. 1002.006. DISTRICT SUPPORT AND MAINTENANCE NOT STATE  
18 OBLIGATION

19 [Sections 1002.007-1002.050 reserved for expansion]

20 SUBCHAPTER B. DISTRICT ADMINISTRATION

21 Sec. 1002.051. BOARD OF DIRECTORS; ELECTION

22 Sec. 1002.052. BOND; RECORD OF BOND AND OATH OF OFFICE

23 Sec. 1002.053. BOARD VACANCY

24 Sec. 1002.054. OFFICERS

25 Sec. 1002.055. COMPENSATION; REIMBURSEMENT

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27 Sec. 1002.057. RECRUITMENT OF STAFF AND EMPLOYEES

- 1 Sec. 1002.058. STAFF PHYSICIAN OFFICE FACILITIES  
2 Sec. 1002.059. HEALTH EDUCATION PROGRAMS FOR STAFF  
3 AND EMPLOYEES  
4 Sec. 1002.060. RETIREMENT BENEFITS  
5 [Sections 1002.061-1002.100 reserved for expansion]  
6 SUBCHAPTER C. POWERS AND DUTIES  
7 Sec. 1002.101. DISTRICT RESPONSIBILITY  
8 Sec. 1002.102. LIMITATION ON CERTAIN POLITICAL SUBDIVISIONS  
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10 Sec. 1002.104. HOSPITAL SYSTEM  
11 Sec. 1002.105. OPERATING, MANAGEMENT, OR CONSULTING  
12 CONTRACTS  
13 Sec. 1002.106. PROVISION OF SERVICES OUTSIDE DISTRICT  
14 Sec. 1002.107. EMINENT DOMAIN  
15 Sec. 1002.108. GIFTS AND ENDOWMENTS  
16 Sec. 1002.109. AUTHORITY TO SUE AND BE SUED  
17 [Sections 1002.110-1002.150 reserved for expansion]  
18 SUBCHAPTER D. CHANGE IN BOUNDARIES  
19 Sec. 1002.151. PETITION TO EXPAND DISTRICT TERRITORY  
20 Sec. 1002.152. NOTICE OF HEARING  
21 Sec. 1002.153. ORDER OF ANNEXATION  
22 Sec. 1002.154. RATIFICATION ELECTION  
23 Sec. 1002.155. ASSUMPTION OF DEBTS AND TAXES  
24 [Sections 1002.156-1002.200 reserved for expansion]  
25 SUBCHAPTER E. DISSOLUTION  
26 Sec. 1002.201. DISSOLUTION; ELECTION  
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- 1 Sec. 1002.203. BALLOT  
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3 Sec. 1002.205. TRANSFER OR ADMINISTRATION OF ASSETS  
4 Sec. 1002.206. SALE OR TRANSFER OF ASSETS AND LIABILITIES  
5 Sec. 1002.207. IMPOSITION OF TAX AND RETURN OF  
6 SURPLUS TAXES  
7 Sec. 1002.208. REPORT; DISSOLUTION ORDER  
8 [Sections 1002.209-1002.250 reserved for expansion]  
9 SUBCHAPTER F. DISTRICT FUNDS  
10 Sec. 1002.251. DEPOSITORY  
11 Sec. 1002.252. AUTHORITY TO BORROW MONEY; SECURITY  
12 [Sections 1002.253-1002.300 reserved for expansion]  
13 SUBCHAPTER G. BONDS  
14 Sec. 1002.301. GENERAL OBLIGATION BONDS  
15 Sec. 1002.302. TAXES TO PAY GENERAL OBLIGATION BONDS  
16 Sec. 1002.303. GENERAL OBLIGATION BOND ELECTION  
17 Sec. 1002.304. EXECUTION OF GENERAL OBLIGATION BONDS  
18 Sec. 1002.305. INVESTMENT OF GENERAL OBLIGATION BOND  
19 PROCEEDS  
20 Sec. 1002.306. REVENUE BONDS  
21 [Sections 1002.307-1002.350 reserved for expansion]  
22 SUBCHAPTER H. TAXES  
23 Sec. 1002.351. IMPOSITION OF TAXES  
24 Sec. 1002.352. TAX ASSESSOR-COLLECTOR  
25 CHAPTER 1002. ANGLETON-DANBURY HOSPITAL DISTRICT OF  
26 BRAZORIA COUNTY, TEXAS  
27 SUBCHAPTER A. GENERAL PROVISIONS

1           Sec. 1002.001. DEFINITIONS. In this chapter:

2           (1) "Board" means the board of directors of the  
3 district.

4           (2) "District" means the Angleton-Danbury Hospital  
5 District of Brazoria County, Texas.

6           (3) "Director" means a member of the board. (New.)

7           Sec. 1002.002. AUTHORITY FOR CREATION. The  
8 Angleton-Danbury Hospital District of Brazoria County, Texas, is  
9 created under the authority of Section 9, Article IX, Texas  
10 Constitution. (Acts 60th Leg., R.S., Ch. 120, Sec. 1 (part).)

11          Sec. 1002.003. POLITICAL SUBDIVISION. The district is a  
12 political subdivision of this state. (Acts 60th Leg., R.S., Ch.  
13 120, Sec. 15 (part).)

14          Sec. 1002.004. DISTRICT TERRITORY. (a) The district is  
15 composed of the territory described by Section 1, Chapter 120, Acts  
16 of the 60th Legislature, Regular Session, 1967, as that territory  
17 may have been modified under:

18           (1) Subchapter D or its predecessor statute, Section  
19 4a, Chapter 120, Acts of the 60th Legislature, Regular Session,  
20 1967; or

21           (2) other law.

22          (b) The legislature finds that the boundaries and field  
23 notes of the district contained in Section 1, Chapter 120, Acts of  
24 the 60th Legislature, Regular Session, 1967, form a closure. A  
25 mistake in the field notes or in copying the field notes in the  
26 legislative process does not affect:

27           (1) the organization, existence, or validity of the

1 district;

2 (2) the right of the district to issue bonds;

3 (3) the right of the district to impose taxes; or

4 (4) the legality or operation of the district in any  
5 other manner. (Acts 60th Leg., R.S., Ch. 120, Sec. 1 (part); New.)

6 Sec. 1002.005. CORRECTION OF INVALID PROCEDURES. If a  
7 court holds that any procedure under this chapter violates the  
8 constitution of this state or of the United States, the district by  
9 resolution may provide an alternative procedure that conforms with  
10 the constitution. (Acts 60th Leg., R.S., Ch. 120, Sec. 17 (part).)

11 Sec. 1002.006. DISTRICT SUPPORT AND MAINTENANCE NOT STATE  
12 OBLIGATION. The support and maintenance of the district's  
13 hospital system may not become a charge against or obligation of  
14 this state. (Acts 60th Leg., R.S., Ch. 120, Sec. 8 (part).)

15 [Sections 1002.007-1002.050 reserved for expansion]

16 SUBCHAPTER B. DISTRICT ADMINISTRATION

17 Sec. 1002.051. BOARD OF DIRECTORS; ELECTION. (a) The  
18 board consists of nine persons elected as provided by this section.

19 (b) For the purpose of electing a board, the district is  
20 divided into three areas:

21 (1) Area Angleton, composed of:

22 (A) all territory within Brazoria County  
23 election precincts Nos. 1, 2, and 5 that is within the boundaries of  
24 the Angleton Independent School District, as those precincts and  
25 those boundaries existed on January 1, 1967; and

26 (B) that part of Brazoria County election  
27 precinct No. 6 that is west of Chocolate Bayou and within the

1 boundaries of the Angleton Independent School District, as that  
2 precinct and those boundaries existed on January 1, 1967;

3 (2) Area Danbury, composed of all territory within the  
4 boundaries of the Danbury Independent School District, as those  
5 boundaries existed on January 1, 1967; and

6 (3) Area Rosharon, composed of:

7 (A) all territory within Brazoria County  
8 election precinct No. 9 that is not within the boundaries of the  
9 Danbury Independent School District, as that precinct and those  
10 boundaries existed on January 1, 1967; and

11 (B) all territory within Brazoria County  
12 election precinct No. 21 that is not within the boundaries of the  
13 Manvel Independent School District, as that precinct and those  
14 boundaries existed on January 1, 1967.

15 (c) A change in the boundaries of an election precinct or a  
16 school district does not affect or change the boundaries of an area  
17 prescribed by Subsection (b).

18 (d) Eight directors are elected by position and one director  
19 is elected at large. The persons elected for Director, Position  
20 Nos. 1, 2, 3, 4, and 5 must be residents of Area Angleton. The  
21 persons elected for Director, Position Nos. 6 and 7 must be  
22 residents of Area Danbury. The person elected for Director,  
23 Position No. 8 must be a resident of Area Rosharon. The director  
24 elected for Position No. 9 must be a resident of the district at  
25 large.

26 (e) At each directors' election, all qualified voters of the  
27 district may vote for directors. The candidate for a position

1 receiving the highest number of votes for election to that position  
2 is a director for the district.

3 (f) Directors serve staggered two-year terms unless  
4 four-year terms are established under Section 285.081, Health and  
5 Safety Code. If the directors serve two-year terms, the terms of  
6 directors elected to odd-numbered positions expire in  
7 even-numbered years and the terms of directors elected to  
8 even-numbered positions expire in odd-numbered years. (Acts 60th  
9 Leg., R.S., Ch. 120, Sec. 4 (part).)

10 Sec. 1002.052. BOND; RECORD OF BOND AND OATH OF  
11 OFFICE. (a) Each director shall execute a good and sufficient  
12 bond for \$5,000 that is:

13 (1) approved by the Commissioners Court of Brazoria  
14 County and the board;

15 (2) payable to the district; and

16 (3) conditioned on the faithful performance of the  
17 director's duties.

18 (b) The bond and the constitutional oath of office shall be  
19 kept in the permanent records of the district. (Acts 60th Leg.,  
20 R.S., Ch. 120, Sec. 4 (part).)

21 Sec. 1002.053. BOARD VACANCY. (a) If a vacancy occurs in  
22 the office of director, the remaining directors shall appoint a  
23 director for the remainder of the unexpired term.

24 (b) If the number of directors is reduced to less than five,  
25 the remaining directors shall immediately call a special election  
26 to fill the vacancies. On application of any voter or taxpayer of  
27 the district when the board fails to call an election, a district

1 court may order the directors to hold the election. (Acts 60th  
2 Leg., R.S., Ch. 120, Sec. 7 (part).)

3 Sec. 1002.054. OFFICERS. The board shall elect a president  
4 and a secretary from among the directors to serve until the next  
5 directors election. (Acts 60th Leg., R.S., Ch. 120, Sec. 7 (part).)

6 Sec. 1002.055. COMPENSATION; REIMBURSEMENT. A director  
7 serves without compensation but may be reimbursed for actual  
8 expenses incurred by the director in the performance of official  
9 duties on the approval of the expenses by the board. (Acts 60th  
10 Leg., R.S., Ch. 120, Sec. 7 (part).)

11 Sec. 1002.056. VOTING REQUIREMENT. A concurrence of five  
12 directors is sufficient in any matter relating to the business of  
13 the district. (Acts 60th Leg., R.S., Ch. 120, Sec. 7 (part).)

14 Sec. 1002.057. RECRUITMENT OF STAFF AND EMPLOYEES. The  
15 board may spend district money, enter into agreements, and take  
16 other necessary action to recruit physicians and other persons to  
17 serve as medical staff members or district employees, including:

18 (1) advertising and marketing;  
19 (2) paying travel, recruitment, and relocation  
20 expenses; and

21 (3) providing a loan or scholarship to a physician, or  
22 a person currently enrolled in health care education courses at an  
23 institution of higher education, who contractually agrees to become  
24 a medical staff member or district employee. (Acts 60th Leg., R.S.,  
25 Ch. 120, Sec. 7A(c).)

26 Sec. 1002.058. STAFF PHYSICIAN OFFICE FACILITIES. (a) The  
27 board shall determine the type, number, and location of buildings

1 necessary to establish and maintain office facilities for staff  
2 physicians to provide adequate medical care.

3 (b) The board may:

4 (1) acquire property and equipment and construct  
5 facilities for the district for use by staff physicians; and

6 (2) mortgage or pledge the property, equipment, or  
7 facilities as security for the payment of the purchase price or  
8 construction cost.

9 (c) The board may lease the office facilities and equipment  
10 to staff physicians or may sell or otherwise dispose of the  
11 property, facilities, and equipment. (Acts 60th Leg., R.S., Ch.  
12 120, Secs. 12A(a), (b), (c).)

13 Sec. 1002.059. HEALTH EDUCATION PROGRAMS FOR STAFF AND  
14 EMPLOYEES. The board may spend district money, enter into  
15 agreements, and take other necessary action to conduct, participate  
16 in, or otherwise assist in providing health care educational  
17 programs for current or prospective medical staff members or  
18 district employees. (Acts 60th Leg., R.S., Ch. 120, Sec. 7A(d).)

19 Sec. 1002.060. RETIREMENT BENEFITS. The board may provide  
20 retirement benefits for district employees by:

21 (1) establishing or administering a retirement  
22 program; or

23 (2) participating in:

24 (A) the Texas County and District Retirement  
25 System; or

26 (B) another statewide retirement system in which  
27 the district is eligible to participate. (Acts 60th Leg., R.S., Ch.

1 120, Sec. 7A(e).)

2 [Sections 1002.061-1002.100 reserved for expansion]

3 SUBCHAPTER C. POWERS AND DUTIES

4 Sec. 1002.101. DISTRICT RESPONSIBILITY. The district has  
5 full responsibility for providing medical and hospital care for the  
6 district's needy residents. (Acts 60th Leg., R.S., Ch. 120, Sec.  
7 2(a) (part).)

8 Sec. 1002.102. LIMITATION ON CERTAIN POLITICAL  
9 SUBDIVISIONS. A political subdivision other than the district in  
10 Brazoria County may not impose taxes or issue bonds or other  
11 obligations for hospital purposes or to provide medical care for  
12 district residents. (Acts 60th Leg., R.S., Ch. 120, Sec. 2(a)  
13 (part).)

14 Sec. 1002.103. POWERS OF BOARD. (a) The board has all  
15 powers necessary, convenient, or incidental to carry out the  
16 purposes for which the district was created.

17 (b) The board has the complete management and control of all  
18 the business of the district, including the power to negotiate and  
19 contract with any person to purchase or lease land, to construct and  
20 equip a hospital system, to operate and maintain a hospital or  
21 hospitals, and to negotiate and contract with other political  
22 subdivisions of the state or private individuals, associations, or  
23 corporations for those purposes, all as may be determined to be  
24 necessary or desirable for the district by the board.

25 (c) This section is not a limitation on the powers of the  
26 board. (Acts 60th Leg., R.S., Ch. 120, Secs. 4 (part), 7 (part).)

27 Sec. 1002.104. HOSPITAL SYSTEM. (a) The district shall

1 provide for the establishment of a hospital or hospital system  
2 within the district's boundaries to provide health care services to  
3 persons residing in the district by:

4 (1) purchasing, constructing, acquiring, repairing,  
5 or renovating buildings and improvements;

6 (2) equipping the buildings and improvements; and

7 (3) administering the buildings and improvements for  
8 hospital purposes.

9 (b) The hospital system may include any facility or  
10 equipment the board considers necessary or appropriate for  
11 providing health care services, including:

12 (1) domiciliary care and treatment of sick, injured,  
13 or geriatric patients;

14 (2) outpatient clinics;

15 (3) rural health clinics;

16 (4) convalescent home facilities;

17 (5) assisted living or personal care facilities;

18 (6) physicians' offices;

19 (7) home health care services;

20 (8) durable medical equipment;

21 (9) long-term care;

22 (10) skilled and intermediate nursing care;

23 (11) preventive care services;

24 (12) ancillary support;

25 (13) pharmacies;

26 (14) hospice care;

27 (15) community mental health centers; and

1 (16) alcohol or chemical dependency centers.

2 (c) The district may operate or assist in the operation of a  
3 mobile emergency medical service as part of the hospital system.  
4 (Acts 60th Leg., R.S., Ch. 120, Secs. 2(a) (part), (b).)

5 Sec. 1002.105. OPERATING, MANAGEMENT, OR CONSULTING  
6 CONTRACTS. (a) The board may enter into an operating,  
7 management, or consulting contract to obtain management or  
8 consulting services for the district or for any portion of the  
9 district. The contract must provide that the board retains  
10 responsibility for and control of the district's operation.

11 (b) A company providing services to the district under the  
12 contract, and the officers, directors, and employees of the  
13 company, while performing services under the contract for the  
14 benefit of the district:

15 (1) are solely employees of the district for purposes  
16 of any determination regarding the immunity or liability of the  
17 company or its officers, directors, and employees; and

18 (2) have immunity or limited liability under laws  
19 applicable to district employees, whether statutory or common law,  
20 to the extent a district employee would be entitled under the same  
21 circumstances. (Acts 60th Leg., R.S., Ch. 120, Sec. 7A(a).)

22 Sec. 1002.106. PROVISION OF SERVICES OUTSIDE  
23 DISTRICT. Subject to the approval of the board, the district may  
24 provide primary care, emergency services, preventive medical  
25 services, and other health-related services outside the district if  
26 the services serve the purpose of the district as established by  
27 this chapter. (Acts 60th Leg., R.S., Ch. 120, Sec. 7A(b).)

1           Sec. 1002.107. EMINENT DOMAIN. (a) The district may  
2 exercise the power of eminent domain to acquire a fee simple or  
3 other interest in any type of property, real, personal, or mixed,  
4 located in the territory of the district if the interest is  
5 necessary or convenient for the district to exercise the rights,  
6 powers, privileges, or functions conferred by this chapter.

7           (b) The district must exercise the power of eminent domain  
8 in the manner provided by Chapter 21, Property Code, but the  
9 district is not required to deposit in the trial court money or a  
10 bond as provided by Section 21.021(a), Property Code.

11           (c) In a condemnation proceeding brought by the district,  
12 the district is not required to:

13                 (1) pay in advance or provide bond or other security  
14 for costs in the trial court;

15                 (2) provide bond for the issuance of a temporary  
16 restraining order or a temporary injunction; or

17                 (3) provide bond for cost or supersedeas on an appeal  
18 or writ of error. (Acts 60th Leg., R.S., Ch. 120, Sec. 11.)

19           Sec. 1002.108. GIFTS AND ENDOWMENTS. (a) The board may  
20 accept for the district a gift or endowment to be held in trust and  
21 administered by the board for the purposes and under the  
22 directions, limitations, or provisions prescribed in writing by the  
23 donor that are not inconsistent with the proper management and  
24 objectives of the district.

25           (b) This section is not a limitation on the authority of the  
26 board. (Acts 60th Leg., R.S., Ch. 120, Sec. 16.)

27           Sec. 1002.109. AUTHORITY TO SUE AND BE SUED. As a

1 government agency, the district may sue and be sued in its own name  
2 in any court of this state. (Acts 60th Leg., R.S., Ch. 120, Sec. 15  
3 (part).)

4 [Sections 1002.110-1002.150 reserved for expansion]

5 SUBCHAPTER D. CHANGE IN BOUNDARIES

6 Sec. 1002.151. PETITION TO EXPAND DISTRICT  
7 TERRITORY. (a) Territory may be added to the district on a  
8 petition for annexation signed by the owners of a majority in value  
9 of the land sought to be annexed, as shown by the county tax rolls.

10 (b) The petition must be filed with the secretary of the  
11 board. (Acts 60th Leg., R.S., Ch. 120, Sec. 4a (part).)

12 Sec. 1002.152. NOTICE OF HEARING. (a) The board shall  
13 pass an order fixing a time and place at which the petition shall be  
14 heard.

15 (b) The secretary shall issue notice of the time and place  
16 of the hearing. The notice must describe the territory proposed to  
17 be annexed by metes and bounds or by lot and block number, if there  
18 is a recorded map or plat and survey of the land.

19 (c) Notice of the hearing shall be given by publication of a  
20 copy of the notice in a newspaper of general circulation in Brazoria  
21 County at least one time, the date of the first publication to be at  
22 least 10 days before the date of the hearing. (Acts 60th Leg.,  
23 R.S., Ch. 120, Sec. 4a (part).)

24 Sec. 1002.153. ORDER OF ANNEXATION. If, after hearing the  
25 petition, the board finds that the proposed annexation is to the  
26 advantage of the district and to the territory to be annexed, the  
27 board may by order annex the territory to the district. (Acts 60th

1 Leg., R.S., Ch. 120, Sec. 4a (part).)

2 Sec. 1002.154. RATIFICATION ELECTION. (a) Annexation of  
3 the territory does not become final until ratified by a majority  
4 vote at a separate election held within the boundaries of the  
5 district and by a majority vote at a separate election held within  
6 the territory to be annexed.

7 (b) The election must be called by the board on its own  
8 motion. The order calling the election shall specify the date, the  
9 place or places where the election shall be held, and the presiding  
10 election officers.

11 (c) Notice of the election shall be given by publishing a  
12 substantial copy of the order calling the election in a newspaper of  
13 general circulation in Brazoria County once a week for two  
14 consecutive weeks, the date of the first publication to be at least  
15 14 days before the date set for the election. (Acts 60th Leg.,  
16 R.S., Ch. 120, Sec. 4a (part).)

17 Sec. 1002.155. ASSUMPTION OF DEBTS AND TAXES. If the  
18 district has outstanding debts or taxes, the proposition for  
19 assumption of its proportion of the debts or taxes by the territory  
20 if annexed shall also be submitted at the election. The annexed  
21 territory shall bear its pro rata part of all indebtedness or taxes  
22 that may be owed, contracted, or authorized by the district. (Acts  
23 60th Leg., R.S., Ch. 120, Sec. 4a (part).)

24 [Sections 1002.156-1002.200 reserved for expansion]

25 SUBCHAPTER E. DISSOLUTION

26 Sec. 1002.201. DISSOLUTION; ELECTION. (a) The district  
27 may be dissolved only on approval of a majority of the voters voting

1 in an election held for that purpose.

2 (b) The board may order an election on the question of  
3 dissolving the district and disposing of the district's assets and  
4 obligations.

5 (c) The board shall order an election on the question of  
6 dissolution of the district if the board receives a petition  
7 requesting an election that is signed by a number of residents of  
8 the district equal to at least 15 percent of the registered voters  
9 in the district.

10 (d) The election shall be held not later than the 60th day  
11 after the date the election is ordered.

12 (e) The order calling the election must state:

13 (1) the nature of the election, including the  
14 proposition that is to appear on the ballot;

15 (2) the date of the election;

16 (3) the hours during which the polls will be open; and

17 (4) the location of the polling places.

18 (f) Section 41.001(a), Election Code, does not apply to an  
19 election ordered under this section. (Acts 60th Leg., R.S., Ch.  
20 120, Secs. 20(a), (b), (c).)

21 Sec. 1002.202. NOTICE OF ELECTION. (a) The board shall  
22 give notice of the election by publishing a substantial copy of the  
23 election order in a newspaper with general circulation in the  
24 district once a week for two consecutive weeks.

25 (b) The first publication must appear at least 35 days  
26 before the date set for election. (Acts 60th Leg., R.S., Ch. 120,  
27 Sec. 20(d) (part).)

1           Sec. 1002.203. BALLOT. The ballot for the election shall  
2 be printed to permit voting for or against the proposition: "The  
3 dissolution of the Angleton-Danbury Hospital District of Brazoria  
4 County, Texas." (Acts 60th Leg., R.S., Ch. 120, Sec. 20(d) (part).)

5           Sec. 1002.204. ELECTION RESULTS. (a) If a majority of the  
6 votes in the election favor dissolution, the board shall find that  
7 the district is dissolved.

8           (b) If a majority of the votes in the election do not favor  
9 dissolution, the board shall continue to administer the district  
10 and another election on the question of dissolution may not be held  
11 before the first anniversary of the date of the most recent election  
12 to dissolve the district. (Acts 60th Leg., R.S., Ch. 120, Sec.  
13 20(e).)

14           Sec. 1002.205. TRANSFER           OR           ADMINISTRATION           OF  
15 ASSETS. (a) If a majority of the votes in the election held under  
16 this subchapter favor dissolution, the board shall:

17           (1) transfer the land, buildings, improvements,  
18 equipment, and other assets that belong to the district to Brazoria  
19 County or another governmental agency in Brazoria County; or

20           (2) administer the property, assets, and debts until  
21 all funds have been disposed of and all district debts have been  
22 paid or settled.

23           (b) If the board makes the transfer under Subsection (a)(1),  
24 the county or agency assumes all debts and obligations of the  
25 district at the time of the transfer, and the district is dissolved.  
26 (Acts 60th Leg., R.S., Ch. 120, Secs. 20(f), (g).)

27           Sec. 1002.206. SALE           OR           TRANSFER           OF           ASSETS           AND

1 LIABILITIES. (a) Notwithstanding any other provision of this  
2 subchapter, the district may not be dissolved unless the board  
3 provides for the sale or transfer of the district's assets and  
4 liabilities to another person or entity.

5 (b) The dissolution of the district and the sale or transfer  
6 of the district's assets or liabilities may not contravene a trust  
7 indenture or bond resolution relating to the outstanding bonds of  
8 the district. The dissolution and sale or transfer does not  
9 diminish or impair the rights of a holder of an outstanding bond,  
10 warrant, or other obligation of the district.

11 (c) The sale or transfer of the district's assets and  
12 liabilities must satisfy the debt and bond obligations of the  
13 district in a manner that protects the interests of the residents of  
14 the district, including the residents' collective property rights  
15 in the district's assets. The district may not transfer or dispose  
16 of the district's assets except for due compensation unless the  
17 transfer is made to another governmental agency that serves the  
18 district and the transferred assets are to be used for the benefit  
19 of the residents of the district.

20 (d) A grant from federal funds is an obligation to be repaid  
21 in satisfaction. (Acts 60th Leg., R.S., Ch. 120, Secs. 20(m), (n).)

22 Sec. 1002.207. IMPOSITION OF TAX AND RETURN OF SURPLUS  
23 TAXES. (a) After the board finds that the district is dissolved,  
24 the board shall:

- 25 (1) determine the debt owed by the district; and  
26 (2) impose on the property included in the district's  
27 tax rolls a tax that is in proportion of the debt to the property

1 value.

2 (b) When all outstanding debts and obligations of the  
3 district are paid, the board shall order the secretary to return the  
4 pro rata share of all unused tax money to each district taxpayer.

5 (c) A taxpayer may request that the taxpayer's share of  
6 surplus tax money be credited to the taxpayer's county taxes. If a  
7 taxpayer requests the credit, the board shall direct the secretary  
8 to transmit the funds to the county tax assessor-collector. (Acts  
9 60th Leg., R.S., Ch. 120, Secs. 20(h), (i), (j).)

10 Sec. 1002.208. REPORT; DISSOLUTION ORDER. (a) After the  
11 district has paid all its debts and has disposed of all its assets  
12 and funds as prescribed by this subchapter, the board shall file a  
13 written report with the Commissioners Court of Brazoria County  
14 summarizing the board's actions in dissolving the district.

15 (b) Not later than the 10th day after the date the  
16 Commissioners Court of Brazoria County receives the report and  
17 determines that the requirements of this subchapter have been  
18 fulfilled, the commissioners court shall enter an order dissolving  
19 the district and releasing the board from any further duty or  
20 obligation. (Acts 60th Leg., R.S., Ch. 120, Secs. 20(k), (l).)

21 [Sections 1002.209-1002.250 reserved for expansion]

22 SUBCHAPTER F. DISTRICT FUNDS

23 Sec. 1002.251. DEPOSITORY. As soon as practicable after  
24 the creation election results favorably to the creation of the  
25 district, the board shall by resolution designate a bank within the  
26 county as the district's depository, and all funds of the district  
27 shall be secured in the manner provided for the security of county

1 funds. Such depository shall serve for a period of two years and  
2 until a successor has been selected. (Acts 60th Leg., R.S., Ch.  
3 120, Sec. 10.)

4 Sec. 1002.252. AUTHORITY TO BORROW MONEY;  
5 SECURITY. (a) The board may borrow money for district  
6 obligations.

7 (b) To secure a loan, the board may pledge:

8 (1) revenue of the district that is not pledged to pay  
9 the district's bonded indebtedness;

10 (2) taxes to be imposed by the district in the next  
11 12-month period that are not pledged to pay the principal of or  
12 interest on district bonds; or

13 (3) district bonds that have been authorized but not  
14 sold.

15 (c) A loan for which taxes or bonds are pledged must mature  
16 not later than the first anniversary of the date on which the loan  
17 is made. A loan for which district revenues are pledged must mature  
18 not later than the fifth anniversary of the date on which the loan  
19 is made. (Acts 60th Leg., R.S., Ch. 120, Sec. 12B.)

20 [Sections 1002.253-1002.300 reserved for expansion]

21 SUBCHAPTER G. BONDS

22 Sec. 1002.301. GENERAL OBLIGATION BONDS. (a) The board  
23 may issue and sell bonds authorized by an election in the name and  
24 on the faith and credit of the district to:

25 (1) purchase, construct, acquire, repair, or renovate  
26 buildings or improvements; and

27 (2) equip buildings or improvements for hospital

1 purposes.

2 (b) The bonds shall be sold at the time, in the manner, and  
3 under the terms determined by the board. (Acts 60th Leg., R.S., Ch.  
4 120, Sec. 12 (part).)

5 Sec. 1002.302. TAXES TO PAY GENERAL OBLIGATION  
6 BONDS. (a) The board shall impose an annual ad valorem tax in an  
7 amount sufficient to create an interest and sinking fund to pay the  
8 principal of and interest on the general obligation bonds as they  
9 mature.

10 (b) The tax required by this section together with any other  
11 tax the district imposes in any year may not exceed 75 cents on the  
12 \$100 valuation of all taxable property in the district. (Acts 60th  
13 Leg., R.S., Ch. 120, Sec. 12 (part).)

14 Sec. 1002.303. GENERAL OBLIGATION BOND ELECTION. (a) The  
15 district may issue general obligation bonds only if the bonds are  
16 authorized by a majority of the voters voting in an election held  
17 for that purpose.

18 (b) The board may call the election on its own motion. The  
19 order calling the election must specify:

- 20 (1) the date of the election;
- 21 (2) the place or places where the election will be  
22 held;
- 23 (3) the names of the presiding election officers;
- 24 (4) the purpose for which the bonds are to be issued;
- 25 (5) the amount of the bonds;
- 26 (6) the maximum interest rate of the bonds; and
- 27 (7) the maximum maturity of the bonds, which may not

1 exceed 40 years from the date of issuance.

2 (c) Notice of a bond election shall be given by publishing a  
3 substantial copy of the order calling the election in a newspaper of  
4 general circulation in the district as provided by Section  
5 4.003(a)(1), Election Code. (Acts 60th Leg., R.S., Ch. 120, Sec. 12  
6 (part).)

7 Sec. 1002.304. EXECUTION OF GENERAL OBLIGATION BONDS. The  
8 board president shall execute the general obligation bonds in the  
9 name of the district. The board secretary shall countersign the  
10 bonds. (Acts 60th Leg., R.S., Ch. 120, Sec. 12 (part).)

11 Sec. 1002.305. INVESTMENT OF GENERAL OBLIGATION BOND  
12 PROCEEDS. Any part of the proceeds of general obligation bonds,  
13 until they are needed for the purpose for which the bonds were  
14 issued, may be invested in securities of the United States or  
15 placed on time deposit or in certificates of deposit. (Acts 60th  
16 Leg., R.S., Ch. 120, Sec. 12 (part).)

17 Sec. 1002.306. REVENUE BONDS. (a) The board may issue  
18 revenue bonds to:

19 (1) purchase, construct, repair, renovate, or acquire  
20 buildings, sites, or improvements and equip buildings, sites, or  
21 improvements for hospitals and the hospital system; and

22 (2) establish and maintain office facilities for staff  
23 physicians under Section 1002.058.

24 (b) The bonds must be payable from and secured by a pledge of  
25 all or part of the revenues derived from the operation of the  
26 district's hospital system, including district facilities.

27 (c) Bonds issued under Subsection (a)(1) may be

1 additionally secured by a mortgage or deed of trust lien on all or  
2 part of the district property.

3 (d) Bonds issued under Subsection (a)(1) must be issued in  
4 the manner provided by Sections 264.042, 264.043, 264.046, 264.047,  
5 264.048, and 264.049, Health and Safety Code.

6 (e) Bonds issued under Subsection (a)(2) must be issued in  
7 the manner provided by Sections 264.042-264.047(a), 264.048, and  
8 264.049, Health and Safety Code. (Acts 60th Leg., R.S., Ch. 120,  
9 Secs. 12A(d), (e).)

10 [Sections 1002.307-1002.350 reserved for expansion]

11 SUBCHAPTER H. TAXES

12 Sec. 1002.351. IMPOSITION OF TAXES. (a) The board shall  
13 impose on all property subject to district taxation, for the  
14 benefit of the district, a tax at a rate not to exceed 75 cents on  
15 each \$100 assessed value of the property according to the most  
16 recent certified appraisal roll of the district.

17 (b) The board shall impose the tax to:

18 (1) meet the requirements of the district's bonds;

19 (2) provide for the district's maintenance and  
20 operating expenses;

21 (3) make improvements and additions to the district's  
22 hospitals or hospital system; and

23 (4) acquire necessary sites for hospitals or the  
24 hospital system by gift, purchase, lease, or condemnation. (Acts  
25 60th Leg., R.S., Ch. 120, Sec. 8 (part).)

26 Sec. 1002.352. TAX ASSESSOR-COLLECTOR. The board may  
27 provide for the appointment of a tax assessor-collector for the

1 district or may contract for the assessment and collection of taxes  
2 as provided by the Tax Code. (Acts 60th Leg., R.S., Ch. 120, Sec. 9  
3 (part).)

4 CHAPTER 1003. BOOKER HOSPITAL DISTRICT

5 SUBCHAPTER A. GENERAL PROVISIONS

6 Sec. 1003.001. DEFINITIONS

7 Sec. 1003.002. AUTHORITY FOR OPERATION

8 Sec. 1003.003. POLITICAL SUBDIVISION

9 Sec. 1003.004. DISTRICT TERRITORY

10 Sec. 1003.005. CORRECTION OF INVALID PROCEDURE

11 [Sections 1003.006-1003.050 reserved for expansion]

12 SUBCHAPTER B. DISTRICT ADMINISTRATION

13 Sec. 1003.051. BOARD

14 Sec. 1003.052. TERM; ELECTION

15 Sec. 1003.053. VACANCY

16 Sec. 1003.054. OFFICERS

17 Sec. 1003.055. COMPENSATION; EXPENSES

18 Sec. 1003.056. EMPLOYEES

19 Sec. 1003.057. MAINTENANCE OF RECORDS; PUBLIC

20 INSPECTION

21 Sec. 1003.058. SEAL

22 [Sections 1003.059-1003.100 reserved for expansion]

23 SUBCHAPTER C. POWERS AND DUTIES

24 Sec. 1003.101. DISTRICT RESPONSIBILITY

25 Sec. 1003.102. LIMITATION ON CERTAIN POLITICAL

26 SUBDIVISIONS

27 Sec. 1003.103. MANAGEMENT AND CONTROL

- 1 Sec. 1003.104. HOSPITAL SYSTEM  
2 Sec. 1003.105. RULES  
3 Sec. 1003.106. PURCHASING AND ACCOUNTING PROCEDURES  
4 Sec. 1003.107. EMINENT DOMAIN  
5 Sec. 1003.108. GIFTS AND ENDOWMENTS  
6 Sec. 1003.109. PAYMENT FOR TREATMENT; PROCEDURES  
7 Sec. 1003.110. AUTHORITY TO SUE AND BE SUED  
8 [Sections 1003.111-1003.150 reserved for expansion]  
9 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS  
10 Sec. 1003.151. BUDGET  
11 Sec. 1003.152. FISCAL YEAR  
12 Sec. 1003.153. ANNUAL AUDIT  
13 Sec. 1003.154. DEPOSITORY  
14 [Sections 1003.155-1003.200 reserved for expansion]  
15 SUBCHAPTER E. BONDS  
16 Sec. 1003.201. GENERAL OBLIGATION BONDS  
17 Sec. 1003.202. TAXES TO PAY GENERAL OBLIGATION BONDS  
18 Sec. 1003.203. GENERAL OBLIGATION BOND ELECTION  
19 Sec. 1003.204. EXECUTION OF GENERAL OBLIGATION BONDS  
20 Sec. 1003.205. REFUNDING BONDS  
21 [Sections 1003.206-1003.250 reserved for expansion]  
22 SUBCHAPTER F. TAXES  
23 Sec. 1003.251. IMPOSITION OF TAXES  
24 Sec. 1003.252. POWERS AND DUTIES OF COUNTY TAX ASSESSOR;  
25 FEES  
26 Sec. 1003.253. INTEREST, PENALTIES, AND DISCOUNTS  
27 CHAPTER 1003. BOOKER HOSPITAL DISTRICT

1                   SUBCHAPTER A. GENERAL PROVISIONS

2           Sec. 1003.001. DEFINITIONS. In this chapter:

3                   (1) "Board" means the board of directors of the  
4 district.

5                   (2) "Director" means a member of the board.

6                   (3) "District" means the Booker Hospital District.  
7 (New.)

8           Sec. 1003.002. AUTHORITY FOR OPERATION. The Booker  
9 Hospital District operates under the authority of Section 9,  
10 Article IX, Texas Constitution. (Acts 58th Leg., R.S., Ch. 411,  
11 Sec. 1 (part).)

12           Sec. 1003.003. POLITICAL SUBDIVISION. The district is a  
13 political subdivision of this state. (Acts 58th Leg., R.S., Ch.  
14 411, Sec. 16 (part).)

15           Sec. 1003.004. DISTRICT TERRITORY. The district is  
16 composed of the territory described by Section 1, Chapter 411, Acts  
17 of the 58th Legislature, Regular Session, 1963. (New.)

18           Sec. 1003.005. CORRECTION OF INVALID PROCEDURE. If a court  
19 holds that any procedure under this chapter violates the  
20 constitution of this state or of the United States, the district by  
21 resolution may provide an alternative procedure that conforms with  
22 the constitution. (Acts 58th Leg., R.S., Ch. 411, Sec. 17 (part);  
23 Acts 63rd Leg., R.S., Ch. 541, Sec. 5 (part).)

24           [Sections 1003.006-1003.050 reserved for expansion]

25                   SUBCHAPTER B. DISTRICT ADMINISTRATION

26           Sec. 1003.051. BOARD. The district is governed by a board  
27 of seven directors. (Acts 58th Leg., R.S., Ch. 411, Sec. 3(e))

1 (part).)

2 Sec. 1003.052. TERM; ELECTION. (a) Unless a four-year  
3 term is established under Section 285.081, Health and Safety Code:

4 (1) directors serve staggered terms of two years;

5 (2) three directors shall be elected in odd-numbered  
6 years and four directors shall be elected in even-numbered years;  
7 and

8 (3) a directors election shall be held on the first  
9 Saturday in May of each year to elect the appropriate number of  
10 directors.

11 (b) Directors are elected at large. (Acts 58th Leg., R.S.,  
12 Ch. 411, Secs. 3(e) (part), 3A(a).)

13 Sec. 1003.053. VACANCY. If a vacancy occurs in the office  
14 of director, the remaining directors shall appoint a director for  
15 the remainder of the unexpired term. (Acts 58th Leg., R.S., Ch.  
16 411, Sec. 3A(b).)

17 Sec. 1003.054. OFFICERS. The board shall elect a president  
18 and a secretary from among the directors to serve until the next  
19 directors election. (Acts 58th Leg., R.S., Ch. 411, Sec. 4 (part).)

20 Sec. 1003.055. COMPENSATION; EXPENSES. A director serves  
21 without compensation but may be reimbursed for actual expenses  
22 incurred in the performance of official duties on the approval of  
23 the expenses by the entire board. (Acts 58th Leg., R.S., Ch. 411,  
24 Sec. 4 (part).)

25 Sec. 1003.056. EMPLOYEES. The board may employ a general  
26 manager, attorney, financial advisor, bookkeeper, or architect.  
27 (Acts 58th Leg., R.S., Ch. 411, Sec. 7 (part).)

1           Sec. 1003.057. MAINTENANCE           OF           RECORDS;           PUBLIC  
2 INSPECTION. All district records, including books, accounts,  
3 notices, minutes, and all other matters of the district and the  
4 operation of its facilities, shall be:

- 5                   (1) maintained at the district office; and  
6                   (2) open to public inspection at the district office  
7 at all reasonable hours. (Acts 58th Leg., R.S., Ch. 411, Sec. 7  
8 (part).)

9           Sec. 1003.058. SEAL. The board may adopt a seal for the  
10 district. (Acts 58th Leg., R.S., Ch. 411, Sec. 7 (part).)

11                   [Sections 1003.059-1003.100 reserved for expansion]

12                                   SUBCHAPTER C. POWERS AND DUTIES

13           Sec. 1003.101. DISTRICT RESPONSIBILITY. The district has  
14 full responsibility for the operation of all hospital facilities  
15 for providing hospital care for the district's needy residents.  
16 (Acts 58th Leg., R.S., Ch. 411, Sec. 12 (part).)

17           Sec. 1003.102. LIMITATION           ON           CERTAIN           POLITICAL  
18 SUBDIVISIONS. A political subdivision within the district may not  
19 impose taxes or issue bonds or other obligations for hospital  
20 purposes or to provide medical care for district residents. (Acts  
21 58th Leg., R.S., Ch. 411, Sec. 12 (part).)

22           Sec. 1003.103. MANAGEMENT AND CONTROL. The board has the  
23 complete management and control of all the business of the  
24 district, including the power to negotiate and contract with any  
25 person to purchase or lease land, to construct and equip a hospital  
26 system, to operate and maintain the hospital, and to negotiate and  
27 contract with other political subdivisions of the state or private

1 individuals, associations, or corporations for those purposes.  
2 (Acts 58th Leg., R.S., Ch. 411, Sec. 4 (part).)

3 Sec. 1003.104. HOSPITAL SYSTEM. The district may  
4 establish a hospital system to provide medical and hospital care to  
5 persons residing in the district. (Acts 58th Leg., R.S., Ch. 411,  
6 Sec. 2 (part).)

7 Sec. 1003.105. RULES. (a) The board may adopt rules  
8 governing the operation of the district, including district  
9 facilities.

10 (b) On approval by the board, the rules may be published in  
11 booklet form at district expense and made available to any taxpayer  
12 on request. (Acts 58th Leg., R.S., Ch. 411, Sec. 7 (part).)

13 Sec. 1003.106. PURCHASING AND ACCOUNTING PROCEDURES. (a)  
14 The board may prescribe the method and manner of the making of  
15 purchases and expenditures by the district.

16 (b) The board shall prescribe:

17 (1) all accounting and control procedures; and

18 (2) the method of purchasing necessary supplies,  
19 materials, and equipment. (Acts 58th Leg., R.S., Ch. 411, Sec. 7  
20 (part).)

21 Sec. 1003.107. EMINENT DOMAIN. (a) The district may  
22 exercise the power of eminent domain to acquire a fee simple or  
23 other interest in any type of property, real, personal, or mixed,  
24 located in the territory of the district if the interest is  
25 necessary or convenient for the district to exercise the rights,  
26 powers, privileges, or functions conferred by this chapter.

27 (b) The district must exercise the power of eminent domain

1 in the manner provided by Chapter 21, Property Code, but the  
2 district is not required to deposit in the trial court money or bond  
3 as provided by Section 21.021(a), Property Code.

4 (c) In a condemnation proceeding brought by the district,  
5 the district is not required to:

6 (1) pay in advance or provide bond or other security  
7 for costs in the trial court;

8 (2) provide bond for the issuance of a temporary  
9 restraining order or a temporary injunction; or

10 (3) provide bond for costs or supersedeas on an appeal  
11 or writ of error. (Acts 58th Leg., R.S., Ch. 411, Sec. 9.)

12 Sec. 1003.108. GIFTS AND ENDOWMENTS. The board may accept  
13 for the district a gift or endowment to be held in trust and  
14 administered by the board for the purposes and under the  
15 directions, limitations, or other provisions prescribed in writing  
16 by the donor that are not inconsistent with the proper management  
17 and objectives of the district. (Acts 58th Leg., R.S., Ch. 411,  
18 Sec. 14.)

19 Sec. 1003.109. PAYMENT FOR TREATMENT; PROCEDURES. (a)  
20 When a patient from the county has been admitted to a district  
21 facility, the board shall require an inquiry into the circumstances  
22 of:

23 (1) the patient; and

24 (2) the patient's relatives who are legally liable for  
25 the patient's support.

26 (b) If an agent designated by the district to handle these  
27 affairs finds that the patient or the relatives are not able to pay

1 all or part of the costs of the care and treatment in the hospital,  
2 the care and treatment shall become a charge on the district.

3 (c) If the agent finds that the patient or the patient's  
4 relatives are liable to pay for all or part of the costs of the care  
5 and treatment, an order shall be made directing the patient or the  
6 relatives to pay a specified amount per week to the treasurer for  
7 the support of the patient. The amount ordered must be  
8 proportionate to financial ability and may not exceed the actual  
9 per capita cost of maintenance.

10 (d) The district may collect the sum from the patient's  
11 estate, or from any relatives legally liable for the patient's  
12 support, in the manner provided by law for the collection of  
13 expenses of the last illness of a deceased person.

14 (e) If there is a dispute as to the ability to pay, or doubt  
15 in the mind of the district's designated agent, the board shall hear  
16 and determine the dispute or resolve the doubt, after calling  
17 witnesses, and shall make a proper order. The order may be appealed  
18 to the district court by either party to the dispute. (Acts 58th  
19 Leg., R.S., Ch. 411, Sec. 13.)

20 Sec. 1003.110. AUTHORITY TO SUE AND BE SUED. As a  
21 governmental agency, the district may sue and be sued in its own  
22 name in any court of this state. (Acts 58th Leg., R.S., Ch. 411,  
23 Sec. 16 (part).)

24 [Sections 1003.111-1003.150 reserved for expansion]

25 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

26 Sec. 1003.151. BUDGET. (a) Each year, the board shall  
27 prepare a budget showing for the following fiscal year:

- 1 (1) the proposed expenditures and disbursements;
- 2 (2) the estimated receipts and collections; and
- 3 (3) the amount of taxes required to be imposed during
- 4 the year.

5 (b) The board shall hold a public hearing on the proposed  
6 budget. At least 10 days before the date of hearing, at least one  
7 notice of the hearing shall be published in a newspaper of general  
8 circulation in the county.

9 (c) Any district taxpayer is entitled to appear at the time  
10 and place designated in the notice and to be heard regarding any  
11 item shown in the proposed budget. (Acts 58th Leg., R.S., Ch. 411,  
12 Sec. 8 (part).)

13 Sec. 1003.152. FISCAL YEAR. The district's fiscal year  
14 begins on October 1 and ends on September 30. (Acts 58th Leg.,  
15 R.S., Ch. 411, Sec. 8 (part).)

16 Sec. 1003.153. ANNUAL AUDIT. (a) For each fiscal year,  
17 the board shall have an independent audit made of the district's  
18 books and records.

19 (b) Not later than December 31 each year, the audit shall be  
20 filed with the comptroller and at the district office. (Acts 58th  
21 Leg., R.S., Ch. 411, Sec. 8 (part).)

22 Sec. 1003.154. DEPOSITORY. (a) The board by resolution  
23 shall designate one or more banks in the district as the district's  
24 depository or treasurer. A designated bank serves for two years and  
25 until a successor is designated.

26 (b) All income received by the district, including tax  
27 revenue after deducting discounts and fees for assessing and

1 collecting the taxes, shall be deposited with the district  
2 depository and may be withdrawn only as provided by this chapter.

3 (c) All district funds shall be secured in the manner  
4 provided for securing county funds. (Acts 58th Leg., R.S., Ch. 411,  
5 Secs. 5 (part), 10.)

6 [Sections 1003.155-1003.200 reserved for expansion]

7 SUBCHAPTER E. BONDS

8 Sec. 1003.201. GENERAL OBLIGATION BONDS. The board may  
9 issue and sell bonds in the name and on the faith and credit of the  
10 district to:

11 (1) purchase, construct, acquire, repair, or renovate  
12 buildings or improvements; and

13 (2) equip buildings or improvements for hospital  
14 purposes. (Acts 58th Leg., R.S., Ch. 411, Sec. 6 (part).)

15 Sec. 1003.202. TAXES TO PAY GENERAL OBLIGATION  
16 BONDS. (a) The board shall impose an ad valorem tax in an amount  
17 sufficient to create an interest and sinking fund to pay the  
18 principal of and interest on the general obligation bonds as they  
19 mature.

20 (b) The tax required by this section together with any other  
21 tax the district imposes in any year may not exceed 75 cents on each  
22 \$100 assessed value of the property according to the most recent  
23 certified tax appraisal roll of the district. (Acts 58th Leg.,  
24 R.S., Ch. 411, Sec. 6 (part).)

25 Sec. 1003.203. GENERAL OBLIGATION BOND ELECTION. (a) The  
26 district may issue general obligation bonds only if the bonds are  
27 authorized by a majority of the voters voting at an election held

1 for that purpose.

2 (b) The board may call an election on its own motion and must  
3 specify:

4 (1) the place or places where the election will be  
5 held;

6 (2) the presiding election officers;

7 (3) the purpose for which the bonds are to be issued;

8 (4) the amount of the bonds;

9 (5) the maximum interest rate of the bonds; and

10 (6) the maximum maturity of the bonds, which may not  
11 exceed 40 years from the date of issuance.

12 (c) Notice of a bond election shall be given by publishing a  
13 substantial copy of the order calling the election in a newspaper of  
14 general circulation in the district once a week for two consecutive  
15 weeks before the date of the election. The first publication must  
16 occur not later than the 21st day before the date set for the  
17 election.

18 (d) The district shall pay the costs of the election. (Acts  
19 58th Leg., R.S., Ch. 411, Sec. 6 (part).)

20 Sec. 1003.204. EXECUTION OF GENERAL OBLIGATION BONDS. The  
21 board president shall execute the general obligation bonds in the  
22 name of the district. The board secretary shall countersign the  
23 bonds. (Acts 58th Leg., R.S., Ch. 411, Sec. 6 (part).)

24 Sec. 1003.205. REFUNDING BONDS. (a) The board may,  
25 without an election, issue refunding bonds to refund outstanding  
26 bonds issued or assumed by the district.

27 (b) Subject to Subsection (c), a refunding bond may be:



1           (2) provide for the operation and maintenance of the  
2 hospital or hospital system;

3           (3) make improvements and additions to the hospital  
4 system; and

5           (4) acquire necessary sites for the hospital system by  
6 purchase, lease, or condemnation. (Acts 58th Leg., R.S., Ch. 411,  
7 Sec. 5 (part).)

8           Sec. 1003.252. POWERS AND DUTIES OF COUNTY TAX ASSESSOR;  
9 FEES. (a) The county tax assessor and collector shall collect the  
10 tax imposed under this subchapter unless the board by majority vote  
11 appoints a tax assessor and collector under Section 285.041, Health  
12 and Safety Code.

13           (b) The county tax assessor and collector shall charge and  
14 deduct from payments to the district a fee for imposing the tax in  
15 an amount determined by the board not to exceed the lesser of one  
16 percent of the amount collected or \$5,000 for the fiscal year. The  
17 fees shall be deposited in the county's general fund and shall be  
18 reported as fees of the tax assessor and collector. (Acts 58th  
19 Leg., R.S., Ch. 411, Secs. 5 (part), 5(a) (part), 8 (part).)

20           Sec. 1003.253. INTEREST, PENALTIES, AND DISCOUNTS.  
21 Interest, penalties, and discounts on taxes paid to the district  
22 shall be the same as for county taxes. (Acts 58th Leg., R.S., Ch.  
23 411, Sec. 5 (part).)

24           [Chapters 1004-3000 reserved for expansion]

25           TITLE 4. DEVELOPMENT AND IMPROVEMENT

26           SUBTITLE A. AGRICULTURE

27           CHAPTER 3001. SOUTHEAST TEXAS AGRICULTURAL DEVELOPMENT

1		DISTRICT
2		SUBCHAPTER A. GENERAL PROVISIONS
3	Sec. 3001.001.	DEFINITIONS
4	Sec. 3001.002.	SOUTHEAST TEXAS AGRICULTURAL
5		DEVELOPMENT DISTRICT
6	Sec. 3001.003.	PURPOSE AND NATURE OF DISTRICT
7	Sec. 3001.004.	DISTRICT TERRITORY
8	Sec. 3001.005.	APPLICABILITY OF AND RELATION TO OTHER LAW
9		[Sections 3001.006-3001.050 reserved for expansion]
10		SUBCHAPTER B. BOARD OF DIRECTORS
11	Sec. 3001.051.	BOARD OF DIRECTORS
12	Sec. 3001.052.	QUALIFICATIONS
13	Sec. 3001.053.	TERMS
14	Sec. 3001.054.	DIRECTOR'S BOND
15	Sec. 3001.055.	REMOVAL; VACANCY
16	Sec. 3001.056.	OFFICERS
17	Sec. 3001.057.	MEETINGS
18	Sec. 3001.058.	COMPENSATION; REIMBURSEMENT
19	Sec. 3001.059.	CONFLICT OF INTEREST; DISCLOSURE REQUIRED
20		[Sections 3001.060-3001.100 reserved for expansion]
21		SUBCHAPTER C. POWERS AND DUTIES
22	Sec. 3001.101.	GENERAL POWERS AND DUTIES
23	Sec. 3001.102.	LIMITATION ON DISTRICT POWERS
24	Sec. 3001.103.	EXERCISE OF POWERS OUTSIDE DISTRICT
25	Sec. 3001.104.	IMPOSITION OF AD VALOREM TAX
26		PROHIBITED
27	Sec. 3001.105.	RULEMAKING

- 1 Sec. 3001.106. EXECUTIVE DIRECTOR; EMPLOYEES
- 2 Sec. 3001.107. ECONOMIC DEVELOPMENT
- 3 Sec. 3001.108. AGRICULTURAL DEVELOPMENT
- 4 Sec. 3001.109. SUGAR MILL OR OTHER ENTERPRISE
- 5 Sec. 3001.110. DESIGNATION OF AGRICULTURAL PROJECTS
- 6 Sec. 3001.111. AGRICULTURAL RESEARCH
- 7 Sec. 3001.112. TRANSPORTATION
- 8 Sec. 3001.113. RELATIONSHIP WITH NAVIGATION DISTRICT
- 9 Sec. 3001.114. ACQUISITION OR DISPOSITION OF PROPERTY
- 10 Sec. 3001.115. EMINENT DOMAIN
- 11 Sec. 3001.116. ANNEXATION AND EXCLUSION OF
- 12                               TERRITORY
- 13 Sec. 3001.117. AGREEMENTS
- 14 Sec. 3001.118. DONATIONS; GRANTS
- 15 Sec. 3001.119. HEARINGS
- 16 Sec. 3001.120. SUITS
- 17 Sec. 3001.121. INDEMNIFICATION
- 18 Sec. 3001.122. OFFICIAL SEAL
- 19                   [Sections 3001.123-3001.150 reserved for expansion]
- 20                               SUBCHAPTER D. FINANCES AND OBLIGATIONS
- 21 Sec. 3001.151. POWERS AND DUTIES RELATED TO FINANCES
- 22 Sec. 3001.152. OBLIGATIONS
- 23 Sec. 3001.153. APPROVAL OF ASSESSMENT OBLIGATIONS
- 24                   [Sections 3001.154-3001.200 reserved for expansion]
- 25                               SUBCHAPTER E. ASSESSMENTS
- 26 Sec. 3001.201. GENERAL POWERS RELATED TO ASSESSMENTS
- 27 Sec. 3001.202. AREA TO BE ASSESSED; LIMITATIONS

- 1 Sec. 3001.203. HEARING AND PETITION REQUIRED
- 2 Sec. 3001.204. APPORTIONMENT OF COSTS
- 3 Sec. 3001.205. ASSESSMENT TO FINANCE PROJECT OR SERVICE
- 4 Sec. 3001.206. ASSESSMENT ROLL
- 5 Sec. 3001.207. ASSESSMENT AS LIEN
- 6 Sec. 3001.208. CORRECTION OF MISTAKE
- 7 Sec. 3001.209. NOTICE OF HEARING ON PROPOSED ASSESSMENT
- 8 Sec. 3001.210. CONDUCT OF HEARING; FINDINGS
- 9 Sec. 3001.211. BOARD ORDER IMPOSING ASSESSMENT
- 10 Sec. 3001.212. REHEARING
- 11 Sec. 3001.213. NOTICE OF ASSESSMENT
- 12 Sec. 3001.214. APPEAL TO COURT
- 13 Sec. 3001.215. NEW ASSESSMENT AFTER INVALID
- 14 PRIOR ASSESSMENT

15 [Sections 3001.216-3001.250 reserved for expansion]

16 SUBCHAPTER F. DISSOLUTION

- 17 Sec. 3001.251. DISSOLUTION

18 CHAPTER 3001. SOUTHEAST TEXAS AGRICULTURAL

19 DEVELOPMENT DISTRICT

20 SUBCHAPTER A. GENERAL PROVISIONS

- 21 Sec. 3001.001. DEFINITIONS. In this chapter:

22 (1) "Assessment" includes a reassessment or  
23 supplemental assessment.

24 (2) "Board" means the board of directors of the  
25 district.

26 (3) "Director" means a board member.

27 (4) "District" means the Southeast Texas Agricultural

1 Development District.

2 (5) "Obligation" means an obligation issued by the  
3 district under this chapter, including a bond, certificate, note,  
4 or other evidence of indebtedness.

5 (6) "Project" means an agricultural project  
6 designated under Section 3001.110. (Loc. Gov. Code, Secs.  
7 384.001(1), (2), (3), (5), (6), (7), as added Acts 76th Leg., R.S.,  
8 Ch. 1578.)

9 Sec. 3001.002. SOUTHEAST TEXAS AGRICULTURAL DEVELOPMENT  
10 DISTRICT. (a) The Southeast Texas Agricultural Development  
11 District is created as a special district.

12 (b) The board by resolution may change the district's name.  
13 (Loc. Gov. Code, Sec. 384.021, as added Acts 76th Leg., R.S., Ch.  
14 1578.)

15 Sec. 3001.003. PURPOSE AND NATURE OF DISTRICT. (a) The  
16 district is created as a conservation and reclamation district  
17 under Section 59, Article XVI, Texas Constitution, to:

18 (1) conserve and develop the natural resources of this  
19 state, including certain agricultural resources;

20 (2) conserve the soil for certain agricultural uses;

21 (3) reclaim or drain overflowed lands or provide  
22 necessary irrigation for certain natural agricultural resources;  
23 and

24 (4) provide credit, grants, or other things of value  
25 to aid persons as provided by Section 52(a), Article III, Texas  
26 Constitution.

27 (b) The district exercises public and essential

1 governmental functions.

2 (c) The creation of the district is a program essential to  
3 accomplish the purposes of Section 52-a, Article III, Texas  
4 Constitution, and other public purposes stated in this chapter.  
5 (Loc. Gov. Code, Secs. 384.022(a), (b), (d), as added Acts 76th  
6 Leg., R.S., Ch. 1578.)

7 Sec. 3001.004. DISTRICT TERRITORY. (a) The district  
8 includes all of the territory of Chambers County that is east of the  
9 center line of the Trinity River and north of the center line of the  
10 Gulf Intracoastal Waterway, other than property located inside the  
11 municipal boundaries of an incorporated municipality as of January  
12 1, 1999, as that territory may have been modified under:

13 (1) Section 3001.116, or its predecessor statute,  
14 former Section 384.052, Local Government Code; or

15 (2) other law.

16 (b) The boundaries of the district form a closure. A  
17 mistake in the description of the boundaries or in copying the  
18 description in the legislative process does not affect the  
19 district's:

20 (1) organization, existence, or validity;

21 (2) right to issue any type of bond for the purposes  
22 for which the district is created or to pay the principal of and  
23 interest on a bond;

24 (3) right to impose or collect an assessment; or

25 (4) legality or operation. (Loc. Gov. Code, Secs.  
26 384.023, 384.024, as added Acts 76th Leg., R.S., Ch. 1578; New.)

27 Sec. 3001.005. APPLICABILITY OF AND RELATION TO OTHER

1 LAW. (a) Chapter 49, Water Code, does not apply to the district.

2 (b) The district's authority under this chapter is not  
3 intended to duplicate the authority granted to the Chambers-Liberty  
4 Counties Navigation District or to limit the authority or  
5 jurisdiction of the navigation district. To the extent the laws of  
6 this chapter conflict with the laws of that navigation district,  
7 the laws of the navigation district control over this chapter.  
8 (Loc. Gov. Code, Secs. 384.022(c), 384.046(c), as added Acts 76th  
9 Leg., R.S., Ch. 1578.)

10 [Sections 3001.006-3001.050 reserved for expansion]

11 SUBCHAPTER B. BOARD OF DIRECTORS

12 Sec. 3001.051. BOARD OF DIRECTORS. (a) The district is  
13 governed by a board of nine directors.

14 (b) The board by resolution may increase or decrease the  
15 number of directors on the board if the board determines that to do  
16 so is in the best interest of the district. The board may not have  
17 more than 15 directors. (Loc. Gov. Code, Sec. 384.081(a), as added  
18 Acts 76th Leg., R.S., Ch. 1578.)

19 Sec. 3001.052. QUALIFICATIONS. (a) To serve as a  
20 director, a person must be at least 18 years old and:

- 21 (1) reside in the district;  
22 (2) own property in the district; or  
23 (3) be an agent, employee, or tenant of a person who  
24 owns property in the district.

25 (b) At least five directors must reside in or own property  
26 in Chambers County. (Loc. Gov. Code, Sec. 384.081(b) (part), as  
27 added Acts 76th Leg., R.S., Ch. 1578.)

1           Sec. 3001.053. TERMS. The county commissioners court  
2 shall appoint the directors to serve staggered four-year terms with  
3 as near as possible to one-half of the directors' terms expiring on  
4 June 1 of each odd-numbered year. (Loc. Gov. Code, Sec. 384.081(b)  
5 (part), as added Acts 76th Leg., R.S., Ch. 1578.)

6           Sec. 3001.054. DIRECTOR'S BOND. (a) As soon as  
7 practicable after a director is appointed, the director shall  
8 execute a \$10,000 bond payable to the district and conditioned on  
9 the faithful performance of the director's duties.

10           (b) Each director's bond must be approved by the board.

11           (c) The bond shall be filed with and retained by the  
12 district. (Loc. Gov. Code, Sec. 384.088, as added Acts 76th Leg.,  
13 R.S., Ch. 1578.)

14           Sec. 3001.055. REMOVAL; VACANCY. (a) The county  
15 commissioners court may remove a director for misconduct or failure  
16 to carry out the director's duties on petition by a majority of the  
17 other directors and after notice and hearing.

18           (b) If a vacancy occurs on the board, the remaining  
19 directors shall appoint a director for the remainder of the  
20 unexpired term. (Loc. Gov. Code, Sec. 384.082, as added Acts 76th  
21 Leg., R.S., Ch. 1578.)

22           Sec. 3001.056. OFFICERS. (a) The board shall elect from  
23 its directors a president, vice president, and secretary.

24           (b) The board by rule may provide for the election of other  
25 officers. (Loc. Gov. Code, Sec. 384.081(c), as added Acts 76th  
26 Leg., R.S., Ch. 1578.)

27           Sec. 3001.057. MEETINGS. The board shall meet at least

1 once every three months and at the call of the presiding officer or  
2 a majority of the directors. (Loc. Gov. Code, Sec. 384.083, as  
3 added Acts 76th Leg., R.S., Ch. 1578.)

4 Sec. 3001.058. COMPENSATION; REIMBURSEMENT. A director  
5 serves without compensation but shall be reimbursed for a  
6 reasonable and necessary expense incurred in performing an official  
7 duty. (Loc. Gov. Code, Sec. 384.087, as added Acts 76th Leg., R.S.,  
8 Ch. 1578.)

9 Sec. 3001.059. CONFLICT OF INTEREST; DISCLOSURE  
10 REQUIRED. (a) Except as provided by this section:

11 (1) a director may participate in all board votes and  
12 decisions; and

13 (2) Chapter 171, Local Government Code, governs  
14 conflicts of interest for directors.

15 (b) Section 171.004, Local Government Code, does not apply  
16 to the district. A director who has a substantial interest in a  
17 business or charitable entity that will receive a pecuniary benefit  
18 from a board action shall file an affidavit with the board secretary  
19 declaring the interest. Another affidavit is not required if the  
20 director's interest changes.

21 (c) After the affidavit is filed, the director may  
22 participate in a discussion or vote on that action if:

23 (1) a majority of the directors have similar interests  
24 in the same entity; or

25 (2) all similar business or charitable entities in the  
26 district will receive a similar pecuniary benefit.

27 (d) A director who is an officer or employee of a public

1 entity may not participate in a discussion of or vote on a matter  
2 regarding a contract with the public entity.

3 (e) For purposes of this section, a director has a  
4 substantial interest in a charitable entity in the same manner that  
5 a person would have a substantial interest in a business entity  
6 under Section 171.002, Local Government Code. (Loc. Gov. Code,  
7 Sec. 384.089, as added Acts 76th Leg., R.S., Ch. 1578.)

8 [Sections 3001.060-3001.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 3001.101. GENERAL POWERS AND DUTIES. (a) The  
11 district has the powers and duties that are necessary or desirable  
12 to carry out a power or duty expressly or implicitly granted under  
13 this chapter.

14 (b) The district may perform acts necessary to perform the  
15 purposes of this chapter. (Loc. Gov. Code, Secs. 384.041(a), (b),  
16 as added Acts 76th Leg., R.S., Ch. 1578.)

17 Sec. 3001.102. LIMITATION ON DISTRICT POWERS. The  
18 district may not exercise a power unless it furthers the purposes of  
19 this chapter. (Loc. Gov. Code, Sec. 384.055, as added Acts 76th  
20 Leg., R.S., Ch. 1578.)

21 Sec. 3001.103. EXERCISE OF POWERS OUTSIDE DISTRICT. The  
22 district may exercise any of its powers outside the district  
23 territory if the board determines that there is a benefit to the  
24 district in exercising that power. (Loc. Gov. Code, Sec. 384.053,  
25 as added Acts 76th Leg., R.S., Ch. 1578.)

26 Sec. 3001.104. IMPOSITION OF AD VALOREM TAX  
27 PROHIBITED. The district may not impose an ad valorem tax. (Loc.

1 Gov. Code, Sec. 384.041(c), as added Acts 76th Leg., R.S., Ch.  
2 1578.)

3 Sec. 3001.105. RULEMAKING. The board may adopt rules:

4 (1) necessary or convenient to carry out district  
5 powers and duties;

6 (2) to govern its affairs;

7 (3) to preserve the public health and welfare  
8 concerning the agricultural products submitted to the district for  
9 harvesting, processing, distributing, or transporting; and

10 (4) to establish a priority on the use of district  
11 property and services, including the payment of fees. (Loc. Gov.  
12 Code, Sec. 384.084, as added Acts 76th Leg., R.S., Ch. 1578.)

13 Sec. 3001.106. EXECUTIVE DIRECTOR; EMPLOYEES. The board  
14 may employ:

15 (1) an executive director to manage the district's  
16 daily operations; and

17 (2) other persons necessary to carry out the  
18 district's duties. (Loc. Gov. Code, Sec. 384.086, as added Acts  
19 76th Leg., R.S., Ch. 1578.)

20 Sec. 3001.107. ECONOMIC DEVELOPMENT. (a) The district  
21 may encourage state economic development as provided by this  
22 chapter, including making a loan or grant of public money for the  
23 purposes of this chapter.

24 (b) The district may encourage the economic development of  
25 the district by:

26 (1) fostering the growth of enterprises based on  
27 certain types of agriculture;

1           (2) stimulating innovation in certain agricultural  
2 enterprises;

3           (3) seeking to eliminate unemployment or  
4 underemployment in the state; and

5           (4) developing or expanding transportation resources.  
6 (Loc. Gov. Code, Sec. 384.042, as added Acts 76th Leg., R.S., Ch.  
7 1578.)

8           Sec. 3001.108. AGRICULTURAL DEVELOPMENT. The district  
9 may:

10           (1) promote all agricultural enterprises, facilities,  
11 and services of the district; and

12           (2) encourage the maintenance and conservation of soil  
13 in the district. (Loc. Gov. Code, Sec. 384.043, as added Acts 76th  
14 Leg., R.S., Ch. 1578.)

15           Sec. 3001.109. SUGAR MILL OR OTHER ENTERPRISE. (a) The  
16 district may design, construct, and operate a sugar mill or other  
17 agricultural enterprise.

18           (b) The district may acquire property necessary for a sugar  
19 mill or other agricultural enterprise, including vehicles, farm  
20 equipment, other machinery, and related facilities for harvesting,  
21 processing, storing, distributing, and transporting sugar cane or  
22 other agricultural products or by-products. (Loc. Gov. Code, Sec.  
23 384.044, as added Acts 76th Leg., R.S., Ch. 1578.)

24           Sec. 3001.110. DESIGNATION OF AGRICULTURAL PROJECTS. (a)  
25 The district may designate as an agricultural project a project  
26 that relates to:

27           (1) the development of agriculture in the district and

1 surrounding areas; and

2 (2) the preservation and conservation of the soil in  
3 the district for agricultural purposes.

4 (b) A project designated under Subsection (a) is for a  
5 public purpose.

6 (c) The cost of a project, including interest during  
7 construction and the cost of issuing obligations, may be paid from  
8 any source.

9 (d) The implementation of a project is a governmental  
10 function or service for purposes of Chapter 791, Government Code.  
11 (Loc. Gov. Code, Sec. 384.045, as added Acts 76th Leg., R.S., Ch.  
12 1578.)

13 Sec. 3001.111. AGRICULTURAL RESEARCH. The district may  
14 conduct or pay for research for agricultural purposes. (Loc. Gov.  
15 Code, Sec. 384.050, as added Acts 76th Leg., R.S., Ch. 1578.)

16 Sec. 3001.112. TRANSPORTATION. The district may encourage  
17 the transportation and distribution of the district's agricultural  
18 products through the development and operation of transportation  
19 structures necessary to further the purposes of this chapter,  
20 including railroads and private roads. (Loc. Gov. Code, Sec.  
21 384.046(a), as added Acts 76th Leg., R.S., Ch. 1578.)

22 Sec. 3001.113. RELATIONSHIP WITH NAVIGATION DISTRICT. The  
23 district may cooperate and contract with the Chambers-Liberty  
24 Counties Navigation District on any area of mutual interest. (Loc.  
25 Gov. Code, Sec. 384.046(b), as added Acts 76th Leg., R.S., Ch.  
26 1578.)

27 Sec. 3001.114. ACQUISITION OR DISPOSITION OF

1 PROPERTY. The district may acquire or dispose of property in any  
2 manner, including by:

- 3 (1) conveyance;  
4 (2) mortgage; or  
5 (3) lease, as lessor or lessee. (Loc. Gov. Code, Sec.  
6 384.048, as added Acts 76th Leg., R.S., Ch. 1578.)

7 Sec. 3001.115. EMINENT DOMAIN. The district may not  
8 exercise the power of eminent domain. (Loc. Gov. Code, Sec.  
9 384.049, as added Acts 76th Leg., R.S., Ch. 1578.)

10 Sec. 3001.116. ANNEXATION AND EXCLUSION OF  
11 TERRITORY. (a) The district may annex land as provided by Section  
12 49.301 or 49.302, Water Code, except that the references in those  
13 sections related to taxes do not apply. As provided by those  
14 sections, the district may annex land that is not adjacent or  
15 contiguous to the district.

16 (b) The board may call on its own motion a hearing on the  
17 question of the exclusion of land from the district as provided by  
18 Section 49.304 or 49.307, Water Code, if:

19 (1) the district does not have outstanding  
20 obligations; and

21 (2) the proposed exclusion is practicable, just, or  
22 desirable.

23 (c) The board shall call a hearing on the exclusion of land  
24 or other property from the district as provided by Section 49.304 or  
25 49.307, Water Code, if a property owner in the district files with  
26 the board secretary a written petition requesting the hearing  
27 before the issuance of an obligation. (Loc. Gov. Code, Sec.

1 384.052, as added Acts 76th Leg., R.S., Ch. 1578.)

2 Sec. 3001.117. AGREEMENTS. (a) The district may:

3 (1) enter into an agreement with any person for any  
4 district purpose, including an agreement:

5 (A) to operate or maintain an agricultural  
6 enterprise under Sections 3001.108 and 3001.109; or

7 (B) with a municipality or county to provide law  
8 enforcement service in the district on a fee basis; and

9 (2) accept a loan from any person.

10 (b) The district, county, and any other political  
11 subdivision, without further authorization, may contract to  
12 implement a project or assist the district in providing a service  
13 authorized by this chapter. A contract under this subsection may  
14 provide:

15 (1) for payment from a district assessment or other  
16 revenue; or

17 (2) that an assessment or other revenue collected from  
18 a project, or from a person using or purchasing a commodity or  
19 service from a project, may be paid or rebated to the district.

20 (Loc. Gov. Code, Sec. 384.047(a) (part), (b), as added Acts 76th  
21 Leg., R.S., Ch. 1578.)

22 Sec. 3001.118. DONATIONS; GRANTS. The district may accept  
23 a donation or grant from any person. (Loc. Gov. Code, Sec.  
24 384.047(a) (part), as added Acts 76th Leg., R.S., Ch. 1578.)

25 Sec. 3001.119. HEARINGS. (a) The board may conduct  
26 hearings and take evidence on any matter before the board.

27 (b) The board may appoint a hearings examiner to conduct a

1 hearing called by the board. The hearings examiner may be a  
2 district employee or director. (Loc. Gov. Code, Sec. 384.085, as  
3 added Acts 76th Leg., R.S., Ch. 1578.)

4 Sec. 3001.120. SUITS. (a) The district may sue and be  
5 sued.

6 (b) In a suit against the district, process may be served on  
7 a director or registered agent.

8 (c) The district may not be required to give a bond on an  
9 appeal or writ of error in a civil case that the district is  
10 prosecuting or defending. (Loc. Gov. Code, Secs. 384.051(a), (b),  
11 (c), as added Acts 76th Leg., R.S., Ch. 1578.)

12 Sec. 3001.121. INDEMNIFICATION. The district may  
13 indemnify a director or district employee or a former director or  
14 district employee for reasonable expenses and costs, including  
15 attorney's fees, incurred by the person in connection with a claim  
16 or charge asserted against the person if:

17 (1) the claim or charge relates to an act or omission  
18 of the person when acting in the scope of the person's board  
19 membership or district employment; and

20 (2) the person has not been found liable on the claim  
21 or guilty on the charge. (Loc. Gov. Code, Sec. 384.051(d), as added  
22 Acts 76th Leg., R.S., Ch. 1578.)

23 Sec. 3001.122. OFFICIAL SEAL. The district may adopt an  
24 official seal for the district. (Loc. Gov. Code, Sec. 384.054, as  
25 added Acts 76th Leg., R.S., Ch. 1578.)

26 [Sections 3001.123-3001.150 reserved for expansion]

27 SUBCHAPTER D. FINANCES AND OBLIGATIONS

1           Sec. 3001.151.   POWERS           AND           DUTIES           RELATED           TO

2 FINANCES.   (a)   The district may:

- 3           (1)   acquire and dispose of money;
- 4           (2)   impose a charge for using a facility or a service
- 5 the district provides;
- 6           (3)   issue an obligation as provided by this
- 7 subchapter;
- 8           (4)   borrow money;
- 9           (5)   loan money;
- 10          (6)   invest money under its control in an investment
- 11 permitted by Chapter 2256, Government Code;
- 12          (7)   select a depository;
- 13          (8)   establish a system of accounts for the district;
- 14 and
- 15          (9)   set the fiscal year for the district.

16          (b)   The district shall endeavor to raise revenue sufficient

17 to pay the district's debts.

18          (c)   The board by rule shall establish the procedure and

19 number of directors' signatures required to disburse or transfer

20 district money. (Loc. Gov. Code, Sec. 384.101, as added Acts 76th

21 Leg., R.S., Ch. 1578.)

22           Sec. 3001.152.   OBLIGATIONS.   (a)   The district may issue

23 any type of obligation for any district purpose. An obligation may

24 be issued under Chapter 1371, Government Code.

25          (b)   When authorizing the issuance of an obligation, the

26 district may also authorize the later issuance of a parity or

27 subordinate lien obligation.

1 (c) A district obligation must:

2 (1) mature not later than the 40th anniversary of the  
3 date of issuance; and

4 (2) state on its face that the obligation is not a  
5 state obligation.

6 (d) A district obligation may be payable from or secured by:

7 (1) any source of money, including district revenue,  
8 loans, or assessments; or

9 (2) a lien, pledge, mortgage, or other security  
10 interest on district revenue or property.

11 (e) The district may use obligation proceeds for any  
12 purpose, including to pay:

13 (1) into a reserve fund for debt service;

14 (2) for the repair or replacement of property,  
15 including buildings and equipment;

16 (3) interest on obligations; or

17 (4) for the operation of a sugar mill or other  
18 agricultural enterprise.

19 (f) The district may contract with an obligation holder to  
20 impose an assessment to pay for the operation of a sugar mill or  
21 other agricultural enterprise. (Loc. Gov. Code, Sec. 384.102, as  
22 added Acts 76th Leg., R.S., Ch. 1578.)

23 Sec. 3001.153. APPROVAL OF ASSESSMENT OBLIGATIONS. An  
24 obligation secured by an assessment may not be issued unless the  
25 district receives a written petition requesting the assessment and  
26 issuance of obligations. The petition must be signed by each owner  
27 of the property proposed for assessment. (Loc. Gov. Code, Sec.

1 384.103, as added Acts 76th Leg., R.S., Ch. 1578.)

2 [Sections 3001.154-3001.200 reserved for expansion]

3 SUBCHAPTER E. ASSESSMENTS

4 Sec. 3001.201. GENERAL POWERS RELATED TO

5 ASSESSMENTS. (a) The board may impose an assessment:

- 6 (1) for a district expense;
- 7 (2) to finance a project or district service; or
- 8 (3) for any other purpose authorized by this chapter.

9 (b) Money derived from an assessment for one purpose may not  
10 be borrowed for use for another purpose for which an assessment is  
11 imposed.

12 (c) The board shall establish a procedure for the  
13 distribution or use of money derived from an assessment that  
14 exceeds the amount of money necessary to accomplish the purpose for  
15 which the assessment was collected. (Loc. Gov. Code, Sec. 384.111,  
16 as added Acts 76th Leg., R.S., Ch. 1578.)

17 Sec. 3001.202. AREA TO BE ASSESSED; LIMITATIONS. (a) The  
18 board may impose an assessment only on property included in a  
19 petition for assessment.

20 (b) The owner of an improvement constructed in the district,  
21 or of land annexed to the district, after the district imposed an  
22 assessment may waive the right to notice and an assessment hearing  
23 and may agree to the imposition of the assessment on the improvement  
24 or land and payment of the assessment at an agreed rate.

25 (c) The district may not impose an assessment on the  
26 property of a person that provides gas, electricity, telephone,  
27 sewage, or water service to the public. (Loc. Gov. Code, Sec.

1 384.112, as added Acts 76th Leg., R.S., Ch. 1578.)

2 Sec. 3001.203. HEARING AND PETITION REQUIRED. The board  
3 may impose an assessment only if:

4 (1) a written petition has been filed with the board  
5 that:

6 (A) requests the assessment;

7 (B) states the specific purpose of the  
8 assessment; and

9 (C) is signed by each owner of the property to be  
10 assessed;

11 (2) two-thirds of the board votes to impose the  
12 assessment;

13 (3) the board provides notice of a hearing on the  
14 proposal under Section 3001.209; and

15 (4) the board holds a hearing on the advisability of  
16 the assessment under Section 3001.210. (Loc. Gov. Code, Sec.  
17 384.113, as added Acts 76th Leg., R.S., Ch. 1578.)

18 Sec. 3001.204. APPORTIONMENT OF COSTS. (a) The board  
19 shall apportion the cost of an assessment to property according to  
20 the special benefits accruing to the property because of the  
21 project or service to be financed by the assessment. The cost may  
22 be assessed:

23 (1) equally by front foot or by square foot of land  
24 area;

25 (2) equally by acreage of land;

26 (3) according to the value of the property as  
27 determined by the board; or

1           (4) according to any other reasonable assessment plan  
2 that imposes a fair share of the cost on property similarly  
3 benefited.

4           (b) In making the determination under Subsection (a)(3),  
5 the board may consider the value of a structure or improvement on  
6 the property. (Loc. Gov. Code, Sec. 384.114, as added Acts 76th  
7 Leg., R.S., Ch. 1578.)

8           Sec. 3001.205. ASSESSMENT TO FINANCE PROJECT OR  
9 SERVICE. (a) If the board determines the total cost of an  
10 assessment to finance a project or service, the board shall impose  
11 the assessment against each parcel of land against which an  
12 assessment may be imposed in the district.

13           (b) The board may impose an annual assessment for a service.  
14 The amount of an annual service assessment may vary from year to  
15 year, but may not be higher than the initial assessment. (Loc. Gov.  
16 Code, Sec. 384.115, as added Acts 76th Leg., R.S., Ch. 1578.)

17           Sec. 3001.206. ASSESSMENT ROLL. (a) The board shall  
18 prepare and maintain an assessment roll showing:

- 19                   (1) the assessment against each property; and  
20                   (2) the board's basis for the assessment.

21           (b) The board shall allow the public to inspect the  
22 assessment roll. (Loc. Gov. Code, Sec. 384.116, as added Acts 76th  
23 Leg., R.S., Ch. 1578.)

24           Sec. 3001.207. ASSESSMENT AS LIEN. (a) An assessment,  
25 including an assessment resulting from an addition or correction to  
26 the assessment roll, penalties and interest on an assessment, an  
27 assessment collection expense, and reasonable attorney's fees

1 incurred by the district in collecting an assessment are:

2 (1) a first and prior lien against the property  
3 assessed;

4 (2) superior to any other lien or claim other than a  
5 lien or claim for county, school district, or municipal ad valorem  
6 taxes; and

7 (3) the personal liability of and charge against the  
8 owners of the property, even if the owners are not named in an  
9 assessment proceeding.

10 (b) The lien is effective from the date of the order  
11 imposing the assessment until the date the assessment is paid.  
12 (Loc. Gov. Code, Sec. 384.117, as added Acts 76th Leg., R.S., Ch.  
13 1578.)

14 Sec. 3001.208. CORRECTION OF MISTAKE. After notice and  
15 hearing in the manner required for an original assessment, the  
16 board may impose an assessment to correct a mistake in the  
17 assessment that:

18 (1) relates to the total cost of the assessment; or

19 (2) covers a delinquency or collection costs. (Loc.  
20 Gov. Code, Sec. 384.118, as added Acts 76th Leg., R.S., Ch. 1578.)

21 Sec. 3001.209. NOTICE OF HEARING ON PROPOSED  
22 ASSESSMENT. (a) The board shall provide notice of a hearing for a  
23 proposed assessment in a newspaper with general circulation in  
24 Chambers County. The publication must be made not later than the  
25 30th day before the date of the hearing.

26 (b) The notice must include the:

27 (1) time and place of the hearing;

1 (2) purpose for the proposed assessment;

2 (3) estimated cost of the purpose for which the  
3 assessment is proposed, including interest during construction and  
4 associated financing costs; and

5 (4) proposed assessment method.

6 (c) Not later than the 30th day before the date of the  
7 hearing, the board shall mail written notice containing the  
8 information required by Subsection (b) to each property owner in  
9 the district that will be subject to the assessment at the current  
10 address of the owner of the property to be assessed, as reflected on  
11 the tax rolls. (Loc. Gov. Code, Sec. 384.119, as added Acts 76th  
12 Leg., R.S., Ch. 1578.)

13 Sec. 3001.210. CONDUCT OF HEARING; FINDINGS. (a) The  
14 board or hearings examiner shall hear and rule on all objections to  
15 a proposed assessment.

16 (b) A hearing on a proposed assessment may be adjourned from  
17 time to time.

18 (c) The board or hearings examiner shall make findings  
19 relating to the:

20 (1) advisability of the assessment, including the  
21 purpose of the assessment;

22 (2) estimated cost of the assessment;

23 (3) area benefited by the assessment;

24 (4) method of assessment; and

25 (5) method and time for payment of the assessment.

26 (d) If a hearings examiner conducts the hearing, the  
27 examiner shall file with the board a report on the examiner's

1 findings under Subsection (c). (Loc. Gov. Code, Secs. 384.120(a),  
2 (b), (c), (d), as added Acts 76th Leg., R.S., Ch. 1578.)

3 Sec. 3001.211. BOARD ORDER IMPOSING ASSESSMENT. (a) After  
4 receiving or issuing the findings required by Section 3001.210(c),  
5 the board by order:

6 (1) shall:

7 (A) impose the assessment as a special assessment  
8 on the property; and

9 (B) specify the method of payment on the  
10 assessment; and

11 (2) may:

12 (A) amend a proposed assessment for any parcel;

13 (B) require an assessment to be paid in periodic  
14 installments, including interest;

15 (C) require an interest charge or penalty for a  
16 failure to make timely payment; or

17 (D) charge an amount to cover a delinquency or  
18 collection expense.

19 (b) If the board orders that an assessment may be paid in  
20 periodic installments, the installments must:

21 (1) be in amounts sufficient to meet the annual costs  
22 of the project or service for which the assessment is imposed; and

23 (2) continue for the number of years required to  
24 retire the indebtedness or pay for the project or service for which  
25 the assessment is imposed. (Loc. Gov. Code, Secs. 384.120(e), (f),  
26 as added Acts 76th Leg., R.S., Ch. 1578.)

27 Sec. 3001.212. REHEARING. A motion for rehearing is

1 subject to Section 2001.146, Government Code, except that the  
2 property owner must file the motion for rehearing not later than the  
3 30th day after the date on which the assessment order is issued.  
4 (Loc. Gov. Code, Sec. 384.121, as added Acts 76th Leg., R.S., Ch.  
5 1578.)

6 Sec. 3001.213. NOTICE OF ASSESSMENT. Not later than the  
7 30th day after the date on which an assessment order is issued, the  
8 district shall file a notice of the assessment in the deed records  
9 of the county in which the property to be assessed is located. The  
10 notice must:

11 (1) provide a legal description of the property  
12 subject to the assessment;

13 (2) state the name of the owner of the property subject  
14 to the assessment; and

15 (3) describe how to contact the district for further  
16 information about the assessment. (Loc. Gov. Code, Sec. 384.122,  
17 as added Acts 76th Leg., R.S., Ch. 1578.)

18 Sec. 3001.214. APPEAL TO COURT. (a) A property owner  
19 against whom an assessment is imposed may appeal the assessment to a  
20 district court in the county in which the property is located in the  
21 manner provided for the appeal of a contested case under Chapter  
22 2001, Government Code.

23 (b) The owner must file the notice of appeal with the court  
24 not later than the 30th day after the date the board decision  
25 becomes final.

26 (c) The court shall review the appeal by trial de novo.  
27 (Loc. Gov. Code, Sec. 384.123, as added Acts 76th Leg., R.S., Ch.



1 [Sections 3501.056-3501.100 reserved for expansion]

2 SUBCHAPTER C. POWERS AND DUTIES

3 Sec. 3501.101. AUTHORITY OF BOARD

4 Sec. 3501.102. GENERAL POWERS AND DUTIES

5 Sec. 3501.103. UTILITIES

6 Sec. 3501.104. SECURITY FOR COSTS OR BOND NOT REQUIRED

7 [Sections 3501.105-3501.150 reserved for expansion]

8 SUBCHAPTER D. DISSOLUTION

9 Sec. 3501.151. LEGISLATIVE INTENT

10 Sec. 3501.152. DUTY TO DISSOLVE

11 CHAPTER 3501. LUBBOCK REESE REDEVELOPMENT AUTHORITY

12 SUBCHAPTER A. GENERAL PROVISIONS

13 Sec. 3501.001. DEFINITIONS. In this chapter:

14 (1) "Authority" means the Lubbock Reese Redevelopment  
15 Authority.

16 (2) "Base property" means land described by Section  
17 3501.002(a), including any property used in connection with or  
18 comprising the former Reese Air Force Base.

19 (3) "Board" means the board of directors of the  
20 authority. (Loc. Gov. Code, Secs. 396.001(1), (2), (3), 396.010  
21 (part).)

22 Sec. 3501.002. AUTHORITY TERRITORY. (a) The authority's  
23 territory is that described by Section 13.10, Chapter 62, Acts of  
24 the 76th Legislature, Regular Session, 1999, enacting former  
25 Section 396.009, Local Government Code, and includes all other real  
26 property, related interests, including fee interests, perpetual  
27 and other easements, licenses, leases, and any other property used

1 in connection with or comprising Reese Air Force Base and as may be  
2 shown by instruments recorded in the real property records of  
3 Lubbock and Terry counties.

4 (b) The authority's territory does not include property  
5 conveyed by the United States before June 17, 1997, as shown by  
6 instruments recorded in the real property records of Lubbock and  
7 Terry counties. (Loc. Gov. Code, Secs. 396.002 (part), 396.010  
8 (part).)

9 Sec. 3501.003. PURPOSE AND NATURE OF AUTHORITY. (a) The  
10 purpose of the authority is to undertake projects necessary or  
11 incidental to the industrial, commercial, or business development,  
12 redevelopment, maintenance, and expansion of new and existing  
13 businesses on the property, now or formerly known as Reese Air Force  
14 Base, described in Section 3501.002(a), including the acquisition,  
15 construction, operation, maintenance, enhancement, or disposal of:

- 16 (1) roads, bridges, and rights-of-way;  
17 (2) housing;  
18 (3) property;  
19 (4) police, fire, medical, cultural, educational, and  
20 research services, equipment, institutions, and resources;  
21 (5) other community support services;  
22 (6) flood control, water, wastewater treatment, and  
23 all other utility facilities; and  
24 (7) other infrastructure improvements.

25 (b) The authority is a political subdivision of this state  
26 that exercises public and essential governmental functions.

27 (c) The exercise of a power this chapter grants is for a

1 public purpose and is a matter of public necessity.

2 (d) The authority is a governmental unit under Chapter 101,  
3 Civil Practice and Remedies Code. The operations of the authority  
4 are not proprietary functions for any purpose, including the  
5 application of Chapter 101, Civil Practice and Remedies Code.  
6 (Loc. Gov. Code, Secs. 396.001(6), 396.002 (part), 396.004(b), (c),  
7 (d), (e).)

8 Sec. 3501.004. EXEMPTION FROM TAXATION. The property,  
9 revenue, and income of the authority are exempt from a tax imposed  
10 by the state or a political subdivision of the state. (Loc. Gov.  
11 Code, Sec. 396.006.)

12 [Sections 3501.005-3501.050 reserved for expansion]

13 SUBCHAPTER B. BOARD OF DIRECTORS

14 Sec. 3501.051. COMPOSITION OF BOARD. The board is composed  
15 of:

16 (1) seven directors appointed by the governing body of  
17 the City of Lubbock;

18 (2) one director appointed by the commissioners court  
19 of Lubbock County; and

20 (3) one director appointed by the South Plains  
21 Association of Governments. (Loc. Gov. Code, Secs. 396.003(a)  
22 (part), (b).)

23 Sec. 3501.052. TERM; VACANCIES. (a) A director serves a  
24 term of four years. A director appointed to fill a vacancy for an  
25 unexpired term shall serve for the remainder of that term only.

26 (b) A vacancy on the board is filled in the same manner as  
27 the original appointment.

1 (c) A director may be appointed as the director's own  
2 successor for not more than one term. (Loc. Gov. Code, Secs.  
3 396.003(c), (d).)

4 Sec. 3501.053. OFFICERS. (a) The board shall elect from  
5 its membership a president and a vice president.

6 (b) The vice president shall preside in the absence of the  
7 president. (Loc. Gov. Code, Sec. 396.003(e).)

8 Sec. 3501.054. EMPLOYEES. The board may employ and  
9 compensate persons to carry out the powers and duties of the  
10 authority. (Loc. Gov. Code, Sec. 396.003(f) (part).)

11 Sec. 3501.055. RULES FOR PROCEEDINGS. The board shall  
12 adopt rules for its proceedings. (Loc. Gov. Code, Sec. 396.003(f)  
13 (part).)

14 [Sections 3501.056-3501.100 reserved for expansion]

15 SUBCHAPTER C. POWERS AND DUTIES

16 Sec. 3501.101. AUTHORITY OF BOARD. The board shall manage,  
17 control, and operate the authority. (Loc. Gov. Code, Sec.  
18 396.003(a) (part).)

19 Sec. 3501.102. GENERAL POWERS AND DUTIES. (a) The  
20 authority may accept title, on approval by and in coordination with  
21 the governor, from the United States to all or any portion of the  
22 base property.

23 (b) The authority may exercise, on approval by and in  
24 coordination with the governor, any power necessary or convenient  
25 to accomplish a purpose of this chapter, including the power to:

26 (1) sue and be sued, and plead and be impleaded, in its  
27 own name;

- 1           (2) adopt an official seal;
- 2           (3) adopt and enforce bylaws and rules for the conduct  
3 of its affairs;
- 4           (4) acquire, hold, own, and dispose of its revenue,  
5 income, receipts, and money from any source;
- 6           (5) select its depository;
- 7           (6) establish its fiscal year;
- 8           (7) adopt an annual operating budget for all major  
9 expenditures before the beginning of the fiscal year;
- 10          (8) establish a system of accounts for the authority;
- 11          (9) invest its money in accordance with Chapter 2256,  
12 Government Code;
- 13          (10) acquire, hold, own, use, rent, lease, or dispose  
14 of any property, including a license, patent, right, right-of-way,  
15 easement, and other interest in property, by purchase, exchange,  
16 gift, assignment, condemnation, lease, sale, or any other means, to  
17 perform a duty or to exercise a power under this chapter;
- 18          (11) manage, operate, or improve that property, to  
19 perform a duty or to exercise a power under this chapter;
- 20          (12) sell, assign, lease, encumber, mortgage, or  
21 otherwise dispose of any base property, or any interest in that  
22 property, release or relinquish any right, title, claim, lien,  
23 interest, easement, or demand, however acquired, and,  
24 notwithstanding any other law, conduct any transaction authorized  
25 by this subdivision by public or private sale;
- 26          (13) lease or rent any land, buildings, structures, or  
27 facilities located on the base property to any person to accomplish

1 the purposes of this chapter;

2 (14) request and accept any appropriation, grant,  
3 allocation, subsidy, guarantee, aid, service, labor, material,  
4 gift, or money from any source, including the federal government,  
5 the state, a public agency, and a political subdivision;

6 (15) maintain an office;

7 (16) appoint and determine the duties, tenure,  
8 qualifications, compensation, and removal of officers, employees,  
9 agents, professional advisors, and counselors, including financial  
10 consultants, accountants, attorneys, architects, engineers,  
11 appraisers, and financing experts, as considered necessary or  
12 advisable by the board;

13 (17) borrow money as necessary to acquire, improve, or  
14 operate a facility on the base property, not to exceed the amount  
15 determined by the governing body of the City of Lubbock;

16 (18) establish, impose, and collect rents, rates,  
17 fees, and charges for its facilities and services; and

18 (19) exercise the powers Chapter 380, Local Government  
19 Code, grants to a municipality for expansion of economic  
20 development and commercial activity. (Loc. Gov. Code, Secs.  
21 396.004(a), 396.005(a) (part).)

22 Sec. 3501.103. UTILITIES. (a) As may be necessary and  
23 appropriate to accomplish the purposes for which the authority was  
24 established, the authority may exercise those powers granted to  
25 general law districts by Chapter 49, Water Code, and granted to  
26 municipal utility districts by Chapter 54, Water Code, may provide  
27 all other utility services that may be provided by an electric, gas,

1 or water utility on an immediate basis without the need for state  
2 regulatory approval, and without restriction, may delegate those  
3 powers and the provision of those services to a neighboring  
4 municipality, a municipally owned utility, a cooperative  
5 corporation, or other utility provider.

6 (b) The authority shall continue to be served by the  
7 provider, as of September 1, 1999, of electricity and related  
8 services to the authority until the authority delegates the  
9 provision of electric services under Subsection (a).

10 (c) A delegation under Subsection (a) of a power related to  
11 electric service and the provision of electric services may be made  
12 only to an electric utility provider that agrees to upgrade the  
13 electrical system infrastructure so that the authority can  
14 accomplish its purpose. The authority shall determine the criteria  
15 to be used for determining the level of infrastructure improvements  
16 necessary to encourage the expansion of economic development and  
17 commercial activity. The authority may delegate the provision of  
18 electric services without state regulatory approval.

19 (d) The authority may contract to convey the property  
20 related to the supply and distribution of electrical power in the  
21 authority's territory to an electric utility provider that requires  
22 the conveyance as a condition of making an upgrade prescribed by  
23 Subsection (c). (Loc. Gov. Code, Secs. 396.005(a) (part), (c).)

24 Sec. 3501.104. SECURITY FOR COSTS OR BOND NOT REQUIRED. In  
25 a suit, the authority may not be required to give security for costs  
26 or a supersedeas or cost bond in an appeal from a judgment. (Loc.  
27 Gov. Code, Sec. 396.005(b).)

1 [Sections 3501.105-3501.150 reserved for expansion]

2 SUBCHAPTER D. DISSOLUTION

3 Sec. 3501.151. LEGISLATIVE INTENT. The legislature  
4 intends that the authority be dissolved after conveyance and sale  
5 of all of the base property. (Loc. Gov. Code, Sec. 396.007(b).)

6 Sec. 3501.152. DUTY TO DISSOLVE. (a) The authority shall  
7 be dissolved on approval of the City of Lubbock and Lubbock County:

8 (1) when all the functions of the authority are  
9 performed and completed; and

10 (2) after all debts or obligations have been satisfied  
11 or retired with the assets of the authority.

12 (b) On dissolution, any remaining assets of the authority  
13 shall be conveyed or transferred to the City of Lubbock and Lubbock  
14 County in proportion to any initial contribution of money made.  
15 (Loc. Gov. Code, Secs. 396.007(a), (c).)

16 CHAPTER 3502. WESTWORTH VILLAGE-WHITE SETTLEMENT

17 REDEVELOPMENT AUTHORITY

18 SUBCHAPTER A. GENERAL PROVISIONS

19 Sec. 3502.001. DEFINITIONS

20 Sec. 3502.002. WESTWORTH VILLAGE-WHITE SETTLEMENT

21 REDEVELOPMENT AUTHORITY

22 Sec. 3502.003. AUTHORITY TERRITORY

23 Sec. 3502.004. EXEMPTION FROM TAXATION

24 [Sections 3502.005-3502.050 reserved for expansion]

25 SUBCHAPTER B. BOARD OF DIRECTORS

26 Sec. 3502.051. COMPOSITION OF BOARD

27 Sec. 3502.052. TERM

1 Sec. 3502.053. VACANCIES

2 Sec. 3502.054. OFFICERS

3 Sec. 3502.055. EMPLOYEES

4 [Sections 3502.056-3502.100 reserved for expansion]

5 SUBCHAPTER C. AUTHORITY POWERS AND DUTIES

6 Sec. 3502.101. AUTHORITY OF BOARD

7 Sec. 3502.102. GENERAL POWERS

8 Sec. 3502.103. RECEIPT OF PROPERTY

9 Sec. 3502.104. USE OF PROPERTY

10 Sec. 3502.105. AWARDING OF CONTRACTS

11 [Sections 3502.106-3502.150 reserved for expansion]

12 SUBCHAPTER D. DISSOLUTION

13 Sec. 3502.151. LEGISLATIVE INTENT

14 Sec. 3502.152. POWER TO DISSOLVE

15 CHAPTER 3502. WESTWORTH VILLAGE-WHITE SETTLEMENT

16 REDEVELOPMENT AUTHORITY

17 SUBCHAPTER A. GENERAL PROVISIONS

18 Sec. 3502.001. DEFINITIONS. In this chapter:

19 (1) "Authority" means the Westworth Village-White  
20 Settlement Redevelopment Authority.

21 (2) "Board" means the board of directors of the  
22 authority. (Loc. Gov. Code, Sec. 396.031.)

23 Sec. 3502.002. WESTWORTH VILLAGE-WHITE SETTLEMENT  
24 REDEVELOPMENT AUTHORITY. The authority is established as a  
25 political subdivision of this state if Westworth Village and White  
26 Settlement each:

27 (1) adopt a resolution authorizing the authority's

1 establishment; and

2 (2) appoint three members to the board. (Loc. Gov.  
3 Code, Sec. 396.032 (part).)

4 Sec. 3502.003. AUTHORITY TERRITORY. The boundaries of the  
5 authority territory are the boundaries of Westworth Village and  
6 White Settlement. (Loc. Gov. Code, Sec. 396.032 (part).)

7 Sec. 3502.004. EXEMPTION FROM TAXATION. The property,  
8 revenue, and income of the authority are exempt from all taxes  
9 imposed by the state or a political subdivision of the state. (Loc.  
10 Gov. Code, Sec. 396.036.)

11 [Sections 3502.005-3502.050 reserved for expansion]

12 SUBCHAPTER B. BOARD OF DIRECTORS

13 Sec. 3502.051. COMPOSITION OF BOARD. The board consists of  
14 six directors. The governing body of each municipality in the  
15 authority shall appoint three directors. (Loc. Gov. Code, Secs.  
16 396.033(a) (part), (b).)

17 Sec. 3502.052. TERM. A director serves a two-year term.  
18 (Loc. Gov. Code, Sec. 396.033(c).)

19 Sec. 3502.053. VACANCIES. A vacancy on the board is filled  
20 for the unexpired term in the manner provided for the original  
21 appointment. (Loc. Gov. Code, Sec. 396.033(e).)

22 Sec. 3502.054. OFFICERS. (a) The board shall select from  
23 its membership a presiding officer and an assistant presiding  
24 officer.

25 (b) The assistant presiding officer presides in the absence  
26 of the presiding officer.

27 (c) The board shall select a secretary-treasurer. The

1 secretary-treasurer is not required to be a director. (Loc. Gov.  
2 Code, Sec. 396.033(d).)

3 Sec. 3502.055. EMPLOYEES. The board may employ all persons  
4 necessary to carry out the functions of the authority. (Loc. Gov.  
5 Code, Sec. 396.033(f).)

6 [Sections 3502.056-3502.100 reserved for expansion]

7 SUBCHAPTER C. AUTHORITY POWERS AND DUTIES

8 Sec. 3502.101. AUTHORITY OF BOARD. The board shall manage,  
9 operate, and control the authority. (Loc. Gov. Code, Sec.  
10 396.033(a) (part).)

11 Sec. 3502.102. GENERAL POWERS. The authority may  
12 exercise, on approval by and in coordination with the governor, all  
13 powers necessary or appropriate to carry out the purposes of this  
14 chapter, including the power to:

15 (1) sue and be sued, and plead and be impleaded, in its  
16 own name;

17 (2) adopt an official seal;

18 (3) adopt and enforce bylaws and rules for the conduct  
19 of its affairs;

20 (4) acquire, hold, use, and dispose of its revenue,  
21 income, receipts, and money from every source;

22 (5) select its depository;

23 (6) acquire, hold, own, lease, rent, or dispose of any  
24 property or interest in property, including rights or easements, in  
25 performing duties and exercising powers under this chapter by  
26 purchase, exchange, gift, assignment, condemnation, sale, lease,  
27 or otherwise and to hold, manage, operate, or improve the property;

1           (7) sell, assign, lease, encumber, mortgage, or  
2 otherwise dispose of any property or interest in property, and  
3 release or relinquish any right, title, claim, lien, interest,  
4 easement, or demand however acquired;

5           (8) notwithstanding any other law, perform an activity  
6 authorized by Subdivision (7) by public or private sale, with or  
7 without public bidding;

8           (9) lease or rent any lands within the property and  
9 buildings, structures, or facilities located on the property from  
10 or to any person to carry out the purposes of this chapter;

11           (10) request and accept any appropriation, grant,  
12 allocation, subsidy, guaranty, aid, service, labor, material, or  
13 gift from any source, including the federal government, this state,  
14 a public agency, or a political subdivision;

15           (11) maintain an office and appoint and determine the  
16 duties, tenure, qualifications, and compensation of officers,  
17 employees, agents, and professional advisors and counselors,  
18 including financial consultants, accountants, attorneys,  
19 architects, engineers, appraisers, and financing experts, as the  
20 board considers necessary or advisable;

21           (12) borrow money;

22           (13) establish, impose, and collect rents, rates,  
23 fees, and charges for its facilities and services;

24           (14) acquire land or any interest in land within the  
25 boundaries of the authority by condemnation in the manner provided  
26 by Chapter 21, Property Code, subject to the approval of each  
27 municipality in the authority; and

1           (15) exercise the powers in Chapters 373 and 380,  
2 Local Government Code, granted to a municipality for the  
3 development of housing and expansion of economic development and  
4 commercial activity. (Loc. Gov. Code, Sec. 396.035.)

5           Sec. 3502.103. RECEIPT OF PROPERTY. The authority shall  
6 accept title, on approval by and in coordination with the governor,  
7 from the United States to all or any portion of the real property  
8 situated:

9           (1) within the boundaries of the authority, together  
10 with any improvements located on the property and personal property  
11 related to the property, commonly referred to as:

- 12                   (A) Parcel A - 18 Hole Golf Course;
- 13                   (B) Parcel B - Wherry Housing Area;
- 14                   (C) Parcel C - Kings Branch Housing Area;
- 15                   (D) Parcel D - Stables Area and Vacant Land;
- 16                   (E) Parcel E - 5 acres;
- 17                   (F) Parcel F - 18 acres; and
- 18                   (G) Parcel H - Firing Range; and

19           (2) outside the boundaries of the authority within an  
20 unincorporated area in Tarrant County, together with any  
21 improvements located on the property and personal property related  
22 to the property, commonly referred to as Parcel G - Weapons Storage  
23 Area. (Loc. Gov. Code, Sec. 396.034(a) (part).)

24           Sec. 3502.104. USE OF PROPERTY. (a) The authority shall  
25 use the property described by Section 3502.103 and all assistance  
26 available for the property from the United States and all other  
27 sources to replace and enhance the economic benefits generated for

1 the property by Carswell Air Force Base with diversified activity,  
2 including planned land uses to foster:

3 (1) creation of new jobs;

4 (2) economic development;

5 (3) industry;

6 (4) commerce;

7 (5) manufacturing;

8 (6) housing;

9 (7) recreation; and

10 (8) the construction, operation, and maintenance of  
11 facilities, improvements, and infrastructures on the property.

12 (b) The governing body of Fort Worth must consent in writing  
13 before any use or development of land within the property commonly  
14 referred to as Parcel G may be undertaken. (Loc. Gov. Code, Secs.  
15 396.034(a) (part), (b).)

16 Sec. 3502.105. AWARDING OF CONTRACTS. (a) The board may  
17 adopt rules governing the receiving of bids and the awarding of  
18 contracts.

19 (b) A contract in the amount of more than \$15,000 for the  
20 construction of improvements or the purchase of material,  
21 machinery, equipment, supplies, or any other property, other than  
22 real property, may only be awarded on competitive bids received by  
23 the authority.

24 (c) Notice must be published in a newspaper of general  
25 circulation in the authority not later than the 16th day before the  
26 date set for receiving bids for a contract described by Subsection  
27 (b).

1 (d) This section does not apply to:

2 (1) personal or professional services; or

3 (2) the acquisition or sale of the property. (Loc.  
4 Gov. Code, Sec. 396.037.)

5 [Sections 3502.106-3502.150 reserved for expansion]

6 SUBCHAPTER D. DISSOLUTION

7 Sec. 3502.151. LEGISLATIVE INTENT. The legislature  
8 intends that the authority be dissolved after conveyance and sale  
9 of all of the property described by Section 3502.103. (Loc. Gov.  
10 Code, Sec. 396.038(a) (part).)

11 Sec. 3502.152. POWER TO DISSOLVE. (a) The board may  
12 dissolve the authority if:

13 (1) each municipality in the authority approves the  
14 dissolution; and

15 (2) all debts or obligations have been satisfied or  
16 retired.

17 (b) Any assets of the authority remaining after all debts or  
18 obligations have been satisfied shall be conveyed or transferred to  
19 the municipalities in the authority as approved by the board. (Loc.  
20 Gov. Code, Secs. 396.038(a) (part), (b).)

21 [Chapters 3503-3800 reserved for expansion]

22 SUBTITLE C. DEVELOPMENT, IMPROVEMENT, AND MANAGEMENT

23 CHAPTER 3801. HOUSTON DOWNTOWN MANAGEMENT DISTRICT

24 SUBCHAPTER A. GENERAL PROVISIONS

25 Sec. 3801.001. DEFINITIONS

26 Sec. 3801.002. HOUSTON DOWNTOWN MANAGEMENT DISTRICT

27 Sec. 3801.003. PURPOSE; DECLARATION OF INTENT

- 1 Sec. 3801.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE
- 2 Sec. 3801.005. DISTRICT TERRITORY
- 3 Sec. 3801.006. ELIGIBILITY FOR REINVESTMENT ZONES
- 4 Sec. 3801.007. APPLICABILITY OF OTHER LAW
- 5 Sec. 3801.008. LIBERAL CONSTRUCTION OF CHAPTER
- 6 [Sections 3801.009-3801.050 reserved for expansion]
- 7 SUBCHAPTER B. DISTRICT BOARD OF DIRECTORS
- 8 Sec. 3801.051. BOARD OF DIRECTORS; TERMS
- 9 Sec. 3801.052. APPOINTMENT OF DIRECTORS
- 10 Sec. 3801.053. EX OFFICIO DIRECTORS
- 11 [Sections 3801.054-3801.100 reserved for expansion]
- 12 SUBCHAPTER C. POWERS AND DUTIES
- 13 Sec. 3801.101. DISTRICT POWERS
- 14 Sec. 3801.102. RELATION TO OTHER LAW
- 15 Sec. 3801.103. NONPROFIT CORPORATION
- 16 Sec. 3801.104. CONTRACTS; GRANTS
- 17 Sec. 3801.105. COMPETITIVE BIDDING
- 18 Sec. 3801.106. APPROVAL OF CERTAIN IMPROVEMENT PROJECTS
- 19 [Sections 3801.107-3801.150 reserved for expansion]
- 20 SUBCHAPTER D. FINANCIAL PROVISIONS
- 21 Sec. 3801.151. PETITION REQUIRED FOR FINANCING SERVICES
- 22 AND IMPROVEMENTS
- 23 Sec. 3801.152. DISBURSEMENTS AND TRANSFERS OF MONEY
- 24 Sec. 3801.153. AUTHORITY TO IMPOSE AD VALOREM TAXES,
- 25 ASSESSMENTS, AND IMPACT FEES
- 26 Sec. 3801.154. MAINTENANCE TAX
- 27 Sec. 3801.155. ASSESSMENTS; LIENS FOR ASSESSMENTS

1 Sec. 3801.156. PROHIBITED EXEMPTIONS

2 Sec. 3801.157. OBLIGATIONS; APPROVAL BY CITY OF HOUSTON

3 Sec. 3801.158. ELECTIONS REGARDING TAXES OR BONDS

4 Sec. 3801.159. SALES AND USE TAX PROHIBITED

5 [Sections 3801.160-3801.200 reserved for expansion]

6 SUBCHAPTER E. DISSOLUTION

7 Sec. 3801.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING

8 DEBT

9 CHAPTER 3801. HOUSTON DOWNTOWN MANAGEMENT DISTRICT

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 3801.001. DEFINITIONS. In this chapter:

12 (1) "Board" means the board of directors of the  
13 district.

14 (2) "District" means the Houston Downtown Management  
15 District. (Loc. Gov. Code, Secs. 376.003(1), (3).)

16 Sec. 3801.002. HOUSTON DOWNTOWN MANAGEMENT DISTRICT. A  
17 special district known as the "Houston Downtown Management  
18 District" is a governmental agency and political subdivision of  
19 this state. (Loc. Gov. Code, Sec. 376.001(a).)

20 Sec. 3801.003. PURPOSE; DECLARATION OF INTENT. (a) The  
21 creation of the district is essential to accomplish the purposes of  
22 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
23 Texas Constitution, and other public purposes stated in this  
24 chapter. By creating the district and in authorizing Harris  
25 County, the City of Houston, and other political subdivisions to  
26 contract with the district, the legislature has established a  
27 program to accomplish the public purposes set out in Section 52-a,

1 Article III, Texas Constitution.

2 (b) The creation of the district is necessary to promote,  
3 develop, encourage, and maintain employment, commerce,  
4 transportation, housing, tourism, recreation, the arts,  
5 entertainment, economic development, safety, and the public  
6 welfare in the downtown area of the city of Houston.

7 (c) This chapter and the creation of the district may not be  
8 interpreted to relieve Harris County or the City of Houston from  
9 providing the level of services provided as of August 28, 1995, to  
10 the area in the district or to release the county or the city from  
11 the obligations of each entity to provide services to that area.  
12 The district is created to supplement and not to supplant the county  
13 or city services provided in the area in the district. (Loc. Gov.  
14 Code, Secs. 376.001(c), 376.002.)

15 Sec. 3801.004. FINDINGS OF BENEFIT AND PUBLIC  
16 PURPOSE. (a) The district is created to serve a public use and  
17 benefit.

18 (b) All land and other property included in the district  
19 will benefit from the improvements and services to be provided by  
20 the district under powers conferred by Sections 52 and 52-a,  
21 Article III, and Section 59, Article XVI, Texas Constitution, and  
22 other powers granted under this chapter.

23 (c) The creation of the district is in the public interest  
24 and is essential to:

25 (1) further the public purposes of developing and  
26 diversifying the economy of the state;

27 (2) eliminate unemployment and underemployment; and

1           (3) develop or expand transportation and commerce.

2           (d) The district will:

3           (1) promote the health, safety, and general welfare of  
4 residents, employers, employees, visitors, and consumers in the  
5 district, and of the public;

6           (2) provide needed funding for the downtown area of  
7 the city of Houston to preserve, maintain, and enhance the economic  
8 health and vitality of the area as a community and business center;  
9 and

10           (3) promote the health, safety, welfare, and enjoyment  
11 of the public by providing pedestrian ways and by landscaping and  
12 developing certain areas in the district, which are necessary for  
13 the restoration, preservation, and enhancement of scenic and  
14 aesthetic beauty.

15           (e) Pedestrian ways along or across a street, whether at  
16 grade or above or below the surface, and street lighting, street  
17 landscaping, and street art objects are parts of and necessary  
18 components of a street and are considered to be a street or road  
19 improvement.

20           (f) The district will not act as the agent or  
21 instrumentality of any private interest even though the district  
22 will benefit many private interests as well as the public. (Loc.  
23 Gov. Code, Sec. 376.006.)

24           Sec. 3801.005. DISTRICT TERRITORY. (a) The district is  
25 composed of the territory described by Section 23.04(b), Chapter  
26 165, Acts of the 75th Legislature, Regular Session, 1997, enacting  
27 former Section 376.004, Local Government Code, and by Section 1,

1 Chapter 360, Acts of the 76th Legislature, Regular Session, 1999,  
2 as that territory may have been modified under:

3 (1) Subchapter J, Chapter 49, Water Code; or

4 (2) other law.

5 (b) The boundaries and field notes of the district contained  
6 in Section 23.04(b), Chapter 165, Acts of the 75th Legislature,  
7 Regular Session, 1997, enacting former Section 376.004, Local  
8 Government Code, and in Section 1, Chapter 360, Acts of the 76th  
9 Legislature, Regular Session, 1999, form a closure. A mistake in  
10 the field notes or in copying the field notes in the legislative  
11 process does not in any way affect:

12 (1) the district's organization, existence, and  
13 validity;

14 (2) the district's right to issue any type of bond,  
15 including a refunding bond, for a purpose for which the district is  
16 created or to pay the principal of and interest on the bond;

17 (3) the district's right to impose and collect an  
18 assessment or tax;

19 (4) the validity of the enlargement of the district  
20 under Section 1, Chapter 360, Acts of the 76th Legislature, Regular  
21 Session, 1999; or

22 (5) the legality or operation of the district or the  
23 board. (Loc. Gov. Code, Sec. 376.005; Acts 76th Leg., R.S., Ch.  
24 360, Sec. 2; New.)

25 Sec. 3801.006. ELIGIBILITY FOR REINVESTMENT ZONES. All or  
26 any part of the area of the district is eligible to be included in:

27 (1) a tax increment reinvestment zone created by the

1 City of Houston under Chapter 311, Tax Code; or

2 (2) a tax abatement reinvestment zone created by the  
3 City of Houston under Chapter 312, Tax Code. (Loc. Gov. Code, Sec.  
4 376.028.)

5 Sec. 3801.007. APPLICABILITY OF OTHER LAW. Except as  
6 otherwise provided by this chapter, Chapter 375, Local Government  
7 Code, applies to the district. (Loc. Gov. Code, Sec. 376.007.)

8 Sec. 3801.008. LIBERAL CONSTRUCTION OF CHAPTER. This  
9 chapter shall be liberally construed in conformity with the  
10 findings and purposes stated in this chapter. (Loc. Gov. Code, Sec.  
11 376.008.)

12 [Sections 3801.009-3801.050 reserved for expansion]

13 SUBCHAPTER B. DISTRICT BOARD OF DIRECTORS

14 Sec. 3801.051. BOARD OF DIRECTORS; TERMS. The district is  
15 governed by a board of 30 directors who serve staggered terms of  
16 four years, with seven or eight directors' terms expiring June 1 of  
17 each year. (Loc. Gov. Code, Sec. 376.009(a).)

18 Sec. 3801.052. APPOINTMENT OF DIRECTORS. (a) The mayor  
19 and members of the governing body of the City of Houston shall  
20 appoint directors from persons recommended by the board.

21 (b) A person may not be appointed to the board if the  
22 appointment of that person would result in fewer than two-thirds of  
23 the directors being residents of the city of Houston. (Loc. Gov.  
24 Code, Secs. 376.010(a) (part), (b).)

25 Sec. 3801.053. EX OFFICIO DIRECTORS. (a) The following  
26 persons serve as nonvoting ex officio directors:

27 (1) the directors of the parks and recreation,

1 planning and development, public works, and civic center  
2 departments of the City of Houston;

3 (2) the chief of police of the City of Houston; and

4 (3) the general manager of the Metropolitan Transit  
5 Authority of Harris County, Texas.

6 (b) If a department described by Subsection (a) is  
7 consolidated, renamed, or changed, the board may appoint the  
8 director of the consolidated, renamed, or changed department as a  
9 nonvoting ex officio director. If a department described by  
10 Subsection (a) is abolished, the board may appoint a representative  
11 of another department of the City of Houston that performs duties  
12 comparable to those performed by the abolished department.

13 (c) The board may appoint the presiding officer of another  
14 nonprofit corporation actively involved in downtown activities in  
15 the city of Houston to serve as a nonvoting ex officio director.  
16 (Loc. Gov. Code, Sec. 376.011.)

17 [Sections 3801.054-3801.100 reserved for expansion]

18 SUBCHAPTER C. POWERS AND DUTIES

19 Sec. 3801.101. DISTRICT POWERS. The district has:

20 (1) all powers necessary to accomplish the purposes  
21 for which the district was created;

22 (2) the rights, powers, privileges, authority, and  
23 functions of a district created under Chapter 375, Local Government  
24 Code;

25 (3) the powers given to a corporation under Section  
26 4B, the Development Corporation Act of 1979 (Article 5190.6,  
27 Vernon's Texas Civil Statutes), and the power to own, operate,

1 acquire, construct, lease, improve, and maintain projects, other  
2 than a domed football stadium, described by that section; and

3 (4) the powers of a housing finance corporation  
4 created under Chapter 394, Local Government Code, to provide  
5 housing or residential development projects in the district. (Loc.  
6 Gov. Code, Sec. 376.012(a) (part).)

7 Sec. 3801.102. RELATION TO OTHER LAW. This chapter  
8 prevails over a law to which Section 3801.101 refers that is in  
9 conflict with or is inconsistent with this chapter. (Loc. Gov.  
10 Code, Sec. 376.014 (part).)

11 Sec. 3801.103. NONPROFIT CORPORATION. (a) The board by  
12 resolution may authorize the creation of a nonprofit corporation to  
13 assist and act for the district in implementing a project or  
14 providing a service authorized by this chapter.

15 (b) The nonprofit corporation:

16 (1) has each power of and is considered for purposes of  
17 this chapter to be a local government corporation created under  
18 Chapter 431, Transportation Code; and

19 (2) may implement any project and provide any service  
20 authorized by this chapter.

21 (c) The board shall appoint the board of directors of the  
22 nonprofit corporation. The board of directors of the nonprofit  
23 corporation shall serve in the same manner as, for the same term as,  
24 and on the same conditions as the board of directors of a local  
25 government corporation created under Chapter 431, Transportation  
26 Code. (Loc. Gov. Code, Sec. 376.017.)

27 Sec. 3801.104. CONTRACTS; GRANTS. (a) To protect the

1 public interest, the district may contract with Harris County or  
2 the City of Houston for the county or the city to provide law  
3 enforcement services in the district for a fee.

4 (b) Harris County, the City of Houston, or another political  
5 subdivision of this state, without further authorization, may  
6 contract with the district to implement a project of the district or  
7 assist the district in providing a service authorized under this  
8 chapter. A contract under this subsection may:

9 (1) be for a period on which the parties agree;

10 (2) include terms on which the parties agree;

11 (3) be payable from taxes or any other source of  
12 revenue that may be available for that project or service; or

13 (4) provide terms under which taxes or other revenue  
14 collected at a district project or from a person using or purchasing  
15 a commodity or service at a district project may be paid or rebated  
16 to the district.

17 (c) The district may enter into a contract, lease, or other  
18 agreement with or make or accept a grant or loan to or from any  
19 person, including:

20 (1) the United States;

21 (2) this state or a state agency;

22 (3) any political subdivision of this state; and

23 (4) a public or private corporation, including a  
24 nonprofit corporation created by the board under this subchapter.

25 (d) The district may perform all acts necessary for the full  
26 exercise of the powers vested in the district on terms and for the  
27 period the board determines advisable. (Loc. Gov. Code, Sec.

1 376.026.)

2           Sec. 3801.105. COMPETITIVE BIDDING. The district may  
3 enter into a contract for more than \$10,000 for services,  
4 improvements, or the purchase of property, including materials,  
5 machinery, equipment, and supplies, only as provided by Subchapter  
6 K, Chapter 375, Local Government Code. (Loc. Gov. Code, Sec.  
7 376.027.)

8           Sec. 3801.106. APPROVAL OF CERTAIN IMPROVEMENT  
9 PROJECTS. The district must obtain the approval of the City of  
10 Houston of the plans and specifications of any district improvement  
11 project related to the use of land owned by the City of Houston, an  
12 easement granted by the City of Houston, or a right-of-way of a  
13 street, road, or highway. (Loc. Gov. Code, Sec. 376.021.)

14           [Sections 3801.107-3801.150 reserved for expansion]

15                           SUBCHAPTER D. FINANCIAL PROVISIONS

16           Sec. 3801.151. PETITION REQUIRED FOR FINANCING SERVICES AND  
17 IMPROVEMENTS. (a) The board may not finance a service or an  
18 improvement project under this chapter unless a written petition  
19 requesting that service or improvement is filed with the board.

20           (b) The petition must be signed by:

21                   (1) the owners of a majority of the assessed value of  
22 real property in the district according to the most recent  
23 certified tax appraisal roll for Harris County; or

24                   (2) at least 50 owners of land in the district, if more  
25 than 50 persons own property in the district according to the most  
26 recent certified tax appraisal roll for Harris County. (Loc. Gov.  
27 Code, Sec. 376.015.)

1           Sec. 3801.152. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
2 board by resolution shall establish the number of directors'  
3 signatures and the procedure required for a disbursement or  
4 transfer of the district's money. (Loc. Gov. Code, Sec. 376.018.)

5           Sec. 3801.153. AUTHORITY TO IMPOSE AD VALOREM TAXES,  
6 ASSESSMENTS, AND IMPACT FEES. The district may impose an ad  
7 valorem tax, assessment, or impact fee as provided by Chapter 375,  
8 Local Government Code, to provide an improvement or service for a  
9 project or activity the district may acquire, construct, improve,  
10 or provide under this chapter. (Loc. Gov. Code, Sec. 376.012(a)  
11 (part).)

12           Sec. 3801.154. MAINTENANCE TAX. (a) If authorized at an  
13 election held in accordance with Section 3801.158, the district may  
14 impose an annual ad valorem tax on taxable property in the district  
15 to:

16                   (1) maintain and operate the district and the  
17 improvements constructed or acquired by the district; or

18                   (2) provide services to industrial or commercial  
19 businesses, residents, or property owners.

20           (b) The board shall determine the tax rate. (Loc. Gov.  
21 Code, Sec. 376.024.)

22           Sec. 3801.155. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
23 The board by resolution may impose and collect an assessment for any  
24 purpose authorized by this chapter.

25           (b) An assessment, a reassessment, or an assessment  
26 resulting from an addition to or correction of the assessment roll  
27 by the district, penalties and interest on an assessment or

1 reassessment, an expense of collection, and reasonable attorney's  
2 fees incurred by the district:

3 (1) are a first and prior lien against the property  
4 assessed;

5 (2) are superior to any other lien or claim other than  
6 a lien or claim for county, school district, or municipal ad valorem  
7 taxes; and

8 (3) are the personal liability of and a charge against  
9 the owners of the property even if the owners are not named in the  
10 assessment proceeding.

11 (c) The lien is effective from the date of the board's  
12 resolution imposing the assessment until the date the assessment is  
13 paid. The board may enforce the lien in the same manner that the  
14 board may enforce an ad valorem tax lien against real property.

15 (d) The board may correct, add to, or delete assessments  
16 from its assessment rolls after notice and hearing as provided by  
17 Subchapter F, Chapter 375, Local Government Code. (Loc. Gov. Code,  
18 Secs. 376.012(a) (part), 376.020.)

19 Sec. 3801.156. PROHIBITED EXEMPTIONS. A single-family  
20 residential property or a residential duplex, triplex, fourplex, or  
21 condominium may not be exempt from the imposition of a tax, an  
22 impact fee, or an assessment if the tax, impact fee, or assessment  
23 is imposed in accordance with this chapter. (Loc. Gov. Code, Sec.  
24 376.016.)

25 Sec. 3801.157. OBLIGATIONS; APPROVAL BY CITY OF  
26 HOUSTON. (a) The district may issue bonds or other obligations  
27 payable in whole or in part from ad valorem taxes, assessments,

1 impact fees, revenue, grants, or other money of the district, or any  
2 combination of those sources of money, to pay for any authorized  
3 purpose of the district, other than to finance a domed football  
4 stadium.

5 (b) In exercising the district's borrowing power, the  
6 district may issue a bond or other obligation in the form of a bond,  
7 note, certificate of participation or other instrument evidencing a  
8 proportionate interest in payments to be made by the district, or  
9 other type of obligation.

10 (c) Except as provided by Subsection (d), the district must  
11 obtain the approval of the City of Houston:

12 (1) for the issuance of a bond for each improvement  
13 project; and

14 (2) of the plans and specifications of the improvement  
15 project to be financed by the bond.

16 (d) If the district obtains the approval of the City of  
17 Houston of a capital improvements budget for a specified period not  
18 to exceed five years, the district may finance the capital  
19 improvements and issue bonds specified in the budget without  
20 further approval from the City of Houston. (Loc. Gov. Code, Secs.  
21 376.019(a), (b), (c), (d).)

22 Sec. 3801.158. ELECTIONS REGARDING TAXES OR  
23 BONDS. (a) In addition to the elections required under  
24 Subchapter L, Chapter 375, Local Government Code, the district must  
25 hold an election in the manner provided by that subchapter to obtain  
26 voter approval before the district may:

27 (1) impose a maintenance tax; or



1                   CHAPTER 3802. WESTCHASE DISTRICT  
2                   SUBCHAPTER A. GENERAL PROVISIONS  
3    Sec. 3802.001.  DEFINITIONS  
4    Sec. 3802.002.  WESTCHASE DISTRICT  
5    Sec. 3802.003.  PURPOSE; DECLARATION OF INTENT  
6    Sec. 3802.004.  FINDINGS OF BENEFIT AND PUBLIC PURPOSE  
7    Sec. 3802.005.  DISTRICT TERRITORY  
8    Sec. 3802.006.  APPLICABILITY OF OTHER LAW  
9    Sec. 3802.007.  LIBERAL CONSTRUCTION OF CHAPTER  
10                 [Sections 3802.008-3802.050 reserved for expansion]  
11                 SUBCHAPTER B. BOARD OF DIRECTORS  
12    Sec. 3802.051.  BOARD OF DIRECTORS; TERMS  
13    Sec. 3802.052.  APPOINTMENT OF DIRECTORS  
14    Sec. 3802.053.  EX OFFICIO DIRECTORS  
15                 [Sections 3802.054-3802.100 reserved for expansion]  
16                 SUBCHAPTER C. POWERS AND DUTIES  
17    Sec. 3802.101.  DISTRICT POWERS  
18    Sec. 3802.102.  RELATION TO OTHER LAW  
19    Sec. 3802.103.  CONTRACTS; GRANTS  
20    Sec. 3802.104.  COMPETITIVE BIDDING  
21    Sec. 3802.105.  APPROVAL OF CERTAIN IMPROVEMENT PROJECTS  
22                 [Sections 3802.106-3802.150 reserved for expansion]  
23                 SUBCHAPTER D. FINANCIAL PROVISIONS  
24    Sec. 3802.151.  PETITION REQUIRED FOR FINANCING SERVICES AND  
25                                 IMPROVEMENTS  
26    Sec. 3802.152.  DISBURSEMENTS AND TRANSFERS OF MONEY  
27    Sec. 3802.153.  AUTHORITY TO IMPOSE AD VALOREM TAXES,

1 ASSESSMENTS, AND IMPACT FEES

2 Sec. 3802.154. MAINTENANCE TAX

3 Sec. 3802.155. ASSESSMENTS; LIENS FOR ASSESSMENTS

4 Sec. 3802.156. TAX AND ASSESSMENT ABATEMENTS

5 Sec. 3802.157. PROPERTY EXEMPT FROM ASSESSMENT AND

6 IMPACT FEES

7 Sec. 3802.158. OBLIGATIONS; APPROVAL BY CITY OF HOUSTON

8 Sec. 3802.159. ELECTIONS REGARDING TAXES OR BONDS

9 Sec. 3802.160. SALES AND USE TAX PROHIBITED

10 [Sections 3802.161-3802.200 reserved for expansion]

11 SUBCHAPTER E. DISSOLUTION

12 Sec. 3802.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING

13 DEBT

14 CHAPTER 3802. WESTCHASE DISTRICT

15 SUBCHAPTER A. GENERAL PROVISIONS

16 Sec. 3802.001. DEFINITIONS. In this chapter:

17 (1) "Board" means the board of directors of the  
18 district.

19 (2) "District" means the Westchase District. (Loc.  
20 Gov. Code, Secs. 376.043(1), (3).)

21 Sec. 3802.002. WESTCHASE DISTRICT. A special district in  
22 Harris County known as the "Westchase District" is a governmental  
23 agency and political subdivision of this state. (Loc. Gov. Code,  
24 Sec. 376.041(a).)

25 Sec. 3802.003. PURPOSE; DECLARATION OF INTENT. (a) The  
26 creation of the district is essential to accomplish the purposes of  
27 Sections 52 and 52-a, Article III, and Section 59, Article XVI,

1 Texas Constitution, and other public purposes stated in this  
2 chapter. By creating the district and in authorizing Harris  
3 County, the City of Houston, and other political subdivisions to  
4 contract with the district, the legislature has established a  
5 program to accomplish the public purposes set out in Section 52-a,  
6 Article III, Texas Constitution.

7 (b) The creation of the district is necessary to promote,  
8 develop, encourage, and maintain employment, commerce,  
9 transportation, housing, tourism, recreation, the arts,  
10 entertainment, economic development, safety, and the public  
11 welfare in the Westchase area of Harris County.

12 (c) This chapter and the creation of the district may not be  
13 interpreted to relieve Harris County or the City of Houston from  
14 providing the level of services provided as of August 28, 1995, to  
15 the area in the district or to release the county or the city from  
16 the obligations of each entity to provide services to that area.  
17 The district is created to supplement and not to supplant the county  
18 or city services provided in the area in the district. (Loc. Gov.  
19 Code, Secs. 376.041(c), 376.042.)

20 Sec. 3802.004. FINDINGS OF BENEFIT AND PUBLIC  
21 PURPOSE. (a) The district is created to serve a public use and  
22 benefit.

23 (b) All land and other property included in the district  
24 will benefit from the improvements and services to be provided by  
25 the district under powers conferred by Sections 52 and 52-a,  
26 Article III, and Section 59, Article XVI, Texas Constitution, and  
27 other powers granted under this chapter.

1 (c) The creation of the district is in the public interest  
2 and is essential to:

3 (1) further the public purposes of developing and  
4 diversifying the economy of the state;

5 (2) eliminate unemployment and underemployment; and

6 (3) develop or expand transportation and commerce.

7 (d) The district will:

8 (1) promote the health, safety, and general welfare of  
9 residents, employers, employees, visitors, and consumers in the  
10 district, and of the public;

11 (2) provide needed funding for the Westchase area to  
12 preserve, maintain, and enhance the economic health and vitality of  
13 the area as a community and business center; and

14 (3) promote the health, safety, welfare, and enjoyment  
15 of the public by providing pedestrian ways and by landscaping and  
16 developing certain areas in the district, which are necessary for  
17 the restoration, preservation, and enhancement of scenic and  
18 aesthetic beauty.

19 (e) Pedestrian ways along or across a street, whether at  
20 grade or above or below the surface, and street lighting, street  
21 landscaping, and street art objects are parts of and necessary  
22 components of a street and are considered to be a street or road  
23 improvement.

24 (f) The district will not act as the agent or  
25 instrumentality of any private interest even though the district  
26 will benefit many private interests as well as the public. (Loc.  
27 Gov. Code, Sec. 376.046.)

1           Sec. 3802.005. DISTRICT TERRITORY. (a) The district is  
2 composed of the territory described by Section 23.04(b), Chapter  
3 165, Acts of the 75th Legislature, Regular Session, 1997, enacting  
4 former Section 376.044, Local Government Code, as that territory  
5 may have been modified under:

6                   (1) Subchapter J, Chapter 49, Water Code; or

7                   (2) other law.

8           (b) The boundaries and field notes of the district contained  
9 in Section 23.04(b), Chapter 165, Acts of the 75th Legislature,  
10 Regular Session, 1997, enacting former Section 376.044, Local  
11 Government Code, form a closure. A mistake in the field notes or in  
12 copying the field notes in the legislative process does not affect  
13 in any way:

14                   (1) the district's organization, existence, and  
15 validity;

16                   (2) the district's right to issue any type of bond,  
17 including a refunding bond, for a purpose for which the district is  
18 created or to pay the principal of and interest on the bond;

19                   (3) the district's right to impose and collect an  
20 assessment or tax; or

21                   (4) the legality or operation of the district or the  
22 board. (Loc. Gov. Code, Sec. 376.045; New.)

23           Sec. 3802.006. APPLICABILITY OF OTHER LAW. Except as  
24 otherwise provided by this chapter, Chapter 375, Local Government  
25 Code, applies to the district. (Loc. Gov. Code, Sec. 376.047.)

26           Sec. 3802.007. LIBERAL CONSTRUCTION OF CHAPTER. This  
27 chapter shall be liberally construed in conformity with the

1 findings and purposes stated in this chapter. (Loc. Gov. Code, Sec.  
2 376.048.)

3 [Sections 3802.008-3802.050 reserved for expansion]

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Sec. 3802.051. BOARD OF DIRECTORS; TERMS. The district is  
6 governed by a board of 17 directors who serve staggered terms of  
7 four years, with eight or nine directors' terms expiring June 1 of  
8 each odd-numbered year. (Loc. Gov. Code, Sec. 376.049(a).)

9 Sec. 3802.052. APPOINTMENT OF DIRECTORS. (a) The mayor  
10 and members of the governing body of the City of Houston shall  
11 appoint directors from persons recommended by the board.

12 (b) The mayor and members of the governing body of the City  
13 of Houston shall appoint as directors for the positions indicated  
14 persons representing the following interests:

15 (1) positions 1, 11, and 12 must represent owners of  
16 multifamily rental housing with at least 200 rental units;

17 (2) position 2 must be a lessee of office space of at  
18 least 30,000 square feet of rentable area;

19 (3) positions 9 and 10 must represent owners of office  
20 facilities with at least 500 employees or a taxable value in excess  
21 of \$10 million;

22 (4) positions 8, 13, and 14 must represent owners of  
23 multitenant office buildings;

24 (5) position 15 must represent owners of multitenant  
25 retail property or major retail tenants of at least 20,000 square  
26 feet;

27 (6) position 16 must represent owners of temporary

1 lodging facilities with on-site food service;

2 (7) position 17 must represent owners of undeveloped  
3 property with a contiguous area of at least five acres; and

4 (8) positions 3, 4, 5, 6, and 7 must represent the  
5 district at large and may be filled by any person qualified to serve  
6 on the board as provided by Section 375.063, Local Government Code.  
7 (Loc. Gov. Code, Sec. 376.050 (part).)

8 Sec. 3802.053. EX OFFICIO DIRECTORS. The board may appoint  
9 nonvoting ex officio directors to serve on the board. (Loc. Gov.  
10 Code, Sec. 376.051.)

11 [Sections 3802.054-3802.100 reserved for expansion]

12 SUBCHAPTER C. POWERS AND DUTIES

13 Sec. 3802.101. DISTRICT POWERS. The district has:

14 (1) all powers necessary to accomplish the purposes  
15 for which the district was created;

16 (2) the rights, powers, privileges, authority, and  
17 functions of a district created under Chapter 375, Local Government  
18 Code; and

19 (3) the powers given to a corporation under Section  
20 4B, Development Corporation Act of 1979 (Article 5190.6, Vernon's  
21 Texas Civil Statutes), and the power to own, operate, acquire,  
22 construct, lease, improve, and maintain projects described by that  
23 section. (Loc. Gov. Code, Sec. 376.052(a) (part).)

24 Sec. 3802.102. RELATION TO OTHER LAW. This chapter  
25 prevails over a law to which Section 3802.101 or 3802.156 refers  
26 that is in conflict with or is inconsistent with this chapter.  
27 (Loc. Gov. Code, Sec. 376.054 (part).)

1           Sec. 3802.103. CONTRACTS; GRANTS. (a) To protect the  
2 public interest, the district may contract with Harris County or  
3 the City of Houston for the county or the city to provide law  
4 enforcement services in the district for a fee.

5           (b) Harris County, the City of Houston, or another political  
6 subdivision of this state, without further authorization, may  
7 contract with the district to implement a project of the district or  
8 assist the district in providing the services authorized under this  
9 chapter. A contract under this subsection may:

- 10                   (1) be for a period on which the parties agree;
- 11                   (2) include terms on which the parties agree;
- 12                   (3) be payable from taxes or any other source of  
13 revenue that may be available for that project or service; or
- 14                   (4) provide terms under which taxes or other revenue  
15 collected at a district project or from a person using or purchasing  
16 a commodity or service at a district project may be paid or rebated  
17 to the district.

18           (c) The district may enter into a contract, lease, or other  
19 agreement with or make or accept a grant or loan to or from any  
20 person, including:

- 21                   (1) the United States;
- 22                   (2) this state or a state agency;
- 23                   (3) any political subdivision of this state; and
- 24                   (4) a public or private corporation, including a  
25 nonprofit corporation created by the board under other law.

26           (d) The district may perform all acts necessary for the full  
27 exercise of the powers vested in the district on terms and for the

1 period the board determines advisable. (Loc. Gov. Code, Sec.  
2 376.064.)

3 Sec. 3802.104. COMPETITIVE BIDDING. The district may  
4 enter into a contract for more than \$10,000 for services,  
5 improvements, or the purchase of property, including materials,  
6 machinery, equipment, and supplies, only as provided by Subchapter  
7 K, Chapter 375, Local Government Code. (Loc. Gov. Code, Sec.  
8 376.065.)

9 Sec. 3802.105. APPROVAL OF CERTAIN IMPROVEMENT  
10 PROJECTS. The district must obtain the City of Houston's approval  
11 of the plans and specifications of any district improvement project  
12 related to the use of land owned by the City of Houston, an easement  
13 granted by the City of Houston, or a right-of-way of a street, road,  
14 or highway. (Loc. Gov. Code, Sec. 376.059.)

15 [Sections 3802.106-3802.150 reserved for expansion]

16 SUBCHAPTER D. FINANCIAL PROVISIONS

17 Sec. 3802.151. PETITION REQUIRED FOR FINANCING SERVICES AND  
18 IMPROVEMENTS. The board may not finance a service or an  
19 improvement project under this chapter unless a written petition  
20 requesting that service or improvement has been filed with the  
21 board. The petition must be signed by:

22 (1) the owners of a majority of the assessed value of  
23 real property in the district according to the most recent  
24 certified tax appraisal roll for Harris County; or

25 (2) at least 50 owners of property in the district, if  
26 more than 50 persons own property in the district according to the  
27 most recent certified tax appraisal roll for Harris County. (Loc.

1 Gov. Code, Sec. 376.055.)

2 Sec. 3802.152. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
3 board by resolution shall establish the number of directors'  
4 signatures and the procedure required for a disbursement or  
5 transfer of the district's money. (Loc. Gov. Code, Sec. 376.056.)

6 Sec. 3802.153. AUTHORITY TO IMPOSE AD VALOREM TAXES,  
7 ASSESSMENTS, AND IMPACT FEES. The district may impose an ad  
8 valorem tax, assessment, or impact fee as provided by Chapter 375,  
9 Local Government Code, to provide an improvement or service for a  
10 project or activity the district may acquire, construct, improve,  
11 or provide under this chapter. (Loc. Gov. Code, Sec. 376.052(a)  
12 (part).)

13 Sec. 3802.154. MAINTENANCE TAX. (a) If authorized at an  
14 election held in accordance with Section 3802.159, the district may  
15 impose an annual ad valorem tax on taxable property in the district  
16 to:

17 (1) maintain and operate the district and the  
18 improvements constructed or acquired by the district; or

19 (2) provide services to industrial or commercial  
20 businesses, residents, or property owners.

21 (b) The board shall determine the tax rate. (Loc. Gov.  
22 Code, Sec. 376.062.)

23 Sec. 3802.155. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
24 The board by resolution may impose and collect an assessment for any  
25 purpose authorized by this chapter.

26 (b) An assessment, a reassessment, or an assessment  
27 resulting from an addition to or correction of the assessment roll

1 by the district, penalties and interest on an assessment or  
2 reassessment, an expense of collection, and reasonable attorney's  
3 fees incurred by the district:

4 (1) are a first and prior lien against the property  
5 assessed;

6 (2) are superior to any other lien or claim other than  
7 a lien or claim for county, school district, or municipal ad valorem  
8 taxes; and

9 (3) are the personal liability of and a charge against  
10 the owners of the property even if the owners are not named in the  
11 assessment proceeding.

12 (c) The lien is effective from the date of the board's  
13 resolution imposing the assessment until the date the assessment is  
14 paid. The board may enforce the lien in the same manner that the  
15 board may enforce an ad valorem tax lien against real property.

16 (d) The board may correct, add to, or delete assessments  
17 from its assessment rolls after notice and hearing as provided by  
18 Subchapter F, Chapter 375, Local Government Code. (Loc. Gov. Code,  
19 Secs. 376.052(a) (part), 376.058(a), (b), (c).)

20 Sec. 3802.156. TAX AND ASSESSMENT ABATEMENTS. Without  
21 additional procedures, the district may grant, consistent with  
22 Chapter 312, Tax Code, an abatement for a tax or assessment owed to  
23 the district. (Loc. Gov. Code, Sec. 376.052(a) (part).)

24 Sec. 3802.157. PROPERTY EXEMPT FROM ASSESSMENT AND IMPACT  
25 FEES. The district may not impose an assessment or impact fee on  
26 the property, equipment, or facilities of:

27 (1) an electric utility, as defined by Section 31.002,

1 Utilities Code; or

2 (2) a public utility, as defined by Section 51.002,  
3 Utilities Code. (Loc. Gov. Code, Secs. 376.058(d), 376.061(b).)

4 Sec. 3802.158. OBLIGATIONS; APPROVAL BY CITY OF  
5 HOUSTON. (a) The district may issue bonds or other obligations  
6 payable in whole or in part from ad valorem taxes, assessments,  
7 impact fees, revenue, grants, or other money of the district, or any  
8 combination of those sources of money, to pay for any authorized  
9 purpose of the district.

10 (b) In exercising the district's borrowing power, the  
11 district may issue a bond or other obligation in the form of a bond,  
12 note, certificate of participation or other instrument evidencing a  
13 proportionate interest in payments to be made by the district, or  
14 other type of obligation.

15 (c) Except as provided by Subsection (d), the district must  
16 obtain the approval of the City of Houston:

17 (1) for the issuance of a bond for each improvement  
18 project; and

19 (2) of the plans and specifications of the improvement  
20 project to be financed by the bond.

21 (d) If the district obtains the approval of the City of  
22 Houston of a capital improvements budget for a specified period not  
23 to exceed five years, the district may finance the capital  
24 improvements and issue bonds specified in the budget without  
25 further approval from the City of Houston. (Loc. Gov. Code, Secs.  
26 376.057(a), (b), (c), (d).)

27 Sec. 3802.159. ELECTIONS REGARDING TAXES OR

1 BONDS. (a) In addition to the elections required under  
2 Subchapter L, Chapter 375, Local Government Code, the district must  
3 hold an election in the manner provided by that subchapter to obtain  
4 voter approval before the district may:

- 5 (1) impose a maintenance tax; or  
6 (2) issue a bond payable from ad valorem taxes or  
7 assessments.

8 (b) The board may submit multiple purposes in a single  
9 proposition at an election.

10 (c) The board may not call an election under this chapter  
11 unless a written petition requesting an election has been filed  
12 with the board. The petition must be signed by:

13 (1) the owners of a majority of the assessed value of  
14 real property in the district according to the most recent  
15 certified tax appraisal roll for Harris County; or

16 (2) at least 50 persons who own property in the  
17 district, if there are more than 50 persons who own property in the  
18 district according to the most recent certified tax appraisal roll  
19 for Harris County. (Loc. Gov. Code, Sec. 376.060.)

20 Sec. 3802.160. SALES AND USE TAX PROHIBITED. The district  
21 may not impose a sales and use tax. (Loc. Gov. Code, Sec.  
22 376.052(b) (part).)

23 [Sections 3802.161-3802.200 reserved for expansion]

24 SUBCHAPTER E. DISSOLUTION

25 Sec. 3802.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
26 DEBT. Despite this section and Section 375.264, Local Government  
27 Code, the district may be dissolved as provided by Subchapter M,

1 Chapter 375, Local Government Code, if the district has debt. If  
2 the district has debt when it is dissolved, the district shall  
3 remain in existence solely for the purpose of discharging its bonds  
4 or other obligations according to their terms. (Loc. Gov. Code,  
5 Sec. 376.063.)

6 CHAPTER 3803. GREATER GREENSPPOINT MANAGEMENT DISTRICT  
7 OF HARRIS COUNTY

8 SUBCHAPTER A. GENERAL PROVISIONS

9 Sec. 3803.001. DEFINITIONS

10 Sec. 3803.002. GREATER GREENSPPOINT MANAGEMENT  
11 DISTRICT OF HARRIS COUNTY

12 Sec. 3803.003. PURPOSE; DECLARATION OF INTENT

13 Sec. 3803.004. FINDINGS OF BENEFIT AND PUBLIC  
14 PURPOSE

15 Sec. 3803.005. DISTRICT TERRITORY

16 Sec. 3803.006. ELIGIBILITY FOR REINVESTMENT OR ENTERPRISE  
17 ZONES

18 Sec. 3803.007. FORECLOSURE OF PREEXISTING TAX LIEN  
19 ON PROPERTY OWNED BY DISTRICT  
20 PROHIBITED

21 Sec. 3803.008. RELATION TO OTHER LAW

22 Sec. 3803.009. LIBERAL CONSTRUCTION OF CHAPTER

23 [Sections 3803.010-3803.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 3803.051. BOARD OF DIRECTORS; TERMS

26 Sec. 3803.052. APPOINTMENT OF DIRECTORS

27 [Sections 3803.053-3803.100 reserved for expansion]

1 SUBCHAPTER C. POWERS AND DUTIES

2 Sec. 3803.101. DISTRICT POWERS

3 Sec. 3803.102. NONPROFIT CORPORATION

4 Sec. 3803.103. CONTRACTS; GRANTS

5 Sec. 3803.104. MEMBERSHIP IN CHARITABLE ORGANIZATIONS

6 [Sections 3803.105-3803.150 reserved for expansion]

7 SUBCHAPTER D. FINANCIAL PROVISIONS

8 Sec. 3803.151. PETITION REQUIRED FOR FINANCING SERVICES AND  
9 IMPROVEMENTS

10 Sec. 3803.152. AUTHORITY TO IMPOSE AD VALOREM TAXES,  
11 ASSESSMENTS, AND IMPACT FEES

12 Sec. 3803.153. MAINTENANCE TAX

13 Sec. 3803.154. ASSESSMENTS; LIENS FOR ASSESSMENTS

14 Sec. 3803.155. TAX AND ASSESSMENT ABATEMENTS

15 Sec. 3803.156. PROPERTY EXEMPT FROM ASSESSMENT AND  
16 IMPACT FEES

17 Sec. 3803.157. OBLIGATIONS

18 Sec. 3803.158. ELECTIONS REGARDING TAXES OR  
19 BONDS

20 Sec. 3803.159. SALES AND USE TAX PROHIBITED

21 CHAPTER 3803. GREATER GREENSPPOINT MANAGEMENT DISTRICT  
22 OF HARRIS COUNTY

23 SUBCHAPTER A. GENERAL PROVISIONS

24 Sec. 3803.001. DEFINITIONS. In this chapter:

25 (1) "Board" means the board of directors of the  
26 district.

27 (2) "District" means the Greater Greenspoint

1 Management District of Harris County. (Loc. Gov. Code, Secs.  
2 376.083(1), (3).)

3 Sec. 3803.002. GREATER GREENSPPOINT MANAGEMENT DISTRICT OF  
4 HARRIS COUNTY. A special district known as the "Greater  
5 Greenspoint Management District of Harris County" is a governmental  
6 agency and political subdivision of this state. (Loc. Gov. Code,  
7 Sec. 376.081(a).)

8 Sec. 3803.003. PURPOSE; DECLARATION OF INTENT. (a) The  
9 creation of the district is essential to accomplish the purposes of  
10 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
11 Texas Constitution, and to other public purposes stated in this  
12 chapter. By creating the district and in authorizing Harris  
13 County, the City of Houston, and other political subdivisions to  
14 contract with the district, the legislature has established a  
15 program to accomplish the public purposes set out in Section 52-a,  
16 Article III, Texas Constitution.

17 (b) The creation of the district is necessary to promote,  
18 develop, encourage, and maintain employment, commerce, economic  
19 development, the public welfare, transportation, housing, tourism,  
20 convention and convocation activities, recreation, the arts,  
21 entertainment, and safety in the greater Greenspoint area of Harris  
22 County.

23 (c) This chapter and the creation of the district may not be  
24 interpreted to relieve Harris County or the City of Houston from  
25 providing the level of services provided as of August 26, 1991, to  
26 the area in the district or to release the county or the city from  
27 the obligations of each entity to provide services to that area.

1 The district is created to supplement and not to supplant the county  
2 or city services in the area in the district. (Loc. Gov. Code,  
3 Secs. 376.081(c), 376.082.)

4 Sec. 3803.004. FINDINGS OF BENEFIT AND PUBLIC  
5 PURPOSE. (a) The district is created to serve a public use and  
6 benefit.

7 (b) All land and other property included in the district  
8 will benefit from the improvements and services to be provided by  
9 the district under powers conferred by Sections 52 and 52-a,  
10 Article III, and Section 59, Article XVI, Texas Constitution, and  
11 other powers granted under this chapter.

12 (c) The creation of the district is in the public interest  
13 and is essential to:

14 (1) further the public purposes of developing and  
15 diversifying the economy of the state;

16 (2) eliminate unemployment and underemployment; and

17 (3) develop or expand transportation and commerce.

18 (d) The district will:

19 (1) promote the health, safety, and general welfare of  
20 residents, employers, employees, and consumers in the district, and  
21 of the public;

22 (2) provide needed funding for the greater Greenspoint  
23 area to preserve, maintain, and enhance the economic health and  
24 vitality of the area as a community and business center; and

25 (3) promote the health, safety, welfare, and enjoyment  
26 of the public by providing pedestrian ways and by landscaping and  
27 developing certain areas in the district, which are necessary for

1 the restoration, preservation, and enhancement of scenic and  
2 aesthetic beauty.

3 (e) Pedestrian ways along or across a street, whether at  
4 grade or above or below the surface, and street lighting, street  
5 landscaping, and street art objects are parts of and necessary  
6 components of a street and are considered to be a street or road  
7 improvement.

8 (f) The district will not act as the agent or  
9 instrumentality of any private interest even though the district  
10 will benefit many private interests as well as the public. (Loc.  
11 Gov. Code, Sec. 376.086.)

12 Sec. 3803.005. DISTRICT TERRITORY. (a) The district is  
13 composed of the territory described by Section 23.04(b), Chapter  
14 165, Acts of the 75th Legislature, Regular Session, 1997, enacting  
15 former Section 376.084, Local Government Code, as that territory  
16 may have been modified under:

- 17 (1) Subchapter J, Chapter 49, Water Code; or  
18 (2) other law.

19 (b) The boundaries and field notes of the district contained  
20 in Section 23.04(b), Chapter 165, Acts of the 75th Legislature,  
21 Regular Session, 1997, enacting former Section 376.084, Local  
22 Government Code, form a closure. A mistake in the field notes or in  
23 copying the field notes in the legislative process does not in any  
24 way affect:

- 25 (1) the district's organization, existence, and  
26 validity;  
27 (2) the district's right to issue any type of bond,

1 including a refunding bond, for a purpose for which the district is  
2 created or to pay the principal of and interest on the bond;

3 (3) the district's right to impose and collect an  
4 assessment or tax; or

5 (4) the legality or operation of the district or the  
6 board. (Loc. Gov. Code, Sec. 376.085; New.)

7 Sec. 3803.006. ELIGIBILITY FOR REINVESTMENT OR ENTERPRISE  
8 ZONES. (a) All or any part of the area of the district is  
9 eligible, regardless of other statutory criteria, to be included  
10 in:

11 (1) a tax increment reinvestment zone created by the  
12 City of Houston under Chapter 311, Tax Code; or

13 (2) a tax abatement reinvestment zone created by the  
14 City of Houston under Chapter 312, Tax Code.

15 (b) All or any part of the area of the district is eligible  
16 to be nominated for inclusion in an enterprise zone by the City of  
17 Houston under Chapter 2303, Government Code. (Loc. Gov. Code, Sec.  
18 376.102.)

19 Sec. 3803.007. FORECLOSURE OF PREEXISTING TAX LIEN ON  
20 PROPERTY OWNED BY DISTRICT PROHIBITED. Regardless of the manner in  
21 which or the price for which the district obtains title to real  
22 property, a political subdivision or taxing authority may not  
23 foreclose a tax lien or otherwise pursue unpaid taxes on the  
24 property against the district or any successor in title to the  
25 district that is a political subdivision of this state if the lien  
26 or taxes accrued before the district's ownership of the property.  
27 (Loc. Gov. Code, Sec. 376.103.)

1           Sec. 3803.008. RELATION TO OTHER LAW. This chapter  
2 prevails over a law to which this chapter refers that is in conflict  
3 with or is inconsistent with this chapter. (Loc. Gov. Code, Sec.  
4 376.091 (part).)

5           Sec. 3803.009. LIBERAL CONSTRUCTION OF CHAPTER. This  
6 chapter shall be liberally construed in conformity with the  
7 legislative findings and purposes stated in this chapter. (Loc.  
8 Gov. Code, Sec. 376.087.)

9           [Sections 3803.010-3803.050 reserved for expansion]

10                           SUBCHAPTER B. BOARD OF DIRECTORS

11           Sec. 3803.051. BOARD OF DIRECTORS; TERMS. The district is  
12 governed by a board of 22 directors who serve staggered terms of  
13 four years, with 11 directors' terms expiring June 1 of each  
14 odd-numbered year. (Loc. Gov. Code, Sec. 376.088.)

15           Sec. 3803.052. APPOINTMENT OF DIRECTORS. Subchapter D,  
16 Chapter 375, Local Government Code, governs the appointment and  
17 qualification of directors. (Loc. Gov. Code, Sec. 376.089(b).)

18           [Sections 3803.053-3803.100 reserved for expansion]

19                           SUBCHAPTER C. POWERS AND DUTIES

20           Sec. 3803.101. DISTRICT POWERS. The district has:

21                   (1) all powers necessary to accomplish the purposes  
22 for which the district was created;

23                   (2) the rights, powers, privileges, and authority of a  
24 district created under Chapter 375, Local Government Code;

25                   (3) the powers given to a corporation created under  
26 the Development Corporation Act of 1979 (Article 5190.6, Vernon's  
27 Texas Civil Statutes), including:

1 (A) the power to own, operate, acquire,  
2 construct, lease, improve, and maintain the projects described by  
3 that Act and this chapter and any other authorized project; and

4 (B) the power to acquire land and other property  
5 in accordance with Section 4B, Development Corporation Act of 1979  
6 (Article 5190.6, Vernon's Texas Civil Statutes); and

7 (4) the power to create, tax, assess, and hold  
8 elections in a defined area under Chapter 54, Water Code, to provide  
9 improvements or services in the defined area for any project or  
10 activity the district is authorized to acquire, construct, improve,  
11 or provide. (Loc. Gov. Code, Sec. 376.090(a) (part).)

12 Sec. 3803.102. NONPROFIT CORPORATION. (a) The board by  
13 resolution may authorize the creation of a nonprofit corporation to  
14 assist and act for the district in implementing a project,  
15 providing residential housing, or providing a service authorized by  
16 this chapter.

17 (b) The nonprofit corporation:

18 (1) has each power of and is considered for all  
19 purposes to be a local government corporation created under Chapter  
20 431, Transportation Code; and

21 (2) may implement any project and provide any service  
22 authorized by this chapter.

23 (c) The board shall appoint the board of directors of the  
24 nonprofit corporation. The board of directors of the nonprofit  
25 corporation shall serve in the same manner as, for the same term as,  
26 and on the conditions of the board of directors of a local  
27 government corporation created under Chapter 431, Transportation

1 Code.

2 (d) The nonprofit corporation may be dissolved as provided  
3 by Chapter 431, Transportation Code, for a corporation created  
4 under that chapter. (Loc. Gov. Code, Sec. 376.093.)

5 Sec. 3803.103. CONTRACTS; GRANTS. (a) To protect the  
6 public interest, the district may contract with any county or  
7 municipality in which all or part of the district is located for the  
8 county or municipality to provide law enforcement services in the  
9 district for a fee.

10 (b) Harris County, the City of Houston, or another political  
11 subdivision of this state, without further authorization, may  
12 contract with the district to implement a project of the district or  
13 to assist the district in providing an authorized service. A  
14 contract under this subsection may:

- 15 (1) be for a period on which the parties agree;
- 16 (2) include terms on which the parties agree;
- 17 (3) be payable from taxes or any other source of  
18 revenue that may be available for the project or service; and
- 19 (4) provide terms under which taxes or other revenue  
20 collected at a district project, at a project in a tax increment  
21 reinvestment zone, or from a person using or purchasing a commodity  
22 or service at a district project may be paid or rebated to the  
23 district.

24 (c) The district may enter into a contract, lease, or other  
25 agreement with or make or accept a grant or loan to or from any  
26 person, including:

- 27 (1) the United States;

- 1           (2) this state or a state agency;  
2           (3) any political subdivision of this state; or  
3           (4) a public or private corporation, including a  
4 nonprofit corporation created by the board under this subchapter.

5           (d) The district may perform all acts necessary for the full  
6 exercise of the powers vested in the district on terms and for the  
7 period the board determines advisable. (Loc. Gov. Code, Sec.  
8 376.100.)

9           Sec. 3803.104. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. (a)  
10 The district may:

11           (1) join and pay dues to an organization that  
12 qualifies for an exemption from federal income taxation under  
13 Section 501(a), Internal Revenue Code of 1986, by being listed as an  
14 exempt organization under Section 501(c)(3), 501(c)(4), or  
15 501(c)(6) of that code; and

16           (2) perform services or provide activities consistent  
17 with the furtherance of the purposes of the district.

18           (b) An expenditure of public money for membership in an  
19 organization described by Subsection (a) is considered to further  
20 the purposes of the district and to be for a public purpose. (Loc.  
21 Gov. Code, Sec. 376.101.)

22           [Sections 3803.105-3803.150 reserved for expansion]

23           SUBCHAPTER D. FINANCIAL PROVISIONS

24           Sec. 3803.151. PETITION REQUIRED FOR FINANCING SERVICES AND  
25 IMPROVEMENTS. (a) The board may not finance a service or an  
26 improvement project under this chapter unless a written petition  
27 requesting the service or improvement is filed with the board.

1 (b) The petition must be signed by:

2 (1) the owners of a majority of the assessed value of  
3 real property in the district according to the most recent  
4 certified tax appraisal roll for Harris County; or

5 (2) at least 50 owners of land in the district, if more  
6 than 50 persons own land in the district according to the most  
7 recent certified tax appraisal roll for Harris County. (Loc. Gov.  
8 Code, Sec. 376.092.)

9 Sec. 3803.152. AUTHORITY TO IMPOSE AD VALOREM TAXES,  
10 ASSESSMENTS, AND IMPACT FEES. The district may, except as provided  
11 by Section 3803.156, impose an ad valorem tax, assessment, or  
12 impact fee as provided by Chapter 375, Local Government Code, to  
13 provide an improvement or service for a project or activity the  
14 district may acquire, construct, improve, or provide under this  
15 chapter. (Loc. Gov. Code, Sec. 376.090(a) (part).)

16 Sec. 3803.153. MAINTENANCE TAX. (a) If authorized at an  
17 election held in accordance with Section 3803.158, the district may  
18 impose an annual ad valorem tax on taxable property in the district  
19 to:

20 (1) maintain and operate the district and the  
21 improvements constructed or acquired by the district; and

22 (2) provide services to industrial or commercial  
23 businesses, residents, or property owners.

24 (b) The board shall determine the tax rate. (Loc. Gov.  
25 Code, Sec. 376.097.)

26 Sec. 3803.154. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
27 The district may correct, add to, or delete an assessment from its

1 assessment rolls and collect an assessment due under the  
2 correction, addition, or deletion after notice and hearing in the  
3 manner required by Section 375.115, Local Government Code.

4 (b) An assessment, a reassessment, or an assessment  
5 resulting from an addition to or correction of the assessment roll  
6 by the district, penalties and interest on an assessment or  
7 reassessment, an expense of collection, and reasonable attorney's  
8 fees incurred by the district:

9 (1) are a first and prior lien against the property  
10 assessed;

11 (2) are superior to any other lien or claim other than  
12 a lien or claim for county, school district, or municipal ad valorem  
13 taxes; and

14 (3) are the personal liability of and a charge against  
15 the owners of the property even if the owners are not named in the  
16 assessment proceeding.

17 (c) The lien is effective from the date of the board's  
18 resolution imposing the assessment until the date the assessment is  
19 paid. The board may enforce the lien in the same manner that the  
20 board may enforce an ad valorem tax lien against real property.  
21 (Loc. Gov. Code, Secs. 376.090(a) (part), 376.095.)

22 Sec. 3803.155. TAX AND ASSESSMENT ABATEMENTS. Without  
23 further authorization or other procedural requirement, the  
24 district may grant, consistent with Chapter 312, Tax Code, an  
25 abatement for a tax or assessment owed to the district. (Loc. Gov.  
26 Code, Sec. 376.099.)

27 Sec. 3803.156. PROPERTY EXEMPT FROM ASSESSMENT AND IMPACT

1 FEES. Because the district is created in an area that is devoted  
2 primarily to commercial and business activity, the district may not  
3 impose an impact fee or assessment on a single-family residential  
4 property or a residential duplex, triplex, fourplex, or  
5 condominium. (Loc. Gov. Code, Sec. 376.098.)

6 Sec. 3803.157. OBLIGATIONS. (a) The district may issue  
7 bonds or other obligations payable in whole or in part from ad  
8 valorem taxes, assessments, impact fees, revenue, grants, or other  
9 money of the district, or any combination of those sources of money,  
10 to pay for any authorized purpose of the district.

11 (b) In exercising the district's borrowing power, the  
12 district may issue a bond or other obligation in the form of a bond,  
13 note, certificate of participation or other instrument evidencing a  
14 proportionate interest in payments to be made by the district, or  
15 other type of obligation. (Loc. Gov. Code, Sec. 376.094.)

16 Sec. 3803.158. ELECTIONS REGARDING TAXES OR  
17 BONDS. (a) The district must hold an election in the manner  
18 provided by Subchapter L, Chapter 375, Local Government Code, to  
19 obtain voter approval before the district may:

- 20 (1) impose a maintenance tax; or  
21 (2) issue a bond payable from ad valorem taxes or  
22 assessments.

23 (b) The board may submit multiple purposes in a single  
24 proposition at an election.

25 (c) The board may not call an election under this chapter  
26 unless a written petition requesting an election is filed with the  
27 board. The petition must be signed by 50 owners of property in the

1 district, if more than 50 persons own property in the district  
2 according to the most recent certified tax appraisal roll for  
3 Harris County.

4 (d) When issuing a bond payable from a defined area under  
5 Chapter 54, Water Code, the district must hold the required  
6 election only in the defined area and not in the entire district.  
7 (Loc. Gov. Code, Sec. 376.096.)

8 Sec. 3803.159. SALES AND USE TAX PROHIBITED. The district  
9 may not impose a sales and use tax. (Loc. Gov. Code, Sec.  
10 376.090(b).)

11 CHAPTER 3804. FIRST COLONY MANAGEMENT DISTRICT

12 SUBCHAPTER A. GENERAL PROVISIONS

13 Sec. 3804.001. DEFINITIONS

14 Sec. 3804.002. FIRST COLONY MANAGEMENT DISTRICT

15 Sec. 3804.003. PURPOSE; DECLARATION OF INTENT

16 Sec. 3804.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

17 Sec. 3804.005. DISTRICT TERRITORY

18 Sec. 3804.006. ELIGIBILITY FOR REINVESTMENT ZONES

19 Sec. 3804.007. APPLICABILITY OF OTHER LAW

20 Sec. 3804.008. LIBERAL CONSTRUCTION OF CHAPTER

21 [Sections 3804.009-3804.050 reserved for expansion]

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Sec. 3804.051. BOARD OF DIRECTORS; TERMS

24 Sec. 3804.052. APPOINTMENT OF DIRECTORS

25 Sec. 3804.053. NONVOTING DIRECTORS

26 Sec. 3804.054. REMOVAL OF DIRECTORS

27 [Sections 3804.055-3804.100 reserved for expansion]

- 1                           SUBCHAPTER C. POWERS AND DUTIES
- 2   Sec. 3804.101.   DISTRICT POWERS
- 3   Sec. 3804.102.   RELATION TO OTHER LAW
- 4   Sec. 3804.103.   NONPROFIT CORPORATION
- 5   Sec. 3804.104.   CONTRACTS; GRANTS
- 6   Sec. 3804.105.   COMPETITIVE BIDDING
- 7   Sec. 3804.106.   APPROVAL OF CERTAIN IMPROVEMENT PROJECTS
- 8   Sec. 3804.107.   LIMITATION ON CERTAIN ACTIONS AFFECTING
- 9                           FACILITY OF TEXAS DEPARTMENT OF
- 10                          TRANSPORTATION
- 11   Sec. 3804.108.   ANNEXATION OR EXCLUSION OF TERRITORY
- 12                    [Sections 3804.109-3804.150 reserved for expansion]
- 13                           SUBCHAPTER D. FINANCIAL PROVISIONS
- 14   Sec. 3804.151.   PETITION REQUIRED FOR FINANCING SERVICES
- 15                           AND IMPROVEMENTS
- 16   Sec. 3804.152.   DISBURSEMENTS AND TRANSFERS OF MONEY
- 17   Sec. 3804.153.   BOARD VOTE REQUIRED TO IMPOSE TAXES,
- 18                           ASSESSMENTS, OR IMPACT FEES
- 19   Sec. 3804.154.   AUTHORITY TO IMPOSE AD VALOREM TAXES,
- 20                           ASSESSMENTS, AND IMPACT FEES
- 21   Sec. 3804.155.   MAINTENANCE TAX
- 22   Sec. 3804.156.   ASSESSMENTS; LIENS FOR ASSESSMENTS
- 23   Sec. 3804.157.   PROPERTY EXEMPT FROM ASSESSMENTS AND
- 24                           IMPACT FEES
- 25   Sec. 3804.158.   OBLIGATIONS; APPROVAL BY CITY OF SUGAR LAND
- 26   Sec. 3804.159.   ELECTIONS REGARDING TAXES OR BONDS
- 27                    [Sections 3804.160-3804.200 reserved for expansion]

SUBCHAPTER E. DISSOLUTION

Sec. 3804.201. DISSOLUTION OF DISTRICT

CHAPTER 3804. FIRST COLONY MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3804.001. DEFINITIONS. In this chapter:

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

(2) "District" means the First Colony Management District. (Loc. Gov. Code, Secs. 376.113(1), (2).)

Sec. 3804.002. FIRST COLONY MANAGEMENT DISTRICT. A special district known as the "First Colony Management District" is a governmental agency and political subdivision of this state. (Loc. Gov. Code, Sec. 376.111(a).)

Sec. 3804.003. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing Fort Bend County, the City of Sugar Land, and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(b) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the city of Sugar Land.

1           (c) This chapter and the creation of the district may not be  
2 interpreted to relieve Fort Bend County or the City of Sugar Land  
3 from providing the level of services provided as of September 1,  
4 1997, to the area in the district or to release the county or the  
5 city from the obligations of each entity to provide services to that  
6 area. The district is created to supplement and not to supplant the  
7 county or city services provided in the area in the district. (Loc.  
8 Gov. Code, Secs. 376.111(c), 376.112.)

9           Sec. 3804.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

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

11          (b) All land and other property included in the district  
12 will benefit from the improvements and services to be provided by  
13 the district under powers conferred by Sections 52 and 52-a,  
14 Article III, and Section 59, Article XVI, Texas Constitution, and  
15 other powers granted under this chapter.

16          (c) The creation of the district is in the public interest  
17 and is essential to:

18               (1) further the public purposes of developing and  
19 diversifying the economy of the state;

20               (2) eliminate unemployment and underemployment; and

21               (3) develop or expand transportation and commerce.

22          (d) The district will:

23               (1) promote the health, safety, and general welfare of  
24 residents, employers, employees, visitors, and consumers in the  
25 district, and of the public;

26               (2) provide needed funding for the City of Sugar Land  
27 to preserve, maintain, and enhance the economic health and vitality

1 of the area as a community and business center; and

2 (3) promote the health, safety, welfare, and enjoyment  
3 of the public by providing pedestrian ways and by landscaping and  
4 developing certain areas in the district, which are necessary for  
5 the restoration, preservation, and enhancement of scenic and  
6 aesthetic beauty.

7 (e) Pedestrian ways along or across a street, whether at  
8 grade or above or below the surface, and street lighting, street  
9 landscaping, and street art objects are parts of and necessary  
10 components of a street and are considered to be a street or road  
11 improvement.

12 (f) The district will not act as the agent or  
13 instrumentality of any private interest even though the district  
14 will benefit many private interests as well as the public. (Loc.  
15 Gov. Code, Sec. 376.116.)

16 Sec. 3804.005. DISTRICT TERRITORY. (a) The district is  
17 composed of the territory described by Section 1, Chapter 985, Acts  
18 of the 75th Legislature, Regular Session, 1997, enacting former  
19 Section 376.114, Local Government Code, as that territory may have  
20 been modified under:

21 (1) Section 3804.108 or its predecessor statute,  
22 former Section 376.122, Local Government Code;

23 (2) Subchapter J, Chapter 49, Water Code; or

24 (3) other law.

25 (b) The boundaries and field notes of the district contained  
26 in Section 1, Chapter 985, Acts of the 75th Legislature, Regular  
27 Session, 1997, enacting former Section 376.114, Local Government

1 Code, form a closure. A mistake in the field notes or in copying the  
2 field notes in the legislative process does not in any way affect:

3 (1) the district's organization, existence, and  
4 validity;

5 (2) the district's right to issue any type of bond,  
6 including a refunding bond, for a purpose for which the district is  
7 created or to pay the principal of and interest on the bond;

8 (3) the district's right to impose and collect an  
9 assessment or tax; or

10 (4) the legality or operation of the district or the  
11 board. (Loc. Gov. Code, Sec. 376.115; New.)

12 Sec. 3804.006. ELIGIBILITY FOR REINVESTMENT ZONES.

13 (a) All or any part of the area of the district is eligible to be  
14 included in:

15 (1) a tax increment reinvestment zone created by the  
16 City of Sugar Land under Chapter 311, Tax Code; or

17 (2) a tax abatement reinvestment zone created by the  
18 City of Sugar Land under Chapter 312, Tax Code.

19 (b) A taxing unit participating in a tax increment  
20 reinvestment zone created by a municipality or county may continue  
21 to enter into a tax abatement agreement. (Loc. Gov. Code, Sec.  
22 376.137.)

23 Sec. 3804.007. APPLICABILITY OF OTHER LAW. Except as  
24 otherwise provided by this chapter, Chapter 375, Local Government  
25 Code, applies to the district. (Loc. Gov. Code, Sec. 376.117.)

26 Sec. 3804.008. LIBERAL CONSTRUCTION OF CHAPTER. This  
27 chapter shall be liberally construed in conformity with the

1 findings and purposes stated in this chapter. (Loc. Gov. Code, Sec.  
2 376.118.)

3 [Sections 3804.009-3804.050 reserved for expansion]

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Sec. 3804.051. BOARD OF DIRECTORS; TERMS. (a) The  
6 district is governed by a board of 13 directors who serve staggered  
7 terms of four years with six or seven directors' terms expiring June  
8 1 of each odd-numbered year.

9 (b) The board by resolution may increase or decrease the  
10 number of directors on the board, but only if it is in the best  
11 interest of the district to do so. The board may not:

12 (1) increase the number of directors to more than 30;  
13 or

14 (2) decrease the number of directors to fewer than  
15 nine. (Loc. Gov. Code, Sec. 376.119(a).)

16 Sec. 3804.052. APPOINTMENT OF DIRECTORS. (a) The mayor  
17 and members of the governing body of the City of Sugar Land shall  
18 appoint directors from persons recommended by the board.

19 (b) A person may not be appointed to the board if the  
20 appointment of that person would result in fewer than two-thirds of  
21 the directors owning property in the city of Sugar Land.

22 (c) An owner of a tract of land in the district that is 10 or  
23 more acres in size may recommend to the board a successor director  
24 to fill a position or vacancy on the board unless a director  
25 recommended by the current or previous owner of the tract is serving  
26 on the board. (Loc. Gov. Code, Secs. 376.120(a) (part), (b), (c).)

27 Sec. 3804.053. NONVOTING DIRECTORS. The board may appoint

1 nonvoting directors to serve on the board. (Loc. Gov. Code, Sec.  
2 376.121.)

3 Sec. 3804.054. REMOVAL OF DIRECTORS. (a) The board may  
4 remove a director if the director has missed half the meetings  
5 scheduled during the preceding 12 months.

6 (b) A director removed under this section may file a written  
7 appeal with the governing body of the City of Sugar Land. The  
8 governing body may reinstate the director if the body finds that the  
9 removal was unwarranted under the circumstances after considering  
10 the reasons for the absences, the time and place of the meetings,  
11 the business conducted at the meetings missed, and any other  
12 relevant circumstances. (Loc. Gov. Code, Sec. 376.120(d).)

13 [Sections 3804.055-3804.100 reserved for expansion]

14 SUBCHAPTER C. POWERS AND DUTIES

15 Sec. 3804.101. DISTRICT POWERS. The district has:

16 (1) all powers necessary to accomplish the purposes  
17 for which the district was created;

18 (2) the rights, powers, privileges, authority, and  
19 functions of a district created under Chapter 375, Local Government  
20 Code; and

21 (3) the powers given to a corporation under Section  
22 4B, Development Corporation Act of 1979 (Article 5190.6, Vernon's  
23 Texas Civil Statutes), and the power to own, operate, acquire,  
24 construct, lease, improve, and maintain projects. (Loc. Gov. Code,  
25 Sec. 376.122 (part).)

26 Sec. 3804.102. RELATION TO OTHER LAW. This chapter  
27 prevails over a law to which Section 3804.101 or 3804.108 refers

1 that is in conflict with or is inconsistent with this chapter.  
2 (Loc. Gov. Code, Sec. 376.124 (part).)

3 Sec. 3804.103. NONPROFIT CORPORATION. (a) The board by  
4 resolution may authorize the creation of a nonprofit corporation to  
5 assist and act for the district in implementing a project or  
6 providing a service authorized by this chapter.

7 (b) The nonprofit corporation:

8 (1) has each power of and is considered for purposes of  
9 this chapter to be a local government corporation created under  
10 Chapter 431, Transportation Code; and

11 (2) may implement any project and provide any service  
12 authorized by this chapter.

13 (c) The board shall appoint the board of directors of the  
14 nonprofit corporation. The board of directors of the nonprofit  
15 corporation shall serve in the same manner as, for the same term as,  
16 and on the same conditions as the board of directors of a local  
17 government corporation created under Chapter 431, Transportation  
18 Code. (Loc. Gov. Code, Sec. 376.126.)

19 Sec. 3804.104. CONTRACTS; GRANTS. (a) To protect the  
20 public interest, the district may contract with Fort Bend County or  
21 the City of Sugar Land for the county or the city to provide law  
22 enforcement services in the district for a fee.

23 (b) Fort Bend County, the City of Sugar Land, or another  
24 political subdivision of this state, without further  
25 authorization, may contract with the district to implement a  
26 project of the district or assist the district in providing a  
27 service authorized under this chapter. A contract under this

1 subsection may:

- 2 (1) be for a period on which the parties agree;
- 3 (2) include terms on which the parties agree;
- 4 (3) be payable from taxes or any other source of  
5 revenue that may be available for that project or service; and
- 6 (4) provide terms under which taxes or other revenue  
7 collected at a district project or from a person using or purchasing  
8 a commodity or service at a district project may be paid or rebated  
9 to the district.

10 (c) The district may enter into a contract, lease, or other  
11 agreement with or make or accept a grant or loan to or from any  
12 person, including:

- 13 (1) the United States;
- 14 (2) this state or a state agency;
- 15 (3) any political subdivision of this state; and
- 16 (4) a public or private corporation, including a  
17 nonprofit corporation created by the board under this subchapter.

18 (d) The district may perform all acts necessary for the full  
19 exercise of the powers vested in the district on terms and for the  
20 period the board determines advisable. (Loc. Gov. Code, Sec.  
21 376.135.)

22 Sec. 3804.105. COMPETITIVE BIDDING. The district may enter  
23 a contract for more than \$50,000 for services, improvements, or the  
24 purchase of property, including materials, machinery, equipment,  
25 and supplies, only as provided by Subchapter K, Chapter 375, Local  
26 Government Code. (Loc. Gov. Code, Sec. 376.136.)

27 Sec. 3804.106. APPROVAL OF CERTAIN IMPROVEMENT PROJECTS.

1 The district must obtain the City of Sugar Land's approval of the  
2 plans and specifications of any district improvement project  
3 related to the use of land owned by the City of Sugar Land, an  
4 easement granted by the City of Sugar Land, or a right-of-way of a  
5 street, road, or highway. (Loc. Gov. Code, Sec. 376.130.)

6 Sec. 3804.107. LIMITATION ON CERTAIN ACTIONS AFFECTING  
7 FACILITY OF TEXAS DEPARTMENT OF TRANSPORTATION. The district may  
8 not relocate, adjust, raise, lower, reroute, or change the grade or  
9 the construction of a facility under the jurisdiction of the Texas  
10 Department of Transportation without the department's written  
11 approval. (Loc. Gov. Code, Sec. 376.123(c).)

12 Sec. 3804.108. ANNEXATION OR EXCLUSION OF TERRITORY. The  
13 district may annex or exclude land, whether located inside or  
14 outside the boundaries of the city of Sugar Land, as provided by  
15 Subchapter J, Chapter 49, Water Code. (Loc. Gov. Code, Sec. 376.122  
16 (part).)

17 [Sections 3804.109-3804.150 reserved for expansion]

18 SUBCHAPTER D. FINANCIAL PROVISIONS

19 Sec. 3804.151. PETITION REQUIRED FOR FINANCING SERVICES AND  
20 IMPROVEMENTS. (a) The board may not finance a service or an  
21 improvement project under this chapter unless a written petition  
22 requesting that service or improvement is filed with the board.

23 (b) The petition must be signed by:

24 (1) the owners of a majority of the assessed value of  
25 real property in the district according to the most recent  
26 certified tax appraisal roll for Fort Bend County;

27 (2) the owners of a majority of the surface area of

1 real property in the district, according to the most recent  
2 certified tax appraisal roll for Fort Bend County, excluding roads,  
3 streets, highways, and utility rights-of-way, other public areas,  
4 and any other property exempt from assessment under this chapter;  
5 or

6 (3) at least 50 owners of land in the district, if more  
7 than 50 persons own property in the district according to the most  
8 recent certified tax appraisal roll for Fort Bend County. (Loc.  
9 Gov. Code, Sec. 376.125.)

10 Sec. 3804.152. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
11 board by resolution shall establish the number of directors'  
12 signatures and the procedure required for a disbursement or  
13 transfer of the district's money. (Loc. Gov. Code, Sec. 376.127.)

14 Sec. 3804.153. BOARD VOTE REQUIRED TO IMPOSE TAXES,  
15 ASSESSMENTS, OR IMPACT FEES. The imposition of a tax, assessment,  
16 or impact fee requires a vote of a majority of the directors  
17 serving. (Loc. Gov. Code, Sec. 376.119(b) (part).)

18 Sec. 3804.154. AUTHORITY TO IMPOSE AD VALOREM TAXES,  
19 ASSESSMENTS, AND IMPACT FEES. The district may impose an ad valorem  
20 tax, assessment, or impact fee as provided by Chapter 375, Local  
21 Government Code, to provide an improvement or service for a project  
22 or activity the district may acquire, construct, improve, or  
23 provide under this chapter. (Loc. Gov. Code, Sec. 376.122 (part).)

24 Sec. 3804.155. MAINTENANCE TAX. (a) If authorized at an  
25 election held in accordance with Section 3804.159, the district may  
26 impose an annual ad valorem tax on taxable property in the district  
27 to:

1           (1) maintain and operate the district and the  
2 improvements constructed or acquired by the district; or

3           (2) provide a service.

4           (b) The board shall determine the tax rate. (Loc. Gov.  
5 Code, Sec. 376.133.)

6           Sec. 3804.156. ASSESSMENTS; LIENS FOR ASSESSMENTS.

7           (a) The board by resolution may impose and collect an assessment  
8 for any purpose authorized by this chapter.

9           (b) An assessment, a reassessment, or an assessment  
10 resulting from an addition to or correction of the assessment roll  
11 by the district, penalties and interest on an assessment or  
12 reassessment, an expense of collection, and reasonable attorney's  
13 fees incurred by the district:

14           (1) are a first and prior lien against the property  
15 assessed;

16           (2) are superior to any other lien or claim other than  
17 a lien or claim for county, school district, or municipal ad valorem  
18 taxes; and

19           (3) are the personal liability of and a charge against  
20 the owners of the property even if the owners are not named in the  
21 assessment proceeding.

22           (c) The lien is effective from the date of the board's  
23 resolution imposing the assessment until the date the assessment is  
24 paid. The board may enforce the lien in the same manner that the  
25 board may enforce an ad valorem tax lien against real property.

26           (d) The board may correct, add to, or delete assessments  
27 from its assessment rolls after notice and hearing as provided by

1 Subchapter F, Chapter 375, Local Government Code.

2 (e) If equipment installed, at no cost to the district, on  
3 assessed property reduces the district's cost of providing a  
4 service, the district may reduce the amount of the assessment  
5 against the property for the person required to pay the assessment  
6 by an amount equal to the money saved by the equipment or may rebate  
7 the money saved to the person required to pay the assessment. The  
8 amount of money saved is determined solely by the district. The  
9 district shall determine and apply rebates and reductions under  
10 this subsection in a nondiscriminatory manner. (Loc. Gov. Code,  
11 Secs. 376.122 (part), 376.129(a), (b), (c), (e).)

12 Sec. 3804.157. PROPERTY EXEMPT FROM ASSESSMENTS AND IMPACT  
13 FEES. The district may not, without the consent of the owner,  
14 impose an impact fee or assessment under Chapter 375, Local  
15 Government Code, on:

16 (1) a condominium for which the owner meets all the  
17 requirements to claim a homestead exemption, a single-family  
18 detached residential property, or a residential duplex, triplex, or  
19 fourplex;

20 (2) a tract consistently and continuously used for:

21 (A) religious worship or a school that is  
22 maintained or owned by or affiliated with a religious organization;  
23 or

24 (B) a use ancillary to and in keeping with the  
25 operation of a full-service church or school affiliated with a  
26 religious organization;

27 (3) a tract owned by this state or the United States

1 and used for a public purpose;

2 (4) a tract owned by the City of Sugar Land, Fort Bend  
3 County, or another political subdivision and used for a public  
4 purpose; or

5 (5) a tract that is owned in fee simple by a community  
6 services association or property owners' association and that is  
7 not leased to a person who is not exempt under this chapter. (Loc.  
8 Gov. Code, Sec. 376.129(d).)

9 Sec. 3804.158. OBLIGATIONS; APPROVAL BY CITY OF SUGAR LAND.

10 (a) The district may issue bonds or other obligations payable in  
11 whole or in part from ad valorem taxes, assessments, impact fees,  
12 revenue, grants, or other money of the district, or any combination  
13 of those sources of money, to pay for any authorized purpose of the  
14 district.

15 (b) In exercising the district's borrowing power, the  
16 district may issue a bond or other obligation in the form of a bond,  
17 note, certificate of participation or other instrument evidencing a  
18 proportionate interest in payments to be made by the district, or  
19 other type of obligation.

20 (c) Except as provided by Subsection (d), the district must  
21 obtain the approval of the City of Sugar Land:

22 (1) for the issuance of a bond for each improvement  
23 project; and

24 (2) of the plans and specifications of the improvement  
25 project to be financed by the bond.

26 (d) If the district obtains the approval of the City of  
27 Sugar Land of a capital improvements budget for a specified period

1 not to exceed five years, the district may finance the capital  
2 improvements and issue bonds specified in the budget without  
3 further approval from the City of Sugar Land. (Loc. Gov. Code,  
4 Secs. 376.128(a), (b), (c), (d).)

5 Sec. 3804.159. ELECTIONS REGARDING TAXES OR BONDS. (a) In  
6 addition to the elections required under Subchapter L, Chapter 375,  
7 Local Government Code, the district must hold an election in the  
8 manner provided by that subchapter to obtain voter approval before  
9 the district may:

10 (1) impose a maintenance tax; or

11 (2) issue a bond payable from ad valorem taxes or  
12 assessments.

13 (b) The board may submit multiple purposes in a single  
14 proposition at an election.

15 (c) The board may not call an election under this chapter  
16 unless a written petition requesting an election is filed with the  
17 board. The petition must be signed by:

18 (1) the owners of a majority of the assessed value of  
19 real property in the district according to the most recent  
20 certified tax appraisal roll for Fort Bend County;

21 (2) the owners of the majority of the surface area of  
22 real property in the district, according to the most recent  
23 certified tax appraisal roll for Fort Bend County, excluding roads,  
24 streets, highways, and utility rights-of-way, other public areas,  
25 and any other property exempt from assessment under this chapter;  
26 or

27 (3) at least 50 owners of land in the district, if more

1 than 50 persons own property in the district according to the most  
2 recent certified tax appraisal roll for Fort Bend County. (Loc.  
3 Gov. Code, Sec. 376.131.)

4 [Sections 3804.160-3804.200 reserved for expansion]

5 SUBCHAPTER E. DISSOLUTION

6 Sec. 3804.201. DISSOLUTION OF DISTRICT. (a) The district  
7 may be dissolved as provided by Subchapter M, Chapter 375, Local  
8 Government Code, except that the dissolution must be approved by:

9 (1) a three-fourths vote of the board; and

10 (2) a two-thirds vote of the City of Sugar Land's  
11 governing body.

12 (b) Despite this section and Section 375.264, Local  
13 Government Code, the district may be dissolved as provided by  
14 Subchapter M, Chapter 375, Local Government Code, if the district  
15 has debt. If the district has debt when it is dissolved, the  
16 district shall remain in existence solely for the purpose of  
17 discharging its bonds or other obligations according to their  
18 terms. (Loc. Gov. Code, Sec. 376.134.)

19 CHAPTER 3805. UPPER KIRBY MANAGEMENT DISTRICT

20 SUBCHAPTER A. GENERAL PROVISIONS

21 Sec. 3805.001. DEFINITIONS

22 Sec. 3805.002. UPPER KIRBY MANAGEMENT DISTRICT

23 Sec. 3805.003. PURPOSE; DECLARATION OF INTENT

24 Sec. 3805.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

25 Sec. 3805.005. DISTRICT TERRITORY

26 Sec. 3805.006. TORT LIABILITY

27 Sec. 3805.007. ELIGIBILITY FOR REINVESTMENT ZONES

- 1 Sec. 3805.008. RELATION TO OTHER LAW
- 2 Sec. 3805.009. LIBERAL CONSTRUCTION OF CHAPTER
- 3 [Sections 3805.010-3805.050 reserved for expansion]
- 4 SUBCHAPTER B. BOARD OF DIRECTORS
- 5 Sec. 3805.051. BOARD OF DIRECTORS; TERMS
- 6 Sec. 3805.052. APPOINTMENT OF DIRECTORS ON INCREASE
- 7 IN BOARD SIZE
- 8 [Sections 3805.053-3805.100 reserved for expansion]
- 9 SUBCHAPTER C. POWERS AND DUTIES
- 10 Sec. 3805.101. DISTRICT POWERS
- 11 Sec. 3805.102. NONPROFIT CORPORATION
- 12 Sec. 3805.103. ELECTIONS
- 13 Sec. 3805.104. CONTRACT FOR LAW ENFORCEMENT AND SECURITY
- 14 SERVICES
- 15 Sec. 3805.105. ANNEXATION OR EXCLUSION OF TERRITORY
- 16 [Sections 3805.106-3805.150 reserved for expansion]
- 17 SUBCHAPTER D. FINANCIAL PROVISIONS
- 18 Sec. 3805.151. AUTHORITY TO IMPOSE ASSESSMENTS, AD VALOREM
- 19 TAXES, AND IMPACT FEES
- 20 Sec. 3805.152. MAINTENANCE TAX
- 21 Sec. 3805.153. ASSESSMENTS CONSIDERED TAXES
- 22 Sec. 3805.154. LIENS FOR ASSESSMENTS; SUITS TO RECOVER
- 23 ASSESSMENTS
- 24 Sec. 3805.155. PROPERTY OF ELECTRIC UTILITY EXEMPT FROM
- 25 ASSESSMENT AND IMPACT FEES
- 26 Sec. 3805.156. DEBT
- 27 [Sections 3805.157-3805.200 reserved for expansion]

1 SUBCHAPTER E. DISSOLUTION

2 Sec. 3805.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
3 DEBT

4 CHAPTER 3805. UPPER KIRBY MANAGEMENT DISTRICT

5 SUBCHAPTER A. GENERAL PROVISIONS

6 Sec. 3805.001. DEFINITIONS. In this chapter:

7 (1) "Board" means the board of directors of the  
8 district.

9 (2) "District" means the Upper Kirby Management  
10 District. (Loc. Gov. Code, Secs. 376.153(1), (2).)

11 Sec. 3805.002. UPPER KIRBY MANAGEMENT DISTRICT. A special  
12 district known as the "Upper Kirby Management District" is a  
13 governmental agency and political subdivision of this state. (Loc.  
14 Gov. Code, Sec. 376.151(a).)

15 Sec. 3805.003. PURPOSE; DECLARATION OF INTENT. (a) The  
16 creation of the district is essential to accomplish the purposes of  
17 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
18 Texas Constitution, and other public purposes stated in this  
19 chapter. By creating the district and in authorizing Harris  
20 County, the City of Houston, and other political subdivisions to  
21 contract with the district, the legislature has established a  
22 program to accomplish the public purposes set out in Section 52-a,  
23 Article III, Texas Constitution.

24 (b) The creation of the district is necessary to promote,  
25 develop, encourage, and maintain employment, commerce,  
26 transportation, housing, tourism, recreation, the arts,  
27 entertainment, economic development, safety, and the public

1 welfare in the area traversed by Kirby Drive in the city of Houston.

2 (c) This chapter and the creation of the district may not be  
3 interpreted to relieve Harris County or the City of Houston from  
4 providing the level of services provided as of September 1, 1997, to  
5 the area in the district or to release the county or the city from  
6 the obligations of each entity to provide services to that area.  
7 The district is created to supplement and not to supplant the county  
8 or city services provided in the area in the district. (Loc. Gov.  
9 Code, Secs. 376.151(c), 376.152.)

10 Sec. 3805.004. FINDINGS OF BENEFIT AND PUBLIC  
11 PURPOSE. (a) The district is created to serve a public use and  
12 benefit.

13 (b) All land and other property included in the district  
14 will benefit from the improvements and services to be provided by  
15 the district under powers conferred by Sections 52 and 52-a,  
16 Article III, and Section 59, Article XVI, Texas Constitution, and  
17 other powers granted under this chapter.

18 (c) Each improvement project or service authorized by this  
19 chapter is essential to carry out a public purpose.

20 (d) The creation of the district is in the public interest  
21 and is essential to:

22 (1) further the public purposes of developing and  
23 diversifying the economy of the state;

24 (2) eliminate unemployment and underemployment; and

25 (3) develop or expand transportation and commerce.

26 (e) The district will:

27 (1) promote the health, safety, and general welfare of

1 residents, employers, employees, visitors, and consumers in the  
2 district, and of the public;

3 (2) provide needed funding for the Kirby Drive  
4 vicinity of the city of Houston to preserve, maintain, and enhance  
5 the economic health and vitality of the area as a community and  
6 business center;

7 (3) promote the health, safety, welfare, and enjoyment  
8 of the public by providing public art and pedestrian ways and by  
9 landscaping and developing certain areas in the district, which are  
10 necessary for the restoration, preservation, and enhancement of  
11 scenic and aesthetic beauty;

12 (4) promote and benefit commercial development and  
13 commercial areas in the Kirby Drive vicinity of the city of Houston;  
14 and

15 (5) promote and develop public transportation and  
16 pedestrian facilities and systems using new and alternative means  
17 that are attractive, safe, and convenient, including securing  
18 expanded and improved transportation and pedestrian facilities and  
19 systems, to:

20 (A) address the problem of traffic congestion in  
21 the district, the need to control traffic and improve pedestrian  
22 safety, and the limited availability of money; and

23 (B) benefit the land and other property in the  
24 district and the residents, employers, employees, visitors, and  
25 consumers in the district and the public.

26 (f) Pedestrian ways along or across a street, whether at  
27 grade or above or below the surface, and street lighting, street

1 landscaping, and street art objects are parts of and necessary  
2 components of a street and are considered to be a street or road  
3 improvement.

4 (g) The district will not act as the agent or  
5 instrumentality of any private interest even though the district  
6 will benefit many private interests as well as the public. (Loc.  
7 Gov. Code, Sec. 376.156.)

8 Sec. 3805.005. DISTRICT TERRITORY. (a) The district is  
9 composed of the territory described by Section 1, Chapter 1202,  
10 Acts of the 77th Legislature, Regular Session, 2001, amending  
11 former Section 376.154, Local Government Code, as that territory  
12 may have been modified under:

13 (1) Section 3805.105 or its predecessor statutes,  
14 former Section 376.124(b), Local Government Code, as added by  
15 Chapter 275, Acts of the 75th Legislature, Regular Session, 1997,  
16 and former Section 376.154(b), Local Government Code;

17 (2) Subchapter J, Chapter 49, Water Code; or

18 (3) other law.

19 (b) The boundaries and field notes of the district contained  
20 in Section 1, Chapter 1202, Acts of the 77th Legislature, Regular  
21 Session, 2001, amending former Section 376.154, Local Government  
22 Code, form a closure. A mistake in the field notes or in copying the  
23 field notes in the legislative process does not in any way affect:

24 (1) the district's organization, existence, and  
25 validity;

26 (2) the district's right to issue any type of bond,  
27 including a refunding bond, for a purpose for which the district is

1 created or to pay the principal of and interest on the bond;

2 (3) the district's right to impose and collect an  
3 assessment or tax; or

4 (4) the legality or operation of the district or the  
5 board.

6 (c) A description of the district's boundaries shall be  
7 filed with the Texas Commission on Environmental Quality. The  
8 commission by order may correct a mistake in the description of the  
9 district's boundaries. (Loc. Gov. Code, Secs. 376.154(c), 376.155;  
10 New.)

11 Sec. 3805.006. TORT LIABILITY. The district is a  
12 governmental unit under Chapter 101, Civil Practice and Remedies  
13 Code, and the operations of the district are essential government  
14 functions and are not proprietary functions for any purpose,  
15 including the application of Chapter 101, Civil Practice and  
16 Remedies Code. (Loc. Gov. Code, Sec. 376.162.)

17 Sec. 3805.007. ELIGIBILITY FOR REINVESTMENT ZONES. All or  
18 any part of the area of the district is eligible to be included in a  
19 tax increment reinvestment zone created by the City of Houston  
20 under Chapter 311, Tax Code. (Loc. Gov. Code, Sec. 376.169.)

21 Sec. 3805.008. RELATION TO OTHER LAW. This chapter  
22 prevails over any provision of general law, including a law to which  
23 this chapter refers, that is in conflict with or is inconsistent  
24 with this chapter. (Loc. Gov. Code, Sec. 376.161 (part).)

25 Sec. 3805.009. LIBERAL CONSTRUCTION OF CHAPTER. This  
26 chapter shall be liberally construed in conformity with the  
27 findings and purposes stated in this chapter. (Loc. Gov. Code, Sec.

1 376.157.)

2 [Sections 3805.010-3805.050 reserved for expansion]

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 3805.051. BOARD OF DIRECTORS; TERMS. (a) The  
5 district is governed by a board of five directors who serve  
6 staggered terms of four years.

7 (b) The board by resolution may increase or decrease the  
8 number of directors on the board, but only if a majority of the  
9 board finds that it is in the best interest of the district to do so.  
10 The board may not:

11 (1) increase the number of directors to more than  
12 nine; or

13 (2) decrease the number of directors to fewer than  
14 five.

15 (c) Sections 49.053, 49.054, 49.056, 49.057, 49.058, and  
16 49.060, Water Code, apply to the board.

17 (d) Subchapter D, Chapter 375, Local Government Code,  
18 applies to the board to the extent that subchapter does not conflict  
19 with this chapter. (Loc. Gov. Code, Sec. 376.158.)

20 Sec. 3805.052. APPOINTMENT OF DIRECTORS ON INCREASE IN  
21 BOARD SIZE. If the board increases the number of directors under  
22 Section 3805.051, the board shall appoint qualified persons to fill  
23 the new director positions and shall provide for staggering the  
24 terms of the directors serving in the new positions. On expiration  
25 of the term of a director appointed under this section, a succeeding  
26 director shall be appointed and qualified as provided by Subchapter  
27 D, Chapter 375, Local Government Code. (Loc. Gov. Code, Sec.

1 376.159(b).)

2 [Sections 3805.053-3805.100 reserved for expansion]

3 SUBCHAPTER C. POWERS AND DUTIES

4 Sec. 3805.101. DISTRICT POWERS. The district has:

5 (1) all powers necessary to accomplish the purposes  
6 for which the district was created;

7 (2) the rights, powers, privileges, authority, and  
8 functions of a district created under Chapter 375, Local Government  
9 Code;

10 (3) the powers, duties, and contracting authority  
11 specified by Subchapters H and I, Chapter 49, Water Code;

12 (4) the powers given to a corporation under Section  
13 4B, Development Corporation Act of 1979 (Article 5190.6, Vernon's  
14 Texas Civil Statutes), including the power to own, operate,  
15 acquire, construct, lease, improve, and maintain the projects  
16 described by that section; and

17 (5) the powers of a housing finance corporation  
18 created under Chapter 394, Local Government Code. (Loc. Gov. Code,  
19 Sec. 376.160 (part).)

20 Sec. 3805.102. NONPROFIT CORPORATION. (a) The board by  
21 resolution may authorize the creation of a nonprofit corporation to  
22 assist and act for the district in implementing a project or  
23 providing a service authorized by this chapter.

24 (b) The nonprofit corporation:

25 (1) has each power of and is considered for purposes of  
26 this chapter to be a local government corporation created under  
27 Chapter 431, Transportation Code; and



1           Sec. 3805.151. AUTHORITY TO IMPOSE ASSESSMENTS, AD VALOREM  
2 TAXES, AND IMPACT FEES. The district may impose, assess, charge, or  
3 collect an assessment, an ad valorem tax, an impact fee, or another  
4 fee in accordance with Chapter 49, Water Code, for a purpose  
5 specified by Chapter 375, Local Government Code, or as needed to  
6 exercise a power or function or to accomplish a purpose or duty for  
7 which the district was created. (Loc. Gov. Code, Sec. 376.160  
8 (part).)

9           Sec. 3805.152. MAINTENANCE TAX. (a) If authorized at an  
10 election held in accordance with Section 3805.103, the district may  
11 impose an annual ad valorem tax on taxable property in the district  
12 to maintain, restore, replace, or operate the district and  
13 improvements that the district constructs or acquires or the  
14 district's facilities, works, or services.

15           (b) The board shall determine the tax rate. (Loc. Gov.  
16 Code, Sec. 376.167.)

17           Sec. 3805.153. ASSESSMENTS CONSIDERED TAXES. For purposes  
18 of a title insurance policy issued under Chapter 9, Insurance Code,  
19 an assessment is a tax. (Loc. Gov. Code, Sec. 376.165(f).)

20           Sec. 3805.154. LIENS FOR ASSESSMENTS; SUITS TO RECOVER  
21 ASSESSMENTS. (a) An assessment imposed on property under this  
22 chapter is a personal obligation of the person who owns the property  
23 on January 1 of the year for which the assessment is imposed. If the  
24 person transfers title to the property, the person is not relieved  
25 of the obligation.

26           (b) On January 1 of the year for which an assessment is  
27 imposed on a property, a lien attaches to the property to secure the

1 payment of the assessment and any interest accrued on the  
2 assessment. The lien has the same priority as a lien for district  
3 taxes.

4 (c) Not later than the fourth anniversary of the date on  
5 which a delinquent assessment became due, the district may file  
6 suit to foreclose the lien or to enforce the obligation for the  
7 assessment, or both, and for any interest accrued.

8 (d) In addition to recovering the amount of the assessment  
9 and any accrued interest, the district may recover reasonable  
10 costs, including attorney's fees, that the district incurs in  
11 foreclosing the lien or enforcing the obligation. The costs may not  
12 exceed an amount equal to 20 percent of the assessment and interest.

13 (e) If the district does not file a suit in connection with a  
14 delinquent assessment on or before the last date on which the  
15 district may file suit under Subsection (c), the assessment and any  
16 interest accrued is considered paid. (Loc. Gov. Code, Secs.  
17 376.165(a), (b), (c), (d), (e).)

18 Sec. 3805.155. PROPERTY OF ELECTRIC UTILITY EXEMPT FROM  
19 ASSESSMENT AND IMPACT FEES. The district may not impose an impact  
20 fee or assessment on the property, equipment, or facilities of an  
21 electric utility as defined by Section 31.002, Utilities Code.  
22 (Loc. Gov. Code, Sec. 376.170.)

23 Sec. 3805.156. DEBT. The district may issue bonds, notes,  
24 or other debt obligations in accordance with Subchapters I and J,  
25 Chapter 375, Local Government Code, for a purpose specified by that  
26 chapter or as required to exercise a power or function or to  
27 accomplish a purpose or duty for which the district was created.

1 (Loc. Gov. Code, Sec. 376.164.)

2 [Sections 3805.157-3805.200 reserved for expansion]

3 SUBCHAPTER E. DISSOLUTION

4 Sec. 3805.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
5 DEBT. (a) The district may be dissolved as provided by Subchapter  
6 M, Chapter 375, Local Government Code.

7 (b) Regardless of Section 375.264, Local Government Code,  
8 if the district has debt, the district may be dissolved as provided  
9 by Subchapter M, Chapter 375, Local Government Code. If the  
10 district has debt when it is dissolved, the district shall remain in  
11 existence solely for the purpose of discharging its bonds or other  
12 obligations according to their terms. (Loc. Gov. Code, Sec.  
13 376.168.)

14 CHAPTER 3806. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 2

15 SUBCHAPTER A. GENERAL PROVISIONS

16 Sec. 3806.001. DEFINITIONS

17 Sec. 3806.002. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 2

18 Sec. 3806.003. PURPOSE; DECLARATION OF INTENT

19 Sec. 3806.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

20 Sec. 3806.005. DISTRICT TERRITORY

21 Sec. 3806.006. APPLICABILITY OF OTHER LAW

22 Sec. 3806.007. LIBERAL CONSTRUCTION OF CHAPTER

23 [Sections 3806.008-3806.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 3806.051. BOARD OF DIRECTORS; TERMS

26 Sec. 3806.052. APPOINTMENT OF DIRECTORS

27 [Sections 3806.053-3806.100 reserved for expansion]

1 SUBCHAPTER C. POWERS AND DUTIES

2 Sec. 3806.101. DISTRICT POWERS

3 Sec. 3806.102. RELATION TO OTHER LAW

4 Sec. 3806.103. NONPROFIT CORPORATION

5 Sec. 3806.104. CONTRACTS; GRANTS

6 [Sections 3806.105-3806.150 reserved for expansion]

7 SUBCHAPTER D. FINANCIAL PROVISIONS

8 Sec. 3806.151. PETITION REQUIRED FOR FINANCING SERVICES

9 AND IMPROVEMENTS

10 Sec. 3806.152. DISBURSEMENTS AND TRANSFERS OF MONEY

11 Sec. 3806.153. BOARD VOTE REQUIRED TO IMPOSE TAXES,

12 ASSESSMENTS, OR IMPACT FEES

13 Sec. 3806.154. AUTHORITY TO IMPOSE AD VALOREM TAXES,

14 ASSESSMENTS, AND IMPACT FEES

15 Sec. 3806.155. MAINTENANCE TAX

16 Sec. 3806.156. ASSESSMENTS; LIENS FOR ASSESSMENTS

17 Sec. 3806.157. PROPERTY EXEMPT FROM TAXES, IMPACT FEES,

18 AND ASSESSMENTS

19 Sec. 3806.158. OBLIGATIONS; APPROVAL BY CITY OF HOUSTON

20 Sec. 3806.159. ELECTIONS REGARDING TAXES OR BONDS

21 [Sections 3806.160-3806.200 reserved for expansion]

22 SUBCHAPTER E. DISSOLUTION

23 Sec. 3806.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING

24 DEBT

25 CHAPTER 3806. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 2

26 SUBCHAPTER A. GENERAL PROVISIONS

27 Sec. 3806.001. DEFINITIONS. In this chapter:

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

3           (2) "District" means the Harris County Improvement  
4 District No. 2. (Loc. Gov. Code, Secs. 376.213(1), (3).)

5           Sec. 3806.002. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 2. A  
6 special district known as the "Harris County Improvement District  
7 No. 2" is a governmental agency and political subdivision of this  
8 state. (Loc. Gov. Code, Sec. 376.211(a).)

9           Sec. 3806.003. PURPOSE; DECLARATION OF INTENT. (a) The  
10 creation of the district is essential to accomplish the purposes of  
11 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
12 Texas Constitution, and other public purposes stated in this  
13 chapter. By creating the district and in authorizing Harris  
14 County, the City of Houston, and other political subdivisions to  
15 contract with the district, the legislature has established a  
16 program to accomplish the public purposes set out in Section 52-a,  
17 Article III, Texas Constitution.

18           (b) The creation of the district is necessary to promote,  
19 develop, encourage, and maintain employment, commerce,  
20 transportation, housing, tourism, recreation, the arts,  
21 entertainment, economic development, safety, and the public  
22 welfare in the Richmond Avenue area of Houston.

23           (c) This chapter and the creation of the district may not be  
24 interpreted to relieve Harris County or the City of Houston from  
25 providing the level of services provided as of September 1, 1997, to  
26 the area in the district or to release the county or the city from  
27 the obligations of each entity to provide services to that area.

1 The district is created to supplement and not to supplant the county  
2 or city services provided in the area in the district. (Loc. Gov.  
3 Code, Secs. 376.211(c), 376.212.)

4 Sec. 3806.004. FINDINGS OF BENEFIT AND PUBLIC  
5 PURPOSE. (a) The district is created to serve a public use and  
6 benefit.

7 (b) All land and other property included in the district  
8 will benefit from the improvements and services to be provided by  
9 the district under powers conferred by Sections 52 and 52-a,  
10 Article III, and Section 59, Article XVI, Texas Constitution, and  
11 other powers granted under this chapter.

12 (c) The creation of the district is in the public interest  
13 and is essential to:

14 (1) further the public purposes of developing and  
15 diversifying the economy of the state;

16 (2) eliminate unemployment and underemployment; and

17 (3) develop or expand transportation and commerce.

18 (d) The district will:

19 (1) promote the health, safety, and general welfare of  
20 residents, employers, employees, visitors, and consumers in the  
21 district, and of the public;

22 (2) provide needed funding to preserve, maintain, and  
23 enhance the economic health and vitality of the area in the district  
24 as a community and business center; and

25 (3) promote the health, safety, welfare, and enjoyment  
26 of the public by providing pedestrian ways and by landscaping and  
27 developing certain areas in the district, which are necessary for

1 the restoration, preservation, and enhancement of scenic and  
2 aesthetic beauty.

3 (e) Pedestrian ways along or across a street, whether at  
4 grade or above or below the surface, and street lighting, street  
5 landscaping, and street art objects are parts of and necessary  
6 components of a street and are considered to be a street or road  
7 improvement.

8 (f) The district will not act as the agent or  
9 instrumentality of any private interest even though the district  
10 will benefit many private interests as well as the public. (Loc.  
11 Gov. Code, Sec. 376.216.)

12 Sec. 3806.005. DISTRICT TERRITORY. (a) The district is  
13 composed of the territory described by Section 1, Chapter 679, Acts  
14 of the 75th Legislature, Regular Session, 1997, enacting former  
15 Section 376.214, Local Government Code, as that territory may have  
16 been modified under:

17 (1) Subchapter J, Chapter 49, Water Code; or

18 (2) other law.

19 (b) The boundaries and field notes of the district contained  
20 in Section 1, Chapter 679, Acts of the 75th Legislature, Regular  
21 Session, 1997, enacting former Section 376.214, Local Government  
22 Code, form a closure. A mistake in the field notes or in copying the  
23 field notes in the legislative process does not in any way affect:

24 (1) the district's organization, existence, and  
25 validity;

26 (2) the district's right to issue any type of bond,  
27 including a refunding bond, for a purpose for which the district is

1 created or to pay the principal of and interest on the bond;

2 (3) the district's right to impose and collect an  
3 assessment or tax; or

4 (4) the legality or operation of the district or the  
5 board. (Loc. Gov. Code, Sec. 376.215; New.)

6 Sec. 3806.006. APPLICABILITY OF OTHER LAW. Except as  
7 otherwise provided by this chapter, Chapter 375, Local Government  
8 Code, applies to the district. (Loc. Gov. Code, Sec. 376.217.)

9 Sec. 3806.007. LIBERAL CONSTRUCTION OF CHAPTER. This  
10 chapter shall be liberally construed in conformity with the  
11 findings and purposes stated in this chapter. (Loc. Gov. Code, Sec.  
12 376.218.)

13 [Sections 3806.008-3806.050 reserved for expansion]

14 SUBCHAPTER B. BOARD OF DIRECTORS

15 Sec. 3806.051. BOARD OF DIRECTORS; TERMS. (a) The  
16 district is governed by a board of nine directors who serve  
17 staggered terms of four years, with four or five directors' terms  
18 expiring June 1 of each odd-numbered year.

19 (b) The board by resolution may increase or decrease the  
20 number of directors on the board, but only if it is in the best  
21 interest of the district to do so. The board may not:

22 (1) increase the number of directors to more than 30;

23 or

24 (2) decrease the number of directors to fewer than  
25 nine. (Loc. Gov. Code, Sec. 376.219(a).)

26 Sec. 3806.052. APPOINTMENT OF DIRECTORS. The mayor and  
27 members of the governing body of the City of Houston shall appoint

1 directors from persons recommended by the board who meet the  
2 requirements of Subchapter D, Chapter 375, Local Government Code.  
3 (Loc. Gov. Code, Sec. 376.220 (part).)

4 [Sections 3806.053-3806.100 reserved for expansion]

5 SUBCHAPTER C. POWERS AND DUTIES

6 Sec. 3806.101. DISTRICT POWERS. The district has:

7 (1) all powers necessary to accomplish the purposes  
8 for which the district was created;

9 (2) the rights, powers, privileges, authority, and  
10 functions of a district created under Chapter 375, Local Government  
11 Code; and

12 (3) the powers given to a corporation under Section  
13 4B, Development Corporation Act of 1979 (Article 5190.6, Vernon's  
14 Texas Civil Statutes), and the power to own, operate, acquire,  
15 construct, lease, improve, and maintain projects. (Loc. Gov. Code,  
16 Sec. 376.221 (part).)

17 Sec. 3806.102. RELATION TO OTHER LAW. This chapter  
18 prevails over any law to which Section 3806.101 refers that  
19 conflicts with or is inconsistent with this chapter. (Loc. Gov.  
20 Code, Sec. 376.224 (part).)

21 Sec. 3806.103. NONPROFIT CORPORATION. (a) The board by  
22 resolution may authorize the creation of a nonprofit corporation to  
23 assist and act for the district in implementing a project or  
24 providing a service authorized by this chapter.

25 (b) The nonprofit corporation:

26 (1) has each power of and is considered for purposes of  
27 this chapter to be a local government corporation created under

1 Chapter 431, Transportation Code; and

2 (2) may implement any project and provide any service  
3 authorized by this chapter.

4 (c) The board shall appoint the board of directors of the  
5 nonprofit corporation. The board of directors of the nonprofit  
6 corporation shall serve in the same manner as, for the same term as,  
7 and on the conditions of the board of directors of a local  
8 government corporation created under Chapter 431, Transportation  
9 Code. (Loc. Gov. Code, Sec. 376.226.)

10 Sec. 3806.104. CONTRACTS; GRANTS. (a) To protect the  
11 public interest, the district may contract with Harris County or  
12 the City of Houston for the county or the city to provide law  
13 enforcement services in the district for a fee.

14 (b) Harris County, the City of Houston, or another political  
15 subdivision of this state, without further authorization, may  
16 contract with the district to implement a project of the district or  
17 assist the district in providing a service authorized under this  
18 chapter. A contract under this subsection may:

19 (1) be for a period on which the parties agree;

20 (2) include terms on which the parties agree;

21 (3) be payable from taxes or any other source of  
22 revenue that may be available for that project or service; and

23 (4) provide terms under which taxes or other revenue  
24 collected at a district project or from a person using or purchasing  
25 a commodity or service at a district project may be paid or rebated  
26 to the district.

27 (c) The district may enter into a contract, lease, or other

1 agreement with or make or accept a grant or loan to or from any  
2 person, including:

- 3 (1) the United States;
- 4 (2) this state or a state agency;
- 5 (3) any political subdivision of this state; and
- 6 (4) a public or private corporation, including a  
7 nonprofit corporation created under this subchapter.

8 (d) The district may perform all acts necessary for the full  
9 exercise of the powers vested in the district on terms and for the  
10 period the board determines advisable. (Loc. Gov. Code, Sec.  
11 376.235.)

12 [Sections 3806.105-3806.150 reserved for expansion]

13 SUBCHAPTER D. FINANCIAL PROVISIONS

14 Sec. 3806.151. PETITION REQUIRED FOR FINANCING SERVICES AND  
15 IMPROVEMENTS. (a) The board may not finance a service or an  
16 improvement project under this chapter unless a written petition  
17 requesting that service or improvement is filed with the board.

18 (b) The petition must be signed by:

19 (1) the owners of a majority of the assessed value of  
20 real property in the district according to the most recent  
21 certified tax appraisal roll for Harris County; or

22 (2) at least 50 owners of land in the district, if more  
23 than 50 persons own property in the district according to the most  
24 recent certified tax appraisal roll for Harris County. (Loc. Gov.  
25 Code, Sec. 376.225.)

26 Sec. 3806.152. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
27 board by resolution shall establish the number of directors'

1 signatures and the procedure required for a disbursement or  
2 transfer of the district's money. (Loc. Gov. Code, Sec. 376.227.)

3 Sec. 3806.153. BOARD VOTE REQUIRED TO IMPOSE TAXES,  
4 ASSESSMENTS, OR IMPACT FEES. The imposition of a tax, assessment,  
5 or impact fee requires a vote of a majority of the directors  
6 serving. (Loc. Gov. Code, Sec. 376.219(b) (part).)

7 Sec. 3806.154. AUTHORITY TO IMPOSE AD VALOREM TAXES,  
8 ASSESSMENTS, AND IMPACT FEES. The district may impose an ad valorem  
9 tax, assessment, or impact fee as provided by Chapter 375, Local  
10 Government Code, to provide an improvement or service for a project  
11 or activity the district may acquire, construct, improve, or  
12 provide under this chapter. (Loc. Gov. Code, Sec. 376.221 (part).)

13 Sec. 3806.155. MAINTENANCE TAX. (a) If authorized at an  
14 election held in accordance with Section 3806.159, the district may  
15 impose an annual ad valorem tax on taxable property in the district  
16 to:

17 (1) maintain and operate the district and the  
18 improvements constructed or acquired by the district; or

19 (2) provide a service.

20 (b) The board shall determine the tax rate. (Loc. Gov.  
21 Code, Sec. 376.233.)

22 Sec. 3806.156. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
23 The board by resolution may impose and collect an assessment for any  
24 purpose authorized by this chapter.

25 (b) An assessment, a reassessment, or an assessment  
26 resulting from an addition to or correction of the assessment roll  
27 by the district, penalties and interest on an assessment or

1 reassessment, an expense of collection, and reasonable attorney's  
2 fees incurred by the district:

3 (1) are a first and prior lien against the property  
4 assessed;

5 (2) are superior to any other lien or claim other than  
6 a lien or claim for county, school district, or municipal ad valorem  
7 taxes; and

8 (3) are the personal liability of and a charge against  
9 the owners of the property even if the owners are not named in the  
10 assessment proceeding.

11 (c) The lien is effective from the date of the board's  
12 resolution imposing the assessment until the date the assessment is  
13 paid. The board may enforce the lien in the same manner that the  
14 board may enforce an ad valorem tax lien against real property.

15 (d) The board may correct, add to, or delete assessments  
16 from its assessment rolls after notice and hearing as provided by  
17 Subchapter F, Chapter 375, Local Government Code. (Loc. Gov. Code,  
18 Secs. 376.221 (part), 376.229.)

19 Sec. 3806.157. PROPERTY EXEMPT FROM TAXES, IMPACT FEES, AND  
20 ASSESSMENTS. (a) The district may not impose a tax, impact fee,  
21 or assessment on a residential property, multiunit residential  
22 property, or condominium.

23 (b) The district may not impose an impact fee or assessment  
24 on the property, equipment, or facilities of an electric utility as  
25 defined by Section 31.002, Utilities Code. (Loc. Gov. Code, Sec.  
26 376.230.)

27 Sec. 3806.158. OBLIGATIONS; APPROVAL BY CITY OF

1 HOUSTON. (a) The district may issue bonds or other obligations  
2 payable in whole or in part from ad valorem taxes, assessments,  
3 impact fees, revenue, grants, or other money of the district, or any  
4 combination of those sources of money, to pay for any authorized  
5 purpose of the district.

6 (b) In exercising the district's borrowing power, the  
7 district may issue a bond or other obligation in the form of a bond,  
8 note, certificate of participation or other instrument evidencing a  
9 proportionate interest in payments to be made by the district, or  
10 other type of obligation.

11 (c) Except as provided by Subsection (d), the district must  
12 obtain the approval of the City of Houston:

13 (1) for the issuance of a bond for each improvement  
14 project;

15 (2) of the plans and specifications of the improvement  
16 project to be financed by the bond; and

17 (3) of the plans and specifications of a district  
18 improvement project related to the use of:

19 (A) land owned by a municipality;

20 (B) an easement granted by a municipality; or

21 (C) a right-of-way of a street, road, or highway.

22 (d) If the district obtains the approval of the City of  
23 Houston of a capital improvements budget for a specified period not  
24 to exceed five years, the district may finance the capital  
25 improvements and issue bonds specified in the budget without  
26 further approval from the City of Houston. (Loc. Gov. Code, Secs.  
27 376.228(a), (b) (part), (c), (d).)

1           Sec. 3806.159. ELECTIONS           REGARDING           TAXES           OR  
2 BONDS. (a) In addition to the elections required under  
3 Subchapter L, Chapter 375, Local Government Code, the district must  
4 hold an election in the manner provided by that subchapter to obtain  
5 voter approval before the district may:

6                   (1) impose a maintenance tax; or

7                   (2) issue a bond payable from ad valorem taxes or  
8 assessments.

9           (b) The board may submit multiple purposes in a single  
10 proposition at an election. (Loc. Gov. Code, Sec. 376.231.)

11                   [Sections 3806.160-3806.200 reserved for expansion]

12                                   SUBCHAPTER E. DISSOLUTION

13           Sec. 3806.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
14 DEBT. If the district has debt when it is dissolved, the district  
15 shall remain in existence solely for the purpose of discharging its  
16 bonds or other obligations according to their terms. (Loc. Gov.  
17 Code, Sec. 376.234 (part).)

18                   CHAPTER 3807. GREATER EAST END MANAGEMENT DISTRICT

19                                   SUBCHAPTER A. GENERAL PROVISIONS

20           Sec. 3807.001. DEFINITIONS

21           Sec. 3807.002. GREATER EAST END MANAGEMENT DISTRICT

22           Sec. 3807.003. PURPOSE; DECLARATION OF INTENT

23           Sec. 3807.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

24           Sec. 3807.005. DISTRICT TERRITORY

25           Sec. 3807.006. APPLICABILITY OF OTHER LAW

26           Sec. 3807.007. RELATION TO OTHER LAW

27           Sec. 3807.008. LIBERAL CONSTRUCTION OF CHAPTER

1 [Sections 3807.009-3807.050 reserved for expansion]

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 3807.051. BOARD OF DIRECTORS; TERMS

4 Sec. 3807.052. APPOINTMENT OF DIRECTORS

5 [Sections 3807.053-3807.100 reserved for expansion]

6 SUBCHAPTER C. POWERS AND DUTIES

7 Sec. 3807.101. POWERS

8 Sec. 3807.102. NONPROFIT CORPORATION

9 Sec. 3807.103. CONTRACTS; GRANTS

10 Sec. 3807.104. PLANS FOR WORKFORCE DEVELOPMENT SERVICES

11 [Sections 3807.105-3807.150 reserved for expansion]

12 SUBCHAPTER D. FINANCIAL PROVISIONS

13 Sec. 3807.151. PETITION REQUIRED FOR FINANCING SERVICE

14 OR IMPROVEMENT

15 Sec. 3807.152. DISBURSEMENTS AND TRANSFERS OF MONEY

16 Sec. 3807.153. BOARD VOTE REQUIRED TO IMPOSE TAXES,

17 ASSESSMENTS, OR IMPACT FEES

18 Sec. 3807.154. AUTHORITY TO IMPOSE AD VALOREM TAXES,

19 ASSESSMENTS, AND IMPACT FEES

20 Sec. 3807.155. MAINTENANCE TAX

21 Sec. 3807.156. ASSESSMENTS; LIENS FOR ASSESSMENTS

22 Sec. 3807.157. PROPERTY EXEMPT FROM TAXES, IMPACT FEES,

23 AND ASSESSMENTS

24 Sec. 3807.158. OBLIGATIONS; APPROVAL BY CITY OF HOUSTON

25 Sec. 3807.159. ELECTIONS REGARDING TAXES OR BONDS

26 [Sections 3807.160-3807.200 reserved for expansion]

27 SUBCHAPTER E. DISSOLUTION

1 Sec. 3807.201. DISSOLUTION OF DISTRICT WITH  
2 OUTSTANDING DEBT

3 CHAPTER 3807. GREATER EAST END MANAGEMENT DISTRICT

4 SUBCHAPTER A. GENERAL PROVISIONS

5 Sec. 3807.001. DEFINITIONS. In this chapter:

6 (1) "Board" means the board of directors of the  
7 district.

8 (2) "District" means the Greater East End Management  
9 District. (Loc. Gov. Code, Secs. 376.263(1), (3).)

10 Sec. 3807.002. GREATER EAST END MANAGEMENT DISTRICT. A  
11 special district in Harris County known as the "Greater East End  
12 Management District" is a governmental agency and political  
13 subdivision of this state. (Loc. Gov. Code, Sec. 376.261(a).)

14 Sec. 3807.003. PURPOSE; DECLARATION OF INTENT. (a) The  
15 creation of the district is essential to accomplish the purposes of  
16 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
17 Texas Constitution, and other public purposes stated in this  
18 chapter. By creating the district and in authorizing Harris  
19 County, the City of Houston, and other political subdivisions to  
20 contract with the district, the legislature has established a  
21 program to accomplish the public purposes set out in Section 52-a,  
22 Article III, Texas Constitution.

23 (b) The creation of the district is necessary to promote,  
24 develop, encourage, and maintain employment, commerce,  
25 transportation, housing, tourism, recreation, the arts,  
26 entertainment, economic development, safety, and the public  
27 welfare in the Greater East End area of the city of Houston.

1 (c) This chapter and the creation of the district may not be  
2 interpreted to relieve Harris County or the City of Houston from  
3 providing the level of services provided as of May 10, 1999, to the  
4 area in the district or to release the county or the city from the  
5 obligations of each entity to provide services to that area. The  
6 district is created to supplement and not to supplant the county or  
7 city services provided in the area in the district. (Loc. Gov.  
8 Code, Secs. 376.261(c), 376.262.)

9 Sec. 3807.004. FINDINGS OF BENEFIT AND PUBLIC  
10 PURPOSE. (a) The district is created to serve a public use and  
11 benefit.

12 (b) All land and other property included in the district  
13 will benefit from the improvements and services to be provided by  
14 the district under powers conferred by Sections 52 and 52-a,  
15 Article III, and Section 59, Article XVI, Texas Constitution, and  
16 other powers granted under this chapter.

17 (c) The creation of the district is in the public interest  
18 and is essential to:

19 (1) further the public purposes of developing and  
20 diversifying the economy of the state;

21 (2) eliminate unemployment and underemployment; and

22 (3) develop or expand transportation and commerce.

23 (d) The district will:

24 (1) promote the health, safety, and general welfare of  
25 residents, employers, employees, visitors, and consumers in the  
26 district, and of the public;

27 (2) provide needed funding for the Greater East End

1 area of the city of Houston to preserve, maintain, and enhance the  
2 economic health and vitality of the area as a community and business  
3 center;

4 (3) promote the health, safety, welfare, and enjoyment  
5 of the public by providing pedestrian ways and by landscaping and  
6 developing certain areas in the district, which are necessary for  
7 the restoration, preservation, and enhancement of scenic and  
8 aesthetic beauty; and

9 (4) eliminate unemployment and underemployment and  
10 develop or expand transportation and commerce by providing or by  
11 participating with other entities and educational institutions in  
12 establishing, equipping, financing, and operating workforce  
13 development, workforce education, and job training opportunities.

14 (e) Pedestrian ways along or across a street, whether at  
15 grade or above or below the surface, and street lighting, street  
16 landscaping, and street art objects are parts of and necessary  
17 components of a street and are considered to be a street or road  
18 improvement.

19 (f) The district will not act as the agent or  
20 instrumentality of any private interest even though the district  
21 will benefit many private interests as well as the public. (Loc.  
22 Gov. Code, Sec. 376.266.)

23 Sec. 3807.005. DISTRICT TERRITORY. (a) The district is  
24 composed of the territory described by Section 1, Chapter 47, Acts  
25 of the 76th Legislature, Regular Session, 1999, enacting former  
26 Section 376.264, Local Government Code, as that territory may have  
27 been modified under:

1 (1) Subchapter J, Chapter 49, Water Code; or

2 (2) other law.

3 (b) The boundaries and field notes of the district contained  
4 in Section 1, Chapter 47, Acts of the 76th Legislature, Regular  
5 Session, 1999, enacting former Section 376.264, Local Government  
6 Code, form a closure. A mistake in the field notes or in copying the  
7 field notes in the legislative process does not in any way affect:

8 (1) the district's organization, existence, and  
9 validity;

10 (2) the district's right to issue any type of bond,  
11 including a refunding bond, for a purpose for which the district is  
12 created or to pay the principal of and interest on the bond;

13 (3) the district's right to impose and collect an  
14 assessment or tax; or

15 (4) the legality or operation of the district or the  
16 board. (Loc. Gov. Code, Sec. 376.265; New.)

17 Sec. 3807.006. APPLICABILITY OF OTHER LAW. Except as  
18 otherwise provided by this chapter, Chapter 375, Local Government  
19 Code, applies to the district. (Loc. Gov. Code, Secs. 376.267,  
20 376.271 (part).)

21 Sec. 3807.007. RELATION TO OTHER LAW. This chapter  
22 prevails over any provision of general law, including a law to which  
23 this chapter refers, that is in conflict with or is inconsistent  
24 with this chapter. (Loc. Gov. Code, Sec. 376.274 (part).)

25 Sec. 3807.008. LIBERAL CONSTRUCTION OF CHAPTER. This  
26 chapter shall be liberally construed in conformity with the  
27 findings and purposes stated in this chapter. (Loc. Gov. Code, Sec.

1 376.268.)

2 [Sections 3807.009-3807.050 reserved for expansion]

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 3807.051. BOARD OF DIRECTORS; TERMS. (a) The  
5 district is governed by a board of 15 directors who serve staggered  
6 terms of four years, with seven directors' terms expiring June 1 of  
7 an odd-numbered year and eight directors' terms expiring June 1 of  
8 the following odd-numbered year.

9 (b) The board by resolution may increase or decrease the  
10 number of directors on the board, but only if it is in the best  
11 interest of the district to do so. The board may not:

12 (1) increase the number of directors to more than 30;

13 or

14 (2) decrease the number of directors to fewer than  
15 nine. (Loc. Gov. Code, Sec. 376.269(a).)

16 Sec. 3807.052. APPOINTMENT OF DIRECTORS. The mayor and  
17 members of the governing body of the City of Houston shall appoint  
18 directors from persons recommended by the board who meet the  
19 qualifications prescribed by Subchapter D, Chapter 375, Local  
20 Government Code. (Loc. Gov. Code, Sec. 376.270 (part).)

21 [Sections 3807.053-3807.100 reserved for expansion]

22 SUBCHAPTER C. POWERS AND DUTIES

23 Sec. 3807.101. POWERS. The district has:

24 (1) all powers necessary to accomplish the purposes  
25 for which the district was created; and

26 (2) the powers given to a corporation under Section  
27 4B, Development Corporation Act of 1979 (Article 5190.6, Vernon's

1 Texas Civil Statutes), and the power to own, operate, acquire,  
2 construct, lease, improve, and maintain projects. (Loc. Gov. Code,  
3 Sec. 376.271 (part).)

4 Sec. 3807.102. NONPROFIT CORPORATION. (a) The board by  
5 resolution may authorize the creation of a nonprofit corporation to  
6 assist and act for the district in implementing a project or  
7 providing a service authorized by this chapter.

8 (b) The nonprofit corporation:

9 (1) has each power of and is considered for purposes of  
10 this chapter to be a local government corporation created under  
11 Chapter 431, Transportation Code; and

12 (2) may implement any project and provide any service  
13 authorized by this chapter.

14 (c) The board shall appoint the board of directors of the  
15 nonprofit corporation. The board of directors of the nonprofit  
16 corporation shall serve in the same manner as, for the same term as,  
17 and on the same conditions as the board of directors of a local  
18 government corporation created under Chapter 431, Transportation  
19 Code. (Loc. Gov. Code, Sec. 376.276.)

20 Sec. 3807.103. CONTRACTS; GRANTS. (a) To protect the  
21 public interest, the district may contract with Harris County or  
22 the City of Houston for the county or the city to provide law  
23 enforcement services in the district for a fee.

24 (b) Harris County, the City of Houston, or another political  
25 subdivision of this state, without further authorization, may  
26 contract with the district to implement a project of the district or  
27 assist the district in providing a service authorized by this

1 chapter. A contract under this subsection may:

- 2 (1) be for a period on which the parties agree;
- 3 (2) include terms on which the parties agree;
- 4 (3) be payable from taxes or any other source of  
5 revenue that may be available for that project or service; or
- 6 (4) provide terms under which taxes or other revenue  
7 collected at a district project or from a person using or purchasing  
8 a commodity or service at a district project may be paid or rebated  
9 to the district.

10 (c) The district may enter into a contract, lease, or other  
11 agreement with or make or accept a grant or loan to or from any  
12 person, including:

- 13 (1) the United States;
- 14 (2) this state or a state agency;
- 15 (3) any political subdivision of this state; and
- 16 (4) a public or private corporation, including a  
17 nonprofit corporation created by the board under this subchapter.

18 (d) The district may perform all acts necessary for the full  
19 exercise of the powers vested in the district on terms and for the  
20 period the board determines advisable. (Loc. Gov. Code, Sec.  
21 376.286.)

22 Sec. 3807.104. PLANS FOR WORKFORCE DEVELOPMENT  
23 SERVICES. (a) The district shall develop and implement one or  
24 more plans for workforce development services. The services may  
25 include:

- 26 (1) job training;
- 27 (2) workforce education;

- 1           (3) financing of special educational opportunities;  
2           (4) student summer work programs; or  
3           (5) other projects that promote workforce  
4 development.

5           (b) To assist in implementing a plan for workforce  
6 development services, the district may:

- 7           (1) accept a donation, grant, or loan from any person;  
8           (2) work with a school at any level;  
9           (3) work with any person that provides workforce  
10 development money or projects; or  
11           (4) participate with any other entity. (Loc. Gov.  
12 Code, Secs. 376.284(a), (c), (d).)

13           [Sections 3807.105-3807.150 reserved for expansion]

14           SUBCHAPTER D. FINANCIAL PROVISIONS

15           Sec. 3807.151. PETITION REQUIRED FOR FINANCING SERVICE OR  
16 IMPROVEMENT. (a) The board may not finance a service or an  
17 improvement project under this chapter unless a written petition  
18 requesting that service or improvement is filed with the board.

19           (b) The petition must be signed by:

20           (1) the owners of a majority of the assessed value of  
21 real property in the district according to the most recent  
22 certified tax appraisal roll for Harris County; or

23           (2) at least 50 owners of land in the district, if more  
24 than 50 persons own property in the district according to the most  
25 recent certified tax appraisal roll for Harris County. (Loc. Gov.  
26 Code, Sec. 376.275.)

27           Sec. 3807.152. DISBURSEMENTS AND TRANSFERS OF MONEY. The

1 board by resolution shall establish the number of directors'  
2 signatures and the procedure required for a disbursement or  
3 transfer of the district's money. (Loc. Gov. Code, Sec. 376.277.)

4 Sec. 3807.153. BOARD VOTE REQUIRED TO IMPOSE TAXES,  
5 ASSESSMENTS, OR IMPACT FEES. The imposition of a tax, assessment,  
6 or impact fee requires a vote of a majority of the directors  
7 serving. (Loc. Gov. Code, Sec. 376.269(b) (part).)

8 Sec. 3807.154. AUTHORITY TO IMPOSE AD VALOREM TAXES,  
9 ASSESSMENTS, AND IMPACT FEES. The district may impose an ad valorem  
10 tax, assessment, or impact fee as provided by Chapter 375, Local  
11 Government Code, to provide an improvement or a service for a  
12 project or activity the district may acquire, construct, improve,  
13 or provide under this chapter. (Loc. Gov. Code, Sec. 376.271  
14 (part).)

15 Sec. 3807.155. MAINTENANCE TAX. (a) If authorized at an  
16 election held in accordance with Section 3807.159, the district may  
17 impose an annual ad valorem tax on taxable property in the district  
18 to:

19 (1) maintain and operate the district and the  
20 improvements constructed or acquired by the district; or

21 (2) provide a service.

22 (b) The board shall determine the tax rate. (Loc. Gov.  
23 Code, Sec. 376.283.)

24 Sec. 3807.156. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
25 The board by resolution may impose and collect an assessment for any  
26 purpose authorized by this chapter.

27 (b) An assessment, a reassessment, or an assessment

1 resulting from an addition to or correction of the assessment roll  
2 by the district, penalties and interest on an assessment or  
3 reassessment, an expense of collection, and reasonable attorney's  
4 fees incurred by the district:

5 (1) are a first and prior lien against the property  
6 assessed;

7 (2) are superior to any other lien or claim other than  
8 a lien or claim for county, school district, or municipal ad valorem  
9 taxes; and

10 (3) are the personal liability of and a charge against  
11 the owners of the property even if the owners are not named in the  
12 assessment proceeding.

13 (c) The lien is effective from the date of the board's  
14 resolution imposing the assessment until the date the assessment is  
15 paid. The board may enforce the lien in the same manner that the  
16 board may enforce an ad valorem tax lien against real property.

17 (d) The board may correct, add to, or delete assessments  
18 from its assessment rolls after notice and hearing as provided by  
19 Subchapter F, Chapter 375, Local Government Code. (Loc. Gov. Code,  
20 Secs. 376.271 (part), 376.279.)

21 Sec. 3807.157. PROPERTY EXEMPT FROM TAXES, IMPACT FEES, AND  
22 ASSESSMENTS. (a) The district may not impose a tax, impact fee,  
23 or assessment on a residential property, multiunit residential  
24 property, or condominium.

25 (b) The district may not impose an impact fee or assessment  
26 on the property, equipment, or facilities of a person that provides  
27 to the public cable television, gas, light, power, telephone,

1 sewage, or water service. (Loc. Gov. Code, Secs. 376.263(5),  
2 376.280.)

3 Sec. 3807.158. OBLIGATIONS; APPROVAL BY CITY OF  
4 HOUSTON. (a) The district may issue bonds or other obligations  
5 payable in whole or in part from ad valorem taxes, assessments,  
6 impact fees, revenue, grants, or other money of the district, or any  
7 combination of those sources of money, to pay for any authorized  
8 purpose of the district.

9 (b) In exercising the district's borrowing power, the  
10 district may issue a bond or other obligation in the form of a bond,  
11 note, certificate of participation or other instrument evidencing a  
12 proportionate interest in payments to be made by the district, or  
13 other type of obligation.

14 (c) Except as provided by Subsection (d), the district must  
15 obtain the approval of the City of Houston:

16 (1) for the issuance of a bond for each improvement  
17 project;

18 (2) of the plans and specifications of the improvement  
19 project to be financed by the bond; and

20 (3) of the plans and specifications of a district  
21 improvement project related to:

22 (A) the use of land owned by the City of Houston;

23 (B) an easement granted by the City of Houston;

24 or

25 (C) a right-of-way of a street, road, or highway.

26 (d) If the district obtains the approval of the City of  
27 Houston of a capital improvements budget for a specified period not

1 to exceed five years, the district may finance the capital  
2 improvements and issue bonds specified in the budget without  
3 further approval from the City of Houston. (Loc. Gov. Code, Secs.  
4 376.278(a), (b) (part), (c), (d).)

5 Sec. 3807.159. ELECTIONS REGARDING TAXES OR  
6 BONDS. (a) In addition to the elections required under  
7 Subchapter L, Chapter 375, Local Government Code, the district must  
8 hold an election in the manner provided by that subchapter to obtain  
9 voter approval before the district may:

10 (1) impose a maintenance tax; or

11 (2) issue a bond payable from ad valorem taxes or  
12 assessments.

13 (b) The board may submit multiple purposes in a single  
14 proposition at an election. (Loc. Gov. Code, Sec. 376.281.)

15 [Sections 3807.160-3807.200 reserved for expansion]

16 SUBCHAPTER E. DISSOLUTION

17 Sec. 3807.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
18 DEBT. If the district has debt when it is dissolved, the district  
19 shall remain in existence solely for the purpose of discharging its  
20 bonds or obligations according to their terms. (Loc. Gov. Code,  
21 Sec. 376.285 (part).)

22 CHAPTER 3808. EAST DOWNTOWN MANAGEMENT DISTRICT

23 SUBCHAPTER A. GENERAL PROVISIONS

24 Sec. 3808.001. DEFINITIONS

25 Sec. 3808.002. EAST DOWNTOWN MANAGEMENT DISTRICT

26 Sec. 3808.003. PURPOSE; DECLARATION OF INTENT

27 Sec. 3808.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

- 1 Sec. 3808.005. DISTRICT TERRITORY
- 2 Sec. 3808.006. APPLICABILITY OF OTHER LAW
- 3 Sec. 3808.007. RELATION TO OTHER LAW
- 4 Sec. 3808.008. LIBERAL CONSTRUCTION OF CHAPTER
- 5 [Sections 3808.009-3808.050 reserved for expansion]
- 6 SUBCHAPTER B. BOARD OF DIRECTORS
- 7 Sec. 3808.051. BOARD OF DIRECTORS; TERMS
- 8 Sec. 3808.052. APPOINTMENT OF DIRECTORS
- 9 Sec. 3808.053. EX OFFICIO DIRECTORS
- 10 Sec. 3808.054. CONFLICTS OF INTEREST
- 11 [Sections 3808.055-3808.100 reserved for expansion]
- 12 SUBCHAPTER C. POWERS AND DUTIES
- 13 Sec. 3808.101. DISTRICT POWERS
- 14 Sec. 3808.102. NONPROFIT CORPORATION
- 15 Sec. 3808.103. CONTRACTS; GRANTS; DONATIONS
- 16 Sec. 3808.104. COMPETITIVE BIDDING
- 17 Sec. 3808.105. ANNEXATION
- 18 [Sections 3808.106-3808.150 reserved for expansion]
- 19 SUBCHAPTER D. FINANCIAL PROVISIONS
- 20 Sec. 3808.151. PETITION REQUIRED FOR FINANCING SERVICES AND
- 21 IMPROVEMENTS
- 22 Sec. 3808.152. DISBURSEMENTS AND TRANSFERS OF MONEY
- 23 Sec. 3808.153. BOARD VOTE REQUIRED TO IMPOSE TAXES,
- 24 ASSESSMENTS, OR IMPACT FEES
- 25 Sec. 3808.154. AUTHORITY TO IMPOSE AD VALOREM TAXES,
- 26 ASSESSMENTS, OR IMPACT FEES
- 27 Sec. 3808.155. MAINTENANCE TAX

1 Sec. 3808.156. ASSESSMENTS; LIEN FOR ASSESSMENTS

2 Sec. 3808.157. PROPERTY EXEMPT FROM TAXES, IMPACT FEES, AND  
3 ASSESSMENTS

4 Sec. 3808.158. OBLIGATIONS; APPROVAL BY CITY OF HOUSTON

5 Sec. 3808.159. ELECTIONS REGARDING TAXES OR BONDS

6 [Sections 3808.160-3808.200 reserved for expansion]

7 SUBCHAPTER E. DISSOLUTION

8 Sec. 3808.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
9 DEBT

10 CHAPTER 3808. EAST DOWNTOWN MANAGEMENT DISTRICT

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 3808.001. DEFINITIONS. In this chapter:

13 (1) "Board" means the board of directors of the  
14 district.

15 (2) "District" means the East Downtown Management  
16 District. (Loc. Gov. Code, Secs. 376.303(1), (3).)

17 Sec. 3808.002. EAST DOWNTOWN MANAGEMENT DISTRICT. A  
18 special district known as the "East Downtown Management District"  
19 is a governmental agency and political subdivision of this state.  
20 (Loc. Gov. Code, Sec. 376.301(a).)

21 Sec. 3803.003. PURPOSE; DECLARATION OF INTENT. (a) The  
22 creation of the district is essential to accomplish the purposes of  
23 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
24 Texas Constitution, and other public purposes stated in this  
25 chapter. By creating the district and in authorizing Harris  
26 County, the City of Houston, and other political subdivisions to  
27 contract with the district, the legislature has established a

1 program to accomplish the public purposes set out in Section 52-a,  
2 Article III, Texas Constitution.

3 (b) The creation of the district is necessary to promote,  
4 develop, encourage, and maintain employment, commerce,  
5 transportation, housing, tourism, recreation, the arts,  
6 entertainment, economic development, safety, and the public  
7 welfare in the east downtown area of the city of Houston.

8 (c) This chapter and the creation of the district may not be  
9 interpreted to relieve Harris County or the City of Houston from  
10 providing the level of services provided as of June 19, 1999, to the  
11 area in the district or to release the county or the city from the  
12 obligations of each entity to provide services to that area. The  
13 district is created to supplement and not to supplant the county or  
14 city services provided in the area in the district. (Loc. Gov.  
15 Code, Secs. 376.301(c), 376.302.)

16 Sec. 3808.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)  
17 The district is created to serve a public use and benefit.

18 (b) All land and other property included in the district  
19 will benefit from the improvements and services to be provided by  
20 the district under powers conferred by Sections 52 and 52-a,  
21 Article III, and Section 59, Article XVI, Texas Constitution, and  
22 other powers granted under this chapter.

23 (c) The creation of the district is in the public interest  
24 and is essential to:

25 (1) further the public purposes of developing and  
26 diversifying the economy of the state;

27 (2) eliminate unemployment and underemployment; and

1           (3) develop or expand transportation and commerce.

2           (d) The district will:

3           (1) promote the health, safety, and general welfare of  
4 residents, employers, employees, visitors, and consumers in the  
5 district, and of the public;

6           (2) provide needed funding for the east downtown area  
7 of the city of Houston to preserve, maintain, and enhance the  
8 economic health and vitality of the area as a community and business  
9 center; and

10          (3) promote the health, safety, welfare, and enjoyment  
11 of the public by providing pedestrian ways and by landscaping and  
12 developing certain areas in the district, which are necessary for  
13 the restoration, preservation, and enhancement of scenic and  
14 aesthetic beauty.

15          (e) Pedestrian ways along or across a street, whether at  
16 grade or above or below the surface, and street lighting, street  
17 landscaping, and street art objects are parts of and necessary  
18 components of a street and are considered to be a street or road  
19 improvement.

20          (f) The district will not act as the agent or  
21 instrumentality of any private interest even though the district  
22 will benefit many private interests as well as the public. (Loc.  
23 Gov. Code, Sec. 376.306.)

24          Sec. 3808.005. DISTRICT TERRITORY. (a) The district is  
25 composed of the territory described by Section 1, Chapter 1493,  
26 Acts of the 76th Legislature, Regular Session, 1999, enacting  
27 former Section 376.304, Local Government Code, as that territory

1 may have been modified under:

2 (1) Section 3808.105 or its predecessor statute,  
3 former Section 376.327, Local Government Code;

4 (2) Subchapter J, Chapter 49, Water Code; or

5 (3) other law.

6 (b) The boundaries and field notes of the district contained  
7 in Section 1, Chapter 1493, Acts of the 76th Legislature, Regular  
8 Session, 1999, enacting former Section 376.304, Local Government  
9 Code, form a closure. A mistake in the field notes or in copying the  
10 field notes in the legislative process does not in any way affect:

11 (1) the district's organization, existence, and  
12 validity;

13 (2) the district's right to issue any type of bond,  
14 including a refunding bond, for a purpose for which the district is  
15 created or to pay the principal of and interest on the bond;

16 (3) the district's right to impose and collect an  
17 assessment or tax; or

18 (4) the legality or operation of the district or the  
19 board. (Loc. Gov. Code, Sec. 376.305; New.)

20 Sec. 3808.006. APPLICABILITY OF OTHER LAW. Except as  
21 otherwise provided by this chapter, Chapter 375, Local Government  
22 Code, applies to the district, the board, and district employees.  
23 (Loc. Gov. Code, Secs. 376.307, 376.311 (part).)

24 Sec. 3808.007. RELATION TO OTHER LAW. This chapter  
25 prevails over any provision of general law, including a law to which  
26 this chapter refers that is in conflict with or is inconsistent with  
27 this chapter. (Loc. Gov. Code, Sec. 376.314 (part).)

1           Sec. 3808.008. LIBERAL CONSTRUCTION OF CHAPTER. This  
2 chapter shall be liberally construed in conformity with the  
3 findings and purposes stated in this chapter. (Loc. Gov. Code, Sec.  
4 376.308.)

5           [Sections 3808.009-3808.050 reserved for expansion]

6                           SUBCHAPTER B. BOARD OF DIRECTORS

7           Sec. 3808.051. BOARD OF DIRECTORS; TERMS. (a) The  
8 district is governed by a board of 17 directors who serve staggered  
9 terms of four years, with nine directors' terms expiring June 1 of  
10 an odd-numbered year and eight directors' terms expiring June 1 of  
11 the following odd-numbered year.

12           (b) The board by resolution may increase or decrease the  
13 number of directors on the board, but only if it is in the best  
14 interest of the district to do so. The board may not:

15                   (1) increase the number of directors to more than 30;

16 or

17                   (2) decrease the number of directors to fewer than  
18 nine. (Loc. Gov. Code, Sec. 376.309(a).)

19           Sec. 3808.052. APPOINTMENT OF DIRECTORS. The mayor and  
20 members of the governing body of the City of Houston shall appoint  
21 directors from persons recommended by the board who meet the  
22 qualifications prescribed by Subchapter D, Chapter 375, Local  
23 Government Code. (Loc. Gov. Code, Sec. 376.310 (part).)

24           Sec. 3808.053. EX OFFICIO DIRECTORS. (a) The following  
25 persons serve as nonvoting ex officio directors:

26                   (1) the directors of the parks and recreation,  
27 planning and development, public works, and civic center

1 departments of the City of Houston;

2 (2) the chief of police of the City of Houston;

3 (3) the general manager of the Metropolitan Transit  
4 Authority of Harris County, Texas; and

5 (4) the president of each institution of higher  
6 learning located in the district.

7 (b) If a department described by Subsection (a) is  
8 consolidated, renamed, or changed, the board may appoint a director  
9 of the consolidated, renamed, or changed department as a nonvoting  
10 ex officio director. If a department described by Subsection (a) is  
11 abolished, the board may appoint a representative of another  
12 department of the City of Houston that performs duties comparable  
13 to those performed by the abolished department.

14 (c) The board may appoint the presiding officer of a  
15 nonprofit corporation that is actively involved in activities in  
16 the east downtown area of the city of Houston to serve as a  
17 nonvoting ex officio director. (Loc. Gov. Code, Sec. 376.3125.)

18 Sec. 3808.054. CONFLICTS OF INTEREST. (a) Except as  
19 provided by this section:

20 (1) a director may participate in all board votes and  
21 decisions; and

22 (2) Chapter 171, Local Government Code, governs  
23 conflicts of interest of directors.

24 (b) Section 171.004, Local Government Code, does not apply  
25 to the district. A director who has a substantial interest in a  
26 business or charitable entity that will receive a pecuniary benefit  
27 from a board action shall file an affidavit with the board secretary

1 declaring the interest. Another affidavit is not required if the  
2 director's interest changes.

3 (c) After the affidavit is filed, the director may  
4 participate in a discussion or vote on that action if:

5 (1) a majority of the directors have a similar  
6 interest in the same entity; or

7 (2) all other similar business or charitable entities  
8 in the district will receive a similar pecuniary benefit.

9 (d) A director who is also an officer or employee of a public  
10 entity may not participate in a discussion of or vote on a matter  
11 regarding a contract with that same public entity.

12 (e) For purposes of this section, a director has a  
13 substantial interest in a charitable entity in the same manner that  
14 a person would have a substantial interest in a business entity  
15 under Section 171.002, Local Government Code. (Loc. Gov. Code,  
16 Sec. 376.3128.)

17 [Sections 3808.055-3808.100 reserved for expansion]

18 SUBCHAPTER C. POWERS AND DUTIES

19 Sec. 3808.101. DISTRICT POWERS. The district has:

20 (1) all powers necessary to accomplish the purposes  
21 for which the district was created;

22 (2) the powers given to a corporation under Section  
23 4B, Development Corporation Act of 1979 (Article 5190.6, Vernon's  
24 Texas Civil Statutes), and the power to own, operate, acquire,  
25 construct, lease, improve, and maintain projects; and

26 (3) the powers given to a housing finance corporation  
27 created under Chapter 394, Local Government Code, to provide

1 housing or residential development projects in the district. (Loc.  
2 Gov. Code, Sec. 376.311 (part).)

3 Sec. 3808.102. NONPROFIT CORPORATION. (a) The board by  
4 resolution may authorize the creation of a nonprofit corporation to  
5 assist and act for the district in implementing a project or  
6 providing a service authorized by this chapter.

7 (b) The nonprofit corporation:

8 (1) has each power of and is considered for purposes of  
9 this chapter to be a local government corporation created under  
10 Chapter 431, Transportation Code; and

11 (2) may implement any project and provide any service  
12 authorized by this chapter.

13 (c) The board shall appoint the board of directors of the  
14 nonprofit corporation. The board of directors of the nonprofit  
15 corporation shall serve in the same manner as, for the same term as,  
16 and on the conditions of the board of directors of a local  
17 government corporation created under Chapter 431, Transportation  
18 Code. (Loc. Gov. Code, Sec. 376.316.)

19 Sec. 3808.103. CONTRACTS; GRANTS; DONATIONS. (a) To  
20 protect the public interest, the district may contract with Harris  
21 County or the City of Houston for the county or the city to provide  
22 law enforcement services in the district for a fee.

23 (b) Harris County, the City of Houston, or another political  
24 subdivision of this state, without further authorization, may  
25 contract with the district to implement a project of the district or  
26 assist the district in providing a service authorized under this  
27 chapter. A contract under this subsection may:

- 1 (1) be for a period on which the parties agree;
- 2 (2) include terms on which the parties agree;
- 3 (3) be payable from taxes or any other source of  
4 revenue that may be available for that project or service; or
- 5 (4) provide terms under which taxes or other revenue  
6 collected at a district project or from a person using or purchasing  
7 a commodity or service at a district project may be paid or rebated  
8 to the district.

9 (c) The district may enter into a contract, lease, or other  
10 agreement with or make or accept a grant or loan to or from, or  
11 accept a donation from, any person, including:

- 12 (1) the United States;
- 13 (2) this state or a state agency;
- 14 (3) any political subdivision of this state; and
- 15 (4) a public or private corporation, including a  
16 nonprofit corporation created by the board under this subchapter.

17 (d) The district may perform all acts necessary for the full  
18 exercise of the powers vested in the district on terms and for the  
19 period the board determines advisable.

20 (e) The implementation of a project is a governmental  
21 function or service for purposes of Chapter 791, Government Code.  
22 (Loc. Gov. Code, Secs. 376.325, 376.328.)

23 Sec. 3808.104. COMPETITIVE BIDDING. Section 375.221, Local  
24 Government Code, does not apply to a district contract for \$25,000  
25 or less. (Loc. Gov. Code, Sec. 376.326.)

26 Sec. 3808.105. ANNEXATION. In addition to the authority to  
27 annex territory under Subchapter C, Chapter 375, Local Government

1 Code, the district has the authority to annex territory located in a  
2 reinvestment zone created by the City of Houston under Chapter 311,  
3 Tax Code, if the city's governing body consents to the annexation.  
4 (Loc. Gov. Code, Sec. 376.327.)

5 [Sections 3808.106-3808.150 reserved for expansion]

6 SUBCHAPTER D. FINANCIAL PROVISIONS

7 Sec. 3808.151. PETITION REQUIRED FOR FINANCING SERVICES AND  
8 IMPROVEMENTS. (a) The board may not finance a service or an  
9 improvement project under this chapter unless a written petition  
10 requesting that service or improvement is filed with the board.

11 (b) The petition must be signed by:

12 (1) the owners of a majority of the assessed value of  
13 real property in the district according to the most recent  
14 certified tax appraisal roll for Harris County; or

15 (2) at least 50 owners of land in the district, if more  
16 than 50 persons own property in the district according to the most  
17 recent certified tax appraisal roll for Harris County. (Loc. Gov.  
18 Code, Sec. 376.315.)

19 Sec. 3808.152. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
20 board by resolution shall establish the number of directors'  
21 signatures and the procedure required for a disbursement or  
22 transfer of the district's money. (Loc. Gov. Code, Sec. 376.317.)

23 Sec. 3808.153. BOARD VOTE REQUIRED TO IMPOSE TAXES,  
24 ASSESSMENTS, OR IMPACT FEES. The imposition of a tax, assessment,  
25 or impact fee requires a vote of a majority of the directors  
26 serving. (Loc. Gov. Code, Sec. 376.309(b) (part).)

27 Sec. 3808.154. AUTHORITY TO IMPOSE AD VALOREM TAXES,

1 ASSESSMENTS, OR IMPACT FEES. The district may impose an ad valorem  
2 tax, assessment, or impact fee as provided by Chapter 375, Local  
3 Government Code, to provide an improvement or service for a project  
4 or activity the district may acquire, construct, improve, or  
5 provide under this chapter. (Loc. Gov. Code, Sec. 376.311 (part).)

6 Sec. 3808.155. MAINTENANCE TAX. (a) If authorized at an  
7 election held in accordance with Section 3808.159, the district may  
8 impose an annual ad valorem tax on taxable property in the district  
9 to:

10 (1) maintain and operate the district and the  
11 improvements constructed or acquired by the district; or

12 (2) provide a service.

13 (b) The board shall determine the tax rate. (Loc. Gov.  
14 Code, Sec. 376.323.)

15 Sec. 3808.156. ASSESSMENTS; LIEN FOR ASSESSMENTS. (a) The  
16 board by resolution may impose and collect an assessment for any  
17 purpose authorized by this chapter.

18 (b) An assessment, a reassessment, or an assessment  
19 resulting from an addition to or correction of the assessment roll  
20 by the district, penalties and interest on an assessment or  
21 reassessment, an expense of collection, and reasonable attorney's  
22 fees incurred by the district:

23 (1) are a first and prior lien against the property  
24 assessed;

25 (2) are superior to any other lien or claim other than  
26 a lien or claim for county, school district, or municipal ad valorem  
27 taxes; and

1           (3) are the personal liability of and charge against  
2 the owners of the property even if the owners are not named in the  
3 assessment proceeding.

4           (c) The lien is effective from the date of the board's  
5 resolution imposing the assessment until the date the assessment is  
6 paid. The board may enforce the lien in the same manner that the  
7 board may enforce an ad valorem tax lien against real property.

8           (d) The board may correct, add to, or delete assessments  
9 from its assessment rolls after notice and hearing as provided by  
10 Subchapter F, Chapter 375, Local Government Code. (Loc. Gov. Code,  
11 Secs. 376.311 (part), 376.319.)

12           Sec. 3808.157. PROPERTY EXEMPT FROM TAXES, IMPACT FEES, AND  
13 ASSESSMENTS. The district may not impose:

14           (1) a tax, impact fee, or assessment on a residential  
15 property or condominium; or

16           (2) an impact fee or assessment on the property,  
17 equipment, or facilities of a person that provides to the public  
18 cable television, gas, light, power, telephone, sewage, or water  
19 service. (Loc. Gov. Code, Secs. 376.303(5), 376.320.)

20           Sec. 3808.158. OBLIGATIONS; APPROVAL BY CITY OF  
21 HOUSTON. (a) The district may issue bonds or other obligations  
22 payable in whole or in part from ad valorem taxes, assessments,  
23 impact fees, revenue, grants, or other money of the district, or any  
24 combination of those sources of money, to pay for any authorized  
25 purpose of the district.

26           (b) In exercising the district's borrowing power, the  
27 district may issue a bond or other obligation in the form of a bond,

1 note, certificate of participation or other instrument evidencing a  
2 proportionate interest in payments to be made by the district, or  
3 other type of obligation.

4 (c) Except as provided by Subsection (d), the district must  
5 obtain the approval of the City of Houston:

6 (1) for the issuance of a bond for each improvement  
7 project;

8 (2) of the plans and specifications of the improvement  
9 project to be financed by the bond; and

10 (3) of the plans and specifications of a district  
11 improvement project related to:

12 (A) the use of land owned by the City of Houston;

13 (B) an easement granted by the City of Houston;

14 or

15 (C) a right-of-way of a street, road, or highway.

16 (d) If the district obtains the approval of the City of  
17 Houston of a capital improvements budget for a specified period not  
18 to exceed five years, the district may finance the capital  
19 improvements and issue bonds specified in the budget without  
20 further approval from the City of Houston. (Loc. Gov. Code, Secs.  
21 376.318(a), (b) (part), (c), (d).)

22 Sec. 3808.159. ELECTIONS REGARDING TAXES OR  
23 BONDS. (a) In addition to the elections required under  
24 Subchapter L, Chapter 375, Local Government Code, the district must  
25 hold an election in the manner provided by that subchapter to obtain  
26 voter approval before the district may:

27 (1) impose a maintenance tax; or



1 SUBCHAPTER C. POWERS AND DUTIES

2 Sec. 3809.101. DISTRICT POWERS

3 Sec. 3809.102. NONPROFIT CORPORATION

4 Sec. 3809.103. AGREEMENTS, DONATIONS, GRANTS, AND LOANS

5 Sec. 3809.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT

6 Sec. 3809.105. COMPETITIVE BIDDING

7 Sec. 3809.106. APPROVAL OF CERTAIN IMPROVEMENT PROJECTS

8 Sec. 3809.107. ANNEXATION

9 [Sections 3809.108-3809.150 reserved for expansion]

10 SUBCHAPTER D. FINANCIAL PROVISIONS

11 Sec. 3809.151. PETITION REQUIRED FOR FINANCING SERVICES

12 AND IMPROVEMENTS

13 Sec. 3809.152. DISBURSEMENTS AND TRANSFERS OF MONEY

14 Sec. 3809.153. AUTHORITY TO IMPOSE AD VALOREM TAXES,

15 ASSESSMENTS, AND IMPACT FEES

16 Sec. 3809.154. MAINTENANCE TAX

17 Sec. 3809.155. ASSESSMENTS; LIENS FOR ASSESSMENTS

18 Sec. 3809.156. UTILITY PROPERTY EXEMPT FROM ASSESSMENTS AND

19 IMPACT FEES

20 Sec. 3809.157. CERTAIN RESIDENTIAL PROPERTY NOT EXEMPT

21 Sec. 3809.158. ELECTIONS REGARDING TAXES OR BONDS

22 Sec. 3809.159. MUNICIPALITY NOT REQUIRED TO PAY DISTRICT

23 OBLIGATIONS

24 [Sections 3809.160-3809.200 reserved for expansion]

25 SUBCHAPTER E. DISSOLUTION

26 Sec. 3809.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING

27 DEBT

1           CHAPTER 3809. MIDTOWN MANAGEMENT DISTRICT

2                   SUBCHAPTER A. GENERAL PROVISIONS

3           Sec. 3809.001. DEFINITIONS. In this chapter:

4                   (1) "Board" means the board of directors of the  
5 district.

6                   (2) "District" means the Midtown Management District.  
7 (Loc. Gov. Code, Secs. 376.353(1), (3).)

8           Sec. 3809.002. MIDTOWN MANAGEMENT DISTRICT. The Midtown  
9 Management District is a special district created under Section 59,  
10 Article XVI, Texas Constitution. (Loc. Gov. Code, Sec.  
11 376.351(a).)

12           Sec. 3809.003. PURPOSE; DECLARATION OF INTENT. (a) The  
13 creation of the district is essential to accomplish the purposes of  
14 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
15 Texas Constitution, and other public purposes stated in this  
16 chapter. By creating the district and in authorizing Harris  
17 County, the City of Houston, and other political subdivisions to  
18 contract with the district, the legislature has established a  
19 program to accomplish the public purposes set out in Section 52-a,  
20 Article III, Texas Constitution.

21                   (b) The creation of the district is necessary to promote,  
22 develop, encourage, and maintain employment, commerce,  
23 transportation, housing, tourism, recreation, the arts,  
24 entertainment, economic development, safety, and the public  
25 welfare in the midtown area of the city of Houston.

26                   (c) This chapter and the creation of the district may not be  
27 interpreted to relieve Harris County or the City of Houston from

1 providing the level of services provided as of August 30, 1999, to  
2 the area in the district or to release the county or the city from  
3 the obligations of each entity to provide services to that area.  
4 The district is created to supplement and not to supplant the county  
5 or city services provided in the area in the district. (Loc. Gov.  
6 Code, Secs. 376.351(c), 376.352.)

7 Sec. 3809.004. FINDINGS OF BENEFIT AND PUBLIC  
8 PURPOSE. (a) The district is created to serve a public use and  
9 benefit.

10 (b) All land and other property included in the district  
11 will benefit from the improvements and services to be provided by  
12 the district under powers conferred by Sections 52 and 52-a,  
13 Article III, and Section 59, Article XVI, Texas Constitution, and  
14 other powers granted under this chapter.

15 (c) The creation of the district is in the public interest  
16 and is essential to:

17 (1) further the public purposes of developing and  
18 diversifying the economy of the state;

19 (2) eliminate unemployment and underemployment; and

20 (3) develop or expand transportation and commerce.

21 (d) The district will:

22 (1) promote the health, safety, and general welfare of  
23 residents, employers, employees, visitors, and consumers in the  
24 district, and of the public;

25 (2) provide needed funding for the midtown area of the  
26 city of Houston to preserve, maintain, and enhance the economic  
27 health and vitality of the area as a community and business center;

1 and

2 (3) promote the health, safety, welfare, and enjoyment  
3 of the public by providing pedestrian ways and by landscaping and  
4 developing certain areas in the district, which are necessary for  
5 the restoration, preservation, and enhancement of scenic and  
6 aesthetic beauty.

7 (e) Pedestrian ways along or across a street, whether at  
8 grade or above or below the surface, and street lighting, street  
9 landscaping, and street art objects are parts of and necessary  
10 components of a street and are considered to be a street or road  
11 improvement.

12 (f) The district will not act as the agent or  
13 instrumentality of any private interest even though the district  
14 will benefit many private interests as well as the public. (Loc.  
15 Gov. Code, Sec. 376.356.)

16 Sec. 3809.005. DISTRICT TERRITORY. (a) The district is  
17 composed of the territory described by Section 1, Chapter 1017,  
18 Acts of the 76th Legislature, Regular Session, 1999, enacting  
19 former Section 376.304, Local Government Code, as that territory  
20 may have been modified under:

21 (1) Section 3809.107 or its predecessor statutes,  
22 former Section 376.316, Local Government Code, as added by Chapter  
23 1017, Acts of the 76th Legislature, Regular Session, 1999, and  
24 former Section 376.366, Local Government Code;

25 (2) Subchapter J, Chapter 49, Water Code; or

26 (3) other law.

27 (b) The boundaries and field notes of the district contained

1 in Section 1, Chapter 1017, Acts of the 76th Legislature, Regular  
2 Session, 1999, enacting former Section 376.304, Local Government  
3 Code, form a closure. A mistake in the field notes or in copying the  
4 field notes in the legislative process does not affect the  
5 district's:

- 6 (1) organization, existence, or validity;
- 7 (2) right to issue any type of bond for a purpose for  
8 which the district is created or to pay the principal of and  
9 interest on a bond;
- 10 (3) right to impose or collect an assessment; or
- 11 (4) legality or operation. (Loc. Gov. Code, Sec.  
12 376.355; New.)

13 Sec. 3809.006. APPLICABILITY OF OTHER LAW. Except as  
14 otherwise provided by this chapter, Chapter 375, Local Government  
15 Code, applies to the district, the board, and district employees.  
16 (Loc. Gov. Code, Sec. 376.357.)

17 Sec. 3809.007. LIBERAL CONSTRUCTION OF CHAPTER. This  
18 chapter shall be liberally construed in conformity with the  
19 findings and purposes stated in this chapter. (Loc. Gov. Code, Sec.  
20 376.358.)

21 [Sections 3809.008-3809.050 reserved for expansion]

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Sec. 3809.051. BOARD OF DIRECTORS; TERMS. (a) The  
24 district is governed by a board of 17 directors who serve staggered  
25 terms of four years with eight directors' terms expiring June 1 of  
26 an odd-numbered year and nine directors' terms expiring June 1 of  
27 the following odd-numbered year.

1 (b) A director shall receive compensation as provided by  
2 Section 49.060, Water Code. (Loc. Gov. Code, Sec. 376.359.)

3 Sec. 3809.052. APPOINTMENT OF DIRECTORS; IMMUNITY. (a)  
4 The mayor and members of the governing body of the City of Houston  
5 shall appoint directors from persons recommended by the board. A  
6 person is appointed if a majority of the members and the mayor vote  
7 to appoint that person.

8 (b) A person may not be appointed to the board if the  
9 appointment of that person would result in fewer than two-thirds of  
10 the directors being residents of the city of Houston.

11 (c) District directors are public officials entitled to  
12 governmental immunity for their official actions. (Loc. Gov. Code,  
13 Sec. 376.360.)

14 Sec. 3809.053. EX OFFICIO DIRECTORS. (a) The following  
15 persons serve as nonvoting ex officio directors:

16 (1) the directors of the parks and recreation,  
17 planning and development, public works, and civic center  
18 departments of the City of Houston;

19 (2) the chief of police of the City of Houston;

20 (3) Harris County's general manager of the  
21 Metropolitan Transit Authority of Harris County, Texas; and

22 (4) the president of each institution of higher  
23 learning located in the district.

24 (b) If a department described by Subsection (a) is  
25 consolidated, renamed, or changed, the board may appoint a director  
26 of the consolidated, renamed, or changed department as a nonvoting  
27 ex officio director. If a department described by Subsection (a) is

1 abolished, the board may appoint a representative of another  
2 department of the City of Houston that performs duties comparable  
3 to those performed by the abolished department.

4 (c) The board may appoint the presiding officer of a  
5 nonprofit corporation that is actively involved in activities in  
6 the midtown area of the city of Houston to serve as a nonvoting ex  
7 officio director. (Loc. Gov. Code, Sec. 376.361.)

8 Sec. 3809.054. CONFLICTS OF INTEREST. (a) Except as  
9 provided by this section:

10 (1) a director may participate in all board votes and  
11 decisions; and

12 (2) Chapter 171, Local Government Code, governs  
13 conflicts of interest of board members.

14 (b) Section 171.004, Local Government Code, does not apply  
15 to the district. A director who has a substantial interest in a  
16 business or charitable entity that will receive a pecuniary benefit  
17 from a board action shall file an affidavit with the board secretary  
18 declaring the interest. Another affidavit is not required if the  
19 director's interest changes.

20 (c) After the affidavit is filed, the director may  
21 participate in a discussion or vote on that action if:

22 (1) a majority of the directors have a similar  
23 interest in the same entity; or

24 (2) all other similar business or charitable entities  
25 in the district will receive a similar pecuniary benefit.

26 (d) A director who is also an officer or employee of a public  
27 entity may not participate in a discussion of or vote on a matter

1 regarding a contract with that same public entity.

2 (e) For purposes of this section, a director has a  
3 substantial interest in a charitable entity in the same manner that  
4 a person would have a substantial interest in a business entity  
5 under Section 171.002, Local Government Code. (Loc. Gov. Code,  
6 Sec. 376.362.)

7 [Sections 3809.055-3809.100 reserved for expansion]

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 3809.101. DISTRICT POWERS. The district may exercise  
10 the powers given to:

11 (1) a corporation created under Section 4B,  
12 Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas  
13 Civil Statutes); and

14 (2) a housing finance corporation created under  
15 Chapter 394, Local Government Code, to provide housing or  
16 residential development projects in the district. (Loc. Gov. Code,  
17 Secs. 376.363(a), (b).)

18 Sec. 3809.102. NONPROFIT CORPORATION. (a) The board by  
19 resolution may authorize the creation of a nonprofit corporation to  
20 assist and act for the district in implementing a project or  
21 providing a service authorized by this chapter.

22 (b) The nonprofit corporation:

23 (1) has each power of and is considered for purposes of  
24 this chapter to be a local government corporation created under  
25 Chapter 431, Transportation Code; and

26 (2) may implement any project and provide any service  
27 authorized by this chapter.

1 (c) The board shall appoint the board of directors of the  
2 nonprofit corporation. The board of directors of the nonprofit  
3 corporation shall serve in the same manner as, for the same term as,  
4 and on the conditions of the board of directors of a local  
5 government corporation created under Chapter 431, Transportation  
6 Code. (Loc. Gov. Code, Sec. 376.365.)

7 Sec. 3809.103. AGREEMENTS, DONATIONS, GRANTS, AND  
8 LOANS. (a) The district may enter into an agreement with or  
9 accept a donation, grant, or loan from any person.

10 (b) The implementation of a project is a governmental  
11 function or service for the purposes of Chapter 791, Government  
12 Code. (Loc. Gov. Code, Secs. 376.364(a), (b).)

13 Sec. 3809.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.  
14 To protect the public interest, the district may contract with  
15 Harris County or the City of Houston for the county or the city to  
16 provide law enforcement services in the district for a fee. (Loc.  
17 Gov. Code, Sec. 376.364(c).)

18 Sec. 3809.105. COMPETITIVE BIDDING. Section 375.221, Local  
19 Government Code, does not apply to a district contract for \$25,000  
20 or less. (Loc. Gov. Code, Sec. 376.375.)

21 Sec. 3809.106. APPROVAL OF CERTAIN IMPROVEMENT  
22 PROJECTS. (a) Except as provided by Subsection (b), the district  
23 must obtain the approval of the City of Houston's governing body:

24 (1) for the issuance of a bond for each improvement  
25 project;

26 (2) of the plans and specifications of an improvement  
27 project financed by the bond; and

1           (3) of the plans and specifications of any district  
2 improvement project related to the use of land owned by the City of  
3 Houston, an easement granted by the City of Houston, or a  
4 right-of-way of a street, road, or highway.

5           (b) If the district obtains the approval of the City of  
6 Houston's governing body of a capital improvements budget for a  
7 period not to exceed five years, the district may finance the  
8 capital improvements and issue bonds specified in the budget  
9 without further approval of the City of Houston. (Loc. Gov. Code,  
10 Secs. 376.373(a), (b), (c).)

11           Sec. 3809.107. ANNEXATION. In addition to the authority to  
12 annex territory under Subchapter C, Chapter 375, Local Government  
13 Code, the district has the authority to annex territory located in a  
14 reinvestment zone created by the City of Houston under Chapter 311,  
15 Tax Code, if the city's governing body consents to the annexation.  
16 (Loc. Gov. Code, Sec. 376.366.)

17           [Sections 3809.108-3809.150 reserved for expansion]

18                           SUBCHAPTER D. FINANCIAL PROVISIONS

19           Sec. 3809.151. PETITION REQUIRED FOR FINANCING SERVICES AND  
20 IMPROVEMENTS. (a) The board may not finance a service or an  
21 improvement project under this chapter unless a written petition  
22 requesting that service or improvement is filed with the board.

23           (b) The petition must be signed by:

24                   (1) the owners of a majority of the assessed value of  
25 real property in the district according to the most recent  
26 certified tax appraisal roll for Harris County; or

27                   (2) at least 25 owners of land in the district, if more

1 than 25 persons own property in the district according to the most  
2 recent certified tax appraisal roll for Harris County. (Loc. Gov.  
3 Code, Sec. 376.367.)

4 Sec. 3809.152. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
5 board by resolution shall establish the number of directors'  
6 signatures and the procedure required for a disbursement or  
7 transfer of the district's money. (Loc. Gov. Code, Sec. 376.374.)

8 Sec. 3809.153. AUTHORITY TO IMPOSE AD VALOREM TAXES,  
9 ASSESSMENTS, AND IMPACT FEES. The district may impose an ad valorem  
10 tax, assessment, or impact fee as provided by Chapter 375, Local  
11 Government Code, on all property in the district, including  
12 industrial, commercial, or residential property, to finance:

13 (1) an improvement this chapter authorizes the  
14 district to construct or acquire; or

15 (2) a service this chapter authorizes the district to  
16 provide. (Loc. Gov. Code, Sec. 376.363(c).)

17 Sec. 3809.154. MAINTENANCE TAX. (a) If authorized at an  
18 election held in accordance with Section 3809.158, the district may  
19 impose an annual ad valorem tax on taxable property in the district  
20 to:

21 (1) maintain and operate the district and the  
22 improvements constructed or acquired by the district; or

23 (2) provide a service.

24 (b) The board shall determine the tax rate. (Loc. Gov.  
25 Code, Sec. 376.369.)

26 Sec. 3809.155. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
27 The board by resolution may impose and collect an assessment for any

1 purpose authorized by this chapter.

2 (b) An assessment, including an assessment resulting from  
3 an addition to or correction of the assessment roll by the district,  
4 a reassessment, penalties and interest on an assessment or  
5 reassessment, an expense of collection, and reasonable attorney's  
6 fees incurred by the district:

7 (1) are a first and prior lien against the property  
8 assessed;

9 (2) are superior to any other lien or claim other than  
10 a lien or claim for county, school district, or municipal ad valorem  
11 taxes; and

12 (3) are the personal liability of and a charge against  
13 the owners of the property even if the owners are not named in the  
14 assessment proceedings.

15 (c) The lien is effective from the date of the board's  
16 resolution imposing the assessment until the date the assessment is  
17 paid. The board may enforce the lien in the same manner that the  
18 board may enforce an ad valorem tax lien against real property.  
19 (Loc. Gov. Code, Sec. 376.370.)

20 Sec. 3809.156. UTILITY PROPERTY EXEMPT FROM ASSESSMENTS AND  
21 IMPACT FEES. The district may not impose an assessment or impact  
22 fee on the property of a person that provides to the public gas,  
23 electricity, telephone, sewage, or water service. (Loc. Gov. Code,  
24 Secs. 376.353(5), 376.372.)

25 Sec. 3809.157. CERTAIN RESIDENTIAL PROPERTY NOT EXEMPT.  
26 Section 375.161, Local Government Code, does not apply to the  
27 district. (Loc. Gov. Code, Sec. 376.371.)

1           Sec. 3809.158. ELECTIONS           REGARDING           TAXES           OR  
2 BONDS. (a) In addition to the elections required under  
3 Subchapter L, Chapter 375, Local Government Code, the district must  
4 hold an election in the manner provided by that subchapter to obtain  
5 voter approval before the district may:

- 6                   (1) impose a maintenance tax; or  
7                   (2) issue a bond payable from ad valorem taxes or  
8 assessments.

9           (b) The board may include more than one purpose in a single  
10 proposition at an election. (Loc. Gov. Code, Sec. 376.368.)

11           Sec. 3809.159. MUNICIPALITY NOT REQUIRED TO PAY DISTRICT  
12 OBLIGATIONS. Except as provided by Section 375.263, Local  
13 Government Code, a municipality is not required to pay a bond, note,  
14 or other obligation of the district. (Loc. Gov. Code, Sec.  
15 376.373(d).)

16           [Sections 3809.160-3809.200 reserved for expansion]

17                                   SUBCHAPTER E. DISSOLUTION

18           Sec. 3809.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
19 DEBT. (a) The board may dissolve the district regardless of  
20 whether the district has debt. Section 375.264, Local Government  
21 Code, does not apply to the district.

22           (b) If the district has debt when it is dissolved, the  
23 district shall remain in existence solely for the purpose of  
24 discharging its debts. The dissolution is effective when all debts  
25 have been discharged. (Loc. Gov. Code, Sec. 376.376.)

26           CHAPTER 3810. HARRIS COUNTY MUNICIPAL MANAGEMENT DISTRICT NO. 1

27                                   SUBCHAPTER A. GENERAL PROVISIONS

- 1 Sec. 3810.001. DEFINITIONS
- 2 Sec. 3810.002. HARRIS COUNTY MUNICIPAL MANAGEMENT
- 3 DISTRICT NO. 1
- 4 Sec. 3810.003. PURPOSE; DECLARATION OF INTENT
- 5 Sec. 3810.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE
- 6 Sec. 3810.005. DISTRICT TERRITORY
- 7 Sec. 3810.006. APPLICABILITY OF OTHER LAW
- 8 Sec. 3810.007. LIBERAL CONSTRUCTION OF CHAPTER
- 9 [Sections 3810.008-3810.050 reserved for expansion]
- 10 SUBCHAPTER B. BOARD OF DIRECTORS
- 11 Sec. 3810.051. BOARD OF DIRECTORS; TERMS
- 12 Sec. 3810.052. APPOINTMENT OF DIRECTORS
- 13 Sec. 3810.053. EX OFFICIO DIRECTORS
- 14 Sec. 3810.054. CONFLICTS OF INTEREST
- 15 [Sections 3810.055-3810.100 reserved for expansion]
- 16 SUBCHAPTER C. POWERS AND DUTIES
- 17 Sec. 3810.101. DISTRICT POWERS
- 18 Sec. 3810.102. NONPROFIT CORPORATION
- 19 Sec. 3810.103. AGREEMENTS, DONATIONS, GRANTS, AND
- 20 LOANS
- 21 Sec. 3810.104. AUTHORITY TO CONTRACT FOR LAW
- 22 ENFORCEMENT
- 23 Sec. 3810.105. COMPETITIVE BIDDING
- 24 Sec. 3810.106. APPROVAL BY CITY OF HOUSTON
- 25 Sec. 3810.107. ANNEXATION
- 26 [Sections 3810.108-3810.150 reserved for expansion]
- 27 SUBCHAPTER D. FINANCIAL PROVISIONS

1 Sec. 3810.151. PETITION REQUIRED FOR FINANCING

2 SERVICES AND IMPROVEMENTS

3 Sec. 3810.152. DISBURSEMENTS AND TRANSFERS OF MONEY

4 Sec. 3810.153. MAINTENANCE TAX

5 Sec. 3810.154. ASSESSMENTS; LIENS FOR ASSESSMENTS

6 Sec. 3810.155. UTILITY PROPERTY EXEMPT FROM IMPACT

7 FEES AND ASSESSMENTS

8 Sec. 3810.156. ELECTIONS REGARDING TAXES OR BONDS

9 Sec. 3810.157. MUNICIPALITY NOT OBLIGATED TO PAY

10 DISTRICT OBLIGATIONS

11 [Sections 3810.158-3810.200 reserved for expansion]

12 SUBCHAPTER E. DISSOLUTION

13 Sec. 3810.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING

14 DEBT

15 CHAPTER 3810. HARRIS COUNTY MUNICIPAL MANAGEMENT DISTRICT NO. 1

16 SUBCHAPTER A. GENERAL PROVISIONS

17 Sec. 3810.001. DEFINITIONS. In this chapter:

18 (1) "Board" means the board of directors of the  
19 district.

20 (2) "District" means the Harris County Municipal  
21 Management District No. 1. (Loc. Gov. Code, Secs. 376.403(1),  
22 (3).)

23 Sec. 3810.002. HARRIS COUNTY MUNICIPAL MANAGEMENT DISTRICT  
24 NO. 1. The Harris County Municipal Management District No. 1 is a  
25 special district created under Section 59, Article XVI, Texas  
26 Constitution. (Loc. Gov. Code, Sec. 376.401(a).)

27 Sec. 3810.003. PURPOSE; DECLARATION OF INTENT. (a) The

1 creation of the district is essential to accomplish the purposes of  
2 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
3 Texas Constitution, and other public purposes stated in this  
4 chapter. By creating the district and in authorizing Harris  
5 County, the City of Houston, and other political subdivisions to  
6 contract with the district, the legislature has established a  
7 program to accomplish the public purposes set out in Section 52-a,  
8 Article III, Texas Constitution.

9 (b) The creation of the district is necessary to promote,  
10 develop, encourage, and maintain employment, commerce,  
11 transportation, housing, tourism, recreation, the arts,  
12 entertainment, economic development, safety, and the public  
13 welfare in the district.

14 (c) This chapter and the creation of the district may not be  
15 interpreted to relieve Harris County or the City of Houston from  
16 providing the level of services provided as of June 18, 1999, to the  
17 area in the district or to release the county or the city from the  
18 obligations of each entity to provide services to that area. The  
19 district is created to supplement and not to supplant the county or  
20 city services provided in the area in the district. (Loc. Gov.  
21 Code, Secs. 376.401(c), 376.402.)

22 Sec. 3810.004. FINDINGS OF BENEFIT AND PUBLIC  
23 PURPOSE. (a) The district is created to serve a public use and  
24 benefit.

25 (b) All land and other property included in the district  
26 will benefit from the improvements and services to be provided by  
27 the district under powers conferred by Sections 52 and 52-a,

1 Article III, and Section 59, Article XVI, Texas Constitution, and  
2 other powers granted under this chapter.

3 (c) The creation of the district is in the public interest  
4 and is essential to:

5 (1) further the public purposes of developing and  
6 diversifying the economy of the state;

7 (2) eliminate unemployment and underemployment; and

8 (3) develop or expand transportation and commerce.

9 (d) The district will:

10 (1) promote the health, safety, and general welfare of  
11 residents, employers, employees, visitors, and consumers in the  
12 district and of the public;

13 (2) provide needed funding to preserve, maintain, and  
14 enhance the economic health and vitality of the area as a community  
15 and business center; and

16 (3) promote the health, safety, welfare, and enjoyment  
17 of the public by providing pedestrian ways and by landscaping and  
18 developing certain areas in the district, which are necessary for  
19 the restoration, preservation, and enhancement of scenic and  
20 aesthetic beauty.

21 (e) Pedestrian ways along or across a street, whether at  
22 grade or above or below the surface, and street lighting, street  
23 landscaping, and street art objects are parts of and necessary  
24 components of a street and are considered to be a street or road  
25 improvement.

26 (f) The district may not act as the agent or instrumentality  
27 of any private interest even though the district will benefit many

1 private interests as well as the public. (Loc. Gov. Code, Sec.  
2 376.406.)

3 Sec. 3810.005. DISTRICT TERRITORY. (a) The district is  
4 composed of the territory described by Chapter 1324, Acts of the  
5 76th Legislature, Regular Session, 1999, enacting former Section  
6 376.304, Local Government Code, as that territory may have been  
7 modified under:

8 (1) Section 3810.107, or its predecessor statutes,  
9 former Section 376.316, Local Government Code, as added by Chapter  
10 1324, Acts of the 76th Legislature, Regular Session, 1999, and  
11 former Section 376.416, Local Government Code;

12 (2) Subchapter J, Chapter 49, Water Code; or

13 (3) other law.

14 (b) The boundaries and field notes of the district contained  
15 in Chapter 1324, Acts of the 76th Legislature, Regular Session,  
16 1999, enacting former Section 376.304, Local Government Code, form  
17 a closure. A mistake in the field notes or in copying the field  
18 notes in the legislative process does not affect the district's:

19 (1) organization, existence, or validity;

20 (2) right to issue any type of bond for a purpose for  
21 which the district is created or to pay the principal of and  
22 interest on the bond;

23 (3) right to impose or collect an assessment or tax; or

24 (4) legality or operation. (Loc. Gov. Code, Sec.  
25 376.405; New.)

26 Sec. 3810.006. APPLICABILITY OF OTHER LAW. Except as  
27 otherwise provided by this chapter, Chapter 375, Local Government

1 Code, applies to the district. (Loc. Gov. Code, Sec. 376.407.)

2 Sec. 3810.007. LIBERAL CONSTRUCTION OF CHAPTER. This  
3 chapter shall be liberally construed in conformity with the  
4 findings and purposes stated in this chapter. (Loc. Gov. Code, Sec.  
5 376.408.)

6 [Sections 3810.008-3810.050 reserved for expansion]

7 SUBCHAPTER B. BOARD OF DIRECTORS

8 Sec. 3810.051. BOARD OF DIRECTORS; TERMS. (a) The  
9 district is governed by a board of 11 directors who serve staggered  
10 terms of four years.

11 (b) A director shall receive compensation as provided by  
12 Section 49.060, Water Code. (Loc. Gov. Code, Sec. 376.409.)

13 Sec. 3810.052. APPOINTMENT OF DIRECTORS. (a) The mayor  
14 and members of the governing body of the City of Houston shall  
15 appoint directors from persons recommended by the board. A person  
16 is appointed if a majority of the members and the mayor vote to  
17 appoint the person.

18 (b) A person may not be appointed to the board if the  
19 appointment of that person would result in fewer than two-thirds of  
20 the directors being residents of the city of Houston. (Loc. Gov.  
21 Code, Sec. 376.410.)

22 Sec. 3810.053. EX OFFICIO DIRECTORS. (a) The following  
23 persons serve as nonvoting ex officio directors:

24 (1) the directors of the parks and recreation,  
25 planning and development, public works, and civic center  
26 departments of the City of Houston;

27 (2) the chief of police of the City of Houston;

1           (3) Harris County's general manager of the  
2 Metropolitan Transit Authority of Harris County, Texas; and

3           (4) the president of each institution of higher  
4 learning located in the district.

5           (b) If a department described by Subsection (a) is  
6 consolidated, renamed, or changed, the board may appoint a director  
7 of the consolidated, renamed, or changed department as a nonvoting  
8 ex officio director. If a department described by Subsection (a) is  
9 abolished, the board may appoint a representative of another  
10 department of the City of Houston that performs duties comparable  
11 to those performed by the abolished department.

12           (c) The board may appoint the presiding officer of a  
13 nonprofit corporation actively involved in activities in the area  
14 of the district in the city of Houston to serve as a nonvoting ex  
15 officio director. (Loc. Gov. Code, Sec. 376.411.)

16           Sec. 3810.054. CONFLICTS OF INTEREST. (a) Except as  
17 provided by this section:

18           (1) a director may participate in all board votes and  
19 decisions; and

20           (2) Chapter 171, Local Government Code, governs  
21 conflicts of interest of directors.

22           (b) Section 171.004, Local Government Code, does not apply  
23 to the district. A director who has a substantial interest in a  
24 business or charitable entity that will receive a pecuniary benefit  
25 from a board action shall file an affidavit with the board secretary  
26 declaring the interest. Another affidavit is not required if the  
27 director's interest changes.

1 (c) After the affidavit is filed, the director may  
2 participate in a discussion or vote on that action if:

3 (1) a majority of the directors have a similar  
4 interest in the same entity; or

5 (2) all other similar business or charitable entities  
6 in the district will receive a similar pecuniary benefit.

7 (d) A director who is also an officer or employee of a public  
8 entity may not participate in a discussion of or vote on a matter  
9 regarding a contract with that same public entity.

10 (e) For purposes of this section, a director has a  
11 substantial interest in a charitable entity in the same manner that  
12 a person would have a substantial interest in a business entity  
13 under Section 171.002, Local Government Code. (Loc. Gov. Code,  
14 Sec. 376.412.)

15 [Sections 3810.055-3810.100 reserved for expansion]

16 SUBCHAPTER C. POWERS AND DUTIES

17 Sec. 3810.101. DISTRICT POWERS. (a) The district may  
18 exercise the powers given to:

19 (1) a corporation created under Section 4B,  
20 Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas  
21 Civil Statutes);

22 (2) a housing finance corporation created under  
23 Chapter 394, Local Government Code, to provide housing or  
24 residential development projects in the district; and

25 (3) an eligible political subdivision under Chapter  
26 221, Natural Resources Code.

27 (b) The district may exercise its powers in an area outside

1 the district if the board determines that exercising that power  
2 benefits the district. (Loc. Gov. Code, Sec. 376.413.)

3 Sec. 3810.102. NONPROFIT CORPORATION. (a) The board by  
4 resolution may authorize the creation of a nonprofit corporation to  
5 assist and act for the district in implementing a project or  
6 providing a service authorized by this chapter.

7 (b) The nonprofit corporation:

8 (1) has each power of and is considered for purposes of  
9 this chapter to be a local government corporation created under  
10 Chapter 431, Transportation Code; and

11 (2) may implement any project and provide any service  
12 authorized by this chapter.

13 (c) The board shall appoint the board of directors of the  
14 nonprofit corporation. The board of directors of the nonprofit  
15 corporation shall serve in the same manner as, for the same term as,  
16 and on the same conditions as the board of directors of a local  
17 government corporation created under Chapter 431, Transportation  
18 Code. (Loc. Gov. Code, Sec. 376.415.)

19 Sec. 3810.103. AGREEMENTS, DONATIONS, GRANTS, AND  
20 LOANS. (a) The district may enter into an agreement with or  
21 accept a donation, grant, or loan from any person.

22 (b) The implementation of a project is a governmental  
23 function or service for purposes of Chapter 791, Government Code.  
24 (Loc. Gov. Code, Secs. 376.414(a), (b).)

25 Sec. 3810.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.  
26 To protect the public interest, the district may contract with  
27 Harris County or the City of Houston for the county or city to

1 provide law enforcement services in the district for a fee. (Loc.  
2 Gov. Code, Sec. 376.414(c).)

3 Sec. 3810.105. COMPETITIVE BIDDING. Section 375.221, Local  
4 Government Code, does not apply to a district contract for \$25,000  
5 or less. (Loc. Gov. Code, Sec. 376.424.)

6 Sec. 3810.106. APPROVAL BY CITY OF HOUSTON. (a) Except as  
7 provided by Subsection (b), the district must obtain approval from  
8 the City of Houston's governing body:

9 (1) for the issuance of a bond for each improvement  
10 project;

11 (2) of the plans and specifications of the improvement  
12 project to be financed by the bond; and

13 (3) of the plans and specifications of any district  
14 improvement project related to the use of land owned by the City of  
15 Houston, an easement granted by the City of Houston, or a  
16 right-of-way of a street, road, or highway.

17 (b) If the district obtains approval from the City of  
18 Houston's governing body of a capital improvements budget for a  
19 period not to exceed five years, the district may finance the  
20 capital improvements and issue bonds specified in the budget  
21 without further approval from the City of Houston. (Loc. Gov. Code,  
22 Secs. 376.422(a), (b), (c).)

23 Sec. 3810.107. ANNEXATION. In addition to the authority to  
24 annex territory under Subchapter C, Chapter 375, Local Government  
25 Code, the district has the authority to annex territory located in a  
26 reinvestment zone created by the City of Houston under Chapter 311,  
27 Tax Code, if the city's governing body consents to the annexation.

1 (Loc. Gov. Code, Sec. 376.416.)

2 [Sections 3810.108-3810.150 reserved for expansion]

3 SUBCHAPTER D. FINANCIAL PROVISIONS

4 Sec. 3810.151. PETITION REQUIRED FOR FINANCING SERVICES AND  
5 IMPROVEMENTS. (a) The board may not finance a service or an  
6 improvement project under this chapter unless a written petition  
7 requesting that service or improvement is filed with the board.

8 (b) The petition must be signed by the owners of a majority  
9 of the assessed value of real property in the district according to  
10 the most recent certified tax appraisal roll for Harris County.  
11 (Loc. Gov. Code, Sec. 376.418.)

12 Sec. 3810.152. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
13 board by resolution shall establish the number of directors'  
14 signatures and the procedure required for a disbursement or  
15 transfer of the district's money. (Loc. Gov. Code, Sec. 376.423.)

16 Sec. 3810.153. MAINTENANCE TAX. (a) The district may  
17 impose an annual ad valorem tax on taxable property in the district  
18 to maintain and operate the district and the improvements  
19 constructed or acquired by the district or to provide a service only  
20 if:

21 (1) two-thirds of the directors vote in favor of  
22 imposing the tax; and

23 (2) the tax is authorized at an election held in  
24 accordance with Section 3810.156.

25 (b) The board shall determine the tax rate. (Loc. Gov.  
26 Code, Sec. 376.420.)

27 Sec. 3810.154. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)

1 The board by resolution may impose and collect an assessment for any  
2 purpose authorized by this chapter only if two-thirds of the  
3 directors vote in favor of imposing the assessment.

4 (b) An assessment, a reassessment, or an assessment  
5 resulting from an addition to or correction of the assessment roll  
6 by the district, penalties and interest on an assessment or  
7 reassessment, an expense of collection, and reasonable attorney's  
8 fees incurred by the district:

9 (1) are a first and prior lien against the property  
10 assessed;

11 (2) are superior to any other lien or claim other than  
12 a lien or claim for county, school district, or municipal ad valorem  
13 taxes; and

14 (3) are the personal liability of and a charge against  
15 the owners of the property even if the owners are not named in the  
16 assessment proceeding.

17 (c) The lien is effective from the date of the board's  
18 resolution imposing the assessment until the date the assessment is  
19 paid. The board may enforce the lien in the same manner that the  
20 board may enforce an ad valorem tax lien against real property.  
21 (Loc. Gov. Code, Sec. 376.417.)

22 Sec. 3810.155. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND  
23 ASSESSMENTS. The district may not impose an impact fee or  
24 assessment on the property of a person who provides to the public  
25 gas, electric, telephone, sewage, or water service. (Loc. Gov.  
26 Code, Secs. 376.403(5), 376.421.)

27 Sec. 3810.156. ELECTIONS REGARDING TAXES OR

1 BONDS. (a) In addition to the elections required under  
2 Subchapter L, Chapter 375, Local Government Code, the district must  
3 hold an election in the manner provided by that subchapter to obtain  
4 voter approval before the district may:

- 5 (1) impose a maintenance tax; or  
6 (2) issue a bond payable from ad valorem taxes or  
7 assessments.

8 (b) The board may submit multiple purposes in a single  
9 proposition at an election. (Loc. Gov. Code, Sec. 376.419.)

10 Sec. 3810.157. MUNICIPALITY NOT OBLIGATED TO PAY DISTRICT  
11 OBLIGATIONS. Except as provided by Section 375.263, Local  
12 Government Code, a municipality is not obligated to pay a bond,  
13 note, or other obligation of the district. (Loc. Gov. Code, Sec.  
14 376.422(d).)

15 [Sections 3810.158-3810.200 reserved for expansion]

16 SUBCHAPTER E. DISSOLUTION

17 Sec. 3810.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
18 DEBT. (a) The board may dissolve the district regardless of  
19 whether the district has debt. Section 375.264, Local Government  
20 Code, does not apply to the district.

21 (b) If the district has debt when it is dissolved, the  
22 district shall remain in existence solely for the purpose of  
23 discharging its debts. The dissolution is effective when all debts  
24 have been discharged. (Loc. Gov. Code, Sec. 376.425.)

25 CHAPTER 3811. NEAR NORTHWEST MANAGEMENT DISTRICT

26 SUBCHAPTER A. GENERAL PROVISIONS

27 Sec. 3811.001. DEFINITIONS

- 1 Sec. 3811.002. NEAR NORTHWEST MANAGEMENT DISTRICT
- 2 Sec. 3811.003. PURPOSE; DECLARATION OF INTENT
- 3 Sec. 3811.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE
- 4 Sec. 3811.005. DISTRICT TERRITORY
- 5 Sec. 3811.006. APPLICABILITY OF OTHER LAW
- 6 Sec. 3811.007. RELATION TO OTHER LAW
- 7 Sec. 3811.008. LIBERAL CONSTRUCTION OF CHAPTER
- 8 [Sections 3811.009-3811.050 reserved for expansion]
- 9 SUBCHAPTER B. BOARD OF DIRECTORS
- 10 Sec. 3811.051. BOARD OF DIRECTORS; TERMS
- 11 Sec. 3811.052. APPOINTMENT OF DIRECTORS
- 12 Sec. 3811.053. EX OFFICIO DIRECTORS
- 13 Sec. 3811.054. CONFLICTS OF INTEREST
- 14 [Sections 3811.055-3811.100 reserved for expansion]
- 15 SUBCHAPTER C. POWERS AND DUTIES
- 16 Sec. 3811.101. DISTRICT POWERS
- 17 Sec. 3811.102. NONPROFIT CORPORATION
- 18 Sec. 3811.103. CONTRACTS; GRANTS; DONATIONS
- 19 Sec. 3811.104. ANNEXATION
- 20 [Sections 3811.105-3811.150 reserved for expansion]
- 21 SUBCHAPTER D. FINANCIAL PROVISIONS
- 22 Sec. 3811.151. PETITION REQUIRED FOR FINANCING SERVICES
- 23 AND IMPROVEMENTS
- 24 Sec. 3811.152. DISBURSEMENTS AND TRANSFERS OF MONEY
- 25 Sec. 3811.153. BOARD VOTE REQUIRED TO IMPOSE TAXES,
- 26 ASSESSMENTS, OR IMPACT FEES
- 27 Sec. 3811.154. AUTHORITY TO IMPOSE AD VALOREM TAXES,

1 ASSESSMENTS, AND IMPACT FEES

2 Sec. 3811.155. MAINTENANCE TAX

3 Sec. 3811.156. ASSESSMENTS; LIENS FOR ASSESSMENTS

4 Sec. 3811.157. PROPERTY EXEMPT FROM IMPACT FEES AND  
5 ASSESSMENTS

6 Sec. 3811.158. OBLIGATIONS; APPROVAL BY CITY OF HOUSTON

7 Sec. 3811.159. ELECTIONS REGARDING TAXES OR BONDS

8 Sec. 3811.160. SALES AND USE TAX PROHIBITED

9 [Sections 3811.161-3811.200 reserved for expansion]

10 SUBCHAPTER E. DISSOLUTION

11 Sec. 3811.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
12 DEBT

13 CHAPTER 3811. NEAR NORTHWEST MANAGEMENT DISTRICT

14 SUBCHAPTER A. GENERAL PROVISIONS

15 Sec. 3811.001. DEFINITIONS. In this chapter:

16 (1) "Board" means the board of directors of the  
17 district.

18 (2) "District" means the Near Northwest Management  
19 District. (Loc. Gov. Code, Secs. 376.453(1), (3), as added Acts  
20 77th Leg., R.S., Ch. 418.)

21 Sec. 3811.002. NEAR NORTHWEST MANAGEMENT DISTRICT. A  
22 special district known as the "Near Northwest Management District"  
23 is a governmental agency and political subdivision of this state.  
24 (Loc. Gov. Code, Sec. 376.451(a), as added Acts 77th Leg., R.S., Ch.  
25 418.)

26 Sec. 3811.003. PURPOSE; DECLARATION OF INTENT. (a) The  
27 creation of the district is essential to accomplish the purposes of

1 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
2 Texas Constitution, and other public purposes stated in this  
3 chapter. By creating the district and in authorizing Harris  
4 County, the City of Houston, and other political subdivisions to  
5 contract with the district, the legislature has established a  
6 program to accomplish the public purposes set out in Section 52-a,  
7 Article III, Texas Constitution.

8 (b) The creation of the district is necessary to promote,  
9 develop, encourage, and maintain employment, commerce,  
10 transportation, housing, tourism, recreation, the arts,  
11 entertainment, economic development, safety, and the public  
12 welfare in the near northwest area of the city of Houston.

13 (c) This chapter and the creation of the district may not be  
14 interpreted to relieve Harris County or the City of Houston from  
15 providing the level of services provided as of May 28, 2001, to the  
16 area in the district or to release the county or the city from the  
17 obligations of each entity to provide services to that area. The  
18 district is created to supplement and not to supplant the county or  
19 city services provided in the area in the district. (Loc. Gov.  
20 Code, Secs. 376.451(c), 376.452, as added Acts 77th Leg., R.S., Ch.  
21 418.)

22 Sec. 3811.004. FINDINGS OF BENEFIT AND PUBLIC  
23 PURPOSE. (a) The district is created to serve a public use and  
24 benefit.

25 (b) All land and other property included in the district  
26 will benefit from the improvements and services to be provided by  
27 the district under powers conferred by Sections 52 and 52-a,

1 Article III, and Section 59, Article XVI, Texas Constitution, and  
2 other powers granted under this chapter.

3 (c) The creation of the district is in the public interest  
4 and is essential to:

5 (1) further the public purposes of developing and  
6 diversifying the economy of the state;

7 (2) eliminate unemployment and underemployment; and

8 (3) develop or expand transportation and commerce.

9 (d) The district will:

10 (1) promote the health, safety, and general welfare of  
11 residents, employers, employees, visitors, and consumers in the  
12 district, and of the public;

13 (2) provide needed funding for the near northwest area  
14 of the city of Houston to preserve, maintain, and enhance the  
15 economic health and vitality of the area as a community and business  
16 center; and

17 (3) promote the health, safety, welfare, and enjoyment  
18 of the public by providing pedestrian ways and by landscaping and  
19 developing certain areas in the district, which are necessary for  
20 the restoration, preservation, and enhancement of scenic and  
21 aesthetic beauty.

22 (e) Pedestrian ways along or across a street, whether at  
23 grade or above or below the surface, and street lighting, street  
24 landscaping, and street art objects are parts of and necessary  
25 components of a street and are considered to be a street or road  
26 improvement.

27 (f) The district will not act as the agent or

1 instrumentality of any private interest even though the district  
2 will benefit many private interests as well as the public. (Loc.  
3 Gov. Code, Sec. 376.456, as added Acts 77th Leg., R.S., Ch. 418.)

4       Sec. 3811.005. DISTRICT TERRITORY. (a) The district is  
5 composed of the territory contained in the area bounded by T.C.  
6 Jester Boulevard on the east, Pinemont Drive on the south,  
7 Hollister Drive projected to State Road 249 on the west, and State  
8 Road 249 on the north, as those roads existed on May 28, 2001, and as  
9 that territory may have been modified under:

10           (1) Section 3811.104 or its predecessor statute,  
11 former Section 376.479, Local Government Code, as added by Section  
12 1, Chapter 418, Acts of the 77th Legislature, Regular Session,  
13 2001;

14           (2) Subchapter J, Chapter 49, Water Code; or

15           (3) other law.

16       (b) The boundaries described by Subsection (a) form a  
17 closure. A mistake in the description in the legislative process  
18 does not in any way affect:

19           (1) the district's organization, existence, and  
20 validity;

21           (2) the district's right to issue any type of bond,  
22 including a refunding bond, for a purpose for which the district is  
23 created or to pay the principal of and interest on the bond;

24           (3) the district's right to impose and collect an  
25 assessment or tax; or

26           (4) the legality or operation of the district or the  
27 board. (Loc. Gov. Code, Secs. 376.454, 376.455, as added Acts 77th

1 Leg., R.S., Ch. 418; New.)

2 Sec. 3811.006. APPLICABILITY OF OTHER LAW. Except as  
3 otherwise provided by this chapter, Chapter 375, Local Government  
4 Code, applies to the district, the board, and district employees.  
5 (Loc. Gov. Code, Secs. 376.457, 376.461 (part), as added Acts 77th  
6 Leg., R.S., Ch. 418.)

7 Sec. 3811.007. RELATION TO OTHER LAW. This chapter  
8 prevails over any provision of general law, including a law to which  
9 this chapter refers, that is in conflict with or is inconsistent  
10 with this chapter. (Loc. Gov. Code, Sec. 376.467 (part), as added  
11 Acts 77th Leg., R.S., Ch. 418.)

12 Sec. 3811.008. LIBERAL CONSTRUCTION OF CHAPTER. This  
13 chapter shall be liberally construed in conformity with the  
14 findings and purposes stated in this chapter. (Loc. Gov. Code, Sec.  
15 376.458, as added Acts 77th Leg., R.S., Ch. 418.)

16 [Sections 3811.009-3811.050 reserved for expansion]

17 SUBCHAPTER B. BOARD OF DIRECTORS

18 Sec. 3811.051. BOARD OF DIRECTORS; TERMS. (a) The  
19 district is governed by a board of nine directors who serve  
20 staggered terms of four years with five directors' terms expiring  
21 June 1 of an odd-numbered year and four directors' terms expiring  
22 June 1 of the following odd-numbered year.

23 (b) The board by resolution may increase or decrease the  
24 number of directors on the board, but only if it is in the best  
25 interest of the district to do so. The board may not:

26 (1) increase the number of directors to more than 30;

27 or

1           (2) decrease the number of directors to fewer than  
2 nine. (Loc. Gov. Code, Sec. 376.459(a), as added Acts 77th Leg.,  
3 R.S., Ch. 418.)

4           Sec. 3811.052. APPOINTMENT OF DIRECTORS. The mayor and  
5 members of the governing body of the City of Houston shall appoint  
6 directors from persons recommended by the board who meet the  
7 qualifications prescribed by Subchapter D, Chapter 375, Local  
8 Government Code. (Loc. Gov. Code, Sec. 376.460 (part), as added  
9 Acts 77th Leg., R.S., Ch. 418.)

10          Sec. 3811.053. EX OFFICIO DIRECTORS. (a) The following  
11 persons serve as nonvoting ex officio directors:

12           (1) the directors of the parks and recreation,  
13 planning and development, public works, and civic center  
14 departments of the City of Houston;

15           (2) the chief of police of the City of Houston;

16           (3) the general manager of the Metropolitan Transit  
17 Authority of Harris County, Texas; and

18           (4) the president of each institution of higher  
19 learning located in the district.

20          (b) If a department described by Subsection (a) is  
21 consolidated, renamed, or changed, the board may appoint a director  
22 of the consolidated, renamed, or changed department as a nonvoting  
23 ex officio director. If a department described by Subsection (a) is  
24 abolished, the board may appoint a representative of another  
25 department of the City of Houston that performs duties comparable  
26 to those performed by the abolished department.

27          (c) The board may appoint the presiding officer of a

1 nonprofit corporation that is actively involved in activities in  
2 the near northwest area of the city of Houston to serve as a  
3 nonvoting ex officio director. (Loc. Gov. Code, Sec. 376.464, as  
4 added Acts 77th Leg., R.S., Ch. 418.)

5 Sec. 3811.054. CONFLICTS OF INTEREST. (a) Except as  
6 provided by this section:

7 (1) a director may participate in all board votes and  
8 decisions; and

9 (2) Chapter 171, Local Government Code, governs  
10 conflicts of interest of directors.

11 (b) Section 171.004, Local Government Code, does not apply  
12 to the district. A director who has a substantial interest in a  
13 business or charitable entity that will receive a pecuniary benefit  
14 from a board action shall file an affidavit with the board secretary  
15 declaring the interest. Another affidavit is not required if the  
16 director's interest changes.

17 (c) After the affidavit is filed, the director may  
18 participate in a discussion or vote on that action if:

19 (1) a majority of the directors have a similar  
20 interest in the same entity; or

21 (2) all other similar business or charitable entities  
22 in the district will receive a similar pecuniary benefit.

23 (d) A director who is also an officer or employee of a public  
24 entity may not participate in a discussion of or vote on a matter  
25 regarding a contract with that same public entity.

26 (e) For purposes of this section, a director has a  
27 substantial interest in a charitable entity in the same manner that

1 a person would have a substantial interest in a business entity  
2 under Section 171.002, Local Government Code. (Loc. Gov. Code,  
3 Sec. 376.465, as added Acts 77th Leg., R.S., Ch. 418.)

4 [Sections 3811.055-3811.100 reserved for expansion]

5 SUBCHAPTER C. POWERS AND DUTIES

6 Sec. 3811.101. DISTRICT POWERS. The district has:

7 (1) all powers necessary to accomplish the purposes  
8 for which the district was created;

9 (2) the powers given to a corporation under Section  
10 4B, Development Corporation Act of 1979 (Article 5190.6, Vernon's  
11 Texas Civil Statutes), and the power to own, operate, acquire,  
12 construct, lease, improve, and maintain projects; and

13 (3) the powers given to a housing finance corporation  
14 created under Chapter 394, Local Government Code, to provide  
15 housing or residential development projects in the district. (Loc.  
16 Gov. Code, Sec. 376.461 (part), as added Acts 77th Leg., R.S., Ch.  
17 418.)

18 Sec. 3811.102. NONPROFIT CORPORATION. (a) The board by  
19 resolution may authorize the creation of a nonprofit corporation to  
20 assist and act for the district in implementing a project or  
21 providing a service authorized by this chapter.

22 (b) The nonprofit corporation:

23 (1) has each power of and is considered for purposes of  
24 this chapter to be a local government corporation created under  
25 Chapter 431, Transportation Code; and

26 (2) may implement any project and provide any service  
27 authorized by this chapter.

1           (c) The board shall appoint the board of directors of the  
2 nonprofit corporation. The board of directors of the nonprofit  
3 corporation shall serve in the same manner as, for the same term as,  
4 and on the conditions of the board of directors of a local  
5 government corporation created under Chapter 431, Transportation  
6 Code. (Loc. Gov. Code, Sec. 376.469, as added Acts 77th Leg., R.S.,  
7 Ch. 418.)

8           Sec. 3811.103. CONTRACTS; GRANTS; DONATIONS. (a) To  
9 protect the public interest, the district may contract with Harris  
10 County or the City of Houston for the county or city to provide law  
11 enforcement services in the district for a fee.

12           (b) Harris County, the City of Houston, or another political  
13 subdivision of this state, without further authorization, may  
14 contract with the district to implement a project of the district or  
15 assist the district in providing a service authorized under this  
16 chapter. A contract under this subsection may:

- 17                   (1) be for a period on which the parties agree;
- 18                   (2) include terms on which the parties agree;
- 19                   (3) be payable from taxes or any other source of  
20 revenue that may be available for that project or service; or
- 21                   (4) provide terms under which taxes or other revenue  
22 collected at a district project or from a person using or purchasing  
23 a commodity or service at a district project may be paid or rebated  
24 to the district.

25           (c) The district may enter into a contract, lease, or other  
26 agreement with or make or accept a grant or loan to or from, or  
27 accept a donation from, any person, including:



1 real property in the district according to the most recent  
2 certified tax appraisal roll for Harris County; or

3 (2) at least 50 owners of land in the district, if more  
4 than 50 persons own land in the district according to the most  
5 recent certified tax appraisal roll for Harris County. (Loc. Gov.  
6 Code, Sec. 376.468, as added Acts 77th Leg., R.S., Ch. 418.)

7 Sec. 3811.152. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
8 board by resolution shall establish the number of directors'  
9 signatures and the procedure required for a disbursement or  
10 transfer of the district's money. (Loc. Gov. Code, Sec. 376.470, as  
11 added Acts 77th Leg., R.S., Ch. 418.)

12 Sec. 3811.153. BOARD VOTE REQUIRED TO IMPOSE TAXES,  
13 ASSESSMENTS, OR IMPACT FEES. The imposition of a tax, assessment,  
14 or impact fee requires a vote of a majority of the directors  
15 serving. (Loc. Gov. Code, Sec. 376.459(b) (part), as added Acts  
16 77th Leg., R.S., Ch. 418.)

17 Sec. 3811.154. AUTHORITY TO IMPOSE AD VALOREM TAXES,  
18 ASSESSMENTS, AND IMPACT FEES. The district may impose an ad valorem  
19 tax, assessment, or impact fee as provided by Chapter 375, Local  
20 Government Code, to provide an improvement or service for a project  
21 or activity the district may acquire, construct, improve, or  
22 provide under this chapter. (Loc. Gov. Code, Sec. 376.461 (part),  
23 as added Acts 77th Leg., R.S., Ch. 418.)

24 Sec. 3811.155. MAINTENANCE TAX. (a) If authorized at an  
25 election held in accordance with Section 3811.159, the district may  
26 impose an annual ad valorem tax on taxable property in the district  
27 to:

1           (1) maintain and operate the district and the  
2 improvements constructed or acquired by the district; or

3           (2) provide a service.

4           (b) The board shall determine the tax rate. (Loc. Gov.  
5 Code, Sec. 376.476, as added Acts 77th Leg., R.S., Ch. 418.)

6           Sec. 3811.156. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
7 The board by resolution may impose and collect an assessment for any  
8 purpose authorized by this chapter.

9           (b) An assessment, a reassessment, or an assessment  
10 resulting from an addition to or correction of the assessment roll  
11 by the district, penalties and interest on an assessment or  
12 reassessment, an expense of collection, and reasonable attorney's  
13 fees incurred by the district:

14           (1) are a first and prior lien against the property  
15 assessed;

16           (2) are superior to any other lien or claim other than  
17 a lien or claim for county, school district, or municipal ad valorem  
18 taxes; and

19           (3) are the personal liability of and a charge against  
20 each owner of the property even if the owners are not named in the  
21 assessment proceeding.

22           (c) The lien is effective from the date of the board's  
23 resolution imposing the assessment until the date the assessment is  
24 paid. The board may enforce the lien in the same manner that the  
25 board may enforce an ad valorem tax lien against real property.

26           (d) The board may correct, add to, or delete assessments  
27 from its assessment rolls after notice and hearing as provided by

1 Subchapter F, Chapter 375, Local Government Code. (Loc. Gov. Code,  
2 Secs. 376.461 (part), 376.472, as added Acts 77th Leg., R.S., Ch.  
3 418.)

4 Sec. 3811.157. PROPERTY EXEMPT FROM IMPACT FEES AND  
5 ASSESSMENTS. The district may not impose an impact fee or  
6 assessment on:

7 (1) a residence homestead as defined by Section 11.13,  
8 Tax Code; or

9 (2) the property, equipment, or facilities of a person  
10 that provides to the public cable television, gas, light, power,  
11 telephone, sewage, or water service. (Loc. Gov. Code, Secs.  
12 376.453(5), 376.473, as added Acts 77th Leg., R.S., Ch. 418.)

13 Sec. 3811.158. OBLIGATIONS; APPROVAL BY CITY OF  
14 HOUSTON. (a) The district may issue bonds or other obligations  
15 payable in whole or in part from ad valorem taxes, assessments,  
16 impact fees, revenue, grants, or other money of the district, or any  
17 combination of those sources of money, to pay for any authorized  
18 purpose of the district.

19 (b) In exercising the district's borrowing power, the  
20 district may issue a bond or other obligation in the form of a bond,  
21 note, certificate of participation or other instrument evidencing a  
22 proportionate interest in payments to be made by the district, or  
23 other type of obligation.

24 (c) Except as provided by Subsection (d), the district must  
25 obtain the approval of the City of Houston:

26 (1) for the issuance of a bond for each improvement  
27 project;

1           (2) of the plans and specifications of the improvement  
2 project to be financed by the bond; and

3           (3) of the plans and specifications of a district  
4 improvement project related to:

5                   (A) the use of land owned by the City of Houston;

6                   (B) an easement granted by the City of Houston;

7 or

8                   (C) a right-of-way of a street, road, or highway.

9           (d) If the district obtains the approval of the City of  
10 Houston of a capital improvements budget for a specified period not  
11 to exceed five years, the district may finance the capital  
12 improvements and issue bonds specified in the budget without  
13 further approval from the City of Houston. (Loc. Gov. Code, Secs.  
14 376.471(a), (b) (part), (c), (d), as added Acts 77th Leg., R.S., Ch.  
15 418.)

16           Sec. 3811.159. ELECTIONS           REGARDING           TAXES           OR  
17 BONDS. (a) In addition to the elections required under  
18 Subchapter L, Chapter 375, Local Government Code, the district must  
19 hold an election in the manner provided by that subchapter to obtain  
20 voter approval before the district may:

21                   (1) impose a maintenance tax; or

22                   (2) issue a bond payable from ad valorem taxes or  
23 assessments.

24           (b) The board may submit multiple purposes in a single  
25 proposition at an election. (Loc. Gov. Code, Sec. 376.474, as added  
26 Acts 77th Leg., R.S., Ch. 418.)

27           Sec. 3811.160. SALES AND USE TAX PROHIBITED. The district

1 may not impose a sales and use tax. (Loc. Gov. Code, Sec. 376.462,  
2 as added Acts 77th Leg., R.S., Ch. 418.)

3 [Sections 3811.161-3811.200 reserved for expansion]

4 SUBCHAPTER E. DISSOLUTION

5 Sec. 3811.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
6 DEBT. If the district has debt when it is dissolved, the district  
7 shall remain in existence solely for the purpose of discharging its  
8 bonds or other obligations according to their terms. (Loc. Gov.  
9 Code, Sec. 376.477 (part), as added Acts 77th Leg., R.S., Ch. 418.)

10 CHAPTER 3812. GREATER NORTHSIDE MANAGEMENT DISTRICT

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 3812.001. DEFINITIONS

13 Sec. 3812.002. GREATER NORTHSIDE MANAGEMENT DISTRICT

14 Sec. 3812.003. PURPOSE; DECLARATION OF INTENT

15 Sec. 3812.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

16 Sec. 3812.005. DISTRICT TERRITORY

17 Sec. 3812.006. APPLICABILITY OF OTHER LAW

18 Sec. 3812.007. RELATION TO OTHER LAW

19 Sec. 3812.008. LIBERAL CONSTRUCTION OF CHAPTER

20 [Sections 3812.009-3812.050 reserved for expansion]

21 SUBCHAPTER B. BOARD OF DIRECTORS

22 Sec. 3812.051. BOARD OF DIRECTORS; TERMS

23 Sec. 3812.052. APPOINTMENT OF DIRECTORS

24 Sec. 3812.053. INITIAL DIRECTORS

25 [Sections 3812.054-3812.100 reserved for expansion]

26 SUBCHAPTER C. POWERS AND DUTIES

27 Sec. 3812.101. DISTRICT POWERS

1 Sec. 3812.102. NONPROFIT CORPORATION

2 Sec. 3812.103. CONTRACTS; GRANTS

3 [Sections 3812.104-3812.150 reserved for expansion]

4 SUBCHAPTER D. FINANCIAL PROVISIONS

5 Sec. 3812.151. PETITION REQUIRED FOR FINANCING SERVICES  
6 AND IMPROVEMENTS

7 Sec. 3812.152. DISBURSEMENTS AND TRANSFERS OF MONEY

8 Sec. 3812.153. BOARD VOTE REQUIRED TO IMPOSE TAXES,  
9 ASSESSMENTS, OR IMPACT FEES

10 Sec. 3812.154. AUTHORITY TO IMPOSE AD VALOREM TAXES,  
11 ASSESSMENTS, AND IMPACT FEES

12 Sec. 3812.155. MAINTENANCE TAX

13 Sec. 3812.156. ASSESSMENTS; LIENS FOR ASSESSMENTS

14 Sec. 3812.157. PROPERTY EXEMPT FROM TAXES, IMPACT FEES,  
15 AND ASSESSMENTS

16 Sec. 3812.158. OBLIGATIONS; APPROVAL BY CITY OF  
17 HOUSTON

18 Sec. 3812.159. ELECTIONS REGARDING TAXES OR BONDS

19 [Sections 3812.160-3812.200 reserved for expansion]

20 SUBCHAPTER E. DISSOLUTION

21 Sec. 3812.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
22 DEBT

23 CHAPTER 3812. GREATER NORTHSIDE MANAGEMENT DISTRICT

24 SUBCHAPTER A. GENERAL PROVISIONS

25 Sec. 3812.001. DEFINITIONS. In this chapter:

26 (1) "Board" means the board of directors of the  
27 district.

1           (2) "District" means the Greater Northside Management  
2 District. (Loc. Gov. Code, Secs. 376.453(1), (3), as added Acts  
3 77th Leg., R.S., Ch. 1356.)

4           Sec. 3812.002. GREATER NORTHSIDE MANAGEMENT DISTRICT. The  
5 Greater Northside Management District is a special district created  
6 under Section 59, Article XVI, Texas Constitution. (Loc. Gov.  
7 Code, Sec. 376.451(a), as added Acts 77th Leg., R.S., Ch. 1356.)

8           Sec. 3812.003. PURPOSE; DECLARATION OF INTENT. (a) The  
9 creation of the district is essential to accomplish the purposes of  
10 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
11 Texas Constitution, and other public purposes stated in this  
12 chapter.

13           (b) The creation of the district is necessary to promote,  
14 develop, encourage, and maintain employment, commerce,  
15 transportation, housing, tourism, recreation, the arts,  
16 entertainment, economic development, safety, and the public  
17 welfare in the north side of the city of Houston.

18           (c) This chapter and the creation of the district may not be  
19 interpreted to relieve Harris County or the City of Houston from  
20 providing the level of services provided as of June 16, 2001, to the  
21 area in the district or to release the county or the city from the  
22 obligations of each entity to provide services to that area. The  
23 district is created to supplement and not to supplant the county or  
24 city services provided in the area in the district. (Loc. Gov.  
25 Code, Sec. 376.452, as added Acts 77th Leg., R.S., Ch. 1356.)

26           Sec. 3812.004. FINDINGS OF BENEFIT AND PUBLIC  
27 PURPOSE. (a) The district is created to serve a public use and

1 benefit.

2 (b) All land and other property included in the district  
3 will benefit from the improvements and services to be provided by  
4 the district under powers conferred by Sections 52 and 52-a,  
5 Article III, and Section 59, Article XVI, Texas Constitution, and  
6 other powers granted under this chapter.

7 (c) The creation of the district is in the public interest  
8 and is essential to:

9 (1) further the public purposes of developing and  
10 diversifying the economy of the state;

11 (2) eliminate unemployment and underemployment; and

12 (3) develop or expand transportation and commerce.

13 (d) The district will:

14 (1) promote the health, safety, and general welfare of  
15 residents, employers, potential employees, employees, visitors,  
16 and consumers in the district, and of the public;

17 (2) provide needed funding to preserve, maintain, and  
18 enhance the economic health and vitality of the district as a  
19 community and business center; and

20 (3) promote the health, safety, welfare, and enjoyment  
21 of the public by providing pedestrian ways and by landscaping and  
22 developing certain areas in the district, which are necessary for  
23 the restoration, preservation, and enhancement of scenic beauty.

24 (e) Pedestrian ways along or across a street, whether at  
25 grade or above or below the surface, and street lighting, street  
26 landscaping, and street art objects are parts of and necessary  
27 components of a street and are considered to be a street or road

1 improvement.

2 (f) The district will not act as the agent or  
3 instrumentality of any private interest even though the district  
4 will benefit many private interests as well as the public. (Loc.  
5 Gov. Code, Sec. 376.456, as added Acts 77th Leg., R.S., Ch. 1356.)

6 Sec. 3812.005. DISTRICT TERRITORY. (a) The district is  
7 composed of the territory described by Chapter 1356, Acts of the  
8 77th Legislature, Regular Session, 2001, enacting former Section  
9 376.454, Local Government Code, as that territory may have been  
10 modified under:

11 (1) Subchapter J, Chapter 49, Water Code; or

12 (2) other law.

13 (b) The boundaries and field notes of the district contained  
14 in Chapter 1356, Acts of the 77th Legislature, Regular Session,  
15 2001, enacting former Section 376.454, Local Government Code, form  
16 a closure. A mistake in the field notes or in copying the field  
17 notes in the legislative process does not in any way affect the  
18 district's:

19 (1) organization, existence, or validity;

20 (2) right to issue any type of bond for a purpose for  
21 which the district is created or to pay the principal of and  
22 interest on the bond;

23 (3) right to impose or collect an assessment or tax; or

24 (4) legality or operation. (Loc. Gov. Code, Sec.  
25 376.455, as added Acts 77th Leg., R.S., Ch. 1356; New.)

26 Sec. 3812.006. APPLICABILITY OF OTHER LAW. Except as  
27 otherwise provided by this chapter, Chapter 375, Local Government

1 Code, applies to the district. (Loc. Gov. Code, Secs. 376.457,  
2 376.461 (part), as added Acts 77th Leg., R.S., Ch. 1356.)

3 Sec. 3812.007. RELATION TO OTHER LAW. This chapter  
4 prevails over any provision of general law, including a law to which  
5 this chapter refers, that is in conflict with or is inconsistent  
6 with this chapter. (Loc. Gov. Code, Sec. 376.464 (part), as added  
7 Acts 77th Leg., R.S., Ch. 1356.)

8 Sec. 3812.008. LIBERAL CONSTRUCTION OF CHAPTER. This  
9 chapter shall be liberally construed in conformity with the  
10 findings and purposes stated in this chapter. (Loc. Gov. Code, Sec.  
11 376.458, as added Acts 77th Leg., R.S., Ch. 1356.)

12 [Sections 3812.009-3812.050 reserved for expansion]

13 SUBCHAPTER B. BOARD OF DIRECTORS

14 Sec. 3812.051. BOARD OF DIRECTORS; TERMS. (a) The  
15 district is governed by a board of 11 directors who serve staggered  
16 terms of four years with five directors' terms expiring June 1 of an  
17 odd-numbered year and six directors' terms expiring June 1 of the  
18 following odd-numbered year.

19 (b) The board by resolution may increase or decrease the  
20 number of directors on the board, but only if it is in the best  
21 interest of the district to do so. The board may not:

22 (1) increase the number of directors to more than 30;

23 or

24 (2) decrease the number of directors to fewer than  
25 nine. (Loc. Gov. Code, Sec. 376.459(a), as added Acts 77th Leg.,  
26 R.S., Ch. 1356.)

27 Sec. 3812.052. APPOINTMENT OF DIRECTORS. The mayor and

1 members of the governing body of the City of Houston shall appoint  
2 directors from persons recommended by the board who meet the  
3 qualifications prescribed by Subchapter D, Chapter 375, Local  
4 Government Code. (Loc. Gov. Code, Sec. 376.460(a), as added Acts  
5 77th Leg., R.S., Ch. 1356.)

6 Sec. 3812.053. INITIAL DIRECTORS. (a) The initial board  
7 consists of the following persons:

8	Pos. No.	Name of Director
9	1	Jeanette Rash
10	2	Lisa Cabral
11	3	Rodrigo Gonzalez
12	4	Toy Brando Halsey
13	5	Dr. John Perez
14	6	Leticia Elias
15	7	Sam Treynor
16	8	Candy Perez
17	9	Dr. San Juanita Garza
18	10	Jesse Tanner
19	11	Frumencio Reyes

20 (b) The terms of the initial directors appointed for  
21 positions 1 through 5 expire on June 1, 2003, and the terms of the  
22 initial directors appointed for positions 6 through 11 expire on  
23 June 1, 2005.

24 (c) Section 3812.052 does not apply to this section.

25 (d) This section expires September 1, 2006. (Loc. Gov.  
26 Code, Sec. 376.476, as added Acts 77th Leg., R.S., Ch. 1356.)

27 [Sections 3812.054-3812.100 reserved for expansion]

1 SUBCHAPTER C. POWERS AND DUTIES

2 Sec. 3812.101. DISTRICT POWERS. The district has:

3 (1) all powers necessary to accomplish the purposes  
4 for which the district was created; and

5 (2) the powers given to a corporation under Section  
6 4B, Development Corporation Act of 1979 (Article 5190.6, Vernon's  
7 Texas Civil Statutes), and the power to own, operate, acquire,  
8 construct, lease, improve, and maintain projects. (Loc. Gov. Code,  
9 Sec. 376.461 (part), as added Acts 77th Leg., R.S., Ch. 1356.)

10 Sec. 3812.102. NONPROFIT CORPORATION. (a) The board by  
11 resolution may authorize the creation of a nonprofit corporation to  
12 assist and act for the district in implementing a project or  
13 providing a service authorized by this chapter.

14 (b) The nonprofit corporation:

15 (1) has each power of and is considered for purposes of  
16 this chapter to be a local government corporation created under  
17 Chapter 431, Transportation Code; and

18 (2) may implement any project and provide any service  
19 authorized by this chapter.

20 (c) The board shall appoint the board of directors of the  
21 nonprofit corporation. The board of directors of the nonprofit  
22 corporation shall serve in the same manner as, for the same term as,  
23 and on the same conditions as the board of directors of a local  
24 government corporation created under Chapter 431, Transportation  
25 Code. (Loc. Gov. Code, Sec. 376.466, as added Acts 77th Leg., R.S.,  
26 Ch. 1356.)

27 Sec. 3812.103. CONTRACTS; GRANTS. (a) To protect the

1 public interest, the district may contract with Harris County or  
2 the City of Houston for the county or the city to provide law  
3 enforcement services in the district for a fee.

4 (b) Harris County, the City of Houston, or another political  
5 subdivision of this state, without further authorization, may  
6 contract with the district to implement a project of the district or  
7 assist the district in providing a service authorized under this  
8 chapter. A contract under this subsection may:

9 (1) be for a period on which the parties agree;

10 (2) include terms on which the parties agree;

11 (3) be payable from taxes or any other source of  
12 revenue that may be available for that project or service; and

13 (4) provide terms under which taxes or other revenue  
14 collected at a district project or from a person using or purchasing  
15 a commodity or service at a district project may be paid or rebated  
16 to the district.

17 (c) The district may enter into a contract, lease, or other  
18 agreement with or make or accept a grant or loan to or from any  
19 person, including:

20 (1) the United States;

21 (2) this state or a state agency;

22 (3) any political subdivision of this state; and

23 (4) a public or private corporation, including a  
24 nonprofit corporation created by the board under this subchapter.

25 (d) The district may perform all acts necessary for the full  
26 exercise of the powers vested in the district on terms and for the  
27 period the board determines advisable. (Loc. Gov. Code, Sec.

1 376.475, as added Acts 77th Leg., R.S., Ch. 1356.)

2 [Sections 3812.104-3812.150 reserved for expansion]

3 SUBCHAPTER D. FINANCIAL PROVISIONS

4 Sec. 3812.151. PETITION REQUIRED FOR FINANCING SERVICES AND  
5 IMPROVEMENTS. (a) The board may not finance a service or  
6 improvement project under this chapter unless a written petition  
7 requesting that service or improvement is filed with the board.

8 (b) The petition must be signed by:

9 (1) the owners of a majority of the assessed value of  
10 real property in the district according to the most recent  
11 certified tax appraisal roll for Harris County; or

12 (2) at least 50 owners of land in the district, if more  
13 than 50 persons own property in the district according to the most  
14 recent certified tax appraisal roll for Harris County. (Loc. Gov.  
15 Code, Sec. 376.465, as added Acts 77th Leg., R.S., Ch. 1356.)

16 Sec. 3812.152. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
17 board by resolution shall establish the number of directors'  
18 signatures and the procedure required for a disbursement or  
19 transfer of the district's money. (Loc. Gov. Code, Sec. 376.467, as  
20 added Acts 77th Leg., R.S., Ch. 1356.)

21 Sec. 3812.153. BOARD VOTE REQUIRED TO IMPOSE TAXES,  
22 ASSESSMENTS, OR IMPACT FEES. The imposition of a tax, assessment,  
23 or impact fee requires a vote of a majority of the directors  
24 serving. (Loc. Gov. Code, Sec. 376.459(b) (part), as added Acts  
25 77th Leg., R.S., Ch. 1356.)

26 Sec. 3812.154. AUTHORITY TO IMPOSE AD VALOREM TAXES,  
27 ASSESSMENTS, AND IMPACT FEES. The district may impose an ad valorem

1 tax, assessment, or impact fee as provided by Chapter 375, Local  
2 Government Code, to provide an improvement or service for a project  
3 or activity the district may acquire, construct, improve, or  
4 provide under this chapter. (Loc. Gov. Code, Sec. 376.461 (part),  
5 as added Acts 77th Leg., R.S., Ch. 1356.)

6 Sec. 3812.155. MAINTENANCE TAX. (a) If authorized at an  
7 election held in accordance with Section 3812.159, the district may  
8 impose an annual ad valorem tax on taxable property in the district  
9 to:

10 (1) maintain and operate the district and the  
11 improvements constructed or acquired by the district; or

12 (2) provide a service.

13 (b) The board shall determine the tax rate. (Loc. Gov.  
14 Code, Sec. 376.473, as added Acts 77th Leg., R.S., Ch. 1356.)

15 Sec. 3812.156. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
16 The board by resolution may impose and collect an assessment for any  
17 purpose authorized by this chapter.

18 (b) An assessment, a reassessment, or an assessment  
19 resulting from an addition to or correction of the assessment roll  
20 by the district, penalties and interest on an assessment or  
21 reassessment, an expense of collection, and reasonable attorney's  
22 fees incurred by the district:

23 (1) are a first and prior lien against the property  
24 assessed;

25 (2) are superior to any other lien or claim other than  
26 a lien or claim for county, school district, or municipal ad valorem  
27 taxes; and

1           (3) are the personal liability of and a charge against  
2 the owners of the property even if the owners are not named in the  
3 assessment proceeding.

4           (c) The lien is effective from the date of the board's  
5 resolution imposing the assessment until the date the assessment is  
6 paid. The board may enforce the lien in the same manner that the  
7 board may enforce an ad valorem tax lien against real property.

8           (d) The board may correct, add to, or delete assessments  
9 from its assessment rolls after notice and hearing as provided by  
10 Subchapter F, Chapter 375, Local Government Code. (Loc. Gov. Code,  
11 Secs. 376.461 (part), 376.469 (part), as added Acts 77th Leg.,  
12 R.S., Ch. 1356.)

13           Sec. 3812.157. PROPERTY EXEMPT FROM TAXES, IMPACT FEES, AND  
14 ASSESSMENTS. (a) The district may not impose a tax, impact fee,  
15 or assessment on a residential property, multiunit residential  
16 property, or condominium.

17           (b) The district may not impose an impact fee or assessment  
18 on the property, equipment, or facilities of a person that provides  
19 to the public cable television, gas, light, power, telephone,  
20 sewage, or water service. (Loc. Gov. Code, Secs. 376.453(5),  
21 376.470, as added Acts 77th Leg., R.S., Ch. 1356.)

22           Sec. 3812.158. OBLIGATIONS; APPROVAL BY CITY OF  
23 HOUSTON. (a) The district may issue bonds or other obligations  
24 payable in whole or in part from ad valorem taxes, assessments,  
25 impact fees, revenue, grants, or other money of the district, or any  
26 combination of those sources of money, to pay for any authorized  
27 purpose of the district.

1 (b) In exercising the district's borrowing power, the  
2 district may issue a bond or other obligation in the form of a bond,  
3 note, certificate of participation or other instrument evidencing a  
4 proportionate interest in payments to be made by the district, or  
5 other type of obligation.

6 (c) Except as provided by Subsection (d), the district must  
7 obtain the approval of the City of Houston:

8 (1) for the issuance of a bond for each improvement  
9 project;

10 (2) of the plans and specifications of the improvement  
11 project to be financed by the bond; and

12 (3) of the plans and specifications of a district  
13 improvement project related to:

14 (A) the use of land owned by the City of Houston;

15 (B) an easement granted by the City of Houston;

16 or

17 (C) a right-of-way of a street, road, or highway.

18 (d) If the district obtains the approval of the City of  
19 Houston of a capital improvements budget for a specified period not  
20 to exceed five years, the district may finance the capital  
21 improvements and issue bonds specified in the budget without  
22 further approval from the City of Houston. (Loc. Gov. Code, Sec.  
23 376.468, as added Acts 77th Leg., R.S., Ch. 1356.)

24 Sec. 3812.159. ELECTIONS REGARDING TAXES OR  
25 BONDS. (a) In addition to the election required under Subchapter  
26 L, Chapter 375, Local Government Code, the district must hold an  
27 election in the manner provided by that subchapter to obtain voter

1 approval before the district may:

2 (1) impose a maintenance tax; or

3 (2) issue a bond payable from ad valorem taxes or  
4 assessments.

5 (b) The board may submit multiple purposes in a single  
6 proposition at an election. (Loc. Gov. Code, Sec. 376.471, as added  
7 Acts 77th Leg., R.S., Ch. 1356.)

8 [Sections 3812.160-3812.200 reserved for expansion]

9 SUBCHAPTER E. DISSOLUTION

10 Sec. 3812.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
11 DEBT. If the district has debt when it is dissolved, the district  
12 shall remain in existence solely for the purpose of discharging its  
13 bonds or other obligations according to their terms. (Loc. Gov.  
14 Code, Sec. 376.474 (part), as added Acts 77th Leg., R.S., Ch. 1356.)

15 CHAPTER 3813. OLD TOWN SPRING IMPROVEMENT DISTRICT

16 SUBCHAPTER A. GENERAL PROVISIONS

17 Sec. 3813.001. DEFINITIONS

18 Sec. 3813.002. OLD TOWN SPRING IMPROVEMENT DISTRICT

19 Sec. 3813.003. PURPOSE; DECLARATION OF INTENT

20 Sec. 3813.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE;

21 GENERAL DUTIES

22 Sec. 3813.005. DISTRICT TERRITORY

23 [Sections 3813.006-3813.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 3813.051. BOARD OF DIRECTORS

26 Sec. 3813.052. ELECTION OF DIRECTORS

27 Sec. 3813.053. LAW GOVERNING ADMINISTRATION OF BOARD

- 1 Sec. 3813.054. VOTING BY BOARD PRESIDENT RESTRICTED  
2 [Sections 3813.055-3813.100 reserved for expansion]  
3 SUBCHAPTER C. POWERS AND DUTIES  
4 Sec. 3813.101. DISTRICT POWERS  
5 Sec. 3813.102. RELATION TO OTHER LAW  
6 Sec. 3813.103. RULES  
7 Sec. 3813.104. SPECIFIC POWERS RELATING TO IMPROVEMENT  
8 PROJECTS OR SERVICES  
9 Sec. 3813.105. LEASE, ACQUISITION, OR CONSTRUCTION OF  
10 BUILDING OR FACILITY; ECONOMIC DEVELOPMENT  
11 PROGRAMS  
12 Sec. 3813.106. CONTRACTS; GRANTS; DONATIONS  
13 Sec. 3813.107. ANNEXATION OR EXCLUSION OF TERRITORY  
14 Sec. 3813.108. EMINENT DOMAIN  
15 Sec. 3813.109. PEACE OFFICERS  
16 [Sections 3813.110-3813.150 reserved for expansion]  
17 SUBCHAPTER D. FINANCIAL PROVISIONS  
18 Sec. 3813.151. SALES AND USE TAX; EXCISE TAX  
19 Sec. 3813.152. TAX ELECTION PROCEDURES  
20 Sec. 3813.153. BALLOT WORDING  
21 Sec. 3813.154. IMPOSITION, COMPUTATION, ADMINISTRATION,  
22 AND GOVERNANCE OF TAXES  
23 Sec. 3813.155. TAX RATES  
24 Sec. 3813.156. ABOLITION OF TAX  
25 Sec. 3813.157. USE OF TAXES  
26 Sec. 3813.158. EFFECTIVE DATE OF TAX OR TAX CHANGE  
27 Sec. 3813.159. AD VALOREM TAX PROHIBITED

1 Sec. 3813.160. FEES; CHARGES

2 Sec. 3813.161. BORROWING MONEY

3 Sec. 3813.162. PAYMENT OF EXPENSES

4 Sec. 3813.163. BONDS

5 [Sections 3813.164-3813.200 reserved for expansion]

6 SUBCHAPTER E. DISSOLUTION

7 Sec. 3813.201. DISSOLUTION BY BOARD ORDER

8 Sec. 3813.202. DISSOLUTION BY PETITION OF OWNERS

9 Sec. 3813.203. ADMINISTRATION OF DISTRICT PROPERTY

10 FOLLOWING DISSOLUTION

11 CHAPTER 3813. OLD TOWN SPRING IMPROVEMENT DISTRICT

12 SUBCHAPTER A. GENERAL PROVISIONS

13 Sec. 3813.001. DEFINITIONS. In this chapter:

14 (1) "Board" means the board of directors of the  
15 district.

16 (2) "District" means the Old Town Spring Improvement  
17 District. (Loc. Gov. Code, Secs. 376.453(1), (3), as added Acts  
18 77th Leg., R.S., Ch. 1371.)

19 Sec. 3813.002. OLD TOWN SPRING IMPROVEMENT DISTRICT. The  
20 Old Town Spring Improvement District is a special district created  
21 under Section 59, Article XVI, Texas Constitution. (Loc. Gov.  
22 Code, Sec. 376.451(a), as added Acts 77th Leg., R.S., Ch. 1371.)

23 Sec. 3813.003. PURPOSE; DECLARATION OF INTENT. (a) The  
24 creation of the district is essential to accomplish the purposes of  
25 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
26 Texas Constitution, and other public purposes stated in this  
27 chapter.

1 (b) The creation of the district is necessary to promote,  
2 develop, encourage, and maintain employment, commerce,  
3 transportation, housing, tourism, recreation, the arts,  
4 entertainment, economic development, safety, scenic beauty, and  
5 the public welfare in the Old Town Spring area of Harris County.

6 (c) This chapter and the creation of the district do not  
7 relieve Harris County from providing the level of services provided  
8 as of September 1, 2001, to the area in the district. The district  
9 is created to supplement and not to replace the county services  
10 provided in the area in the district. (Loc. Gov. Code, Sec.  
11 376.452, as added Acts 77th Leg., R.S., Ch. 1371.)

12 Sec. 3813.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE;  
13 GENERAL DUTIES. (a) The district is created to serve a public use  
14 and benefit.

15 (b) All land and other property included in the district  
16 will benefit from the improvements and services to be provided by  
17 the district under powers conferred by Sections 52 and 52-a,  
18 Article III, and Section 59, Article XVI, Texas Constitution, and  
19 other powers granted under this chapter.

20 (c) The creation of the district is in the public interest  
21 and is essential to:

22 (1) further the public purposes of developing and  
23 diversifying the economy of the state;

24 (2) eliminate unemployment and underemployment; and

25 (3) develop or expand transportation and commerce.

26 (d) The district shall:

27 (1) promote the health, safety, and general welfare of

1 residents, merchants, landowners, employers, potential employees,  
2 employees, visitors, and consumers in the district, and of the  
3 public;

4 (2) provide needed funding for the Old Town Spring  
5 area to preserve, maintain, and enhance the economic health and  
6 vitality of the area as a community and business center;

7 (3) provide and maintain common areas and facilities  
8 in the district to ensure scenic beauty;

9 (4) provide improvements in the district to promote  
10 the welfare of the public, residents, merchants, and landowners in  
11 the district; and

12 (5) promote the health, safety, welfare, and enjoyment  
13 of the public by providing pedestrian ways and by landscaping and  
14 developing certain areas in the district, which are necessary for  
15 the restoration, preservation, and enhancement of scenic beauty.

16 (e) The district may not act as the agent or instrumentality  
17 of any private interest even though the district will benefit many  
18 private interests as well as the public. (Loc. Gov. Code, Sec.  
19 376.456, as added Acts 77th Leg., R.S., Ch. 1371.)

20 Sec. 3813.005. DISTRICT TERRITORY. (a) The district is  
21 composed of the territory described by Section 1, Chapter 1371,  
22 Acts of the 77th Legislature, Regular Session, 2001, enacting  
23 former Section 376.454, Local Government Code, as that territory  
24 may have been modified under:

25 (1) Section 3813.107(a) or its predecessor statute,  
26 former Section 376.462(a)(3), Local Government Code, as added by  
27 Chapter 1371, Acts of the 77th Legislature, Regular Session, 2001;

1           (2) Subchapter J, Chapter 49, Water Code; or

2           (3) other law.

3           (b) The boundaries and field notes of the district contained  
4 in Section 1, Chapter 1371, Acts of the 77th Legislature, Regular  
5 Session, 2001, enacting former Section 376.454, Local Government  
6 Code, form a closure. A mistake in the field notes or in copying the  
7 field notes in the legislative process does not in any way affect  
8 the district's:

9           (1) organization, existence, or validity;

10           (2) right to issue any type of bond for a purpose for  
11 which the district is created or to pay the principal of and  
12 interest on the bond;

13           (3) right to impose or collect an assessment or tax; or

14           (4) legality or operation. (Loc. Gov. Code, Sec.  
15 376.455, as added Acts 77th Leg., R.S., Ch. 1371; New.)

16           [Sections 3813.006-3813.050 reserved for expansion]

17           SUBCHAPTER B. BOARD OF DIRECTORS

18           Sec. 3813.051. BOARD OF DIRECTORS. (a) The district is  
19 governed by a board of five directors who occupy numbered  
20 positions. The directors occupying positions one, two, and three  
21 are appointed under this section, and the directors occupying  
22 positions four and five are elected as provided by this section and  
23 Section 3813.052.

24           (b) The Commissioners Court of Harris County shall appoint:

25           (1) one person who leases a retail store or who owns  
26 real property in the district to serve in position one for a  
27 three-year term;

1           (2) one person who leases a retail store but does not  
2 own real property in the district to serve in position two for a  
3 two-year term; and

4           (3) one person who owns real property in the district  
5 to serve in position three for a three-year term.

6           (c) A director elected under Section 3813.052 serves a  
7 two-year term. To qualify as a candidate for position four, a  
8 person must reside in the district. To qualify as a candidate for  
9 position five, a person must lease a retail store or own real  
10 property in the district.

11          (d) A term expires on January 31 of the appropriate year.

12          (e) In appointing directors under Subsection (b), the  
13 commissioners court shall consider any recommendation received by  
14 an organization dedicated to the economic development of the Old  
15 Town Spring area. (Loc. Gov. Code, Sec. 376.457, as added Acts 77th  
16 Leg., R.S., Ch. 1371.)

17          Sec. 3813.052. ELECTION OF DIRECTORS. (a) The board shall  
18 hold an election of directors for positions four and five in each  
19 even-numbered year on the uniform election date in February  
20 established by Section 41.001, Election Code.

21          (b) In addition to the contents required by the Election  
22 Code, notice of a directors' election must:

23               (1) state the number of directors to be voted on; and

24               (2) describe the qualifications for each position for  
25 which a candidate is running.

26          (c) In addition to requirements prescribed by the Election  
27 Code, the ballots for a directors' election shall describe the

1 qualifications of the position for which each candidate is running.

2 (d) The board shall certify that the person receiving the  
3 highest number of votes for each position is elected as the director  
4 for that position. (Loc. Gov. Code, Sec. 376.460, as added Acts  
5 77th Leg., R.S., Ch. 1371.)

6 Sec. 3813.053. LAW GOVERNING ADMINISTRATION OF BOARD.  
7 Sections 375.066-375.070, Local Government Code, apply to the board  
8 as if it were established under Chapter 375 of that code. (Loc.  
9 Gov. Code, Sec. 376.458, as added Acts 77th Leg., R.S., Ch. 1371.)

10 Sec. 3813.054. VOTING BY BOARD PRESIDENT RESTRICTED. The  
11 board president may not vote except to break a tie vote. (Loc. Gov.  
12 Code, Sec. 376.459, as added Acts 77th Leg., R.S., Ch. 1371.)

13 [Sections 3813.055-3813.100 reserved for expansion]

14 SUBCHAPTER C. POWERS AND DUTIES

15 Sec. 3813.101. DISTRICT POWERS. The district has:

16 (1) all powers necessary to accomplish the purposes  
17 for which the district was created;

18 (2) the powers and duties of a municipal management  
19 district under Subchapter E, Chapter 375, Local Government Code;  
20 and

21 (3) the powers given to an industrial development  
22 corporation organized under the Development Corporation Act of 1979  
23 (Article 5190.6, Vernon's Texas Civil Statutes). (Loc. Gov. Code,  
24 Sec. 376.461, as added Acts 77th Leg., R.S., Ch. 1371.)

25 Sec. 3813.102. RELATION TO OTHER LAW. This chapter  
26 prevails over a law to which Section 3813.101 or Subchapter E,  
27 Chapter 375, Local Government Code, refers that is in conflict with

1 or is inconsistent with this chapter. (Loc. Gov. Code, Sec. 376.464  
2 (part), as added Acts 77th Leg., R.S., Ch. 1371.)

3 Sec. 3813.103. RULES. The district may adopt rules for:

- 4 (1) the administration and operation of the district;  
5 (2) the use, enjoyment, availability, protection,  
6 security, and maintenance of the district's facilities; and  
7 (3) the provision of public safety and security in the  
8 district. (Loc. Gov. Code, Sec. 376.462(a) (part), as added Acts  
9 77th Leg., R.S., Ch. 1371.)

10 Sec. 3813.104. SPECIFIC POWERS RELATING TO IMPROVEMENT  
11 PROJECTS OR SERVICES. (a) The district may undertake an  
12 improvement project separately or jointly with another person and  
13 pay all or part of the costs of an improvement project, including an  
14 improvement project that:

- 15 (1) improves, enhances, or supports public safety and  
16 security, fire protection, emergency medical services, or law  
17 enforcement in the district;  
18 (2) confers a general benefit on the entire district  
19 and the areas adjacent to the district; or  
20 (3) confers a special benefit on all or part of the  
21 district.

22 (b) A district improvement project or service may include:

- 23 (1) the construction, acquisition, lease, rental,  
24 installment purchase, improvement, rehabilitation, repair,  
25 relocation, and operation of:  
26 (A) landscaping; lighting, banners, or signs;  
27 streets or sidewalks; pedestrian or bicycle paths and trails;

1 pedestrian walkways, skywalks, crosswalks, or tunnels; and highway  
2 right-of-way or transit corridor beautification and improvements;

3 (B) drainage or storm water detention  
4 improvements and solid waste, water, sewer, or power facilities and  
5 services, including electrical, gas, steam, and chilled water  
6 facilities and services;

7 (C) parks, lakes, gardens, recreational  
8 facilities, open space, scenic areas, and related exhibits and  
9 preserves; fountains, plazas, or pedestrian malls; public art or  
10 sculpture and related exhibits and facilities and educational or  
11 cultural exhibits and facilities, including exhibits, displays,  
12 attractions, or facilities for special events, holidays, or  
13 seasonal or cultural celebrations;

14 (D) off-street parking facilities, bus  
15 terminals, heliports, mass transit, and roadway or water  
16 transportation systems; and

17 (E) other public improvements, facilities, or  
18 services similar to the improvements, facilities, or services  
19 described by Paragraphs (A)-(D);

20 (2) the cost of removing, razing, demolishing, or  
21 clearing of land or improvements in connection with providing an  
22 improvement project;

23 (3) the acquisition of property or an interest in the  
24 property that is made in connection with an improvement project;  
25 and

26 (4) the provision of special or supplemental services  
27 to improve or promote the area in the district or to protect the

1 public health and safety in the district, including advertising,  
2 promotion, tourism, health and sanitation, public safety,  
3 security, fire protection or emergency medical services, business  
4 recruitment, development, elimination of traffic congestion, and  
5 recreational, educational, or cultural improvements, enhancements,  
6 or services. (Loc. Gov. Code, Secs. 376.462(a) (part), 376.463, as  
7 added Acts 77th Leg., R.S., Ch. 1371.)

8       Sec. 3813.105. LEASE, ACQUISITION, OR CONSTRUCTION OF  
9 BUILDING OR FACILITY; ECONOMIC DEVELOPMENT PROGRAMS. The district  
10 may, as if the district were a home-rule municipality with a  
11 population of more than 100,000:

12           (1) issue bonds and lease, acquire, or construct a  
13 building or facility as provided by Subchapter A, Chapter 1509,  
14 Government Code; and

15           (2) establish and administer a program as provided by  
16 Section 380.002, Local Government Code. (Loc. Gov. Code, Sec.  
17 376.462(d), as added Acts 77th Leg., R.S., Ch. 1371.)

18       Sec. 3813.106. CONTRACTS; GRANTS; DONATIONS. (a) The  
19 district may contract with any person to accomplish the purposes of  
20 this chapter on terms and for the period the board determines,  
21 including contracting for the payment of costs incurred by the  
22 person on behalf of the district, including all or part of the costs  
23 of an improvement project, from tax proceeds or any other specified  
24 source of money.

25           (b) The district may contract with a person to receive,  
26 administer, and perform the district's duties under a gift, grant,  
27 loan, conveyance, transfer, bequest, donation, or other financial

1 arrangement relating to the investigation, planning, analysis,  
2 acquisition, construction, completion, implementation, or  
3 operation of a proposed or existing improvement project.

4 (c) Any person, including any type of governmental entity,  
5 may contract with the district to carry out the purposes of this  
6 chapter. (Loc. Gov. Code, Secs. 376.462(a) (part), 376.475, as  
7 added Acts 77th Leg., R.S., Ch. 1371.)

8 Sec. 3813.107. ANNEXATION OR EXCLUSION OF  
9 TERRITORY. (a) The district may add or exclude territory in the  
10 manner provided by Subchapter J, Chapter 49, Water Code.

11 (b) Not later than the 10th day after the date on which the  
12 district annexes or excludes territory, the board shall send to the  
13 comptroller a certified copy of any resolution, order, or ordinance  
14 relating to the annexation or exclusion. (Loc. Gov. Code, Secs.  
15 376.462(a) (part), 376.473, as added Acts 77th Leg., R.S., Ch.  
16 1371.)

17 Sec. 3813.108. EMINENT DOMAIN. The district may not  
18 exercise the power of eminent domain. (Loc. Gov. Code, Sec.  
19 376.465, as added Acts 77th Leg., R.S., Ch. 1371.)

20 Sec. 3813.109. PEACE OFFICERS. The district may not employ  
21 peace officers. (Loc. Gov. Code, Sec. 376.462(b), as added Acts  
22 77th Leg., R.S., Ch. 1371.)

23 [Sections 3813.110-3813.150 reserved for expansion]

24 SUBCHAPTER D. FINANCIAL PROVISIONS

25 Sec. 3813.151. SALES AND USE TAX; EXCISE TAX. (a) For  
26 purposes of this section:

27 (1) "Taxable items" includes all items subject to a

1 sales and use tax that is imposed by Harris County.

2 (2) "Use," with respect to a taxable service, means  
3 the derivation in the district of a direct or indirect benefit from  
4 the service.

5 (b) The district may impose a sales and use tax if  
6 authorized by a majority vote at an election held for that purpose.

7 (c) If the district adopts a sales and use tax:

8 (1) the tax is imposed on the receipts from the sale at  
9 retail of taxable items in the district; and

10 (2) an excise tax is imposed on the use, storage, or  
11 other consumption in the district of taxable items purchased or  
12 rented from a retailer during the period in which the sales and use  
13 tax is effective in the district.

14 (d) The rate of the excise tax is the same as the rate of the  
15 sales tax portion of the tax applied to the sales price of the  
16 taxable items and is included in the sales tax. (Loc. Gov. Code,  
17 Secs. 376.462(a) (part), 376.466(a), (b) (part), (c), (d), as added  
18 Acts 77th Leg., R.S., Ch. 1371.)

19 Sec. 3813.152. TAX ELECTION PROCEDURES. (a) The board  
20 may order an election to adopt, change the rate of, or abolish a  
21 sales and use tax. The election may be held at the same time and in  
22 conjunction with a directors' election.

23 (b) The election must be held on the next uniform election  
24 date that falls on or after the 45th day after the date the election  
25 order is adopted.

26 (c) Notice of the election shall be given and the election  
27 shall be held in the manner prescribed for a bond election by

1 Subchapter D, Chapter 49, Water Code. (Loc. Gov. Code, Secs.  
2 376.467(a), (b), (c), as added Acts 77th Leg., R.S., Ch. 1371.)

3 Sec. 3813.153. BALLOT WORDING. (a) In an election to  
4 adopt a sales and use tax, the ballot shall be prepared to permit  
5 voting for or against the proposition: "The adoption of a local  
6 sales and use tax in the Old Town Spring Improvement District at the  
7 rate of (proposed tax rate)."

8 (b) In an election to change the rate of the sales and use  
9 tax, the ballot shall be prepared to permit voting for or against  
10 the proposition: "The (increase or decrease, as applicable) in the  
11 rate of the local sales and use tax imposed in the Old Town Spring  
12 Improvement District from (tax rate on election date) percent to  
13 (proposed tax rate) percent."

14 (c) In an election to abolish the sales and use tax, the  
15 ballot shall be prepared to permit voting for or against the  
16 proposition: "The abolition of the local sales and use tax in the  
17 Old Town Spring Improvement District." (Loc. Gov. Code, Secs.  
18 376.467(d), (e), (f), as added Acts 77th Leg., R.S., Ch. 1371.)

19 Sec. 3813.154. IMPOSITION, COMPUTATION, ADMINISTRATION,  
20 AND GOVERNANCE OF TAXES. (a) Chapter 323, Tax Code, to the extent  
21 not inconsistent with this chapter, governs the application,  
22 collection, and administration of the sales and use tax and the  
23 excise tax, except that Sections 323.401-323.406 and 323.505, Tax  
24 Code, do not apply. Subtitles A and B, Title 2, and Chapter 151, Tax  
25 Code, govern the administration and enforcement of the sales and  
26 use tax and the excise tax.

27 (b) Chapter 323, Tax Code, does not apply to the use and

1 allocation of revenues under this chapter.

2 (c) In applying Chapter 323, Tax Code:

3 (1) a reference in that chapter to "the county" means  
4 the district; and

5 (2) a reference in that chapter to "the commissioners  
6 court" means the board. (Loc. Gov. Code, Sec. 376.468, as added  
7 Acts 77th Leg., R.S., Ch. 1371.)

8 Sec. 3813.155. TAX RATES. The district may impose the sales  
9 and use tax and the excise tax in increments of one-eighth of one  
10 percent, with a minimum tax of one-half percent and a maximum tax of  
11 one percent. (Loc. Gov. Code, Sec. 376.470, as added Acts 77th  
12 Leg., R.S., Ch. 1371.)

13 Sec. 3813.156. ABOLITION OF TAX. The board by order and  
14 without an election may abolish the sales and use tax and the excise  
15 tax. (Loc. Gov. Code, Sec. 376.471, as added Acts 77th Leg., R.S.,  
16 Ch. 1371.)

17 Sec. 3813.157. USE OF TAXES. The district may use the  
18 proceeds from the sales and use tax and the excise tax only for the  
19 purposes for which the district was created. (Loc. Gov. Code, Secs.  
20 376.462(a) (part), 376.466(b) (part), 376.472, as added Acts 77th  
21 Leg., R.S., Ch. 1371.)

22 Sec. 3813.158. EFFECTIVE DATE OF TAX OR TAX CHANGE. The  
23 adoption of a tax rate or a change in the tax rate takes effect after  
24 the expiration of the first complete calendar quarter occurring  
25 after the date on which the comptroller receives a notice of the  
26 results of the election. (Loc. Gov. Code, Sec. 376.469, as added  
27 Acts 77th Leg., R.S., Ch. 1371.)

1           Sec. 3813.159. AD VALOREM TAX PROHIBITED. The district may  
2 not impose an ad valorem tax on property in the district. (Loc.  
3 Gov. Code, Sec. 376.462(c), as added Acts 77th Leg., R.S., Ch.  
4 1371.)

5           Sec. 3813.160. FEES; CHARGES. The district may:

6                 (1) establish and collect user fees, concession fees,  
7 admission fees, rental fees, or other similar fees or charges; and

8                 (2) apply the proceeds from those fees or charges for  
9 the enjoyment, sale, rental, or other use of the district's  
10 facilities, services, or improvement projects. (Loc. Gov. Code,  
11 Sec. 376.462(a) (part), as added Acts 77th Leg., R.S., Ch. 1371.)

12           Sec. 3813.161. BORROWING MONEY. The district may borrow  
13 money for the corporate purposes of the district. (Loc. Gov. Code,  
14 Sec. 376.462(a) (part), as added Acts 77th Leg., R.S., Ch. 1371.)

15           Sec. 3813.162. PAYMENT OF EXPENSES. The district may  
16 provide or secure the payment or repayment of any district expense,  
17 including:

18                 (1) a district cost relating to an improvement  
19 project;

20                 (2) a district contractual obligation or  
21 indebtedness, because of a lease, installment purchase contract, or  
22 other agreement; or

23                 (3) a tax, user fee, concession fee, rental fee, or  
24 other revenue or resources of the district. (Loc. Gov. Code, Sec.  
25 376.462(a) (part), as added Acts 77th Leg., R.S., Ch. 1371.)

26           Sec. 3813.163. BONDS. (a) The board may issue bonds as  
27 provided by Subchapter J, Chapter 375, Local Government Code.



1 County may continue to collect the tax for an additional calendar  
2 year if the commissioners court of the county finds that the tax  
3 revenue is needed to retire the district liabilities that were  
4 assumed by the county.

5 (d) The district may continue to operate for a period not to  
6 exceed two months after performing its duties under Subsection (c).  
7 The district is continued in effect for the purpose of performing  
8 those duties.

9 (e) If the district is continued in effect under Subsection  
10 (d), the district is dissolved entirely on the first day of the  
11 month following the month in which the board certifies to the  
12 secretary of state that the district has fully performed its duties  
13 under Subsection (c). (Loc. Gov. Code, Sec. 376.477, as added Acts  
14 77th Leg., R.S., Ch. 1371.)

15 Sec. 3813.203. ADMINISTRATION OF DISTRICT PROPERTY  
16 FOLLOWING DISSOLUTION. (a) After the date the board orders the  
17 dissolution of the district, the board shall transfer ownership of  
18 all district property to Harris County, except as provided by  
19 Subsection (b).

20 (b) If, on the date on which the board orders the  
21 dissolution, more than 50 percent of the district territory is in a  
22 municipality, the board shall transfer ownership of the district's  
23 property to the municipality. (Loc. Gov. Code, Sec. 376.478, as  
24 added Acts 77th Leg., R.S., Ch. 1371.)

25 CHAPTER 3814. ENERGY CORRIDOR MANAGEMENT DISTRICT

26 SUBCHAPTER A. GENERAL PROVISIONS

27 Sec. 3814.001. DEFINITIONS

1 Sec. 3814.002. ENERGY CORRIDOR MANAGEMENT DISTRICT

2 Sec. 3814.003. PURPOSE; DECLARATION OF INTENT

3 Sec. 3814.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

4 Sec. 3814.005. DISTRICT TERRITORY

5 Sec. 3814.006. APPLICABILITY OF OTHER LAW

6 Sec. 3814.007. LIBERAL CONSTRUCTION OF CHAPTER

7 [Sections 3814.008-3814.050 reserved for expansion]

8 SUBCHAPTER B. DISTRICT BOARD OF DIRECTORS

9 Sec. 3814.051. BOARD OF DIRECTORS

10 Sec. 3814.052. APPOINTMENT OF VOTING DIRECTORS

11 Sec. 3814.053. NONVOTING DIRECTORS

12 Sec. 3814.054. TERMS

13 Sec. 3814.055. COMPENSATION

14 Sec. 3814.056. CONFLICTS OF INTEREST

15 Sec. 3814.057. INITIAL DIRECTORS

16 [Sections 3814.058-3814.100 reserved for expansion]

17 SUBCHAPTER C. POWERS AND DUTIES

18 Sec. 3814.101. ADDITIONAL POWERS OF DISTRICT

19 Sec. 3814.102. NONPROFIT CORPORATION

20 Sec. 3814.103. AGREEMENTS; GRANTS

21 Sec. 3814.104. AUTHORITY TO CONTRACT FOR LAW

22 ENFORCEMENT

23 Sec. 3814.105. COMPETITIVE BIDDING

24 Sec. 3814.106. APPROVAL BY CITY OF HOUSTON

25 Sec. 3814.107. ELECTRONIC TRANSMISSIONS

26 [Sections 3814.108-3814.150 reserved for expansion]

27 SUBCHAPTER D. FINANCIAL PROVISIONS

- 1 Sec. 3814.151. PETITION REQUIRED FOR FINANCING SERVICES
- 2 AND IMPROVEMENTS
- 3 Sec. 3814.152. DISBURSEMENTS AND TRANSFERS OF MONEY
- 4 Sec. 3814.153. MAINTENANCE TAX
- 5 Sec. 3814.154. ASSESSMENTS; LIENS FOR ASSESSMENTS
- 6 Sec. 3814.155. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
- 7 ASSESSMENTS
- 8 Sec. 3814.156. OBLIGATIONS
- 9 Sec. 3814.157. MUNICIPALITY NOT REQUIRED TO PAY DISTRICT
- 10 OBLIGATIONS

11 Sec. 3814.158. ELECTIONS REGARDING TAXES OR BONDS  
12 [Sections 3814.159-3814.200 reserved for expansion]

13 SUBCHAPTER E. DISSOLUTION

14 Sec. 3814.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
15 DEBT

16 CHAPTER 3814. ENERGY CORRIDOR MANAGEMENT DISTRICT

17 SUBCHAPTER A. GENERAL PROVISIONS

18 Sec. 3814.001. DEFINITIONS. In this chapter:

19 (1) "Board" means the board of directors of the  
20 district.

21 (2) "District" means the Energy Corridor Management  
22 District. (Loc. Gov. Code, Secs. 376.453(1), (3), as added Acts  
23 77th Leg., R.S., Ch. 1376.)

24 Sec. 3814.002. ENERGY CORRIDOR MANAGEMENT DISTRICT. The  
25 Energy Corridor Management District is a special district created  
26 under Section 59, Article XVI, Texas Constitution. (Loc. Gov.  
27 Code, Sec. 376.451(a), as added Acts 77th Leg., R.S., Ch. 1376.)

1           Sec. 3814.003. PURPOSE; DECLARATION OF INTENT. (a) The  
2 creation of the district is essential to accomplish the purposes of  
3 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
4 Texas Constitution, and other public purposes stated in this  
5 chapter.

6           (b) The creation of the district is necessary to promote,  
7 develop, encourage, and maintain employment, commerce,  
8 transportation, housing, tourism, recreation, the arts,  
9 entertainment, economic development, safety, and the public  
10 welfare in the area of the district.

11           (c) This chapter and the creation of the district may not be  
12 interpreted to relieve Harris County or the City of Houston from  
13 providing the level of services provided, as of June 16, 2001, to  
14 the area in the district. The district is created to supplement and  
15 not to supplant the county or city services provided in the area in  
16 the district. (Loc. Gov. Code, Sec. 376.452, as added Acts 77th  
17 Leg., R.S., Ch. 1376.)

18           Sec. 3814.004. FINDINGS OF BENEFIT AND PUBLIC  
19 PURPOSE. (a) The district is created to serve a public use and  
20 benefit.

21           (b) All land and other property included in the district  
22 will benefit from the improvements and services to be provided by  
23 the district under powers conferred by Sections 52 and 52-a,  
24 Article III, and Section 59, Article XVI, Texas Constitution, and  
25 other powers granted under this chapter.

26           (c) The creation of the district is in the public interest  
27 and is essential to:

1           (1) further the public purposes of developing and  
2 diversifying the economy of the state;

3           (2) eliminate unemployment and underemployment; and

4           (3) develop or expand transportation and commerce.

5           (d) The district will:

6           (1) promote the health, safety, and general welfare of  
7 residents, employers, employees, visitors, and consumers in the  
8 district, and of the public;

9           (2) provide needed funding to preserve, maintain, and  
10 enhance the economic health and vitality of the district as a  
11 community and business center; and

12           (3) promote the health, safety, welfare, and enjoyment  
13 of the public by providing pedestrian ways and by landscaping and  
14 developing certain areas in the district, which are necessary for  
15 the restoration, preservation, and enhancement of scenic beauty.

16           (e) Pedestrian ways along or across a street, whether at  
17 grade or above or below the surface, and street lighting, street  
18 landscaping, and street art objects are parts of and necessary  
19 components of a street and are considered to be a street or road  
20 improvement.

21           (f) The district will not act as the agent or  
22 instrumentality of any private interest even though the district  
23 will benefit many private interests as well as the public. (Loc.  
24 Gov. Code, Sec. 376.456, as added Acts 77th Leg., R.S., Ch. 1376.)

25           Sec. 3814.005. DISTRICT TERRITORY. (a) The district is  
26 composed of the territory described by Chapter 1376, Acts of the  
27 77th Legislature, Regular Session, 2001, enacting former Section

1 376.454, Local Government Code, as that territory may have been  
2 modified under:

3 (1) Subchapter J, Chapter 49, Water Code; or

4 (2) other law.

5 (b) The boundaries and field notes of the district contained  
6 in Chapter 1376, Acts of the 77th Legislature, Regular Session,  
7 2001, enacting former Section 376.454, Local Government Code, form  
8 a closure. A mistake in the field notes or in copying the field  
9 notes in the legislative process does not affect the district's:

10 (1) organization, existence, or validity;

11 (2) right to issue any type of bond for a purpose for  
12 which the district is created or to pay the principal of and  
13 interest on a bond;

14 (3) right to impose or collect an assessment or tax; or

15 (4) legality or operation. (Loc. Gov. Code, Sec.  
16 376.455, as added Acts 77th Leg., R.S., Ch. 1376; New.)

17 Sec. 3814.006. APPLICABILITY OF OTHER LAW. Except as  
18 otherwise provided by this chapter, Chapter 375, Local Government  
19 Code, applies to the district. (Loc. Gov. Code, Sec. 376.457, as  
20 added Acts 77th Leg., R.S., Ch. 1376.)

21 Sec. 3814.007. LIBERAL CONSTRUCTION OF CHAPTER. This  
22 chapter shall be liberally construed in conformity with the  
23 findings and purposes stated in this chapter. (Loc. Gov. Code, Sec.  
24 376.458, as added Acts 77th Leg., R.S., Ch. 1376.)

25 [Sections 3814.008-3814.050 reserved for expansion]

26 SUBCHAPTER B. DISTRICT BOARD OF DIRECTORS

27 Sec. 3814.051. BOARD OF DIRECTORS. The district is

1 governed by a board of:

2 (1) nine voting directors appointed under Section  
3 3814.052; and

4 (2) nonvoting directors as provided by Section  
5 3814.053. (Loc. Gov. Code, Sec. 376.459(a), as added Acts 77th  
6 Leg., R.S., Ch. 1376.)

7 Sec. 3814.052. APPOINTMENT OF VOTING DIRECTORS. (a) The  
8 mayor and members of the governing body of the City of Houston shall  
9 appoint voting directors from persons recommended by the board. A  
10 person is appointed if a majority of the members and the mayor vote  
11 to appoint that person.

12 (b) A person may not be appointed to the board if the  
13 appointment of that person would result in fewer than two-thirds of  
14 the directors residing in the City of Houston. (Loc. Gov. Code,  
15 Sec. 376.460, as added Acts 77th Leg., R.S., Ch. 1376.)

16 Sec. 3814.053. NONVOTING DIRECTORS. (a) The following  
17 persons serve as nonvoting directors:

18 (1) the directors of the parks and recreation,  
19 planning and development, public works, and civic center  
20 departments of the City of Houston;

21 (2) the chief of police of the City of Houston;

22 (3) the director of the engineering division of the  
23 Harris County department of public infrastructure;

24 (4) Harris County's general manager of the  
25 Metropolitan Transit Authority of Harris County, Texas;

26 (5) the president of each institution of higher  
27 learning located in the district; and

1           (6) the Houston district engineer for the Texas  
2 Department of Transportation.

3           (b) If an agency, department, or division described by  
4 Subsection (a) is consolidated, renamed, or changed, the board may  
5 appoint a director of the consolidated, renamed, or changed agency,  
6 department, or division as a nonvoting director. If an agency,  
7 department, or division described by Subsection (a) is abolished,  
8 the board may appoint a representative of another agency,  
9 department, or division that performs duties comparable to those  
10 performed by the abolished entity. (Loc. Gov. Code, Sec. 376.461,  
11 as added Acts 77th Leg., R.S., Ch. 1376.)

12           Sec. 3814.054. TERMS. The voting directors serve staggered  
13 terms of four years, with four directors' terms expiring June 1 of  
14 an odd-numbered year and five directors' terms expiring June 1 of  
15 the following odd-numbered year. (Loc. Gov. Code, Sec. 376.459(b),  
16 as added Acts 77th Leg., R.S., Ch. 1376.)

17           Sec. 3814.055. COMPENSATION. A voting director may receive  
18 compensation as provided by Section 49.060, Water Code. (Loc. Gov.  
19 Code, Sec. 376.459(c), as added Acts 77th Leg., R.S., Ch. 1376.)

20           Sec. 3814.056. CONFLICTS OF INTEREST. (a) Except as  
21 provided by this section:

22           (1) a director may participate in all board votes and  
23 decisions; and

24           (2) Chapter 171, Local Government Code, governs  
25 conflicts of interest for directors.

26           (b) Section 171.004, Local Government Code, does not apply  
27 to the district. A director who has a substantial interest in a

1 business or charitable entity that will receive a pecuniary benefit  
2 from a board action shall file an affidavit with the board secretary  
3 declaring the interest. Another affidavit is not required if the  
4 director's interest changes.

5 (c) After the affidavit is filed, the director may  
6 participate in a discussion or vote on that action if:

7 (1) a majority of the directors have a similar  
8 interest in the same entity; or

9 (2) all other similar business or charitable entities  
10 in the district will receive a similar pecuniary benefit.

11 (d) A director who is also an officer or employee of a public  
12 entity may not participate in a discussion of or vote on a matter  
13 regarding a contract with that same public entity.

14 (e) For purposes of this section, a director has a  
15 substantial interest in a charitable entity in the same manner that  
16 a person would have a substantial interest in a business entity  
17 under Section 171.002, Local Government Code. (Loc. Gov. Code,  
18 Sec. 376.462, as added Acts 77th Leg., R.S., Ch. 1376.)

19 Sec. 3814.057. INITIAL DIRECTORS. (a) The initial board  
20 consists of the following persons:

21	Pos. No.	Name of Director
22	1	Robert Becker
23	2	Tom Blackwell
24	3	Lynn Grafing
25	4	Rick Rice
26	5	David W. Hightower
27	6	Mike Turner

1           7           Ned Holmes  
2           8           Roger H. Hord  
3           9           Cathy Wining

4           (b) The terms of the initial directors appointed for  
5 positions 1 through 5 expire June 1, 2005, and the terms of the  
6 initial directors appointed for positions 6 through 9 expire June  
7 1, 2003.

8           (c) Section 3814.052 does not apply to this section.

9           (d) This section expires September 1, 2006. (Loc. Gov.  
10 Code, Sec. 376.477, as added Acts 77th Leg., R.S., Ch. 1376.)

11           [Sections 3814.058-3814.100 reserved for expansion]

12                           SUBCHAPTER C. POWERS AND DUTIES

13           Sec. 3814.101. ADDITIONAL POWERS OF DISTRICT. The district  
14 may exercise the powers given to:

15                   (1) a corporation created under Section 4B,  
16 Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas  
17 Civil Statutes); and

18                   (2) a housing finance corporation created under  
19 Chapter 394, Local Government Code, to provide housing or  
20 residential development projects in the district. (Loc. Gov. Code,  
21 Sec. 376.464, as added Acts 77th Leg., R.S., Ch. 1376.)

22           Sec. 3814.102. NONPROFIT CORPORATION. (a) The board by  
23 resolution may authorize the creation of a nonprofit corporation to  
24 assist and act for the district in implementing a project or  
25 providing a service authorized by this chapter.

26           (b) The nonprofit corporation:

27                   (1) has each power of and is considered for purposes of

1 this chapter to be a local government corporation created under  
2 Chapter 431, Transportation Code; and

3 (2) may implement any project and provide any service  
4 authorized by this chapter.

5 (c) The board shall appoint the board of directors of the  
6 nonprofit corporation. The board of directors of the nonprofit  
7 corporation shall serve in the same manner as the board of directors  
8 of a local government corporation created under Chapter 431,  
9 Transportation Code. (Loc. Gov. Code, Sec. 376.466, as added Acts  
10 77th Leg., R.S., Ch. 1376.)

11 Sec. 3814.103. AGREEMENTS; GRANTS. (a) The district may  
12 make an agreement with or accept a gift, grant, or loan from any  
13 person.

14 (b) The implementation of a project is a governmental  
15 function or service for the purposes of Chapter 791, Government  
16 Code. (Loc. Gov. Code, Secs. 376.465(a), (b), as added Acts 77th  
17 Leg., R.S., Ch. 1376.)

18 Sec. 3814.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.  
19 To protect the public interest, the district may contract with  
20 Harris County or the City of Houston to provide law enforcement  
21 services in the district for a fee. (Loc. Gov. Code, Sec.  
22 376.465(c), as added Acts 77th Leg., R.S., Ch. 1376.)

23 Sec. 3814.105. COMPETITIVE BIDDING. Section 375.221, Local  
24 Government Code, applies to the district only for a contract that  
25 has a value of more than \$25,000. (Loc. Gov. Code, Sec. 376.475, as  
26 added Acts 77th Leg., R.S., Ch. 1376.)

27 Sec. 3814.106. APPROVAL BY CITY OF HOUSTON. (a) Except as

1 provided by Subsection (b), the district must obtain approval from  
2 the City of Houston's governing body:

3 (1) for the issuance of bonds for each improvement  
4 project;

5 (2) of the plans and specifications of the improvement  
6 project financed by the bond; and

7 (3) of the plans and specifications of an improvement  
8 project related to:

9 (A) the use of land owned by the City of Houston;

10 (B) an easement granted by the City of Houston;

11 or

12 (C) a right-of-way of a street, road, or highway.

13 (b) If the district obtains the approval of the City of  
14 Houston's governing body of a capital improvements budget for a  
15 period not to exceed five years, the district may finance the  
16 capital improvements and issue bonds specified in the budget  
17 without further approval from the City of Houston. (Loc. Gov. Code,  
18 Secs. 376.473(a), (b), as added Acts 77th Leg., R.S., Ch. 1376.)

19 Sec. 3814.107. ELECTRONIC TRANSMISSIONS. (a) The district  
20 may acquire, operate, or charge fees for the use of district  
21 conduits for:

22 (1) another person's:

23 (A) telecommunications network;

24 (B) fiber-optic cable; or

25 (C) electronic transmission line; or

26 (2) any other type of transmission line or supporting  
27 facility.

1 (b) The district may not require a person to use a district  
2 conduit. (Loc. Gov. Code, Sec. 376.463, as added Acts 77th Leg.,  
3 R.S., Ch. 1376.)

4 [Sections 3814.108-3814.150 reserved for expansion]

5 SUBCHAPTER D. FINANCIAL PROVISIONS

6 Sec. 3814.151. PETITION REQUIRED FOR FINANCING SERVICES AND  
7 IMPROVEMENTS. (a) The board may not finance a service or an  
8 improvement project under this chapter unless a written petition  
9 requesting that service or improvement is filed with the board.

10 (b) The petition must be signed by:

11 (1) the owners of a majority of the assessed value of  
12 real property in the district according to the most recent  
13 certified tax appraisal roll for Harris County; or

14 (2) at least 25 owners of land in the district, if more  
15 than 25 persons own property in the district according to the most  
16 recent certified tax appraisal roll for Harris County. (Loc. Gov.  
17 Code, Sec. 376.467, as added Acts 77th Leg., R.S., Ch. 1376.)

18 Sec. 3814.152. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
19 board by resolution shall establish the number of directors'  
20 signatures and the procedure required for a disbursement or  
21 transfer of the district's money. (Loc. Gov. Code, Sec. 376.474, as  
22 added Acts 77th Leg., R.S., Ch. 1376.)

23 Sec. 3814.153. MAINTENANCE TAX. (a) If authorized at an  
24 election held in accordance with Section 3814.158, the district may  
25 impose an annual ad valorem tax on taxable property in the district  
26 to:

27 (1) maintain and operate the district and the

1 improvements constructed or acquired by the district; or

2 (2) provide a service.

3 (b) The board shall determine the tax rate. (Loc. Gov.  
4 Code, Sec. 376.469, as added Acts 77th Leg., R.S., Ch. 1376.)

5 Sec. 3814.154. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
6 The board by resolution may impose and collect an assessment for any  
7 purpose authorized by this chapter.

8 (b) An assessment, a reassessment, or an assessment  
9 resulting from an addition to or correction of the assessment roll  
10 by the district, penalties and interest on an assessment or  
11 reassessment, an expense of collection, and reasonable attorney's  
12 fees incurred by the district:

13 (1) are a first and prior lien against the property  
14 assessed;

15 (2) are superior to any other lien or claim other than  
16 a lien or claim for county, school district, or municipal ad valorem  
17 taxes; and

18 (3) are the personal liability of and a charge against  
19 the owners of the property even if the owners are not named in the  
20 assessment proceeding.

21 (c) The lien is effective from the date of the board's  
22 resolution imposing the assessment until the date the assessment is  
23 paid. The board may enforce the lien in the same manner that the  
24 board may enforce an ad valorem tax lien against real property.  
25 (Loc. Gov. Code, Sec. 376.470, as added Acts 77th Leg., R.S., Ch.  
26 1376.)

27 Sec. 3814.155. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND

1 ASSESSMENTS. The district may not impose an impact fee or  
2 assessment on the property, including the equipment,  
3 rights-of-way, facilities, or improvements, of:

4 (1) an electric utility or a power generation company  
5 as defined by Section 31.002, Utilities Code;

6 (2) a gas utility as defined by Section 101.003 or  
7 121.001, Utilities Code; or

8 (3) a person that provides to the public cable  
9 television or advanced services. (Loc. Gov. Code, Sec. 376.471, as  
10 added Acts 77th Leg., R.S., Ch. 1376.)

11 Sec. 3814.156. OBLIGATIONS. (a) The district may issue  
12 bonds or other obligations payable in whole or in part from ad  
13 valorem taxes, assessments, impact fees, revenue, grants, or other  
14 money of the district, or any combination of those sources of money,  
15 to pay for any authorized purpose of the district.

16 (b) In exercising the district's borrowing power, the  
17 district may issue a bond or other obligation in the form of a bond,  
18 note, certificate of participation or other instrument evidencing a  
19 proportionate interest in payments to be made by the district, or  
20 other type of obligation. (Loc. Gov. Code, Sec. 376.472, as added  
21 Acts 77th Leg., R.S., Ch. 1376.)

22 Sec. 3814.157. MUNICIPALITY NOT REQUIRED TO PAY DISTRICT  
23 OBLIGATIONS. Except as provided by Section 375.263, Local  
24 Government Code, a municipality is not required to pay a bond, note,  
25 or other obligation of the district. (Loc. Gov. Code, Sec.  
26 376.473(c), as added Acts 77th Leg., R.S., Ch. 1376.)

27 Sec. 3814.158. ELECTIONS REGARDING TAXES OR

1 BONDS. (a) In addition to the elections required under  
2 Subchapter L, Chapter 375, Local Government Code, the district must  
3 hold an election in the manner provided by that subchapter to obtain  
4 voter approval before the district may:

- 5 (1) impose a maintenance tax; or  
6 (2) issue a bond payable from ad valorem taxes or  
7 assessments.

8 (b) The board may include more than one purpose in a single  
9 proposition at an election. (Loc. Gov. Code, Sec. 376.468, as added  
10 Acts 77th Leg., R.S., Ch. 1376.)

11 [Sections 3814.159-3814.200 reserved for expansion]

12 SUBCHAPTER E. DISSOLUTION

13 Sec. 3814.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
14 DEBT. (a) The board may dissolve the district regardless of  
15 whether the district has debt. Section 375.264, Local Government  
16 Code, does not apply to the district.

17 (b) If the district has debt when it is dissolved, the  
18 district shall remain in existence solely for the purpose of  
19 discharging its debts. The dissolution is effective when all debts  
20 have been discharged. (Loc. Gov. Code, Sec. 376.476, as added Acts  
21 77th Leg., R.S., Ch. 1376.)

22 CHAPTER 3815. GREATER SOUTHEAST MANAGEMENT DISTRICT

23 SUBCHAPTER A. GENERAL PROVISIONS

24 Sec. 3815.001. DEFINITIONS

25 Sec. 3815.002. GREATER SOUTHEAST MANAGEMENT DISTRICT

26 Sec. 3815.003. PURPOSE; DECLARATION OF INTENT

27 Sec. 3815.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

- 1 Sec. 3815.005. DISTRICT TERRITORY
- 2 Sec. 3815.006. APPLICABILITY OF OTHER LAW
- 3 Sec. 3815.007. RELATION TO OTHER LAW
- 4 Sec. 3815.008. LIBERAL CONSTRUCTION OF CHAPTER
- 5 [Sections 3815.009-3815.050 reserved for expansion]
- 6 SUBCHAPTER B. BOARD OF DIRECTORS
- 7 Sec. 3815.051. BOARD OF DIRECTORS; TERMS
- 8 Sec. 3815.052. APPOINTMENT OF DIRECTORS
- 9 Sec. 3815.053. EX OFFICIO DIRECTORS
- 10 Sec. 3815.054. CONFLICTS OF INTEREST
- 11 [Sections 3815.055-3815.100 reserved for expansion]
- 12 SUBCHAPTER C. POWERS AND DUTIES
- 13 Sec. 3815.101. DISTRICT POWERS
- 14 Sec. 3815.102. NONPROFIT CORPORATION
- 15 Sec. 3815.103. CONTRACTS; GRANTS; DONATIONS
- 16 Sec. 3815.104. COMPETITIVE BIDDING
- 17 Sec. 3815.105. ANNEXATION
- 18 [Sections 3815.106-3815.150 reserved for expansion]
- 19 SUBCHAPTER D. FINANCIAL PROVISIONS
- 20 Sec. 3815.151. PETITION REQUIRED FOR FINANCING SERVICES
- 21 AND IMPROVEMENTS
- 22 Sec. 3815.152. DISBURSEMENTS AND TRANSFERS OF MONEY
- 23 Sec. 3815.153. BOARD VOTE REQUIRED TO IMPOSE TAXES,
- 24 ASSESSMENTS, OR IMPACT FEES
- 25 Sec. 3815.154. AUTHORITY TO IMPOSE TAXES, ASSESSMENTS, AND
- 26 IMPACT FEES
- 27 Sec. 3815.155. MAINTENANCE TAX

1 Sec. 3815.156. ASSESSMENTS; LIENS FOR ASSESSMENTS

2 Sec. 3815.157. PROPERTY EXEMPT FROM TAXES, IMPACT FEES, AND  
3 ASSESSMENTS

4 Sec. 3815.158. OBLIGATIONS; APPROVAL BY CITY OF HOUSTON

5 Sec. 3815.159. ELECTIONS REGARDING TAXES OR BONDS

6 [Sections 3815.160-3815.200 reserved for expansion]

7 SUBCHAPTER E. DISSOLUTION

8 Sec. 3815.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
9 DEBT

10 CHAPTER 3815. GREATER SOUTHEAST MANAGEMENT DISTRICT

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 3815.001. DEFINITIONS. In this subchapter:

13 (1) "Board" means the board of directors of the  
14 district.

15 (2) "District" means the Greater Southeast Management  
16 District. (Loc. Gov. Code, Secs. 376.453(1), (3), as added Acts  
17 77th Leg., R.S., Ch. 1476.)

18 Sec. 3815.002. GREATER SOUTHEAST MANAGEMENT DISTRICT. A  
19 special district known as the "Greater Southeast Management  
20 District" is a political subdivision of this state. (Loc. Gov.  
21 Code, Sec. 376.451(a), as added Acts 77th Leg., R.S., Ch. 1476.)

22 Sec. 3815.003. PURPOSE; DECLARATION OF INTENT. (a) The  
23 creation of the district is essential to accomplish the purposes of  
24 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
25 Texas Constitution, and other public purposes stated in this  
26 chapter. By creating the district and in authorizing Harris  
27 County, the City of Houston, and other political subdivisions to

1 contract with the district, the legislature has established a  
2 program to accomplish the public purposes set out in Section 52-a,  
3 Article III, Texas Constitution.

4 (b) The creation of the district is necessary to promote,  
5 develop, encourage, and maintain employment, commerce,  
6 transportation, housing, tourism, recreation, the arts,  
7 entertainment, economic development, safety, and the public  
8 welfare in the southeast area of the city of Houston.

9 (c) This chapter and the creation of the district may not be  
10 interpreted to relieve Harris County or the City of Houston from  
11 providing the level of services provided as of June 17, 2001, to the  
12 area in the district or to release the county or the city from the  
13 obligations of each entity to provide services to that area. The  
14 district is created to supplement and not to supplant the county or  
15 city services provided in the area in the district. (Loc. Gov.  
16 Code, Secs. 376.451(c), 376.452, as added Acts 77th Leg., R.S., Ch.  
17 1476.)

18 Sec. 3815.004. FINDINGS OF BENEFIT AND PUBLIC  
19 PURPOSE. (a) The district is created to serve a public use and  
20 benefit.

21 (b) All land and other property included in the district  
22 will benefit from the improvements and services to be provided by  
23 the district under powers conferred by Sections 52 and 52-a,  
24 Article III, and Section 59, Article XVI, Texas Constitution, and  
25 other powers granted under this chapter.

26 (c) The creation of the district is in the public interest  
27 and is essential to:

1           (1) further the public purposes of developing and  
2 diversifying the economy of the state;

3           (2) eliminate unemployment and underemployment; and

4           (3) develop or expand transportation and commerce.

5           (d) The district will:

6           (1) promote the health, safety, and general welfare of  
7 residents, employers, employees, visitors, and consumers in the  
8 district, and of the public;

9           (2) provide money to preserve, maintain, and enhance  
10 the economic health and vitality of the district as a community and  
11 business center; and

12           (3) promote the health, safety, welfare, and enjoyment  
13 of the public by providing pedestrian ways and by landscaping and  
14 developing certain areas in the district, which are necessary for  
15 the restoration, preservation, and enhancement of scenic and  
16 aesthetic beauty.

17           (e) Pedestrian ways along or across a street, whether at  
18 grade or above or below the surface, and street lighting, street  
19 landscaping, and street art objects are parts of and necessary  
20 components of a street and are considered to be a street or road  
21 improvement.

22           (f) The district will not act as the agent or  
23 instrumentality of any private interest even though the district  
24 will benefit many private interests as well as the public. (Loc.  
25 Gov. Code, Sec. 376.456, as added Acts 77th Leg., R.S., Ch. 1476.)

26           Sec. 3815.005. DISTRICT TERRITORY. (a) The district is  
27 composed of the territory described by Section 1, Chapter 1476,

1 Acts of the 77th Legislature, Regular Session, 2001, enacting  
2 former Section 376.454, Local Government Code, as that territory  
3 may have been modified under:

4 (1) Section 3815.105 or its predecessor statute,  
5 former Section 376.479, Local Government Code, as added by Chapter  
6 1476, Acts of the 77th Legislature, Regular Session, 2001;

7 (2) Subchapter J, Chapter 49, Water Code; or

8 (3) other law.

9 (b) The boundaries and field notes of the district contained  
10 in Section 1, Chapter 1476, Acts of the 77th Legislature, Regular  
11 Session, 2001, enacting former Section 376.454, Local Government  
12 Code, form a closure. A mistake in the field notes or in copying the  
13 field notes in the legislative process does not in any way affect:

14 (1) the district's organization, existence, and  
15 validity;

16 (2) the district's right to issue any type of bond,  
17 including a refunding bond, for a purpose for which the district is  
18 created or to pay the principal of and interest on the bond;

19 (3) the district's right to impose and collect an  
20 assessment or tax; or

21 (4) the legality or operation of the district or the  
22 board. (Loc. Gov. Code, Sec. 376.455, as added Acts 77th Leg.,  
23 R.S., Ch. 1476; New.)

24 Sec. 3815.006. APPLICABILITY OF OTHER LAW. Except as  
25 otherwise provided by this chapter, Chapter 375, Local Government  
26 Code, applies to the district, the board, and district employees.  
27 (Loc. Gov. Code, Secs. 376.457, 376.461 (part), as added Acts 77th

1 Leg., R.S., Ch. 1476.)

2 Sec. 3815.007. RELATION TO OTHER LAW. This chapter  
3 prevails over any provision of general law, including a law to which  
4 this chapter refers, that is in conflict with or is inconsistent  
5 with this chapter. (Loc. Gov. Code, Sec. 376.466 (part), as added  
6 Acts 77th Leg., R.S., Ch. 1476.)

7 Sec. 3815.008. LIBERAL CONSTRUCTION OF CHAPTER. This  
8 chapter shall be liberally construed in conformity with the  
9 findings and purposes stated in this chapter. (Loc. Gov. Code, Sec.  
10 376.458, as added Acts 77th Leg., R.S., Ch. 1476.)

11 [Sections 3815.009-3815.050 reserved for expansion]

12 SUBCHAPTER B. BOARD OF DIRECTORS

13 Sec. 3815.051. BOARD OF DIRECTORS; TERMS. (a) The  
14 district is governed by a board of 21 directors who serve staggered  
15 terms of four years, with 10 directors' terms expiring June 1 of an  
16 odd-numbered year and 11 directors' terms expiring June 1 of the  
17 following odd-numbered year.

18 (b) The board by resolution may increase or decrease the  
19 number of directors on the board, but only if it is in the best  
20 interest of the district to do so. The board may not:

21 (1) increase the number of directors to more than 30;

22 or

23 (2) decrease the number of directors to fewer than 9.

24 (Loc. Gov. Code, Sec. 376.459(a), as added Acts 77th Leg., R.S.,  
25 Ch. 1476.)

26 Sec. 3815.052. APPOINTMENT OF DIRECTORS. The mayor and  
27 members of the governing body of the City of Houston shall appoint

1 directors from persons recommended by the board who meet the  
2 qualifications prescribed by Subchapter D, Chapter 375, Local  
3 Government Code. (Loc. Gov. Code, Sec. 376.460 (part), as added  
4 Acts 77th Leg., R.S., Ch. 1476.)

5 Sec. 3815.053. EX OFFICIO DIRECTORS. (a) The following  
6 persons serve as nonvoting ex officio directors:

7 (1) the directors of the parks and recreation,  
8 planning and development, public works, and civic center  
9 departments of the City of Houston;

10 (2) the chief of police of the City of Houston;

11 (3) the general manager of the Metropolitan Transit  
12 Authority of Harris County, Texas; and

13 (4) the president of each institution of higher  
14 learning located in the district.

15 (b) If a department described by Subsection (a) is  
16 consolidated, renamed, or changed, the board may appoint a director  
17 of the consolidated, renamed, or changed department as a nonvoting  
18 ex officio director. If a department described by Subsection (a) is  
19 abolished, the board may appoint as a director a representative of  
20 another department of the City of Houston that performs duties  
21 comparable to those performed by the abolished department.

22 (c) The board may appoint the presiding officer of a  
23 nonprofit corporation actively involved in activities in the  
24 southeast area of the city of Houston to serve as a nonvoting ex  
25 officio director. (Loc. Gov. Code, Sec. 376.463, as added Acts  
26 77th Leg., R.S., Ch. 1476.)

27 Sec. 3815.054. CONFLICTS OF INTEREST. (a) Except as

1 provided by this section:

2 (1) a director may participate in all board votes and  
3 decisions; and

4 (2) Chapter 171, Local Government Code, governs  
5 conflicts of interest of directors.

6 (b) Section 171.004, Local Government Code, does not apply  
7 to the district. A director who has a substantial interest in a  
8 business or charitable entity that will receive a pecuniary benefit  
9 from a board action shall file an affidavit with the board secretary  
10 declaring the interest. Another affidavit is not required if the  
11 director's interest changes.

12 (c) After the affidavit is filed, the director may  
13 participate in a discussion or vote on that action if:

14 (1) a majority of the directors have a similar  
15 interest in the same entity; or

16 (2) all other similar business or charitable entities  
17 in the district will receive a similar pecuniary benefit.

18 (d) A director who is also an officer or employee of a public  
19 entity may not participate in a discussion of or vote on a matter  
20 regarding a contract with that same public entity.

21 (e) For purposes of this section, a director has a  
22 substantial interest in a charitable entity in the same manner that  
23 a person would have a substantial interest in a business entity  
24 under Section 171.002, Local Government Code. (Loc. Gov. Code,  
25 Sec. 376.464, as added Acts 77th Leg., R.S., Ch. 1476.)

26 [Sections 3815.055-3815.100 reserved for expansion]

27 SUBCHAPTER C. POWERS AND DUTIES

1           Sec. 3815.101. DISTRICT POWERS. The district has:

2                   (1) all powers necessary to accomplish the purposes  
3 for which the district was created;

4                   (2) the powers given to a corporation under Section  
5 4B, the Development Corporation Act of 1979 (Article 5190.6,  
6 Vernon's Texas Civil Statutes), and the power to own, operate,  
7 acquire, construct, lease, improve, and maintain projects; and

8                   (3) the powers given to a housing finance corporation  
9 created under Chapter 394, Local Government Code, to provide  
10 housing or residential development projects in the district. (Loc.  
11 Gov. Code, Sec. 376.461 (part), as added Acts 77th Leg., R.S., Ch.  
12 1476.)

13           Sec. 3815.102. NONPROFIT CORPORATION. (a) The board by  
14 resolution may authorize the creation of a nonprofit corporation to  
15 assist and act for the district in implementing a project or  
16 providing a service authorized by this chapter.

17                   (b) The nonprofit corporation:

18                           (1) has each power of and is considered for purposes of  
19 this chapter to be a local government corporation created under  
20 Chapter 431, Transportation Code; and

21                           (2) may implement any project and provide any service  
22 authorized by this chapter.

23                   (c) The board shall appoint the board of directors of the  
24 nonprofit corporation. The board of directors of the nonprofit  
25 corporation shall serve in the same manner as, for the same term as,  
26 and on the conditions of the board of directors of a local  
27 government corporation created under Chapter 431, Transportation

1 Code. (Loc. Gov. Code, Sec. 376.468, as added Acts 77th Leg., R.S.,  
2 Ch. 1476.)

3 Sec. 3815.103. CONTRACTS; GRANTS; DONATIONS. (a) To  
4 protect the public interest, the district may contract with Harris  
5 County or the City of Houston for the county or city to provide law  
6 enforcement services in the district for a fee.

7 (b) Harris County, the City of Houston, or another political  
8 subdivision of this state, without further authorization, may  
9 contract with the district to implement a project of the district or  
10 assist the district in providing a service authorized under this  
11 chapter. A contract under this subsection may:

- 12 (1) be for a period on which the parties agree;
- 13 (2) include terms on which the parties agree;
- 14 (3) be payable from taxes or any other source of  
15 revenue that may be available for that project or service; or
- 16 (4) provide terms under which taxes or other revenue  
17 collected at a district project or from a person using or purchasing  
18 a commodity or service at a district project may be paid or rebated  
19 to the district.

20 (c) The district may enter into a contract, lease, or other  
21 agreement with or make or accept a grant or loan to or from, or  
22 accept donations from, any person, including:

- 23 (1) the United States;
- 24 (2) this state or a state agency;
- 25 (3) any political subdivision of this state; or
- 26 (4) a public or private corporation, including a  
27 nonprofit corporation created by the board under this subchapter.

1 (d) The district may perform all acts necessary for the full  
2 exercise of the powers vested in the district on terms and for the  
3 period the board determines advisable.

4 (e) The implementation of a project is a governmental  
5 function or service for purposes of Chapter 791, Government Code.  
6 (Loc. Gov. Code, Secs. 376.477, 376.480, as added Acts 77th Leg.,  
7 R.S., Ch. 1476.)

8 Sec. 3815.104. COMPETITIVE BIDDING. Section 375.221, Local  
9 Government Code, does not apply to a district contract for \$25,000  
10 or less. (Loc. Gov. Code, Sec. 376.478, as added Acts 77th Leg.,  
11 R.S., Ch. 1476.)

12 Sec. 3815.105. ANNEXATION. In addition to the authority to  
13 annex territory under Subchapter C, Chapter 375, Local Government  
14 Code, the district has the authority to annex territory located in a  
15 reinvestment zone created by the City of Houston under Chapter 311,  
16 Tax Code, if the city's governing body consents to the annexation.  
17 (Loc. Gov. Code, Sec. 376.479, as added Acts 77th Leg., R.S., Ch.  
18 1476.)

19 [Sections 3815.106-3815.150 reserved for expansion]

20 SUBCHAPTER D. FINANCIAL PROVISIONS

21 Sec. 3815.151. PETITION REQUIRED FOR FINANCING SERVICES AND  
22 IMPROVEMENTS. (a) The board may not finance a service or an  
23 improvement project under this chapter unless a written petition  
24 requesting that service or improvement is filed with the board.

25 (b) The petition must be signed by:

26 (1) the owners of a majority of the assessed value of  
27 real property in the district according to the most recent

1 certified tax appraisal roll for Harris County; or

2 (2) at least 50 owners of land in the district, if more  
3 than 50 persons own property in the district according to the most  
4 recent certified tax appraisal roll for Harris County. (Loc. Gov.  
5 Code, Sec. 376.467, as added Acts 77th Leg., R.S., Ch. 1476.)

6 Sec. 3815.152. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
7 board by resolution shall establish the number of directors'  
8 signatures and the procedure required for a disbursement or  
9 transfer of the district's money. (Loc. Gov. Code, Sec. 376.469, as  
10 added Acts 77th Leg., R.S., Ch. 1476.)

11 Sec. 3815.153. BOARD VOTE REQUIRED TO IMPOSE TAXES,  
12 ASSESSMENTS, OR IMPACT FEES. The imposition of a tax, assessment,  
13 or impact fee requires a vote of a majority of the directors  
14 serving. (Loc. Gov. Code, Sec. 376.459(b) (part), as added Acts  
15 77th Leg., R.S., Ch. 1476.)

16 Sec. 3815.154. AUTHORITY TO IMPOSE TAXES, ASSESSMENTS, AND  
17 IMPACT FEES. The district may impose an ad valorem tax, assessment,  
18 or impact fee as provided by Chapter 375, Local Government Code, to  
19 provide an improvement or service for a project or activity the  
20 district may acquire, construct, improve, or provide under this  
21 chapter. (Loc. Gov. Code, Sec. 376.461 (part), as added Acts 77th  
22 Leg., R.S., Ch. 1476.)

23 Sec. 3815.155. MAINTENANCE TAX. (a) If authorized at an  
24 election held in accordance with Section 3815.159, the district may  
25 impose an annual ad valorem tax on taxable property in the district  
26 to:

27 (1) maintain and operate the district and the

1 improvements constructed or acquired by the district; or

2 (2) provide a service.

3 (b) The board shall determine the tax rate. (Loc. Gov.  
4 Code, Sec. 376.475, as added Acts 77th Leg., R.S., Ch. 1476.)

5 Sec. 3815.156. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
6 The board by resolution may impose and collect an assessment for any  
7 purpose authorized by this chapter.

8 (b) An assessment, a reassessment, or an assessment  
9 resulting from an addition to or correction of the assessment roll  
10 by the district, penalties and interest on an assessment or  
11 reassessment, an expense of collection, and reasonable attorney's  
12 fees incurred by the district:

13 (1) are a first and prior lien against the property  
14 assessed;

15 (2) are superior to any other lien or claim other than  
16 a lien or claim for county, school district, or municipal ad valorem  
17 taxes; and

18 (3) are the personal liability of and a charge against  
19 the owners of the property even if the owners are not named in the  
20 assessment proceeding.

21 (c) The lien is effective from the date of the board's  
22 resolution imposing the assessment until the date the assessment is  
23 paid. The board may enforce the lien in the same manner that the  
24 board may enforce an ad valorem tax lien against real property.

25 (d) The board may correct, add to, or delete assessments  
26 from its assessment rolls after notice and hearing as provided by  
27 Subchapter F, Chapter 375, Local Government Code. (Loc. Gov. Code,

1 Secs. 376.461 (part), 376.471, as added Acts 77th Leg., R.S., Ch.  
2 1476.)

3 Sec. 3815.157. PROPERTY EXEMPT FROM TAXES, IMPACT FEES, AND  
4 ASSESSMENTS. (a) The district may not impose a tax, impact fee,  
5 or assessment on a residential property or condominium.

6 (b) The district may not impose an impact fee or assessment  
7 on the property, equipment, or facilities of a person who provides  
8 to the public cable television, gas, light, power, telephone,  
9 sewage, or water service. (Loc. Gov. Code, Sec. 376.472, as added  
10 Acts 77th Leg., R.S., Ch. 1476.)

11 Sec. 3815.158. OBLIGATIONS; APPROVAL BY CITY OF  
12 HOUSTON. (a) The district may issue bonds or other obligations  
13 payable in whole or in part from ad valorem taxes, assessments,  
14 impact fees, revenue, grants, or other money of the district, or any  
15 combination of those sources of money, to pay for any authorized  
16 purpose of the district.

17 (b) In exercising the district's borrowing power, the  
18 district may issue a bond or other obligation in the form of a bond,  
19 note, certificate of participation or other instrument evidencing a  
20 proportionate interest in payments to be made by the district, or  
21 other type of obligation.

22 (c) Except as provided by Subsection (d), the district must  
23 obtain the approval of the City of Houston:

24 (1) for the issuance of a bond for each improvement  
25 project;

26 (2) of the plans and specifications of the improvement  
27 project to be financed by the bond; and

1 (3) of the plans and specifications of a district  
2 improvement project related to:

3 (A) the use of land owned by the City of Houston;

4 (B) an easement granted by the City of Houston;

5 or

6 (C) a right-of-way of a street, road, or highway.

7 (d) If the district obtains the approval of the City of  
8 Houston of a capital improvements budget for a specified period not  
9 to exceed five years, the district may finance the capital  
10 improvements and issue bonds specified in the budget without  
11 further approval from the City of Houston. (Loc. Gov. Code, Secs.  
12 376.470(a), (b) (part), (c), (d), as added Acts 77th Leg., R.S., Ch.  
13 1476.)

14 Sec. 3815.159. ELECTIONS REGARDING TAXES OR  
15 BONDS. (a) In addition to the elections required under  
16 Subchapter L, Chapter 375, Local Government Code, the district must  
17 hold an election in the manner provided by that subchapter to obtain  
18 voter approval before the district may:

19 (1) impose a maintenance tax; or

20 (2) issue a bond payable from ad valorem taxes or  
21 assessments.

22 (b) The board may submit multiple purposes in a single  
23 proposition at an election. (Loc. Gov. Code, Sec. 376.473, as  
24 added Acts 77th Leg., R.S., Ch. 1476.)

25 [Sections 3815.160-3815.200 reserved for expansion]

26 SUBCHAPTER E. DISSOLUTION

27 Sec. 3815.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING

1 DEBT. If the district has debt when it is dissolved, the district  
2 shall remain in existence solely for the purpose of discharging its  
3 bonds or other obligations according to their terms. (Loc. Gov.  
4 Code, Sec. 376.476 (part), as added Acts 77th Leg., R.S., Ch.  
5 1476.)

6 CHAPTER 3816. FRISCO SQUARE MANAGEMENT DISTRICT

7 SUBCHAPTER A. GENERAL PROVISIONS

8 Sec. 3816.001. DEFINITIONS

9 Sec. 3816.002. FRISCO SQUARE MANAGEMENT DISTRICT

10 Sec. 3816.003. PURPOSE; DECLARATION OF INTENT

11 Sec. 3816.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

12 Sec. 3816.005. DISTRICT TERRITORY

13 Sec. 3816.006. ELIGIBILITY FOR REINVESTMENT OR ENTERPRISE

14 ZONES

15 Sec. 3816.007. APPLICABILITY OF OTHER LAW

16 Sec. 3816.008. RELATION TO OTHER LAW

17 Sec. 3816.009. LIBERAL CONSTRUCTION OF CHAPTER

18 [Sections 3816.010-3816.050 reserved for expansion]

19 SUBCHAPTER B. BOARD OF DIRECTORS

20 Sec. 3816.051. BOARD OF DIRECTORS

21 Sec. 3816.052. APPOINTED DIRECTORS

22 Sec. 3816.053. EX OFFICIO DIRECTORS

23 Sec. 3816.054. CONFLICTS OF INTEREST

24 [Sections 3816.055-3816.100 reserved for expansion]

25 SUBCHAPTER C. POWERS AND DUTIES

26 Sec. 3816.101. DISTRICT POWERS

27 Sec. 3816.102. NONPROFIT CORPORATION

1 Sec. 3816.103. AGREEMENTS; GRANTS; DONATIONS

2 Sec. 3816.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT

3 Sec. 3816.105. COMPETITIVE BIDDING

4 Sec. 3816.106. APPROVAL OF CERTAIN IMPROVEMENT PROJECTS

5 Sec. 3816.107. ANNEXATION

6 [Sections 3816.108-3816.150 reserved for expansion]

7 SUBCHAPTER D. FINANCIAL PROVISIONS

8 Sec. 3816.151. PETITION REQUIRED FOR FINANCING SERVICES

9 AND IMPROVEMENTS

10 Sec. 3816.152. DISBURSEMENTS AND TRANSFERS OF MONEY

11 Sec. 3816.153. AUTHORITY TO IMPOSE AD VALOREM TAXES,

12 ASSESSMENTS, AND IMPACT FEES

13 Sec. 3816.154. MAINTENANCE TAX

14 Sec. 3816.155. CONTRACTS SECURED BY AD VALOREM TAXES

15 Sec. 3816.156. ASSESSMENTS

16 Sec. 3816.157. LIENS FOR ASSESSMENTS

17 Sec. 3816.158. UTILITY PROPERTY EXEMPT FROM ASSESSMENTS

18 AND IMPACT FEES

19 Sec. 3816.159. ELECTIONS REGARDING TAXES OR BONDS

20 Sec. 3816.160. MUNICIPALITY NOT REQUIRED TO PAY DISTRICT

21 OBLIGATIONS

22 [Sections 3816.161-3816.200 reserved for expansion]

23 SUBCHAPTER E. DISSOLUTION

24 Sec. 3816.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING

25 DEBT

26 CHAPTER 3816. FRISCO SQUARE MANAGEMENT DISTRICT

27 SUBCHAPTER A. GENERAL PROVISIONS

1           Sec. 3816.001. DEFINITIONS. In this subchapter:

2           (1) "Board" means the board of directors of the  
3 district.

4           (2) "District" means the Frisco Square Management  
5 District. (Loc. Gov. Code, Secs. 376.453(1), (3), as added Acts  
6 77th Leg., R.S., Ch. 1384.)

7           Sec. 3816.002. FRISCO SQUARE MANAGEMENT DISTRICT. The  
8 Frisco Square Management District is a special district created  
9 under Section 59, Article XVI, Texas Constitution. (Loc. Gov.  
10 Code, Sec. 376.451(a), as added Acts 77th Leg., R.S., Ch. 1384.)

11          Sec. 3816.003. PURPOSE; DECLARATION OF INTENT. (a) The  
12 creation of the district is essential to accomplish the purposes of  
13 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
14 Texas Constitution, and other public purposes stated in this  
15 chapter. By creating the district and in authorizing Collin  
16 County, the City of Frisco, and other political subdivisions to  
17 contract with the district, the legislature has established a  
18 program to accomplish the public purposes set out in Section 52-a,  
19 Article III, Texas Constitution.

20          (b) The creation of the district is necessary to promote,  
21 develop, encourage, and maintain employment, commerce,  
22 transportation, housing, tourism, recreation, the arts,  
23 entertainment, economic development, safety, and the public  
24 welfare in the City of Frisco's central business area.

25          (c) This chapter and the creation of the district may not be  
26 interpreted to relieve Collin County or the City of Frisco from  
27 providing the level of services provided as of September 1, 2001, to

1 the area in the district or to release the county or city from the  
2 obligations of each entity to provide services to that area. The  
3 district is created to supplement and not to supplant the city  
4 services provided in the area in the district. (Loc. Gov. Code,  
5 Secs. 376.451(c), 376.452, as added Acts 77th Leg., R.S., Ch.  
6 1384.)

7 Sec. 3816.004. FINDINGS OF BENEFIT AND PUBLIC  
8 PURPOSE. (a) The district is created to serve a public use and  
9 benefit.

10 (b) All land and other property included in the district  
11 will benefit from the improvements and services to be provided by  
12 the district under powers conferred by Sections 52 and 52-a,  
13 Article III, and Section 59, Article XVI, Texas Constitution, and  
14 other powers granted under this chapter.

15 (c) The creation of the district is in the public interest  
16 and is essential to:

17 (1) further the public purposes of developing and  
18 diversifying the economy of the state;

19 (2) eliminate unemployment and underemployment; and

20 (3) develop or expand transportation and commerce.

21 (d) Each improvement project or service authorized by this  
22 chapter is essential to carry out a public purpose and will benefit:

23 (1) all land and property in the district;

24 (2) the employees, employers, and consumers of the  
25 district; and

26 (3) the public.

27 (e) The district will:

1           (1) promote the health, safety, and general welfare of  
2 residents, employers, employees, visitors, and consumers in the  
3 district, and of the public;

4           (2) provide needed funding for the City of Frisco's  
5 central business area extension to the west to:

6                   (A) preserve, maintain, and enhance the economic  
7 health and vitality of the area as a community and business center;  
8 and

9                   (B) provide a government center for the city;

10          (3) promote the health, safety, and general welfare of  
11 residents, employers, employees, visitors, and consumers in the  
12 district, and of the public by providing, maintaining, and  
13 operating:

14                   (A) attractive, safe, and convenient street and  
15 road improvements;

16                   (B) off-street parking facilities; and

17                   (C) necessary water, sewer, and drainage  
18 facilities to serve the area within the district; and

19          (4) promote the health, safety, welfare, and enjoyment  
20 of the public by providing pedestrian ways, parks, and off-street  
21 parking and by landscaping and developing certain areas in the  
22 district, which are necessary for the restoration, preservation,  
23 and enhancement of scenic and aesthetic beauty.

24          (f) Pedestrian ways along or across a street, at grade or  
25 above or below the surface, and street lighting, street  
26 landscaping, and street art objects are parts of and necessary  
27 components of a street and are considered to be a street or road

1 improvement.

2 (g) The district will not act as the agent or  
3 instrumentality of any private interest even though the district  
4 will benefit many private interests as well as the public. (Loc.  
5 Gov. Code, Sec. 376.456, as added Acts 77th Leg., R.S., Ch. 1384.)

6 Sec. 3816.005. DISTRICT TERRITORY. (a) The district is  
7 composed of the territory described by Section 1, Chapter 1384,  
8 Acts of the 77th Legislature, Regular Session, 2001, enacting  
9 former Section 376.454, Local Government Code, as that territory  
10 may have been modified under:

11 (1) Section 3816.107 or its predecessor statute,  
12 former Section 376.466, Local Government Code, as added by Chapter  
13 1384, Acts of the 77th Legislature, Regular Session, 2001;

14 (2) Subchapter J, Chapter 49, Water Code; or

15 (3) other law.

16 (b) The boundaries and field notes of the district contained  
17 in Section 1, Chapter 1384, Acts of the 77th Legislature, Regular  
18 Session, 2001, enacting former Section 376.454, Local Government  
19 Code, form a closure. A mistake in the field notes or in copying the  
20 field notes in the legislative process does not affect the  
21 district's:

22 (1) organization, existence, or validity;

23 (2) right to issue any type of bond or other obligation  
24 for a purpose for which the district is created or to pay the  
25 principal of and interest on the bond;

26 (3) right to impose or collect an assessment or tax; or

27 (4) legality or operation. (Loc. Gov. Code, Sec.

1 376.455, as added Acts 77th Leg., R.S., Ch. 1384; New.)

2 Sec. 3816.006. ELIGIBILITY FOR REINVESTMENT OR ENTERPRISE  
3 ZONES. (a) All or any part of the area of the district is  
4 eligible, regardless of other statutory criteria, to be included  
5 in:

6 (1) a tax increment reinvestment zone created by the  
7 City of Frisco under Chapter 311, Tax Code; or

8 (2) a tax abatement reinvestment zone created by the  
9 City of Frisco under Chapter 312, Tax Code.

10 (b) All or any part of the area of the district is eligible  
11 to be nominated for inclusion in an enterprise zone by the City of  
12 Frisco under Chapter 2303, Government Code. (Loc. Gov. Code, Sec.  
13 376.463(f), as added Acts 77th Leg., R.S., Ch. 1384.)

14 Sec. 3816.007. APPLICABILITY OF OTHER LAW. Except as  
15 otherwise provided by this chapter, Chapter 375, Local Government  
16 Code, applies to the district, the board, and district employees.  
17 (Loc. Gov. Code, Sec. 376.457(a), as added Acts 77th Leg., R.S., Ch.  
18 1384.)

19 Sec. 3816.008. RELATION TO OTHER LAW. This chapter  
20 prevails over a law to which this chapter refers that is in conflict  
21 with or is inconsistent with this chapter. (Loc. Gov. Code, Sec.  
22 376.457(b) (part), as added Acts 77th Leg., R.S., Ch. 1384.)

23 Sec. 3816.009. LIBERAL CONSTRUCTION OF CHAPTER. This  
24 chapter shall be liberally construed in conformity with the  
25 findings and purposes stated in this chapter. (Loc. Gov. Code, Sec.  
26 376.458, as added Acts 77th Leg., R.S., Ch. 1384.)

27 [Sections 3816.010-3816.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 3816.051. BOARD OF DIRECTORS. The district is  
3 governed by a board of five directors appointed under Section  
4 3816.052 and three directors serving ex officio under Section  
5 3816.053. (Loc. Gov. Code, Sec. 376.459(a) (part), as added Acts  
6 77th Leg., R.S., Ch. 1384.)

7 Sec. 3816.052. APPOINTED DIRECTORS. (a) The governing  
8 body of the City of Frisco shall appoint directors who meet the  
9 qualifications of Subchapter D, Chapter 375, Local Government Code.

10 (b) The appointed directors serve staggered terms of four  
11 years, with two directors' terms expiring July 1 of an odd-numbered  
12 year and three directors' terms expiring July 1 of the following  
13 odd-numbered year.

14 (c) Notwithstanding the common law doctrine of  
15 incompatibility, members of the governing body of the City of  
16 Frisco may be appointed to the board. The term of a director who is  
17 also a member of the governing body of the City of Frisco expires  
18 when the member's term on the governing body expires. The person  
19 may be reappointed to the board to complete the unexpired term on  
20 the board.

21 (d) A person may not be appointed to the board if the  
22 appointment of that person would result in fewer than three of the  
23 directors residing in the City of Frisco.

24 (e) The governing body of the City of Frisco shall appoint a  
25 director to fill a vacancy that occurs on the board.

26 (f) District directors are public officials entitled to  
27 governmental immunity for their official actions. (Loc. Gov. Code,

1 Secs. 376.459(a) (part), 376.460(a), (b), (c), (d), as added Acts  
2 77th Leg., R.S., Ch. 1384.)

3 Sec. 3816.053. EX OFFICIO DIRECTORS. (a) The following  
4 persons serve as nonvoting ex officio directors:

- 5 (1) the manager of the City of Frisco;
- 6 (2) the financial director of the City of Frisco; and
- 7 (3) the planning director of the City of Frisco.

8 (b) If an office described by Subsection (a) is renamed,  
9 changed, or abolished, the governing body of the City of Frisco may  
10 appoint another city officer or employee who performs duties  
11 comparable to those performed by the officer described by  
12 Subsection (a). (Loc. Gov. Code, Sec. 376.461, as added Acts 77th  
13 Leg., R.S., Ch. 1384.)

14 Sec. 3816.054. CONFLICTS OF INTEREST. (a) Except as  
15 provided by Section 3816.053 or this section:

- 16 (1) a director may participate in all board votes and  
17 decisions; and
- 18 (2) Chapter 171, Local Government Code, governs  
19 conflicts of interest of board members.

20 (b) Section 171.004, Local Government Code, does not apply  
21 to the district. A director who has a substantial interest in a  
22 business or charitable entity that will receive a pecuniary benefit  
23 from a board action shall file an affidavit with the board secretary  
24 declaring the interest. Another affidavit is not required if the  
25 director's interest changes.

26 (c) After the affidavit is filed, the director may  
27 participate in a discussion or vote on that action if:

1           (1) a majority of the directors have a similar  
2 interest in the same entity;

3           (2) all other similar business or charitable entities  
4 in the district will receive a similar pecuniary benefit; or

5           (3) the director is a property owner in the district.

6           (d) A director who is also an officer or employee of a public  
7 entity may not participate in a discussion of or vote on a matter  
8 regarding a contract with that same public entity.

9           (e) For purposes of this section, a director has a  
10 substantial interest in a charitable entity in the same manner that  
11 a person would have a substantial interest in a business entity  
12 under Section 171.002, Local Government Code. (Loc. Gov. Code,  
13 Sec. 376.462, as added Acts 77th Leg., R.S., Ch. 1384.)

14           [Sections 3816.055-3816.100 reserved for expansion]

15                           SUBCHAPTER C. POWERS AND DUTIES

16           Sec. 3816.101. DISTRICT POWERS. (a) The district has all  
17 powers necessary to accomplish the purposes for which the district  
18 was created.

19           (b) The district may exercise the powers given to:

20           (1) a corporation created under Section 4B,  
21 Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas  
22 Civil Statutes); or

23           (2) a housing finance corporation created under  
24 Chapter 394, Local Government Code, to provide housing or  
25 residential development projects in the district. (Loc. Gov. Code,  
26 Secs. 376.463(a), (b), (c), as added Acts 77th Leg., R.S., Ch.  
27 1384.)

1           Sec. 3816.102. NONPROFIT CORPORATION. (a) The board by  
2 resolution may authorize the creation of a nonprofit corporation to  
3 assist and act for the district in implementing a project or  
4 providing a service authorized by this chapter.

5           (b) The nonprofit corporation:

6                 (1) has each power of and is considered for purposes of  
7 this chapter to be a local government corporation created under  
8 Chapter 431, Transportation Code; and

9                 (2) may implement any project and provide any service  
10 authorized by this chapter.

11           (c) The board shall appoint the board of directors of the  
12 nonprofit corporation. The board of directors of the nonprofit  
13 corporation shall serve in the same manner as, for the same term as,  
14 and on the conditions of the board of directors of a local  
15 government corporation created under Chapter 431, Transportation  
16 Code. (Loc. Gov. Code, Sec. 376.465, as added Acts 77th Leg., R.S.,  
17 Ch. 1384.)

18           Sec. 3816.103. AGREEMENTS; GRANTS; DONATIONS. (a) The  
19 district may enter into an agreement with or accept a donation,  
20 grant, or loan from any person.

21           (b) A municipality, county, or other political subdivision  
22 of this state, without further authorization, may contract with the  
23 district for:

24                 (1) the acquisition, construction, improvement,  
25 implementation, maintenance, and operation of a district project;  
26 or

27                 (2) the provision of a service authorized under this

1 chapter.

2 (c) A contract under Subsection (b) may:

3 (1) be for a period and include terms on which the  
4 parties agree;

5 (2) be payable from taxes or any other source of  
6 revenue that may be available for that purpose; and

7 (3) provide terms under which taxes or other revenues  
8 collected at a district project or from a person using or purchasing  
9 a commodity or service at a district project may be paid or rebated  
10 to the district.

11 (d) The implementation of a project is a governmental  
12 function or service for the purposes of Chapter 791, Government  
13 Code. (Loc. Gov. Code, Secs. 376.464(a), (b), (c), as added Acts  
14 77th Leg., R.S., Ch. 1384.)

15 Sec. 3816.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.  
16 To protect the public interest, the district may contract with the  
17 City of Frisco for the city to provide law enforcement services in  
18 the district for a fee. (Loc. Gov. Code, Sec. 376.464(d), as added  
19 Acts 77th Leg., R.S., Ch. 1384.)

20 Sec. 3816.105. COMPETITIVE BIDDING. Section 375.221, Local  
21 Government Code, does not apply to a district contract for \$25,000  
22 or less. (Loc. Gov. Code, Sec. 376.475, as added Acts 77th Leg.,  
23 R.S., Ch. 1384.)

24 Sec. 3816.106. APPROVAL OF CERTAIN IMPROVEMENT  
25 PROJECTS. (a) Except as provided by Subsection (b), the district  
26 must obtain the approval of the City of Frisco's governing body:

27 (1) for the issuance of a bond for each improvement

1 project;

2 (2) of the plans and specifications of an improvement  
3 project financed by the bond; and

4 (3) of the plans and specifications of a district  
5 improvement project related to the use of land owned by the City of  
6 Frisco, an easement granted by the City of Frisco, or a right-of-way  
7 of a street, road, or highway.

8 (b) If the district obtains the approval of the City of  
9 Frisco's governing body of a capital improvements budget for a  
10 period not to exceed five years, the district may finance the  
11 capital improvements and issue bonds specified in the budget  
12 without the further approval of the city. (Loc. Gov. Code, Secs.  
13 376.473(a), (b), (c), as added Acts 77th Leg., R.S., Ch. 1384.)

14 Sec. 3816.107. ANNEXATION. In addition to the authority to  
15 annex territory under Subchapter C, Chapter 375, Local Government  
16 Code, the district has the authority to annex territory located in a  
17 reinvestment zone created by the City of Frisco under Chapter 311,  
18 Tax Code, if the city's governing body consents to the annexation.  
19 (Loc. Gov. Code, Sec. 376.466, as added Acts 77th Leg., R.S., Ch.  
20 1384.)

21 [Sections 3816.108-3816.150 reserved for expansion]

22 SUBCHAPTER D. FINANCIAL PROVISIONS

23 Sec. 3816.151. PETITION REQUIRED FOR FINANCING SERVICES AND  
24 IMPROVEMENTS. (a) The board may not finance a service or an  
25 improvement project under this chapter unless a written petition  
26 requesting that service or improvement is filed with the board.

27 (b) The petition must be signed by:

1           (1) the owners of a majority of the assessed value of  
2 real property in the district according to the most recent  
3 certified tax appraisal roll for Collin County; or

4           (2) at least 25 owners of land in the district, if more  
5 than 25 persons own property in the district according to the most  
6 recent certified property tax appraisal roll for Collin County.  
7 (Loc. Gov. Code, Sec. 376.467, as added Acts 77th Leg., R.S., Ch.  
8 1384.)

9           Sec. 3816.152. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
10 board by resolution shall establish the number of directors'  
11 signatures and the procedure required for a disbursement or  
12 transfer of the district's money. (Loc. Gov. Code, Sec. 376.474, as  
13 added Acts 77th Leg., R.S., Ch. 1384.)

14           Sec. 3816.153. AUTHORITY TO IMPOSE AD VALOREM TAXES,  
15 ASSESSMENTS, AND IMPACT FEES. The district may impose an ad valorem  
16 tax, assessment, or impact fee as provided by Chapter 375, Local  
17 Government Code, on all property in the district, including  
18 industrial, commercial, or residential property, and may impose an  
19 assessment on municipal property in the district to:

20           (1) finance or provide an improvement or service for a  
21 project or activity this chapter authorizes the district to  
22 construct, acquire, or improve; or

23           (2) provide or to make a payment under a contract.  
24 (Loc. Gov. Code, Sec. 376.463(d) (part), as added Acts 77th Leg.,  
25 R.S., Ch. 1384.)

26           Sec. 3816.154. MAINTENANCE TAX. (a) If authorized at an  
27 election held in accordance with Section 3816.159, the district may

1 impose an annual ad valorem tax on taxable property in the district  
2 to:

3 (1) maintain and operate the district and the  
4 improvements constructed or acquired by the district; or

5 (2) provide a service.

6 (b) The board shall determine the tax rate. (Loc. Gov.  
7 Code, Sec. 376.469, as added Acts 77th Leg., R.S., Ch. 1384.)

8 Sec. 3816.155. CONTRACTS SECURED BY AD VALOREM TAXES. A  
9 contract for which the payments are secured wholly or partly by ad  
10 valorem taxes may not be executed unless the imposition of the ad  
11 valorem taxes to secure the payment of the contract is approved by a  
12 majority, or a larger percentage if constitutionally required, of  
13 the voters in the district voting at an election held for that  
14 purpose. (Loc. Gov. Code, Sec. 376.463(d) (part), as added Acts  
15 77th Leg., R.S., Ch. 1384.)

16 Sec. 3816.156. ASSESSMENTS. (a) The board by resolution  
17 may impose and collect an assessment for any purpose authorized by  
18 this chapter.

19 (b) The district may impose an assessment against any  
20 property of the City of Frisco in the district. Payment of an  
21 assessment by another exempt jurisdiction must be established by  
22 contract.

23 (c) The board may apportion the cost of an improvement  
24 project or service to be assessed against property in the district  
25 on all property in the district according to a finding of the board  
26 that the improvement project or service benefits all property in  
27 the district.

1 (d) The board may include two or more types of improvements  
2 and services in one assessment proceeding. The board may conduct  
3 separate assessment proceedings as the district undertakes  
4 improvement projects or the provision of services.

5 (e) The board may adjust annual assessments for services in  
6 accordance with an annual budget the board adopts for the provision  
7 of those services. An annual adjustment may not exceed the annual  
8 amount set forth in the original assessment proceedings except  
9 after public notice and hearing on the increase.

10 (f) The board, after notice and hearing as provided by  
11 Subchapter F, Chapter 375, Local Government Code, may:

12 (1) correct, add to, or delete assessments from its  
13 assessment rolls; and

14 (2) collect assessments after making the corrections,  
15 additions, or deletions. (Loc. Gov. Code, Secs. 376.463(e),  
16 376.470, as added Acts 77th Leg., R.S., Ch. 1384.)

17 Sec. 3816.157. LIENS FOR ASSESSMENTS. (a) An assessment,  
18 including an assessment resulting from an addition to or correction  
19 of the assessment roll by the district, a reassessment, penalties  
20 and interest on an assessment or reassessment, an expense of  
21 collection, and reasonable attorney's fees incurred by the  
22 district:

23 (1) are a first and prior lien against the property  
24 assessed;

25 (2) are superior to any other lien or claim other than  
26 a lien or claim for county, school district, or municipal ad valorem  
27 taxes; and

1           (3) are the personal liability of and a charge against  
2 the owners of the property even if the owners are not named in the  
3 assessment proceeding.

4           (b) The lien is effective from the date of the board's  
5 resolution imposing the assessment until the date the assessment is  
6 paid. The board may enforce the lien in the same manner that the  
7 board may enforce an ad valorem tax lien against real property.  
8 (Loc. Gov. Code, Sec. 376.471, as added Acts 77th Leg., R.S., Ch.  
9 1384.)

10          Sec. 3816.158. UTILITY PROPERTY EXEMPT FROM ASSESSMENTS AND  
11 IMPACT FEES. The district may not impose an assessment or impact  
12 fee on the property of a person that provides gas, electricity,  
13 telephone, sewage, or water service to the public. (Loc. Gov. Code,  
14 Secs. 376.453(5), 376.472, as added Acts 77th Leg., R.S., Ch.  
15 1384.)

16          Sec. 3816.159. ELECTIONS REGARDING TAXES OR BONDS. (a) In  
17 addition to the elections required under Subchapter L, Chapter 375,  
18 Local Government Code, the district must hold an election in the  
19 manner provided by that subchapter to obtain voter approval before  
20 the district may:

21           (1) impose a maintenance tax; or

22           (2) issue a bond payable from ad valorem taxes or  
23 assessments.

24          (b) The board may include more than one purpose in a single  
25 proposition at an election.

26          (c) If the district obtains the written consent of all  
27 property owners in the district to impose a maintenance tax or issue

1 bonds payable from ad valorem taxes or assessments, the district is  
2 exempt from the election requirement under Subsection (a) and may  
3 cancel an election called under Subsection (a). (Loc. Gov. Code,  
4 Sec. 376.468, as added Acts 77th Leg., R.S., Ch. 1384.)

5 Sec. 3816.160. MUNICIPALITY NOT REQUIRED TO PAY DISTRICT  
6 OBLIGATIONS. Except as provided by Section 375.263, Local  
7 Government Code, a municipality is not required to pay a bond, note,  
8 or other obligation of the district. (Loc. Gov. Code, Sec.  
9 376.473(d), as added Acts 77th Leg., R.S., Ch. 1384.)

10 [Sections 3816.161-3816.200 reserved for expansion]

11 SUBCHAPTER E. DISSOLUTION

12 Sec. 3816.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
13 DEBT. (a) The board may dissolve the district regardless of  
14 whether the district has debt. Section 375.264, Local Government  
15 Code, does not apply to the district.

16 (b) If the district has debt when it is dissolved, the  
17 district shall remain in existence solely for the purpose of  
18 discharging its debts. The dissolution is effective when all debts  
19 have been discharged. (Loc. Gov. Code, Sec. 376.476, as added Acts  
20 77th Leg., R.S., Ch. 1384.)

21 CHAPTER 3817. ALDINE COMMUNITY IMPROVEMENT DISTRICT

22 SUBCHAPTER A. GENERAL PROVISIONS

23 Sec. 3817.001. DEFINITIONS

24 Sec. 3817.002. ALDINE COMMUNITY IMPROVEMENT DISTRICT

25 Sec. 3817.003. PURPOSE; DECLARATION OF INTENT

26 Sec. 3817.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

27 Sec. 3817.005. DISTRICT TERRITORY

- 1 Sec. 3817.006. APPLICABILITY OF OTHER LAW
- 2 Sec. 3817.007. LIBERAL CONSTRUCTION OF CHAPTER
- 3 [Sections 3817.008-3817.050 reserved for expansion]
- 4 SUBCHAPTER B. BOARD OF DIRECTORS
- 5 Sec. 3817.051. BOARD OF DIRECTORS; TERMS
- 6 Sec. 3817.052. APPOINTMENT AND REMOVAL OF DIRECTORS
- 7 Sec. 3817.053. QUORUM
- 8 [Sections 3817.054-3817.100 reserved for expansion]
- 9 SUBCHAPTER C. POWERS AND DUTIES
- 10 Sec. 3817.101. EXERCISE OF POWERS OF DEVELOPMENT
- 11 CORPORATION
- 12 Sec. 3817.102. NONPROFIT CORPORATION
- 13 Sec. 3817.103. CONTRACT WITH POLITICAL SUBDIVISION
- 14 Sec. 3817.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT
- 15 Sec. 3817.105. APPROVAL BY CITY OF HOUSTON
- 16 Sec. 3817.106. ANNEXATION OF CERTAIN TERRITORY BY GOVERNING
- 17 BODY OF MUNICIPALITY
- 18 [Sections 3817.107-3817.150 reserved for expansion]
- 19 SUBCHAPTER D. FINANCIAL PROVISIONS
- 20 Sec. 3817.151. DISBURSEMENTS AND TRANSFERS OF MONEY
- 21 Sec. 3817.152. BOARD VOTE REQUIRED TO AUTHORIZE TAXES,
- 22 ASSESSMENTS, IMPACT FEES, OR BONDS
- 23 Sec. 3817.153. MAINTENANCE TAX
- 24 Sec. 3817.154. SALES AND USE TAX
- 25 Sec. 3817.155. ASSESSMENTS; LIENS FOR ASSESSMENTS
- 26 Sec. 3817.156. PROPERTY EXEMPT FROM IMPACT FEES
- 27 AND ASSESSMENTS

1 Sec. 3817.157. ELECTIONS REGARDING TAXES OR BONDS

2 Sec. 3817.158. MUNICIPALITY NOT REQUIRED TO PAY

3 DISTRICT OBLIGATIONS

4 [Sections 3817.159-3817.200 reserved for expansion]

5 SUBCHAPTER E. DISSOLUTION

6 Sec. 3817.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING

7 DEBT

8 CHAPTER 3817. ALDINE COMMUNITY IMPROVEMENT DISTRICT

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 3817.001. DEFINITIONS. In this chapter:

11 (1) "Board" means the board of directors of the  
12 district.

13 (2) "District" means the Aldine Community Improvement  
14 District. (Loc. Gov. Code, Secs. 376.453(1), (3), as added Acts  
15 77th Leg., R.S., Ch. 1433.)

16 Sec. 3817.002. ALDINE COMMUNITY IMPROVEMENT DISTRICT. The  
17 Aldine Community Improvement District is a special district created  
18 under Section 59, Article XVI, Texas Constitution. (Loc. Gov.  
19 Code, Sec. 376.451(a), as added Acts 77th Leg., R.S., Ch. 1433.)

20 Sec. 3817.003. PURPOSE; DECLARATION OF INTENT. (a) The  
21 creation of the district is essential to accomplish the purposes of  
22 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
23 Texas Constitution, and other public purposes stated in this  
24 chapter.

25 (b) The creation of the district is necessary to promote,  
26 develop, encourage, and maintain employment, commerce,  
27 transportation, housing, tourism, recreation, the arts,

1 entertainment, economic development, safety, and the public  
2 welfare in the Aldine Community area of Harris County.

3 (c) This chapter and the creation of the district may not be  
4 interpreted to relieve Harris County from providing the level of  
5 services provided as of June 17, 2001, to the area in the district  
6 or to release the county from the obligations of the county to  
7 provide services to that area. The district is created to  
8 supplement and not to supplant the county services provided in the  
9 area in the district. (Loc. Gov. Code, Sec. 376.452, as added Acts  
10 77th Leg., R.S., Ch. 1433.)

11 Sec. 3817.004. FINDINGS OF BENEFIT AND PUBLIC  
12 PURPOSE. (a) The district is created to serve a public use and  
13 benefit.

14 (b) All land and other property included in the district  
15 will benefit from the improvements and services to be provided by  
16 the district under powers conferred by Sections 52 and 52-a,  
17 Article III, and Section 59, Article XVI, Texas Constitution, and  
18 other powers granted under this chapter.

19 (c) The creation of the district is in the public interest  
20 and is essential to:

21 (1) further the public purposes of developing and  
22 diversifying the economy of the state;

23 (2) eliminate unemployment and underemployment; and

24 (3) develop or expand transportation and commerce.

25 (d) The district will:

26 (1) promote the health, safety, and general welfare of  
27 residents, employers, potential employees, employees, visitors,

1 and consumers in the district, and of the public;

2 (2) provide needed funding for the Aldine Community  
3 area to preserve, maintain, and enhance the economic health and  
4 vitality of the area as a community and business center; and

5 (3) promote the health, safety, welfare, and enjoyment  
6 of the public by providing pedestrian ways and by landscaping and  
7 developing certain areas in the district, which are necessary for  
8 the restoration, preservation, and enhancement of scenic beauty.

9 (e) Pedestrian ways along or across a street, whether at  
10 grade or above or below the surface, and street lighting, street  
11 landscaping, and street art objects are parts of and necessary  
12 components of a street and are considered to be a street or road  
13 improvement.

14 (f) The district will not act as the agent or  
15 instrumentality of any private interest even though the district  
16 will benefit many private interests as well as the public. (Loc.  
17 Gov. Code, Sec. 376.456, as added Acts 77th Leg., R.S., Ch. 1433.)

18 Sec. 3817.005. DISTRICT TERRITORY. (a) The district is  
19 composed of the territory described by Section 1, Chapter 1433,  
20 Acts of the 77th Legislature, Regular Session, 2001, enacting  
21 former Section 376.454, Local Government Code, as that territory  
22 may have been modified under:

23 (1) Section 3817.106 or its predecessor statute,  
24 former Section 376.476, Local Government Code, as added by Section  
25 1, Chapter 1433, Acts of the 77th Legislature, Regular Session,  
26 2001;

27 (2) Subchapter J, Chapter 49, Water Code; or

1           (3) other law.

2           (b) The boundaries and field notes of the district contained  
3 in Section 1, Chapter 1433, Acts of the 77th Legislature, Regular  
4 Session, 2001, enacting former Section 376.454, Local Government  
5 Code, form a closure. A mistake in the field notes or in copying the  
6 field notes in the legislative process does not in any way affect  
7 the district's:

8           (1) organization, existence, or validity;

9           (2) right to issue any type of bond for a purpose for  
10 which the district is created or to pay the principal of and  
11 interest on the bond;

12           (3) right to impose or collect an assessment or tax; or

13           (4) legality or operation. (Loc. Gov. Code, Sec.  
14 376.455, as added Acts 77th Leg., R.S., Ch. 1433; New.)

15           Sec. 3817.006. APPLICABILITY OF OTHER LAW. Except as  
16 otherwise provided by this chapter, Chapter 375, Local Government  
17 Code, applies to the district. (Loc. Gov. Code, Sec. 376.457, as  
18 added Acts 77th Leg., R.S., Ch. 1433.)

19           Sec. 3817.007. LIBERAL CONSTRUCTION OF CHAPTER. This  
20 chapter shall be liberally construed in conformity with the  
21 findings and purposes stated in this chapter. (Loc. Gov. Code, Sec.  
22 376.458, as added Acts 77th Leg., R.S., Ch. 1433.)

23           [Sections 3817.008-3817.050 reserved for expansion]

24           SUBCHAPTER B. BOARD OF DIRECTORS

25           Sec. 3817.051. BOARD OF DIRECTORS; TERMS. (a) The  
26 district is governed by a board of nine directors who serve  
27 staggered terms of four years with four or five directors' terms

1 expiring June 1 of each odd-numbered year.

2 (b) One director must be a resident of the district.

3 (c) The board by resolution may change the number of  
4 directors on the board, but only if the board determines that the  
5 change is in the best interest of the district, subject to Section  
6 375.061, Local Government Code. (Loc. Gov. Code, Sec. 376.459, as  
7 added Acts 77th Leg., R.S., Ch. 1433.)

8 Sec. 3817.052. APPOINTMENT AND REMOVAL OF DIRECTORS.  
9 Sections 375.064 and 375.065, Local Government Code, govern the  
10 appointment and removal of directors, except that for purposes of  
11 this chapter references in those sections to the governing body of  
12 the municipality mean the commissioners court of Harris County.  
13 (Loc. Gov. Code, Sec. 376.460, as added Acts 77th Leg., R.S., Ch.  
14 1433.)

15 Sec. 3817.053. QUORUM. (a) Section 375.071, Local  
16 Government Code, does not apply to the district.

17 (b) One-half of the board constitutes a quorum.

18 (c) Except as provided by Section 3817.152, a concurrence of  
19 a majority of a quorum is required for any official district action.  
20 (Loc. Gov. Code, Sec. 376.461, as added Acts 77th Leg., R.S., Ch.  
21 1433.)

22 [Sections 3817.054-3817.100 reserved for expansion]

23 SUBCHAPTER C. POWERS AND DUTIES

24 Sec. 3817.101. EXERCISE OF POWERS OF DEVELOPMENT  
25 CORPORATION. The district may exercise the powers of a corporation  
26 created under Section 4B, Development Corporation Act of 1979  
27 (Article 5190.6, Vernon's Texas Civil Statutes). (Loc. Gov. Code,

1 Sec. 376.463, as added Acts 77th Leg., R.S., Ch. 1433.)

2 Sec. 3817.102. NONPROFIT CORPORATION. (a) The board by  
3 resolution may authorize the creation of a nonprofit corporation to  
4 assist and act for the district in implementing a project or  
5 providing a service authorized by this chapter.

6 (b) The nonprofit corporation:

7 (1) has each power of and is considered for purposes of  
8 this chapter to be a local government corporation created under  
9 Chapter 431, Transportation Code; and

10 (2) may implement any project and provide any service  
11 authorized by this chapter.

12 (c) The board shall appoint the board of directors of the  
13 nonprofit corporation. The board of directors of the nonprofit  
14 corporation shall serve in the same manner as, for the same term as,  
15 and on the same conditions as the board of directors of a local  
16 government corporation created under Chapter 431, Transportation  
17 Code. (Loc. Gov. Code, Sec. 376.466, as added Acts 77th Leg., R.S.,  
18 Ch. 1433.)

19 Sec. 3817.103. CONTRACT WITH POLITICAL SUBDIVISION. Harris  
20 County, the City of Houston, or another political subdivision of  
21 this state, without further authorization, may contract with the  
22 district to implement a project of the district or assist the  
23 district in providing a service authorized under this chapter. A  
24 contract under this section may:

25 (1) be for a period on which the parties agree;

26 (2) include terms on which the parties agree;

27 (3) be payable from taxes or any other source of

1 revenue that may be available for that project or service; and

2 (4) provide terms under which taxes or other revenue  
3 collected at a district project or from a person using or purchasing  
4 a commodity or service at a district project may be paid or rebated  
5 to the district. (Loc. Gov. Code, Sec. 376.465, as added Acts 77th  
6 Leg., R.S., Ch. 1433.)

7 Sec. 3817.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.

8 To protect the public interest, the district may contract with  
9 Harris County or the City of Houston for the county or the city to  
10 provide law enforcement services in the district for a fee. (Loc.  
11 Gov. Code, Sec. 376.464, as added Acts 77th Leg., R.S., Ch. 1433.)

12 Sec. 3817.105. APPROVAL BY CITY OF HOUSTON. (a) Except as  
13 provided by Subsection (b), the district must obtain the approval  
14 of the City of Houston's governing body:

15 (1) for the issuance of a bond for each improvement  
16 project;

17 (2) of the plans and specifications of the improvement  
18 project financed by the bond; and

19 (3) of the plans and specifications of any district  
20 improvement project related to the use of land owned by Harris  
21 County, an easement granted by Harris County, or a right-of-way of a  
22 street, road, or highway.

23 (b) If the district obtains the approval of the City of  
24 Houston's governing body of a capital improvements budget for a  
25 period not to exceed five years, the district may finance the  
26 capital improvements and issue bonds specified in the budget  
27 without further approval from the City of Houston. (Loc. Gov. Code,

1 Secs. 376.468(a), (b), (c), as added Acts 77th Leg., R.S., Ch.  
2 1433.)

3 Sec. 3817.106. ANNEXATION OF CERTAIN TERRITORY BY GOVERNING  
4 BODY OF MUNICIPALITY. (a) If territory in the City of Houston's  
5 limit or extraterritorial jurisdiction is included in the district,  
6 the city's governing body may remove that territory from the  
7 district if the district does not have any bonded indebtedness.

8 (b) To remove the territory, the governing body of the City  
9 of Houston must notify the board secretary in writing that the  
10 territory is excluded from the district's territory.

11 (c) If a municipality annexes territory that is in its  
12 extraterritorial jurisdiction and included in the district, the  
13 governing body of the municipality shall notify the board secretary  
14 in writing that the annexed territory is excluded from the  
15 district's territory. (Loc. Gov. Code, Sec. 376.476, as added Acts  
16 77th Leg., R.S., Ch. 1433.)

17 [Sections 3817.107-3817.150 reserved for expansion]

18 SUBCHAPTER D. FINANCIAL PROVISIONS

19 Sec. 3817.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
20 board by resolution shall establish the number of directors'  
21 signatures and the procedure required for a disbursement or  
22 transfer of the district's money. (Loc. Gov. Code, Sec. 376.467, as  
23 added Acts 77th Leg., R.S., Ch. 1433.)

24 Sec. 3817.152. BOARD VOTE REQUIRED TO AUTHORIZE TAXES,  
25 ASSESSMENTS, IMPACT FEES, OR BONDS. (a) A majority vote of the  
26 directors serving is required to authorize the imposition of a tax,  
27 assessment, or impact fee.

1           (b) The written consent of at least two-thirds of the full  
2 membership of the board is required to authorize the issuance of a  
3 bond. (Loc. Gov. Code, Sec. 376.462, as added Acts 77th Leg., R.S.,  
4 Ch. 1433.)

5           Sec. 3817.153. MAINTENANCE TAX. (a) If authorized at an  
6 election held in accordance with Section 3817.157, the district may  
7 impose an annual ad valorem tax on taxable property in the district  
8 to:

- 9                   (1) maintain and operate the district;  
10                   (2) construct or acquire improvements; or  
11                   (3) provide a service.

12           (b) The board shall determine the tax rate. (Loc. Gov.  
13 Code, Sec. 376.471, as added Acts 77th Leg., R.S., Ch. 1433.)

14           Sec. 3817.154. SALES AND USE TAX. (a) The district may  
15 impose a sales and use tax if authorized by a majority of the voters  
16 of the district voting at an election called for that purpose.  
17 Revenue from the tax may be used for any purpose for which ad  
18 valorem tax revenue of the district may be used.

19           (b) The district may not adopt a sales and use tax if as a  
20 result of the adoption of the tax the combined rate of all sales and  
21 use taxes imposed by the district and other political subdivisions  
22 of this state having territory in the district would exceed two  
23 percent at any location in the district.

24           (c) If the voters of the district approve the adoption of  
25 the tax at an election held on the same election date on which  
26 another political subdivision adopts a sales and use tax or  
27 approves an increase in the rate of its sales and use tax and as a

1 result the combined rate of all sales and use taxes imposed by the  
2 district and other political subdivisions of this state having  
3 territory in the district would exceed two percent at any location  
4 in the district, the election to adopt a sales and use tax under  
5 this chapter has no effect. (Loc. Gov. Code, Sec. 376.470, as added  
6 Acts 77th Leg., R.S., Ch. 1433.)

7           Sec. 3817.155. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
8 The board by resolution may impose and collect an assessment for any  
9 purpose authorized by this chapter.

10           (b) An assessment, a reassessment, or an assessment  
11 resulting from an addition to or correction of the assessment roll  
12 by the district, penalties and interest on an assessment or  
13 reassessment, an expense of collection, and reasonable attorney's  
14 fees incurred by the district:

15                   (1) are a first and prior lien against the property  
16 assessed;

17                   (2) are superior to any other lien or claim other than  
18 a lien or claim for county, school district, or municipal ad valorem  
19 taxes; and

20                   (3) are the personal liability of and a charge against  
21 the owners of the property even if the owners are not named in the  
22 assessment proceedings.

23           (c) The lien is effective from the date of the board's  
24 resolution imposing the assessment until the date the assessment is  
25 paid. The board may enforce the lien in the same manner that the  
26 board may enforce an ad valorem tax lien against real property.  
27 (Loc. Gov. Code, Sec. 376.469, as added Acts 77th Leg., R.S., Ch.

1 1433.)

2 Sec. 3817.156. PROPERTY EXEMPT FROM IMPACT FEES AND  
3 ASSESSMENTS. (a) In this section:

4 (1) "Electric utility" and "power generation company"  
5 have the meanings assigned by Section 31.002, Utilities Code.

6 (2) "Gas utility" has the meaning assigned by Sections  
7 101.003 and 121.001, Utilities Code.

8 (3) "Telecommunications provider" has the meaning  
9 assigned by Section 51.002, Utilities Code.

10 (b) The district may not impose an impact fee or assessment  
11 under Chapter 375, Local Government Code, on a residential  
12 property, including a multiunit residential property, or a  
13 condominium.

14 (c) The district may not impose an impact fee or assessment  
15 on the property of an electric utility, gas utility, power  
16 generation company, or telecommunications provider. (Loc. Gov.  
17 Code, Sec. 376.473, as added Acts 77th Leg., R.S., Ch. 1433.)

18 Sec. 3817.157. ELECTIONS REGARDING TAXES OR  
19 BONDS. (a) In addition to the elections required under  
20 Subchapter L, Chapter 375, Local Government Code, the district must  
21 hold an election in the manner provided by that subchapter to obtain  
22 voter approval before the district may:

23 (1) impose a maintenance tax; or

24 (2) issue a bond payable from ad valorem taxes or  
25 assessments.

26 (b) The board may include more than one purpose in a single  
27 proposition at an election. (Loc. Gov. Code, Sec. 376.472, as added

1 Acts 77th Leg., R.S., Ch. 1433.)

2 Sec. 3817.158. MUNICIPALITY NOT REQUIRED TO PAY DISTRICT  
3 OBLIGATIONS. Except as provided by Section 375.263, Local  
4 Government Code, a municipality is not required to pay a bond, note,  
5 or other obligation of the district. (Loc. Gov. Code, Sec.  
6 376.468(d), as added Acts 77th Leg., R.S., Ch. 1433.)

7 [Sections 3817.159-3817.200 reserved for expansion]

8 SUBCHAPTER E. DISSOLUTION

9 Sec. 3817.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
10 DEBT. (a) The board may dissolve the district regardless of  
11 whether the district has debt. Section 375.264, Local Government  
12 Code, does not apply to the district.

13 (b) If the district has debt when it is dissolved, the  
14 district shall remain in existence solely for the purpose of  
15 discharging its debts. The dissolution is effective when all debts  
16 have been discharged. (Loc. Gov. Code, Sec. 376.475, as added Acts  
17 77th Leg., R.S., Ch. 1433.)

18 [Chapters 3818-5000 reserved for expansion]

19 TITLE 5. TRANSPORTATION

20 SUBTITLE A. NAVIGATION DISTRICTS AND PORT AUTHORITIES

21 CHAPTER 5001. ARANSAS COUNTY NAVIGATION DISTRICT NO. 1

22 SUBCHAPTER A. GENERAL PROVISIONS

23 Sec. 5001.001. DEFINITION

24 Sec. 5001.002. NATURE OF DISTRICT

25 Sec. 5001.003. DISTRICT TERRITORY

26 Sec. 5001.004. GOVERNANCE OF DISTRICT

27 [Sections 5001.005-5001.050 reserved for expansion]

1           SUBCHAPTER B. DISTRICT PROMOTION AND DEVELOPMENT FUND

2   Sec. 5001.051. DEFINITIONS

3   Sec. 5001.052. AUTHORITY TO CREATE FUND

4   Sec. 5001.053. LIMITATION ON DEPOSITS TO FUND

5   Sec. 5001.054. SEPARATE FUND

6   Sec. 5001.055. AUTHORIZED EXPENDITURES OF MONEY IN FUND

7   Sec. 5001.056. CONTROL OVER FUND AND EXPENDITURES

8   Sec. 5001.057. DUTIES OF COUNTY AUDITOR IN RELATION

9                   TO FUND

10   Sec. 5001.058. EFFECT OF FUND ON OTHER EXPENDITURES

11           CHAPTER 5001. ARANSAS COUNTY NAVIGATION DISTRICT NO. 1

12                   SUBCHAPTER A. GENERAL PROVISIONS

13           Sec. 5001.001. DEFINITION. In this chapter, "district"  
14 means the Aransas County Navigation District No. 1. (New.)

15           Sec. 5001.002. NATURE OF DISTRICT. The district is a  
16 navigation district operating under Section 59, Article XVI, Texas  
17 Constitution. (Acts 51st Leg., R.S., Ch. 213, Sec. 1 (part).)

18           Sec. 5001.003. DISTRICT TERRITORY. The district is  
19 composed of all the territory in Aransas County, unless the  
20 district territory is modified under:

21                   (1) Section 3 or 3a, Chapter 103, Acts of the 41st  
22 Legislature, 1st Called Session, 1929 (Article 8263a, Vernon's  
23 Texas Civil Statutes), after May 14, 1949, and before August 30,  
24 1971;

25                   (2) Subchapter H, Chapter 62, Water Code; or

26                   (3) other law. (Acts 51st Leg., R.S., Ch. 213, Sec. 1  
27 (part); New.)

1           Sec. 5001.004. GOVERNANCE OF DISTRICT. The district is  
2 governed by Chapter 62, Water Code, and all statutes relating to a  
3 navigation district created under that chapter. (Acts 51st Leg.,  
4 R.S., Ch. 213, Sec. 1 (part).)

5           [Sections 5001.005-5001.050 reserved for expansion]

6           SUBCHAPTER B. DISTRICT PROMOTION AND DEVELOPMENT FUND

7           Sec. 5001.051. DEFINITIONS. In this subchapter:

8           (1) "Commission" means the navigation and canal  
9 commission of the district.

10          (2) "Fund" means a promotion and development fund  
11 created by the district. (New.)

12          Sec. 5001.052. AUTHORITY TO CREATE FUND. The district may  
13 create a promotion and development fund. (Acts 51st Leg., R.S., Ch.  
14 213, Sec. 4A (part).)

15          Sec. 5001.053. LIMITATION ON DEPOSITS TO FUND. The  
16 district may deposit to the credit of the fund not more than five  
17 percent of its gross income from operations in a calendar year.  
18 (Acts 51st Leg., R.S., Ch. 213, Sec. 4A (part).)

19          Sec. 5001.054. SEPARATE FUND. (a) Money in the promotion  
20 and development fund shall be kept separate from all other funds and  
21 accounts of the district.

22          (b) Money derived from the imposition of taxes may not be  
23 deposited to the credit of the fund. (Acts 51st Leg., R.S., Ch.  
24 213, Sec. 4C(a).)

25          Sec. 5001.055. AUTHORIZED EXPENDITURES OF MONEY IN FUND.  
26 Money in the fund may be spent by the commission, or as the  
27 commission may direct, to pay any expense connected with:

1           (1) an activity or matter incidental to the  
2 advertising, development, or promotion of the district or a port,  
3 waterway, harbor, or terminal of the district;

4           (2) the furtherance of the general welfare of the  
5 district or a facility of the district; or

6           (3) the improvement of the district's relations with a  
7 steamship or rail line, a shipper, a consignee of freight, a  
8 government official, or another person interested or thought to be  
9 interested in a port, waterway, harbor, or terminal of the  
10 district. (Acts 51st Leg., R.S., Ch. 213, Sec. 4B.)

11           Sec. 5001.056. CONTROL OVER FUND AND EXPENDITURES. The  
12 commission:

13           (1) has exclusive control over the fund; and

14           (2) is fully responsible for auditing, approving, and  
15 safeguarding each expenditure of money from the fund. (Acts 51st  
16 Leg., R.S., Ch. 213, Sec. 4C(b).)

17           Sec. 5001.057. DUTIES OF COUNTY AUDITOR IN RELATION TO  
18 FUND. (a) The county auditor shall exercise the auditor's usual  
19 supervision and control to ensure that the commission complies with  
20 Section 5001.053.

21           (b) The county auditor may not audit expenditures from the  
22 fund but is entitled to receive a monthly statement that shows with  
23 respect to each expenditure:

24           (1) the date of the expenditure;

25           (2) the amount of the expenditure;

26           (3) the person or entity who received the expenditure;

27 and

1 (4) the general purpose of the expenditure. (Acts  
2 51st Leg., R.S., Ch. 213, Sec. 4C(c).)

3 Sec. 5001.058. EFFECT OF FUND ON OTHER EXPENDITURES. The  
4 creation of the fund or an expenditure of money from the fund does  
5 not affect the payment of any expense that is customarily approved,  
6 audited, or paid out of the regular funds of the district. (Acts  
7 51st Leg., R.S., Ch. 213, Sec. 4D (part).)

8 [Chapters 5002-5200 reserved for expansion]

9 SUBTITLE B. ROAD AND ROAD UTILITY DISTRICTS

10 [Chapters 5201-6600 reserved for expansion]

11 TITLE 6. WATER AND WASTEWATER

12 SUBTITLE A. DRAINAGE DISTRICTS

13 CHAPTER 6601. ANGLETON DRAINAGE DISTRICT

14 SUBCHAPTER A. GENERAL PROVISIONS

15 Sec. 6601.001. DEFINITIONS

16 Sec. 6601.002. NATURE OF DISTRICT

17 Sec. 6601.003. LEGISLATIVE FINDINGS

18 Sec. 6601.004. DISTRICT TERRITORY

19 [Sections 6601.005-6601.050 reserved for expansion]

20 SUBCHAPTER B. DISTRICT BOARD OF DIRECTORS

21 Sec. 6601.051. BOARD OF DIRECTORS

22 Sec. 6601.052. BALLOT APPLICATION DEADLINE

23 Sec. 6601.053. QUALIFICATIONS

24 Sec. 6601.054. MEETINGS

25 Sec. 6601.055. ADDITIONAL DIRECTORS

26 Sec. 6601.056. SPECIAL ELECTION

27 [Sections 6601.057-6601.100 reserved for expansion]

1                                   SUBCHAPTER C. POWERS AND DUTIES

2   Sec. 6601.101.   POWERS AND DUTIES

3   Sec. 6601.102.   DISTRICT POWERS

4   Sec. 6601.103.   EMINENT DOMAIN

5   Sec. 6601.104.   COST OF RELOCATING PROPERTY

6   Sec. 6601.105.   ADDITION OF TERRITORY TO DISTRICT

7   Sec. 6601.106.   MOSQUITO HAZARD

8   Sec. 6601.107.   AWARD OF CONTRACTS

9                   [Sections 6601.108-6601.150 reserved for expansion]

10                                  SUBCHAPTER D. BONDS AND TAXES

11   Sec. 6601.151.   LIMITATION ON DEBT

12   Sec. 6601.152.   APPROVAL BY TEXAS COMMISSION ON

13                                  ENVIRONMENTAL QUALITY

14   Sec. 6601.153.   CONTINUATION OF PREVIOUS MAINTENANCE TAX

15   Sec. 6601.154.   DISTRICT TAX ASSESSOR AND COLLECTOR

16                                  CHAPTER 6601. ANGLETON DRAINAGE DISTRICT

17                                        SUBCHAPTER A. GENERAL PROVISIONS

18       Sec. 6601.001.   DEFINITIONS. In this chapter:

19                   (1) "Board" means the board of directors of the  
20   district.

21                   (2) "Director" means a member of the board.

22                   (3) "District" means the Angleton Drainage District.

23   (New.)

24       Sec. 6601.002.   NATURE OF DISTRICT. (a) The Angleton  
25   Drainage District is a conservation and reclamation district  
26   re-created under Section 59, Article XVI, Texas Constitution, for  
27   the reclamation and drainage of the district's overflowed lands and

1 other lands needing drainage.

2 (b) The district is a municipal corporation. (Acts 57th  
3 Leg., 3rd C.S., Ch. 43, Secs. 1 (part), 2 (part), 12 (part).)

4 Sec. 6601.003. LEGISLATIVE FINDINGS. The legislature finds  
5 that:

6 (1) all land and other property included in the  
7 district is, and will be, benefited by the district and by the  
8 improvements the district will purchase, construct, or otherwise  
9 acquire;

10 (2) the district is created to serve a public use and  
11 benefit; and

12 (3) the district is essential to accomplish the  
13 purposes of Section 59, Article XVI, Texas Constitution. (Acts  
14 57th Leg., 3rd C.S., Ch. 43, Secs. 10, 12 (part).)

15 Sec. 6601.004. DISTRICT TERRITORY. The district is  
16 composed of the territory described by Section 1, Chapter 9,  
17 Special Laws, Acts of the 41st Legislature, 4th Called Session,  
18 1930, as referenced by Section 1, Chapter 43, Acts of the 57th  
19 Legislature, 3rd Called Session, 1962, as that territory may have  
20 been modified under:

21 (1) Section 6601.105 or its predecessor statute,  
22 Section 11, Chapter 43, Acts of the 57th Legislature, 3rd Called  
23 Session, 1962;

24 (2) Chapter 4, Title 128, Revised Statutes, before  
25 August 30, 1971;

26 (3) Subchapter G, Chapter 53, Water Code, before  
27 September 1, 1995;

- 1           (4) Subchapter J, Chapter 49, Water Code; or  
2           (5) other law. (Acts 57th Leg., 3rd C.S., Ch. 43, Sec.  
3 1 (part); New.)

4           [Sections 6601.005-6601.050 reserved for expansion]

5           SUBCHAPTER B. DISTRICT BOARD OF DIRECTORS

6           Sec. 6601.051. BOARD OF DIRECTORS. The board consists of  
7 three directors. (Acts 57th Leg., 3rd C.S., Ch. 43, Sec. 3 (part).)

8           Sec. 6601.052. BALLOT APPLICATION DEADLINE. An application  
9 for a place on the ballot for a directors election must be filed  
10 with the secretary of the district not later than the 30th day  
11 before the date of the election. (Acts 57th Leg., 3rd C.S., Ch. 43,  
12 Sec. 3 (part).)

13          Sec. 6601.053. QUALIFICATIONS. A candidate for director  
14 must:

- 15           (1) be more than 21 years of age; and  
16           (2) own land subject to taxation in the district.  
17 (Acts 57th Leg., 3rd C.S., Ch. 43, Sec. 3 (part).)

18          Sec. 6601.054. MEETINGS. The board shall meet at:

- 19           (1) the Angleton City Hall at 7:30 p.m. on the first  
20 Tuesday in February, May, August, and November of each year; or  
21           (2) other times and places as decided by the board.  
22 (Acts 57th Leg., 3rd C.S., Ch. 43, Sec. 3 (part).)

23          Sec. 6601.055. ADDITIONAL DIRECTORS. (a) If territory is  
24 added to the district and the board considers it advisable, the size  
25 of the board may be increased to not more than five directors.

26           (b) If the size of the board is increased, the board shall  
27 appoint the appropriate number of qualified persons to serve as

1 directors until successor directors are elected at the next regular  
2 election of directors. (Acts 57th Leg., 3rd C.S., Ch. 43, Sec. 4.)

3 Sec. 6601.056. SPECIAL ELECTION. (a) If the number of  
4 directors is reduced to one, the remaining director shall call a  
5 special election to fill the vacancies. If the remaining director  
6 fails to call the special election before the 16th day after the  
7 date the vacancies occur, the county judge of Brazoria County may  
8 order a special election on petition of any resident of the  
9 district.

10 (b) The election shall be conducted and notice shall be  
11 given in the manner provided by Section 49.106, Water Code, for bond  
12 elections of the district. (Acts 57th Leg., 3rd C.S., Ch. 43, Sec.  
13 3 (part).)

14 [Sections 6601.057-6601.100 reserved for expansion]

15 SUBCHAPTER C. POWERS AND DUTIES

16 Sec. 6601.101. POWERS AND DUTIES. (a) To accomplish the  
17 purposes of Section 6601.002(a), the district has all the rights,  
18 powers, privileges, and duties conferred and imposed by general law  
19 on fresh water supply districts created under Section 59, Article  
20 XVI, Texas Constitution, including the power to conserve,  
21 transport, and distribute fresh water.

22 (b) This chapter prevails over a general law described by  
23 Subsection (a) that conflicts or is inconsistent with this chapter.  
24 (Acts 57th Leg., 3rd C.S., Ch. 43, Sec. 2 (part).)

25 Sec. 6601.102. DISTRICT POWERS. (a) The district may  
26 construct, acquire, improve, enlarge, extend, repair, maintain, or  
27 replace all walls, dams, dikes, levees, embankments, canals,

1 drains, tanks, laterals, and pumps that the board considers  
2 necessary to accomplish district purposes.

3 (b) The district may make, construct, or otherwise acquire  
4 improvements in or outside district boundaries as necessary to  
5 implement the powers granted by this chapter and general law. (Acts  
6 57th Leg., 3rd C.S., Ch. 43, Sec. 2 (part).)

7 Sec. 6601.103. EMINENT DOMAIN. (a) Not by way of  
8 limitation, the district may exercise the right of eminent domain  
9 to acquire the right-of-way over and through private land, except  
10 property used for cemetery purposes, as the board determines  
11 necessary for making the district's canals, drains, ditches,  
12 levees, and other improvements and the necessary outlets for those  
13 improvements. The power of eminent domain is limited to Brazoria  
14 County.

15 (b) Right-of-way in a municipality may not be condemned  
16 without the consent of the governing body of the municipality.

17 (c) The proceedings shall be in the name of the district and  
18 under the direction of its board.

19 (d) An appeal of the findings and damage assessment by the  
20 special commissioners does not suspend the work of the directors in  
21 prosecuting the work in all of its details. (Acts 57th Leg., 3rd  
22 C.S., Ch. 43, Sec. 2 (part).)

23 Sec. 6601.104. COST OF RELOCATING PROPERTY. (a) In this  
24 section, "sole expense" means the actual cost of relocating,  
25 raising, lowering, rerouting, changing the grade of, or altering  
26 the construction of a facility described in Subsection (b) in  
27 providing comparable replacement without enhancement of the

1 facility, after deducting from that cost the net salvage value of  
2 the old facility.

3 (b) If the district, in the exercise of the power of eminent  
4 domain or relocation or another power granted under this chapter,  
5 makes necessary the relocating, raising, rerouting, changing the  
6 grade of, or altering the construction of a highway, a railroad, an  
7 electric transmission line, telephone or telegraph properties and  
8 facilities, or a pipeline, the necessary relocating, raising,  
9 rerouting, changing of grade, or alteration of construction shall  
10 be accomplished at the sole expense of the district. (Acts 57th  
11 Leg., 3rd C.S., Ch. 43, Sec. 2 (part).)

12 Sec. 6601.105. ADDITION OF TERRITORY TO DISTRICT. (a) In  
13 addition to adding territory as provided by Subchapter J, Chapter  
14 49, Water Code, the district may add territory as provided by this  
15 section. Territory added to the district need not be contiguous to  
16 the district.

17 (b) The owner or owners of land may request by petition that  
18 the board include the land in the district.

19 (c) A petition under Subsection (b) must be filed with the  
20 board and describe the land to be added to the district. The  
21 description may be by metes and bounds or by lot and block number.  
22 The petition must be signed and executed in the manner provided by  
23 law for the conveyance of real estate.

24 (d) The board shall hear and consider a petition filed under  
25 this section. The board may add the land to the district if the  
26 board considers the addition to be to the advantage of the district.

27 (e) A petition granted under this section shall be filed and

1 recorded in the deed records of Brazoria County. (Acts 57th Leg.,  
2 3rd C.S., Ch. 43, Sec. 11.)

3 Sec. 6601.106. MOSQUITO HAZARD. (a) The legislature  
4 finds that to properly drain and reclaim overflowed lands and other  
5 lands needing drainage within the district and to restore and  
6 preserve its waters for beneficial use, it is necessary to reduce  
7 and alleviate the mosquito hazard existing in and around the lands  
8 needing drainage.

9 (b) The board may purchase the equipment and supplies  
10 necessary to conduct mosquito control work and may pay for the labor  
11 necessary to operate and maintain the equipment from money  
12 available for that purpose.

13 (c) If the board determines that an election should be held  
14 to impose a tax for mosquito control work, the tax must be:

15 (1) submitted to the voters in a separate proposition  
16 from any bond tax, maintenance tax, or other tax of the district  
17 considered at the same election; and

18 (2) authorized in the manner provided by Section  
19 49.107, Water Code.

20 (d) The board may enter into a contract with a person, firm,  
21 partnership, or corporation as necessary to obtain and provide  
22 mosquito control. All available revenue accruing from the mosquito  
23 control may be used to defray the cost of the control.

24 (e) Section 311.005(2), Government Code (Code Construction  
25 Act), does not apply to this section. (Acts 57th Leg., 3rd C.S.,  
26 Ch. 43, Sec. 8; New.)

27 Sec. 6601.107. AWARD OF CONTRACTS. A contract for the

1 making or construction of a district improvement and all necessary  
2 work related to the improvement shall be awarded to the lowest  
3 responsible bidder in the manner provided by Article 7919, Revised  
4 Statutes, as amended, if the cost exceeds \$2,000. (Acts 57th Leg.,  
5 3rd C.S., Ch. 43, Sec. 2 (part).)

6 [Sections 6601.108-6601.150 reserved for expansion]

7 SUBCHAPTER D. BONDS AND TAXES

8 Sec. 6601.151. LIMITATION ON DEBT. The total principal  
9 amount of bonds that the district may have outstanding at any time  
10 may not exceed 10 percent of the assessed value of all taxable  
11 property in the district according to the most recent certified  
12 appraisal roll of the district. (Acts 57th Leg., 3rd C.S., Ch. 43,  
13 Sec. 2 (part).)

14 Sec. 6601.152. APPROVAL BY TEXAS COMMISSION ON  
15 ENVIRONMENTAL QUALITY. Before the district spends any money  
16 received from the sale of its bonds, the district must submit the  
17 plans and specifications of the proposed improvements to the Texas  
18 Commission on Environmental Quality for approval. If any  
19 substantial changes are made in the plans, the changes must also be  
20 submitted to the commission for approval. (Acts 57th Leg., 3rd  
21 C.S., Ch. 43, Sec. 2 (part).)

22 Sec. 6601.153. CONTINUATION OF PREVIOUS MAINTENANCE TAX.  
23 The district may continue to levy a maintenance tax authorized by  
24 Chapter 9, Special Laws, Acts of the 41st Legislature, 4th Called  
25 Session, 1930. (Acts 57th Leg., 3rd C.S., Ch. 43, Secs. 5 (part), 9  
26 (part).)

27 Sec. 6601.154. DISTRICT TAX ASSESSOR AND COLLECTOR. The

1 assessor and collector of taxes for Brazoria County is the assessor  
2 and collector of taxes for the district. (Acts 57th Leg., 3rd C.S.,  
3 Ch. 43, Sec. 5 (part).)

4 [Chapters 6602-6900 reserved for expansion]

5 SUBTITLE B. FRESH WATER SUPPLY DISTRICTS

6 CHAPTER 6901. BAYVIEW MUNICIPAL UTILITY DISTRICT

7 OF GALVESTON COUNTY

8 SUBCHAPTER A. GENERAL PROVISIONS

9 Sec. 6901.001. DEFINITIONS

10 Sec. 6901.002. NATURE OF DISTRICT

11 Sec. 6901.003. DECLARATION AND FINDINGS

12 Sec. 6901.004. TERRITORY OF DISTRICT

13 [Sections 6901.005-6901.050 reserved for expansion]

14 SUBCHAPTER B. POWERS AND DUTIES

15 Sec. 6901.051. GENERAL POWERS AND DUTIES

16 Sec. 6901.052. RELATION TO OTHER LAW

17 Sec. 6901.053. BOARD OF DIRECTORS

18 Sec. 6901.054. LIMITATION ON USE OF EMINENT DOMAIN

19 Sec. 6901.055. LIMITATION ON LENGTH OF CERTAIN CONTRACTS

20 Sec. 6901.056. INSTALLATION OF STREET LIGHTS

21 Sec. 6901.057. DISTRICT TAX ASSESSOR AND COLLECTOR

22 Sec. 6901.058. ADDITION OF TERRITORY TO DISTRICT

23 Sec. 6901.059. ACQUISITION OF IMPROVEMENTS

24 Sec. 6901.060. COST OF RELOCATING PROPERTY

25 CHAPTER 6901. BAYVIEW MUNICIPAL UTILITY DISTRICT OF

26 GALVESTON COUNTY

27 SUBCHAPTER A. GENERAL PROVISIONS

1           Sec. 6901.001. DEFINITIONS. In this chapter:

2           (1) "Board" means the board of directors of the  
3 district.

4           (2) "District" means the Bayview Municipal Utility  
5 District of Galveston County, Texas. (V.A.C.S. Art. 8280-287, Sec.  
6 1 (part); New.)

7           Sec. 6901.002. NATURE OF DISTRICT. The Bayview Municipal  
8 Utility District of Galveston County is:

9           (1) a conservation and reclamation district  
10 established under Section 59, Article XVI, Texas Constitution; and

11           (2) a fresh water supply district. (V.A.C.S.  
12 Art. 8280-287, Secs. 1 (part), 7 (part).)

13           Sec. 6901.003. DECLARATION AND FINDINGS. (a) The  
14 legislature declares that the district is:

15           (1) essential to the accomplishment of the purposes of  
16 Section 59, Article XVI, Texas Constitution; and

17           (2) a municipal corporation.

18           (b) The legislature finds that:

19           (1) the district is created to serve a public use and  
20 benefit; and

21           (2) all land and other property included in the  
22 district are, and will be, benefited by the creation of the district  
23 and the improvements that the district purchases, constructs, or  
24 otherwise acquires. (V.A.C.S. Art. 8280-287, Secs. 7 (part), 8.)

25           Sec. 6901.004. TERRITORY OF DISTRICT. The district is  
26 composed of the territory described by Section 1, Chapter 245, Acts  
27 of the 58th Legislature, Regular Session, 1963 (V.A.C.S.

1 Art. 8280-287), as that territory may have been modified under:

2 (1) Section 6901.058 or its predecessor statute,  
3 Section 5, Chapter 245, Acts of the 58th Legislature, Regular  
4 Session, 1963 (V.A.C.S. Art. 8280-287);

5 (2) Chapter 4, Title 128, Revised Statutes, before  
6 August 30, 1971;

7 (3) Subchapter G, Chapter 53, Water Code, before  
8 September 1, 1995;

9 (4) Subchapter J, Chapter 49, Water Code; or

10 (5) other law. (New.)

11 [Sections 6901.005-6901.050 reserved for expansion]

12 SUBCHAPTER B. POWERS AND DUTIES

13 Sec. 6901.051. GENERAL POWERS AND DUTIES. The district has  
14 all the rights, powers, privileges, and duties conferred and  
15 imposed by a general law of this state on a fresh water supply  
16 district created under Section 59, Article XVI, Texas Constitution,  
17 including Chapters 49 and 53, Water Code. (V.A.C.S. Art. 8280-287,  
18 Sec. 2 (part).)

19 Sec. 6901.052. RELATION TO OTHER LAW. This chapter  
20 prevails over a provision of a general law described by Section  
21 6901.051 that conflicts with or is inconsistent with this chapter.  
22 (V.A.C.S. Art. 8280-287, Sec. 2 (part).)

23 Sec. 6901.053. BOARD OF DIRECTORS. The board consists of  
24 five directors. (V.A.C.S. Art. 8280-287, Sec. 3 (part).)

25 Sec. 6901.054. LIMITATION ON USE OF EMINENT DOMAIN. The  
26 district may not exercise the power of eminent domain outside the  
27 boundaries of the district. (V.A.C.S. Art. 8280-287, Sec. 2

1 (part).)

2 Sec. 6901.055. LIMITATION ON LENGTH OF CERTAIN CONTRACTS.

3 A district contract for the purchase or sale of water may not exceed  
4 40 years. (V.A.C.S. Art. 8280-287, Sec. 2 (part).)

5 Sec. 6901.056. INSTALLATION OF STREET LIGHTS. (a) After  
6 voter approval, the district may:

7 (1) install, operate, and maintain street lighting  
8 within a public utility easement or public right-of-way inside the  
9 district's boundaries; and

10 (2) assess the cost of installing, operating, and  
11 maintaining the street lighting as an additional charge in the  
12 monthly billings of the district's customers.

13 (b) This section does not authorize the district to install,  
14 operate, or maintain street lighting on a right-of-way that is part  
15 of the designated state highway system. (V.A.C.S. Art. 8280-287,  
16 Sec. 2A.)

17 Sec. 6901.057. DISTRICT TAX ASSESSOR AND  
18 COLLECTOR. (a) The board shall appoint a tax assessor and  
19 collector for the district for a period not to exceed the term of  
20 office of the directors making the appointment.

21 (b) The district's tax assessor and collector is not  
22 required to be a resident or voter of the district. (V.A.C.S.  
23 Art. 8280-287, Sec. 4 (part).)

24 Sec. 6901.058. ADDITION OF TERRITORY TO DISTRICT. (a) In  
25 addition to the method of adding territory to a district provided by  
26 Subchapter J, Chapter 49, Water Code, the district may add  
27 territory as provided by this section.

1           (b) The owner or owners of land may request by petition that  
2 the board include the land in the district.

3           (c) A petition under Subsection (b) must be filed with the  
4 board and describe the land to be added to the district. The  
5 description may be by metes and bounds or by lot and block number.  
6 The petition must be signed and executed in the manner provided by  
7 law for the conveyance of real estate.

8           (d) The board shall hear and consider a petition filed under  
9 this section. The board may add the land to the district if the  
10 board considers the addition to be to the advantage of the district.

11           (e) A petition granted under this section shall be filed and  
12 recorded in the deed records of Galveston County. (V.A.C.S.  
13 Art. 8280-287, Sec. 5.)

14           Sec. 6901.059. ACQUISITION OF IMPROVEMENTS. The district  
15 may make, construct, or otherwise acquire improvements inside or  
16 outside the district that are necessary or convenient to execute a  
17 power granted to the district under this chapter or a general law  
18 described in Section 6901.051. (V.A.C.S. Art. 8280-287, Sec. 2  
19 (part).)

20           Sec. 6901.060. COST OF RELOCATING PROPERTY. (a) In this  
21 section "sole expense" means the actual cost of the relocating,  
22 raising, lowering, rerouting, changing the grade of, or altering  
23 the construction of a facility described in Subsection (b) in  
24 providing comparable replacement without enhancement of the  
25 facility, after deducting from that cost the net salvage value of  
26 the old facility.

27           (b) If the district, in the exercise of the power of eminent

1 domain or relocation or another power granted under this chapter,  
2 makes necessary the relocating, raising, rerouting, changing the  
3 grade of, or altering the construction of a highway, a railroad, an  
4 electric transmission line, telephone or telegraph properties and  
5 facilities, or a pipeline, the necessary relocating, raising,  
6 rerouting, changing of grade, or alteration of construction shall  
7 be accomplished at the sole expense of the district. (V.A.C.S.  
8 Art. 8280-287, Sec. 2 (part).)

9 [Chapters 6902-7200 reserved for expansion]

10 SUBTITLE C. SPECIAL UTILITY DISTRICTS

11 [Chapters 7201-7500 reserved for expansion]

12 SUBTITLE D. IRRIGATION DISTRICTS

13 [Chapters 7501-7800 reserved for expansion]

14 SUBTITLE E. LEVEE IMPROVEMENT DISTRICTS

15 CHAPTER 7801. BOIS D'ARC ISLAND LEVEE IMPROVEMENT

16 DISTRICT OF DALLAS AND KAUFMAN COUNTIES

17 SUBCHAPTER A. GENERAL PROVISIONS

18 Sec. 7801.001. DEFINITIONS

19 Sec. 7801.002. APPLICABILITY OF OTHER LAW

20 [Sections 7801.003-7801.050 reserved for expansion]

21 SUBCHAPTER B. BOARD OF DIRECTORS AND OFFICERS

22 Sec. 7801.051. BOARD

23 Sec. 7801.052. TREASURER

24 [Sections 7801.053-7801.100 reserved for expansion]

25 SUBCHAPTER C. POWERS AND DUTIES

26 Sec. 7801.101. POWERS AND DUTIES OF BOARD

27 Sec. 7801.102. IMPOSITION OF TAXES

1 Sec. 7801.103. ESTABLISHING MINIMUM BENEFIT BASIS

2 Sec. 7801.104. EXCLUSION OF LAND FROM DISTRICT

3 Sec. 7801.105. CONVEYANCE OF DISTRICT FACILITIES IN AN  
4 EXCLUDED AREA

5 CHAPTER 7801. BOIS D'ARC ISLAND LEVEE IMPROVEMENT

6 DISTRICT OF DALLAS AND KAUFMAN COUNTIES

7 SUBCHAPTER A. GENERAL PROVISIONS

8 Sec. 7801.001. DEFINITIONS. In this chapter:

9 (1) "Board" means the board of directors of the  
10 district.

11 (2) "Director" means a member of the board.

12 (3) "District" means the Bois d'Arc Island Levee  
13 Improvement District of Dallas and Kaufman Counties. (Acts 70th  
14 Leg., R.S., Ch. 827, Sec. 2; Acts 72nd Leg., R.S., Ch. 357, Sec. 1.)

15 Sec. 7801.002. APPLICABILITY OF OTHER LAW. Except as  
16 otherwise provided by this chapter, Chapter 57, Water Code, applies  
17 to the district. (Acts 72nd Leg., R.S., Ch. 357, Sec. 5(a) (part).)

18 [Sections 7801.003-7801.050 reserved for expansion]

19 SUBCHAPTER B. BOARD OF DIRECTORS AND OFFICERS

20 Sec. 7801.051. BOARD. (a) The district is governed by a  
21 board of five elected directors.

22 (b) A person must indicate on the application for a place on  
23 the ballot the precinct that the person wants to represent.

24 (c) An election shall be held on the first Saturday in May of  
25 each even-numbered year to elect the appropriate number of  
26 directors. Except as provided by Subsection (d), directors serve  
27 four-year terms.

1 (d) The board shall revise each precinct after each federal  
2 decennial census to reflect population changes. At the first  
3 election after the precincts are revised, a new director shall be  
4 elected from each precinct. The directors shall draw lots to  
5 determine which two directors serve two-year terms and which three  
6 directors serve four-year terms. (Acts 72nd Leg., R.S., Ch. 357,  
7 Secs. 2(a) (part), (c), (d); 7(a), (c).)

8 Sec. 7801.052. TREASURER. (a) The board may provide for  
9 the appointment of a treasurer for the district.

10 (b) In addition to the powers and duties provided by other  
11 law, the treasurer has the powers and duties of the county treasurer  
12 under Chapter 57, Water Code. (Acts 72nd Leg., R.S., Ch. 357, Sec.  
13 3.)

14 [Sections 7801.053-7801.100 reserved for expansion]

15 SUBCHAPTER C. POWERS AND DUTIES

16 Sec. 7801.101. POWERS AND DUTIES OF BOARD. The board has  
17 the powers and duties delegated to the commissioners court and  
18 county judge under Chapter 57, Water Code. (Acts 72nd Leg., R.S.,  
19 Ch. 357, Sec. 5(a) (part).)

20 Sec. 7801.102. IMPOSITION OF TAXES. (a) The Tax Code  
21 governs the imposition of district taxes.

22 (b) The board may provide for the appointment of a tax  
23 assessor-collector or may contract for the imposition of taxes with  
24 Dallas County or Kaufman County or with another person as provided  
25 by the Tax Code. (Acts 70th Leg., R.S., Ch. 827, Sec. 5 (part); Acts  
26 72nd Leg., R.S., Ch. 357, Sec. 4.)

27 Sec. 7801.103. ESTABLISHING MINIMUM BENEFIT

1 BASIS. (a) If the district levies taxes on the benefit basis, the  
2 board may establish a minimum benefit that will accrue to each piece  
3 of taxable property in the district.

4 (b) The board shall serve as the commissioners of  
5 appraisement. (Acts 70th Leg., R.S., Ch. 827, Sec. 5 (part).)

6 Sec. 7801.104. EXCLUSION OF LAND FROM DISTRICT. If the  
7 district does not have outstanding bonds payable in whole or in part  
8 from taxes, the board may exclude land from the district as provided  
9 by Subchapter J, Chapter 49, Water Code. (Acts 70th Leg., R.S., Ch.  
10 827, Sec. 3.)

11 Sec. 7801.105. CONVEYANCE OF DISTRICT FACILITIES IN AN  
12 EXCLUDED AREA. (a) If the district has facilities located in an  
13 area that is excluded from the district, the board may convey those  
14 facilities to another governmental entity that agrees to assume the  
15 responsibility for flood protection for the excluded area.

16 (b) A conveyance under this section may:

17 (1) be on the terms determined by the board; and

18 (2) include a right-of-way, easement, or fee title to  
19 land on which the facilities are located. (Acts 70th Leg., R.S.,  
20 Ch. 827, Sec. 4.)

21 [Chapters 7802-8100 reserved for expansion]

22 SUBTITLE F. MUNICIPAL UTILITY DISTRICTS

23 CHAPTER 8101. ATHENS MUNICIPAL WATER AUTHORITY

24 SUBCHAPTER A. GENERAL PROVISIONS

25 Sec. 8101.001. DEFINITIONS

26 Sec. 8101.002. NATURE OF AUTHORITY

27 Sec. 8101.003. FINDING OF BENEFIT AND PUBLIC PURPOSE

- 1 Sec. 8101.004. LIBERAL CONSTRUCTION OF CHAPTER  
2 [Sections 8101.005-8101.050 reserved for expansion]  
3 SUBCHAPTER B. DISTRICT TERRITORY AND ANNEXATIONS  
4 TO DISTRICT TERRITORY  
5 Sec. 8101.051. BOUNDARIES  
6 Sec. 8101.052. ANNEXATIONS OF TERRITORY  
7 Sec. 8101.053. LIMITATION ON ASSUMPTION OF TAX  
8 OBLIGATIONS  
9 [Sections 8101.054-8101.100 reserved for expansion]  
10 SUBCHAPTER C. BOARD OF DIRECTORS  
11 Sec. 8101.101. GENERAL POWERS  
12 Sec. 8101.102. ELIGIBILITY TO SERVE  
13 Sec. 8101.103. DIRECTORS ELECTION  
14 Sec. 8101.104. BALLOT PROCEDURE FOR CANDIDATES  
15 Sec. 8101.105. APPOINTMENT OF SECRETARY AND TREASURER  
16 Sec. 8101.106. VOTE BY BOARD PRESIDENT  
17 Sec. 8101.107. DIRECTOR'S AND TREASURER'S BOND  
18 Sec. 8101.108. COMPENSATION  
19 [Sections 8101.109-8101.150 reserved for expansion]  
20 SUBCHAPTER D. POWERS AND DUTIES  
21 Sec. 8101.151. POWERS AND DUTIES  
22 Sec. 8101.152. WATER SUPPLY AND DISTRIBUTION  
23 Sec. 8101.153. WASTE SERVICES  
24 Sec. 8101.154. EMINENT DOMAIN  
25 Sec. 8101.155. COST OF RELOCATING PROPERTY  
26 Sec. 8101.156. CONSTRUCTION OR PURCHASE CONTRACTS  
27 Sec. 8101.157. CONTRACTS WITH MUNICIPALITIES AND OTHERS

1 [Sections 8101.158-8101.200 reserved for expansion]

2 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

3 Sec. 8101.201. TAX METHOD

4 Sec. 8101.202. TAX ASSESSOR AND COLLECTOR

5 Sec. 8101.203. DEPOSITORY

6 [Sections 8101.204-8101.250 reserved for expansion]

7 SUBCHAPTER F. BONDS

8 Sec. 8101.251. AUTHORITY TO ISSUE BONDS

9 Sec. 8101.252. REFUNDING BONDS

10 Sec. 8101.253. FORM OF BONDS

11 Sec. 8101.254. MATURITY

12 Sec. 8101.255. TRUST INDENTURE

13 Sec. 8101.256. ELECTION FOR BONDS PAYABLE FROM AD VALOREM

14 TAXES

15 Sec. 8101.257. BOND SECURITY; REVENUE; TAXES;

16 ADDITIONAL BONDS

17 Sec. 8101.258. ADDITIONAL SECURITY

18 Sec. 8101.259. CHARGES FOR AUTHORITY SERVICES

19 Sec. 8101.260. USE OF BOND PROCEEDS

20 Sec. 8101.261. APPOINTMENT OF RECEIVER

21 Sec. 8101.262. BONDS SECURED BY CONTRACT PROCEEDS;

22 APPROVAL

23 Sec. 8101.263. BONDS EXEMPT FROM TAXATION

24 Sec. 8101.264. PROPERTY EXEMPT FROM TAXATION AND

25 ASSESSMENT

26 CHAPTER 8101. ATHENS MUNICIPAL WATER AUTHORITY

27 SUBCHAPTER A. GENERAL PROVISIONS

1           Sec. 8101.001. DEFINITIONS. In this chapter:

2                   (1) "Authority" means the Athens Municipal Water  
3 Authority.

4                   (2) "Board" means the authority's board of directors.  
5 (V.A.C.S. Art. 8280-196, Sec. 1 (part); New.)

6           Sec. 8101.002. NATURE OF AUTHORITY. The authority is a  
7 conservation and reclamation district in Henderson County.  
8 (V.A.C.S. Art. 8280-196, Secs. 1 (part), 2(a) (part).)

9           Sec. 8101.003. FINDING OF BENEFIT AND PUBLIC  
10 PURPOSE. (a) The legislature finds that:

11                   (1) all of the lands and other property included in the  
12 boundaries of the authority will benefit from the improvements and  
13 facilities to be constructed, acquired, or otherwise provided under  
14 this chapter; and

15                   (2) the authority is created to serve a public use and  
16 benefit.

17                   (b) The authority is created under and is essential to  
18 accomplish the purposes of Section 59, Article XVI, Texas  
19 Constitution.

20                   (c) The accomplishment of the purposes stated in this  
21 chapter are for the benefit of the people of this state and for the  
22 improvement of their properties and industries. The authority in  
23 carrying out the purposes of this chapter will be performing an  
24 essential public function under the constitution of this state.  
25 (V.A.C.S. Art. 8280-196, Secs. 1 (part), 2(a) (part), 12 (part), 14  
26 (part).)

27           Sec. 8101.004. LIBERAL CONSTRUCTION OF CHAPTER. This

1 chapter shall be liberally construed to effect its purposes.  
2 (V.A.C.S. Art. 8280-196, Sec. 12 (part).)

3 [Sections 8101.005-8101.050 reserved for expansion]

4 SUBCHAPTER B. DISTRICT TERRITORY AND ANNEXATIONS  
5 TO DISTRICT TERRITORY

6 Sec. 8101.051. BOUNDARIES. (a) The authority is in  
7 Henderson County and, unless modified as provided by Section  
8 8101.052 or by Subchapter J, Chapter 49, Water Code, the boundaries  
9 of the authority are coextensive with the corporate limits of the  
10 city of Athens, Henderson County, Texas, as those corporate limits  
11 existed on May 2, 1957.

12 (b) Territory annexed by the City of Athens after May 2,  
13 1957, does not become a part of the authority solely because of its  
14 annexation to the city.

15 (c) A defect or irregularity in the boundaries of the city  
16 of Athens as they existed on May 2, 1957, or in a proceeding related  
17 to the territory of or an annexation by the city before that date  
18 does not affect the validity of the authority or any of its rights,  
19 powers, privileges, or functions. (V.A.C.S. Art. 8280-196, Sec.  
20 2(a) (part).)

21 Sec. 8101.052. ANNEXATIONS OF TERRITORY. (a) The board,  
22 as provided by this section, may annex territory the City of Athens  
23 annexes after May 2, 1957. The authority may not annex territory  
24 under this section if bonds supported by ad valorem taxes  
25 previously voted on remain unissued and unsold.

26 (b) The board by order may set a date for a hearing on the  
27 annexation and hold the hearing on that date.

1 (c) Notice of the hearing must:

2 (1) be posted in three public places in the territory  
3 proposed to be annexed at least 15 days before the date set for the  
4 hearing; and

5 (2) contain a statement of the nature and purpose of  
6 the hearing and the date, time, and place of the hearing.

7 (d) A person whose land is included in or would be affected  
8 by the annexation may:

9 (1) appear at the hearing to contest the annexation;  
10 and

11 (2) offer testimony to show that the annexation would  
12 or would not benefit land proposed to be annexed.

13 (e) The board shall enter a resolution ordering the  
14 annexation and designating the territory if the board finds as a  
15 result of the hearing that the proposed annexation is feasible and  
16 practicable and would benefit the land proposed to be annexed. The  
17 board may designate the territory by reference to the city's  
18 annexation ordinance or in another manner.

19 (f) The board shall refuse the proposed annexation if the  
20 board finds as a result of the hearing that the annexation does not  
21 satisfy the requirements of Subsection (e). (V.A.C.S.  
22 Art. 8280-196, Secs. 2(b), (c) (part).)

23 Sec. 8101.053. LIMITATION ON ASSUMPTION OF TAX  
24 OBLIGATIONS. (a) The authority may not impose on territory the  
25 authority annexes under Section 8101.052 a tax obligation the  
26 authority incurred before annexation unless:

27 (1) the owners of the land annexed provide written

1 consent for the assumption of that tax obligation; or

2 (2) at an election held for that purpose in the  
3 territory, a majority of the voters of the territory approve the  
4 assumption of that tax obligation.

5 (b) The notice provisions of Section 49.106, Water Code,  
6 apply to an election held under this section.

7 (c) The election notice must be published in a newspaper  
8 published in the city of Athens. If a newspaper is not published in  
9 the city of Athens, it is sufficient to post notices at three public  
10 places in that city at least 28 days before the date of the  
11 election. (V.A.C.S. Art. 8280-196, Sec. 2(c) (part).)

12 [Sections 8101.054-8101.100 reserved for expansion]

13 SUBCHAPTER C. BOARD OF DIRECTORS

14 Sec. 8101.101. GENERAL POWERS. The board consists of five  
15 directors. (V.A.C.S. Art. 8280-196, Sec. 3(a) (part).)

16 Sec. 8101.102. ELIGIBILITY TO SERVE. (a) A director must  
17 reside in and own taxable property in the authority.

18 (b) A person may not serve as a director if the person is:

19 (1) a member of a governing body of a municipality; or

20 (2) an employee of a municipality. (V.A.C.S.  
21 Art. 8280-196, Sec. 3(a) (part).)

22 Sec. 8101.103. DIRECTORS ELECTION. (a) The board shall  
23 issue an order for each directors election stating the time, place,  
24 and purpose of the election.

25 (b) Notice of a directors election shall be published in a  
26 newspaper of general circulation in the authority's territory one  
27 time at least 30 days before the date of the election.

1 (c) The appropriate number of candidates who receive the  
2 highest number of votes shall be declared elected. (V.A.C.S.  
3 Art. 8280-196, Sec. 3(c) (part).)

4 Sec. 8101.104. BALLOT PROCEDURE FOR CANDIDATES. (a) A  
5 person who wants to have the person's name printed on the ballot as  
6 a candidate for director must submit a petition to the board  
7 secretary requesting that action.

8 (b) The petition must be:

9 (1) signed by at least 50 qualified voters; and

10 (2) presented to the secretary not later than the 21st  
11 day before the date of the election. (V.A.C.S. Art. 8280-196, Sec.  
12 3(d).)

13 Sec. 8101.105. APPOINTMENT OF SECRETARY AND TREASURER. The  
14 board shall appoint a secretary and a treasurer. The board may  
15 combine those offices. The secretary or treasurer is not required  
16 to be a director. (V.A.C.S. Art. 8280-196, Sec. 3(g) (part).)

17 Sec. 8101.106. VOTE BY BOARD PRESIDENT. The president has  
18 the same right to vote as any other director. (V.A.C.S.  
19 Art. 8280-196, Sec. 3(g) (part).)

20 Sec. 8101.107. DIRECTOR'S AND TREASURER'S BOND. (a) A  
21 director shall give bond in the amount of \$5,000 for the faithful  
22 performance of the director's duties.

23 (b) The treasurer shall give bond in an amount required by  
24 the board, conditioned on the treasurer's faithfully accounting for  
25 all money that comes into the treasurer's custody. (V.A.C.S.  
26 Art. 8280-196, Secs. 3(a) (part), (g) (part).)

27 Sec. 8101.108. COMPENSATION. Unless the board by

1 resolution increases the fee to an amount authorized by Section  
2 49.060, Water Code, each director shall receive a fee not to exceed  
3 \$10 for attending each board meeting and a fee not to exceed \$10 for  
4 each day devoted to authority business. (V.A.C.S. Art. 8280-196,  
5 Sec. 3(f) (part).)

6 [Sections 8101.109-8101.150 reserved for expansion]

7 SUBCHAPTER D. POWERS AND DUTIES

8 Sec. 8101.151. POWERS AND DUTIES. The authority has:

- 9 (1) all the powers of a governmental agency; and  
10 (2) the rights, powers, privileges, and functions  
11 that:

12 (A) may be contemplated and implied by Section  
13 59, Article XVI, Texas Constitution; or

14 (B) are conferred by the general laws of the  
15 state relating to water control and improvement districts,  
16 including Chapters 49 and 51, Water Code, unless those rights,  
17 powers, privileges, or functions conflict with this chapter.  
18 (V.A.C.S. Art. 8280-196, Secs. 1 (part), 13 (part).)

19 Sec. 8101.152. WATER SUPPLY AND DISTRIBUTION. (a) The  
20 authority may develop, construct, or purchase dams, reservoirs, and  
21 underground or other sources of water.

22 (b) The authority may construct or purchase all works,  
23 plants, and other facilities necessary or useful to:

- 24 (1) provide a source of water supply;  
25 (2) store and process the water; and  
26 (3) transport and distribute the water for municipal,  
27 domestic, and industrial purposes. (V.A.C.S. Art. 8280-196, Sec. 4

1 (part).)

2           Sec. 8101.153. WASTE SERVICES. To preserve and protect the  
3 purity of the waters of the authority and this state and to conserve  
4 and reclaim those waters for beneficial use by the inhabitants of  
5 the authority, the authority may provide all plants, works,  
6 facilities, and appliances incident to, helpful to, or necessary to  
7 collect, transport, process, dispose of, and control all domestic,  
8 industrial, or communal wastes, whether fluid, solid, or composite.  
9 (V.A.C.S. Art. 8280-196, Sec. 4 (part).)

10           Sec. 8101.154. EMINENT DOMAIN. (a) The authority may  
11 exercise the power of eminent domain to acquire land and easements  
12 to carry out any power conferred by this chapter.

13           (b) The authority must exercise the power of eminent domain  
14 in the manner provided by Chapter 21, Property Code.

15           (c) The board shall determine the amount of and character of  
16 interest in land and easements to be acquired. (V.A.C.S.  
17 Art. 8280-196, Sec. 5 (part).)

18           Sec. 8101.155. COST OF RELOCATING PROPERTY. If the  
19 authority, in the exercise of the power of eminent domain, the power  
20 of relocation, or any other power granted under this chapter, makes  
21 necessary relocating, raising, rerouting, changing the grade of, or  
22 altering the construction of any highway, railroad, electric  
23 transmission line, or pipeline or telephone or telegraph property  
24 or facility, the authority is solely responsible for the expense of  
25 that necessary action. (V.A.C.S. Art. 8280-196, Sec. 5 (part).)

26           Sec. 8101.156. CONSTRUCTION                           OR                           PURCHASE  
27 CONTRACTS. (a) Except as provided by Subsection (e), the

1 authority shall award a construction contract or contract for the  
2 purchase of materials, equipment, or supplies requiring an  
3 expenditure of more than \$2,000 to the lowest and best bidder.

4 (b) Notice to bidders must be published once each week for  
5 two weeks before the contract is awarded.

6 (c) The notice is sufficient if it states:

7 (1) the time and place for opening the bids;

8 (2) the general nature of the work to be done or the  
9 material, equipment, or supplies to be purchased; and

10 (3) where and how copies of the plans and  
11 specifications may be obtained.

12 (d) The notice must be printed in a newspaper that is  
13 designated by the board and that is published in Henderson County.

14 (e) This section does not apply to the purchase of a system  
15 or part of a system in existence at the time of the purchase.  
16 (V.A.C.S. Art. 8280-196, Sec. 6.)

17 Sec. 8101.157. CONTRACTS WITH MUNICIPALITIES AND  
18 OTHERS. (a) The authority may contract with municipalities and  
19 others for supplying services to them.

20 (b) The authority may contract with any municipality for the  
21 rental, lease, or operation of the water production, water supply,  
22 and water supply facilities of the authority for the consideration  
23 agreed to by the authority and the municipality.

24 (c) The authority may contract with any municipality for the  
25 rental, lease, or operation of the water production, water supply,  
26 and water supply facilities or sanitary sewer system of the  
27 municipality for the consideration agreed to by the authority and

1 the municipality.

2 (d) A contract under this section:

3 (1) may be on the terms and for the period to which the  
4 parties agree; and

5 (2) may provide that the contract continues in effect  
6 until the bonds specified by the contract and refunding bonds  
7 issued in place of those bonds are paid. (V.A.C.S. Art. 8280-196,  
8 Sec. 9.)

9 [Sections 8101.158-8101.200 reserved for expansion]

10 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

11 Sec. 8101.201. TAX METHOD. The authority shall use the ad  
12 valorem plan of taxation. (V.A.C.S. Art. 8280-196, Sec. 13  
13 (part).)

14 Sec. 8101.202. TAX ASSESSOR AND COLLECTOR. Before issuing  
15 bonds payable wholly or partly from ad valorem taxes or imposing ad  
16 valorem taxes for any other purpose, the board shall:

- 17 (1) appoint a tax assessor and collector;  
18 (2) provide for taxes to be assessed; and  
19 (3) provide for the preparation of tax rolls.  
20 (V.A.C.S. Art. 8280-196, Sec. 8 (part).)

21 Sec. 8101.203. DEPOSITORY. (a) The board shall designate  
22 one or more banks to serve as depository for the authority's money.

23 (b) All of the authority's money shall be deposited in the  
24 depository bank or banks, except that:

- 25 (1) money pledged to pay bonds may be deposited with  
26 the trustee bank or banks named in the trust indenture; and  
27 (2) money for payment of the principal of and interest

1 on bonds shall be remitted to the bank of payment.

2 (c) To the extent that money in the depository banks and the  
3 trustee bank are not insured by the Federal Deposit Insurance  
4 Corporation, they must be secured in the manner provided by law for  
5 the security of county funds.

6 (d) Before designating a depository bank or banks, the board  
7 shall issue a notice that:

8 (1) states the time and place of the board's meeting  
9 for that purpose; and

10 (2) invites the banks to submit applications to be  
11 designated depositories.

12 (e) The notice must be published one time in a newspaper  
13 published in the city of Athens at least 10 days before the date set  
14 for receiving applications.

15 (f) The board shall prescribe the terms of service for  
16 depositories.

17 (g) At the time mentioned in the notice, the board shall:

18 (1) consider the applications and the management and  
19 condition of the banks filing applications; and

20 (2) designate as depository the bank or banks that:

21 (A) offer the most favorable terms for handling  
22 the authority's money; and

23 (B) the board finds have proper management and  
24 are in condition to handle the authority's money.

25 (h) If the board does not receive any applications by the  
26 time stated in the notice, or if the board rejects all applications,  
27 the board shall designate a bank or banks on terms it finds

1 advantageous to the authority. (V.A.C.S. Art. 8280-196, Sec. 10.)

2 [Sections 8101.204-8101.250 reserved for expansion]

3 SUBCHAPTER F. BONDS

4 Sec. 8101.251. AUTHORITY TO ISSUE BONDS. (a) The  
5 authority may issue bonds to:

6 (1) purchase or otherwise provide works, plants,  
7 facilities, or appliances necessary to accomplish the purposes  
8 authorized by this chapter; or

9 (2) exercise any other power conferred by this  
10 chapter.

11 (b) Bonds issued by the authority must be payable from  
12 revenue or ad valorem taxes. If bonds are payable wholly from  
13 revenue, the revenue may be pledged by board resolution without an  
14 election. (V.A.C.S. Art. 8280-196, Sec. 7(a) (part).)

15 Sec. 8101.252. REFUNDING BONDS. (a) The authority may  
16 issue refunding bonds to refund outstanding bonds issued under this  
17 subchapter and interest on those bonds.

18 (b) Refunding bonds may:

19 (1) be issued to refund bonds of more than series;

20 (2) combine the pledges for the outstanding bonds for  
21 the security of the refunding bonds; or

22 (3) be secured by a pledge of other or additional  
23 revenue or mortgage liens.

24 (c) The provisions of this subchapter regarding the  
25 issuance of other bonds, their security, and the remedies of the  
26 holders apply to refunding bonds, except that an election is not  
27 required for refunding bonds.

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

3 (e) Instead of issuing bonds to be registered on the  
4 surrender and cancellation of the bonds to be refunded, the  
5 authority, in the resolution authorizing the issuance of the  
6 refunding bonds, may provide for the sale of the refunding bonds and  
7 the deposit of the proceeds in a bank at which the bonds to be  
8 refunded are payable. In that case, the refunding bonds may be  
9 issued in an amount sufficient to pay the principal of and interest  
10 on the bonds to be refunded to their option date or maturity date,  
11 and the comptroller shall register the refunding bonds without the  
12 surrender and cancellation of the bonds to be refunded. (V.A.C.S.  
13 Art. 8280-196, Sec. 7(g).)

14 Sec. 8101.253. FORM OF BONDS. (a) An authority bond must:

- 15 (1) be issued in the name of the authority;  
16 (2) be signed by the president;  
17 (3) be attested to by the secretary; and  
18 (4) have the authority seal impressed on it or a  
19 facsimile seal printed on it.

20 (b) At the option of the board, a bond may be signed in  
21 accordance with Chapter 618, Government Code. (V.A.C.S.  
22 Art. 8280-196, Sec. 7(a) (part).)

23 Sec. 8101.254. MATURITY. Bonds issued under this  
24 subchapter must mature within 40 years. (V.A.C.S. Art. 8280-196,  
25 Sec. 7(a) (part).)

26 Sec. 8101.255. TRUST INDENTURE. The trust indenture may  
27 contain provisions prescribed by the board that:

1           (1) provide for the security of the bonds and the  
2 operation and preservation of the trust estate;

3           (2) provide for amendment or modification of the trust  
4 indenture;

5           (3) provide for the issuance of bonds to replace lost  
6 or mutilated bonds; and

7           (4) condition the right to spend authority money or  
8 sell authority property on the approval of a licensed engineer  
9 selected as provided by the trust indenture. (V.A.C.S.  
10 Art. 8280-196, Sec. 7(i).)

11           Sec. 8101.256. ELECTION FOR BONDS PAYABLE FROM AD VALOREM  
12 TAXES. The authority may not issue bonds payable wholly or partly  
13 from ad valorem taxes unless the voters of the authority authorize  
14 that issuance at an election held for that purpose in the manner  
15 prescribed by Section 49.106, Water Code. (V.A.C.S. Art. 8280-196,  
16 Sec. 7(a) (part).)

17           Sec. 8101.257. BOND SECURITY; REVENUE; TAXES; ADDITIONAL  
18 BONDS. (a) In this section, "net revenue" means the gross revenue  
19 of the authority after deducting the amount necessary to pay the  
20 cost of maintaining and operating the authority, including its  
21 properties.

22           (b) Bonds issued under this subchapter may be secured by:

23           (1) a pledge of all or part of the net revenue of the  
24 authority, including the net revenue of a past or future contract;  
25 or

26           (2) other revenue and income specified by resolution  
27 of the board or the trust indenture.

1 (c) If bonds are issued payable wholly or partly from taxes,  
2 the board shall impose taxes on all taxable property in the  
3 authority without limit as to rate or amount while those bonds are  
4 outstanding. The board shall impose the taxes in amounts:

5 (1) sufficient to pay the principal of and interest on  
6 the bonds annually as they mature; or

7 (2) required to supplement the net revenue pledged to  
8 the bonds' payment so that the principal of and interest on the  
9 bonds are paid when due.

10 (d) A bond security pledge under this section may reserve to  
11 the authority the right, under conditions specified by the pledge,  
12 to issue additional bonds that will be on a parity with or  
13 subordinate to the bonds then being issued. (V.A.C.S.  
14 Art. 8280-196, Sec. 7(c).)

15 Sec. 8101.258. ADDITIONAL SECURITY. (a) Bonds, including  
16 refunding bonds, payable partly or wholly from a pledge of revenue  
17 authorized by this subchapter may be additionally secured by a  
18 mortgage lien on physical properties of the authority and all  
19 franchises, easements, water rights and appropriation permits,  
20 leases, contracts, and all rights appurtenant to those properties,  
21 vesting in the trustee under the trust indenture the power to:

22 (1) sell the properties for payment of the debt;

23 (2) operate the properties; and

24 (3) take any other action to secure the bonds.

25 (b) A purchaser under a sale under the deed of trust:

26 (1) is the absolute owner of the properties and  
27 facilities purchased; and

1           (2) is entitled to maintain and operate those  
2 properties and facilities. (V.A.C.S. Art. 8280-196, Sec. 7(h).)

3           Sec. 8101.259. CHARGES FOR AUTHORITY SERVICES. The board  
4 shall set the rates of compensation for services rendered by the  
5 authority so that the authority has enough money to pay the expenses  
6 of operating and maintaining the facilities of the authority, to  
7 pay bonds as they mature and the interest as it accrues, and to  
8 maintain the reserve and other funds as provided in the resolution  
9 authorizing the bonds or in the trust indenture. (V.A.C.S.  
10 Art. 8280-196, Sec. 7(d).)

11           Sec. 8101.260. USE OF BOND PROCEEDS. (a) The authority  
12 may set aside and use proceeds from bond sales for:

13                 (1) the payment of interest expected to accrue during  
14 construction and the first year after construction; and

15                 (2) a reserve interest and sinking fund.

16           (b) The authority may provide in the resolution authorizing  
17 the bonds or in the trust indenture for setting aside and using the  
18 proceeds as described by Subsection (a).

19           (c) The authority may use proceeds from the sale of bonds to  
20 pay an expense incurred in accomplishing the purposes of the  
21 authority. (V.A.C.S. Art. 8280-196, Sec. 7(e).)

22           Sec. 8101.261. APPOINTMENT OF RECEIVER. (a) On default  
23 or threatened default in the payment of the principal of or interest  
24 on bonds issued under this subchapter that are payable wholly or  
25 partly from revenue, a court may, on petition of the holders of  
26 outstanding bonds, appoint a receiver for the authority.

27           (b) The receiver, without consent of or hindrance by the

1 board, may:

- 2 (1) collect and receive all authority income;
- 3 (2) employ and discharge authority agents and  
4 employees;
- 5 (3) take charge of money on hand; and
- 6 (4) manage the affairs of the authority.

7 (c) The receiver may be authorized to sell or contract for  
8 the sale of services of the authority's facilities or to renew those  
9 contracts with the approval of the appointing court.

10 (d) The court may vest the receiver with any other power or  
11 duty the court finds necessary to protect the bondholders.

12 (e) The resolution that authorizes the issuance of the bonds  
13 or the trust indenture securing their payment may:

14 (1) specify the minimum percentage of outstanding  
15 bonds that must be held by the bondholders seeking the appointment  
16 of a receiver; or

17 (2) otherwise qualify the right of bondholders to  
18 institute litigation that might affect the authority's property,  
19 including money. (V.A.C.S. Art. 8280-196, Sec. 7(f).)

20 Sec. 8101.262. BONDS SECURED BY CONTRACT PROCEEDS;  
21 APPROVAL. (a) If bonds issued under this subchapter state that  
22 they are secured by a pledge of the proceeds of a contract  
23 previously made between the authority and a municipality or other  
24 governmental agency, including a district, a copy of that contract  
25 and the proceedings of the entity authorizing the contract must be  
26 submitted to the attorney general along with the bonds.

27 (b) If the attorney general finds that the bonds have been

1 authorized and the contract has been made in accordance with law,  
2 the attorney general shall approve the bonds and contract.  
3 (V.A.C.S. Art. 8280-196, Sec. 7(j) (part).)

4 Sec. 8101.263. BONDS EXEMPT FROM TAXATION. A bond issued  
5 under this subchapter, the transfer of the bond, and income from the  
6 bond, including profits made on the sale of the bond, are exempt  
7 from taxation in this state. (V.A.C.S. Art. 8280-196, Sec. 14  
8 (part).)

9 Sec. 8101.264. PROPERTY EXEMPT FROM TAXATION AND  
10 ASSESSMENT. Property of the authority is exempt from taxation and  
11 assessment. (V.A.C.S. Art. 8280-196, Sec. 14 (part).)

12 CHAPTER 8102. ADDICKS UTILITY DISTRICT

13 SUBCHAPTER A. GENERAL PROVISIONS

14 Sec. 8102.001. DEFINITION

15 Sec. 8102.002. CREATION; NATURE OF DISTRICT

16 Sec. 8102.003. LEGISLATIVE FINDINGS

17 Sec. 8102.004. DISTRICT TERRITORY

18 [Sections 8102.005-8102.050 reserved for expansion]

19 SUBCHAPTER B. BOARD OF DIRECTORS

20 Sec. 8102.051. DIRECTORS

21 [Sections 8102.052-8102.100 reserved for expansion]

22 SUBCHAPTER C. DISTRICT RIGHTS, POWERS, AND FUNCTIONS

23 Sec. 8102.101. GENERAL RIGHTS, POWERS, PRIVILEGES, AND

24 FUNCTIONS

25 CHAPTER 8102. ADDICKS UTILITY DISTRICT

26 SUBCHAPTER A. GENERAL PROVISIONS

27 Sec. 8102.001. DEFINITION. In this chapter, "district"

1 means "Addicks Utility District." (V.A.C.S. Art. 8280-548, Sec. 1  
2 (part).)

3 Sec. 8102.002. CREATION; NATURE OF DISTRICT. The district  
4 is a conservation and reclamation district in Harris County, Texas,  
5 created under Section 59, Article XVI, Texas Constitution.  
6 (V.A.C.S. Art. 8280-548, Sec. 1 (part).)

7 Sec. 8102.003. LEGISLATIVE FINDINGS. The legislature finds  
8 that:

9 (1) the creation and establishment of the district is  
10 essential to accomplish the purposes of Section 59, Article XVI,  
11 Texas Constitution;

12 (2) all land and other property included in the  
13 boundaries of the district will be benefited by the works and  
14 projects accomplished by the district under the powers conferred by  
15 Section 59, Article XVI, Texas Constitution; and

16 (3) the district is created to serve a public use and  
17 benefit. (V.A.C.S. Art. 8280-548, Secs. 1 (part), 3.)

18 Sec. 8102.004. DISTRICT TERRITORY. (a) The district is  
19 composed of the territory described by Section 4, Chapter 661, Acts  
20 of the 62nd Legislature, Regular Session, 1971 (V.A.C.S. Article  
21 8280-548), as that territory may have been modified under:

22 (1) Subchapter J, Chapter 49, Water Code; or

23 (2) other law.

24 (b) The legislature finds that the boundaries and field  
25 notes of the district contained in Section 4, Chapter 661, Acts of  
26 the 62nd Legislature, Regular Session, 1971 (V.A.C.S. Article  
27 8280-548), form a closure. A mistake in the field notes or in

1 copying the field notes in the legislative process does not affect:

2 (1) the organization, existence, or validity of the  
3 district;

4 (2) the right of the district to issue any type of  
5 bonds for the purposes for which the district is created or to pay  
6 the principal and interest on the bonds;

7 (3) the right of the district to impose taxes; or

8 (4) the legality or operation of the district or its  
9 governing body. (V.A.C.S. Art. 8280-548, Sec. 2; New.)

10 [Sections 8102.005-8102.050 reserved for expansion]

11 SUBCHAPTER B. BOARD OF DIRECTORS

12 Sec. 8102.051. DIRECTORS. Directors are elected or  
13 appointed and serve for the terms and in the manner provided by  
14 Chapter 49, Water Code. (V.A.C.S. Art. 8280-548, Sec. 6 (part).)

15 [Sections 8102.052-8102.100 reserved for expansion]

16 SUBCHAPTER C. DISTRICT RIGHTS, POWERS, AND FUNCTIONS

17 Sec. 8102.101. GENERAL RIGHTS, POWERS, PRIVILEGES, AND  
18 FUNCTIONS. (a) The district has all of the rights, powers,  
19 privileges, and functions provided by the general laws of this  
20 state applicable to municipal utility districts, including  
21 Chapters 49 and 54, Water Code.

22 (b) If a provision of a general law that applies to  
23 municipal utility districts is in conflict or inconsistent with  
24 this chapter, this chapter prevails. (V.A.C.S. Art. 8280-548, Sec.  
25 5 (part).)

26 [Chapters 8103-8500 reserved for expansion]

27 SUBTITLE G. RIVER AUTHORITIES

1 CHAPTER 8501. ANGELINA AND NECHES RIVER AUTHORITY

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Sec. 8501.001. DEFINITIONS

4 Sec. 8501.002. WATER RIGHTS NOT AFFECTED

5 Sec. 8501.003. REGULAR OFFICE OF AUTHORITY

6 Sec. 8501.004. RECORDS

7 Sec. 8501.005. LIBERAL CONSTRUCTION

8 [Sections 8501.006-8501.050 reserved for expansion]

9 SUBCHAPTER B. NATURE AND TERRITORY

10 Sec. 8501.051. CREATION AND NATURE OF AUTHORITY

11 Sec. 8501.052. TERRITORY

12 [Sections 8501.053-8501.100 reserved for expansion]

13 SUBCHAPTER C. BOARD OF DIRECTORS AND EMPLOYEES

14 Sec. 8501.101. MEMBERSHIP OF BOARD

15 Sec. 8501.102. TERMS

16 Sec. 8501.103. VACANCY

17 Sec. 8501.104. OATH AND BOND REQUIREMENT FOR DIRECTOR

18 Sec. 8501.105. COMPENSATION OF DIRECTORS

19 Sec. 8501.106. QUORUM RELATING TO CONSTRUCTION MATTERS

20 Sec. 8501.107. OFFICERS

21 Sec. 8501.108. MEETINGS

22 Sec. 8501.109. EMPLOYMENT PREFERENCE

23 Sec. 8501.110. REMOVAL OF EMPLOYEE

24 Sec. 8501.111. COMPENSATION OF EMPLOYEES

25 Sec. 8501.112. DIRECTOR'S, OFFICER'S, OR EMPLOYEE'S SURETY

26 BOND

27 Sec. 8501.113. CONFLICT OF INTEREST; CRIMINAL PENALTY

1 [Sections 8501.114-8501.150 reserved for expansion]

2 SUBCHAPTER D. POWERS AND DUTIES

3 Sec. 8501.151. POWERS UNDER CONSTITUTION AND OTHER LAW

4 Sec. 8501.152. APPLICABILITY OF WATER CODE

5 Sec. 8501.153. STATE SUPERVISION AND APPROVAL

6 Sec. 8501.154. GENERAL POWERS RELATING TO WATER

7 Sec. 8501.155. POWERS RELATING TO PARTICULAR PURPOSES

8 Sec. 8501.156. POWERS RELATING TO FLOODING

9 Sec. 8501.157. POWERS RELATING TO USE OF WATER IN GENERAL

10 Sec. 8501.158. POWERS RELATING TO DOMESTIC, COMMERCIAL, OR

11 INDUSTRIAL USE OF WATER

12 Sec. 8501.159. POWERS RELATING TO USE OF WATER FOR

13 IRRIGATION

14 Sec. 8501.160. POWERS RELATING TO DRAINAGE OF WATER

15 Sec. 8501.161. POWERS RELATING TO ACQUISITION OR OPERATION

16 OF WORKS, LAND, OR OTHER PROPERTY

17 Sec. 8501.162. ADDITIONAL POWERS RELATING TO ACQUISITION OR

18 OPERATION OF PROPERTY

19 Sec. 8501.163. POWERS RELATING TO CONTRACT, LEASE, AGREEMENT,

20 OR CONVEYANCE

21 Sec. 8501.164. RIGHT OF EMINENT DOMAIN

22 Sec. 8501.165. COORDINATION AND JOINT UNDERTAKINGS AMONG

23 DISTRICTS

24 Sec. 8501.166. NO AUTHORITY FOR TAX OR SPECIAL ASSESSMENT

25 [Sections 8501.167-8501.200 reserved for expansion]

26 SUBCHAPTER E. GENERAL FINANCIAL MATTERS

27 Sec. 8501.201. PROCEDURE FOR PAYMENT

- 1 Sec. 8501.202. RECORDS RELATING TO MONEY  
2 Sec. 8501.203. FILING OF AUDIT  
3 Sec. 8501.204. FEES  
4 Sec. 8501.205. LIMITATION ON USE OF REVENUE  
5 [Sections 8501.206-8501.250 reserved for expansion]  
6 SUBCHAPTER F. OBLIGATIONS RELATING TO BORROWED MONEY  
7 Sec. 8501.251. POWER TO BORROW MONEY; EVIDENCE  
8 OF OBLIGATION  
9 Sec. 8501.252. OBLIGATION PAYABLE FROM REVENUE  
10 Sec. 8501.253. NO CREATION OF DEBT; NO PAYMENT  
11 FROM TAXES  
12 Sec. 8501.254. TIME OF SALE  
13 Sec. 8501.255. MATURITY  
14 Sec. 8501.256. SIGNATURES  
15 Sec. 8501.257. LIEN ON REVENUE  
16 Sec. 8501.258. SINKING FUND: IN GENERAL  
17 Sec. 8501.259. SINKING FUND: EXCESS MONEY  
18 Sec. 8501.260. COVENANTS FOR MARKETABILITY  
19 Sec. 8501.261. HOLDER OF OBLIGATION MAY COMPEL PERFORMANCE  
20 Sec. 8501.262. HOLDER OF OBLIGATION ENTITLED TO ADMINISTRATOR  
21 OR RECEIVER  
22 Sec. 8501.263. ADDITIONAL SECURITY FOR OBLIGATION:  
23 MORTGAGE AND ENCUMBRANCE  
24 Sec. 8501.264. SALE UNDER MORTGAGE OR ENCUMBRANCE  
25 Sec. 8501.265. STATE FRANCHISE LAW NOT APPLICABLE  
26 Sec. 8501.266. DEPOSIT OF PROCEEDS  
27 Sec. 8501.267. USE OF UNSPENT PROCEEDS AFTER PROJECT

1 COMPLETION

2 Sec. 8501.268. INSURING IMPROVEMENTS AND FACILITIES

3 Sec. 8501.269. REFUNDING OBLIGATION

4 Sec. 8501.270. TAX EXEMPTION

5 [Sections 8501.271-8501.900 reserved for expansion]

6 SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

7 Sec. 8501.901. CHAPTER AS FULL AUTHORITY; OTHER STATUTES

8 NOT APPLICABLE

9 CHAPTER 8501. ANGELINA AND NECHES RIVER AUTHORITY

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8501.001. DEFINITIONS. In this chapter:

12 (1) "Authority" means the Angelina and Neches River  
13 Authority.

14 (2) "Board" means the board of directors of the  
15 authority. (Acts 44th Leg., R.S., G.L., Ch. 97, Sec. 1 (part);  
16 New.)

17 Sec. 8501.002. WATER RIGHTS NOT AFFECTED. This chapter  
18 does not affect any existing rights, or existing priorities in the  
19 rights, to water from the source of supply. The formation of the  
20 authority or a contract for the purchase of water with the authority  
21 is not an abandonment or waiver of those rights or priorities and is  
22 not an abandonment of the original point of diversion from the  
23 source of supply. All those rights existing at the time of the  
24 formation of the authority are preserved. (Acts 44th Leg., R.S.,  
25 G.L., Ch. 97, Sec. 31.)

26 Sec. 8501.003. REGULAR OFFICE OF AUTHORITY. A regular  
27 office shall be established and maintained for conducting authority

1 business within the authority's territory. (Acts 44th Leg., R.S.,  
2 G.L., Ch. 97, Sec. 9 (part).)

3 Sec. 8501.004. RECORDS. (a) The secretary-treasurer of  
4 the board shall keep a record of all proceedings and all orders of  
5 the board.

6 (b) The records of the authority are subject to public  
7 inspection. (Acts 44th Leg., R.S., G.L., Ch. 97, Secs. 7 (part), 9  
8 (part).)

9 Sec. 8501.005. LIBERAL CONSTRUCTION. This chapter shall be  
10 liberally construed to effectuate its purposes. (Acts 44th Leg.,  
11 R.S., G.L., Ch. 97, Sec. 16 (part).)

12 [Sections 8501.006-8501.050 reserved for expansion]

13 SUBCHAPTER B. NATURE AND TERRITORY

14 Sec. 8501.051. CREATION AND NATURE OF AUTHORITY. The  
15 Angelina and Neches River Authority is created as a conservation  
16 and reclamation district. (Acts 44th Leg., R.S., G.L., Ch. 97, Sec.  
17 1 (part).)

18 Sec. 8501.052. TERRITORY. (a) The authority is composed of  
19 the territory described by Section 3, Chapter 97, General Laws,  
20 Acts of the 44th Legislature, Regular Session, 1935, as amended by  
21 the relevant part of Section 1, Chapter 394, Acts of the 65th  
22 Legislature, Regular Session, 1977.

23 (b) The authority's territory also may have been modified  
24 under other law. (New.)

25 [Sections 8501.053-8501.100 reserved for expansion]

26 SUBCHAPTER C. BOARD OF DIRECTORS AND EMPLOYEES

27 Sec. 8501.101. MEMBERSHIP OF BOARD. (a) The board consists

1 of nine directors appointed by the governor with the advice and  
2 consent of the senate.

3 (b) Each director must be a freehold property taxpayer and a  
4 qualified voter of the state. (Acts 44th Leg., R.S., G.L., Ch. 97,  
5 Sec. 4 (part).)

6 Sec. 8501.102. TERMS. Directors are appointed for  
7 staggered terms of six years with one-third of the directors' terms  
8 expiring every two years. (Acts 44th Leg., R.S., G.L., Ch. 97, Sec.  
9 4 (part).)

10 Sec. 8501.103. VACANCY. (a) A vacancy on the board shall  
11 be filled by appointment by the governor with the advice and consent  
12 of the senate.

13 (b) A person appointed to a vacant position serves for the  
14 unexpired part of the term. (Acts 44th Leg., R.S., G.L., Ch. 97,  
15 Sec. 4 (part).)

16 Sec. 8501.104. OATH AND BOND REQUIREMENT FOR  
17 DIRECTOR. (a) A director shall, within 15 days after the date of  
18 appointment, qualify by taking the constitutional oath of office  
19 and by filing a good and sufficient bond with the secretary of  
20 state.

21 (b) The bond is subject to approval by the secretary of  
22 state and must:

23 (1) be in the amount of \$1,000;

24 (2) be payable to the authority; and

25 (3) be conditioned on the faithful performance of the  
26 duties as a director. (Acts 44th Leg., R.S., G.L., Ch. 97, Sec. 4  
27 (part).)

1           Sec. 8501.105.   COMPENSATION OF DIRECTORS.  Unless the board  
2 by resolution increases the fee of office to an amount authorized by  
3 Section 49.060, Water Code, a director shall receive as a fee of  
4 office an amount not to exceed \$10 for each day of service necessary  
5 to discharge the director's duties, if the board votes to authorize  
6 the service.  (Acts 44th Leg., R.S., G.L., Ch. 97, Sec. 8 (part).)

7           Sec. 8501.106.   QUORUM RELATING TO CONSTRUCTION MATTERS.  
8 The concurrence of five directors is required for entering into a  
9 construction contract or for authorizing the issuance of a warrant  
10 to pay for a construction contract.  (Acts 44th Leg., R.S., G.L.,  
11 Ch. 97, Sec. 5 (part).)

12           Sec. 8501.107.   OFFICERS.  (a)  The board shall elect one of  
13 the directors as president of the board, one as vice president, and  
14 one as secretary-treasurer.

15           (b)  The president is the chief executive officer of the  
16 authority.

17           (c)  The vice president shall act as president if the  
18 president is absent or disabled.

19           (d)  The secretary-treasurer shall act as a secretary of the  
20 board.  The board shall select a secretary pro tem if the  
21 secretary-treasurer is absent or unable to act.  (Acts 44th Leg.,  
22 R.S., G.L., Ch. 97, Secs. 5 (part), 7 (part).)

23           Sec. 8501.108.   MEETINGS.  (a)  The president shall preside  
24 at all meetings of the board.

25           (b)  The board shall set, by order entered in the minutes of  
26 its proceedings, a specified time for the regular meetings of the  
27 board.  The board shall meet for a specific occasion if called by

1 order of the president, vice president, or a majority of the  
2 directors.

3 (c) The board shall hold its meetings at its office and  
4 principal place of business unless the board directs otherwise for  
5 a specific occasion. (Acts 44th Leg., R.S., G.L., Ch. 97, Sec. 7  
6 (part).)

7 Sec. 8501.109. EMPLOYMENT PREFERENCE. (a) The authority  
8 and each contractor who employs labor for the construction of an  
9 improvement for the authority shall give a preference to the  
10 employment of:

11 (1) persons who are on relief rolls or otherwise  
12 unemployed and who are able to efficiently provide the proper  
13 service in the various classifications of labor under which they  
14 are to be employed; and

15 (2) if there are not sufficient persons who are  
16 qualified under Subdivision (1), qualified workers who reside in  
17 the locality where the improvement is to be constructed.

18 (b) The persons to whom the preference applies include  
19 persons required for office or clerical work but do not include the  
20 key workers of the authority or contractor.

21 (c) Each contract expressly entered into under this chapter  
22 by the authority with a contractor must expressly impose on the  
23 contractor the duty to give the preference provided by this  
24 section.

25 (d) To the extent this section conflicts with the  
26 requirements of a federal agency providing funds for the authority,  
27 the requirements of the federal agency control. (Acts 44th Leg.,

1 R.S., G.L., Ch. 97, Sec. 32.)

2 Sec. 8501.110. REMOVAL OF EMPLOYEE. An employee of the  
3 authority may be removed by the board. (Acts 44th Leg., R.S., G.L.,  
4 Ch. 97, Sec. 11 (part).)

5 Sec. 8501.111. COMPENSATION OF EMPLOYEES. The board shall  
6 set the reasonable compensation to be paid to the general manager  
7 and other employees of the authority. (Acts 44th Leg., R.S., G.L.,  
8 Ch. 97, Secs. 11 (part), 14(n) (part).)

9 Sec. 8501.112. DIRECTOR'S, OFFICER'S, OR EMPLOYEE'S SURETY  
10 BOND. A bond required to be given by a director, officer, or  
11 employee of the authority must be executed by a surety company  
12 authorized to do business in this state, as surety on the bond.  
13 (Acts 44th Leg., R.S., G.L., Ch. 97, Sec. 12.)

14 Sec. 8501.113. CONFLICT OF INTEREST; CRIMINAL  
15 PENALTY. (a) A director or an engineer or employee of the  
16 authority may not be directly or indirectly interested, personally  
17 or as an agent for another person, in a contract for the purchase or  
18 construction of any work by the authority.

19 (b) A person commits an offense if the person violates this  
20 section. An offense under this subsection is a misdemeanor  
21 punishable by a fine not to exceed \$1,000, by confinement in the  
22 county jail for not less than six months or more than one year, or by  
23 both the fine and confinement. (Acts 44th Leg., R.S., G.L., Ch. 97,  
24 Sec. 13.)

25 [Sections 8501.114-8501.150 reserved for expansion]

26 SUBCHAPTER D. POWERS AND DUTIES

27 Sec. 8501.151. POWERS UNDER CONSTITUTION AND OTHER LAW.

1 The authority has the powers of a conservation and reclamation  
2 district under the constitution and other laws of this state,  
3 including the powers:

4 (1) expressly authorized in Section 59, Article XVI,  
5 Texas Constitution, for a district created to conserve, store,  
6 control, preserve, use, and distribute the storm water and  
7 floodwater and the water of the rivers and streams of the state;

8 (2) implied by the purposes of that section of the  
9 constitution; and

10 (3) given by general law. (Acts 44th Leg., R.S., G.L.,  
11 Ch. 97, Sec. 1 (part).)

12 Sec. 8501.152. APPLICABILITY OF WATER CODE. The rights,  
13 powers, privileges, and functions granted to the authority, and the  
14 authority itself, are expressly subject to Chapters 11, 12, 26, and  
15 49, Water Code, as applicable. (Acts 44th Leg., R.S., G.L., Ch. 97,  
16 Sec. 1 (part).)

17 Sec. 8501.153. STATE SUPERVISION AND APPROVAL. (a) The  
18 Texas Commission on Environmental Quality shall consider the  
19 adequacy of, and decide whether to approve, any flood control or  
20 conservation improvement plan that:

21 (1) is devised by the authority to achieve a plan or  
22 purpose for which the authority is created; and

23 (2) contemplates improvements that are to be  
24 supervised by the commission under general law.

25 (b) Before the authority establishes a diversion point or  
26 constructs a canal, pumping plant, or other work under this  
27 chapter, the authority must:

1           (1) present the plans and specifications for the  
2 project to the Texas Commission on Environmental Quality; and

3           (2) obtain the approval of the commission. (Acts 44th  
4 Leg., R.S., G.L., Ch. 97, Secs. 14(q), 15 (part).)

5           Sec. 8501.154. GENERAL POWERS RELATING TO WATER. (a) The  
6 authority has the rights and powers of an independent conservation  
7 and reclamation district to construct, maintain, and operate in the  
8 valleys of the Neches River and its tributaries, inside or outside  
9 the authority, any work considered essential:

10           (1) to the operation of the authority; and

11           (2) for the authority's administration in the control,  
12 storage, preservation, and distribution to all useful purposes of  
13 the water, including storm water and floodwater, of the Neches  
14 River and its tributaries.

15           (b) The authority has the same power of control and  
16 regulation over the waters of the Neches River and its tributaries  
17 that the state has, subject to the constitution and statutes of this  
18 state. (Acts 44th Leg., R.S., G.L., Ch. 97, Sec. 1 (part).)

19           Sec. 8501.155. POWERS RELATING TO PARTICULAR PURPOSES. For  
20 the conservation and beneficial use of the water of the Neches River  
21 and its tributaries, including storm water and floodwater, the  
22 authority may control and use the water in the manner and for a  
23 particular purpose described by Section 8501.156, 8501.157,  
24 8501.158, 8501.159, 8501.160, or 8501.161. (Acts 44th Leg., R.S.,  
25 G.L., Ch. 97, Sec. 14 (part).)

26           Sec. 8501.156. POWERS RELATING TO FLOODING. In acting  
27 under Section 8501.155, the authority may:

1           (1) prevent the devastation of land from recurrent  
2 overflows;

3           (2) protect life and property in the authority from  
4 uncontrolled floodwater; and

5           (3) encourage the conservation of soil to prevent  
6 destructive erosion and to prevent the increased flood menace  
7 related to that erosion. (Acts 44th Leg., R.S., G.L., Ch. 97, Secs.  
8 14(c) (part), (g).)

9           Sec. 8501.157. POWERS RELATING TO USE OF WATER IN GENERAL.

10 In acting under Section 8501.155, the authority may:

11           (1) through practical means, provide for the control  
12 and coordination of the regulation of the water of the Neches River  
13 and its tributaries;

14           (2) by adequate organization and administration,  
15 provide for preserving the equitable rights of the people of  
16 different sections of the watershed area in the beneficial use of  
17 the water of the Neches River and its tributaries;

18           (3) store, control, and conserve the water of the  
19 Neches River and its tributaries inside or outside the authority  
20 and prevent the escape of that water without the maximum of public  
21 service;

22           (4) equitably distribute the water of the Neches River  
23 and its tributaries to meet the regional potential requirements for  
24 all uses, including domestic, manufacturing, and irrigation uses;  
25 and

26           (5) use controlled and conserved floodwater and storm  
27 water for any purpose that results in the performance of a useful

1 service authorized by the constitution of this state. (Acts 44th  
2 Leg., R.S., G.L., Ch. 97, Secs. 14(a), (b), (c) (part), (e) (part),  
3 (j).)

4 Sec. 8501.158. POWERS RELATING TO DOMESTIC, COMMERCIAL, OR  
5 INDUSTRIAL USE OF WATER. In acting under Section 8501.155, the  
6 authority may:

7 (1) conserve the water of the Neches River and its  
8 tributaries essential for the domestic uses of the people of the  
9 authority, including all necessary water supplies for cities and  
10 towns;

11 (2) control the water of the Neches River and its  
12 tributaries and make the water available for use in the development  
13 of commercial and industrial enterprises in the entire watershed  
14 area of the authority; and

15 (3) control, store, and use the water of the Neches  
16 River and its tributaries in the development and distribution of  
17 hydroelectric power, if that use is economically coordinated with  
18 other superior uses and subordinated to the uses declared by law to  
19 be superior. (Acts 44th Leg., R.S., G.L., Ch. 97, Secs. 14(d), (h),  
20 (i).)

21 Sec. 8501.159. POWERS RELATING TO USE OF WATER FOR  
22 IRRIGATION. In acting under Section 8501.155, the authority may  
23 provide for the irrigation of all land in the authority or land  
24 outside the authority but inside the authority's watershed area  
25 where the irrigation is required for agricultural purposes or is  
26 considered helpful to more profitable agricultural production.  
27 (Acts 44th Leg., R.S., G.L., Ch. 97, Sec. 14(e) (part).)

1           Sec. 8501.160. POWERS RELATING TO DRAINAGE OF WATER. In  
2 acting under Section 8501.155, the authority may:

3           (1) provide for the better encouragement and  
4 development of drainage systems for, and provide for the drainage  
5 of, lands in the valleys of the Neches River and its tributaries as  
6 needed for profitable agricultural production; and

7           (2) provide for drainage for other land in the  
8 watershed area of the authority as required for the most  
9 advantageous use of the land. (Acts 44th Leg., R.S., G.L., Ch. 97,  
10 Sec. 14(f).)

11           Sec. 8501.161. POWERS RELATING TO ACQUISITION OR OPERATION  
12 OF WORKS, LAND, OR OTHER PROPERTY. (a) In acting under Section  
13 8501.155, the authority may:

14           (1) purchase or construct any work necessary or  
15 convenient for the exercise of the authority's powers under this  
16 chapter and to accomplish the purposes of this chapter; and

17           (2) purchase or otherwise acquire land or other  
18 property necessary or convenient for carrying out the purposes of  
19 this chapter.

20           (b) The plans and works provided by the authority, and the  
21 works provided under the power of the authority, shall regard  
22 primarily the necessary and potential needs for water by or within  
23 the area in the authority constituting the watershed of the Neches  
24 River and its tributaries. (Acts 44th Leg., R.S., G.L., Ch. 97,  
25 Secs. 14(e) (part), (k).)

26           Sec. 8501.162. ADDITIONAL POWERS RELATING TO ACQUISITION OR  
27 OPERATION OF PROPERTY. (a) In this section, "property" includes

1 a right, including a water right, and includes land and a tenement,  
2 easement, improvement, reservoir, dam, canal, lateral, plant,  
3 work, and facility.

4 (b) The authority may investigate, plan, acquire,  
5 construct, maintain, or operate any property the authority  
6 considers necessary or proper for the accomplishment of the  
7 purposes of the authority.

8 (c) The power described by Subsection (b) includes the power  
9 to acquire property inside or outside the authority that is  
10 incidental or helpful to carrying out the authority's purposes  
11 under this chapter. (Acts 44th Leg., R.S., G.L., Ch. 97, Sec. 16  
12 (part).)

13 Sec. 8501.163. POWERS RELATING TO CONTRACT, LEASE,  
14 AGREEMENT, OR CONVEYANCE. (a) The authority may enter into a  
15 contract, lease, or other agreement necessary or convenient to  
16 carry out a power given to the authority by this chapter.

17 (b) The authority may enter into the contract, lease, or  
18 agreement with any person, including:

19 (1) an individual or artificial entity;

20 (2) a corporation, including a municipal corporation  
21 and a public or private corporation; and

22 (3) a government or governmental agency, including the  
23 United States and this state.

24 (c) The authority may:

25 (1) convey or cause to be conveyed any of its property  
26 to the United States; and

27 (2) enter into a lease, regardless of whether it

1 includes a privilege of purchase, with the United States relating  
2 to any property and obligate the authority to pay rent under the  
3 lease from the income or other revenue of the property.

4 (d) A contract, lease, or agreement under this section must  
5 be approved by resolution of the board and must be executed by the  
6 president and attested by the secretary-treasurer.

7 (e) This section does not authorize the assumption by the  
8 authority of any obligation requiring a payment from taxes.

9 (f) The property to which Subsection (c) applies includes a  
10 right, land, tenement, easement, improvement, reservoir, dam,  
11 canal, plant, lateral, work, and facility. (Acts 44th Leg., R.S.,  
12 G.L., Ch. 97, Sec. 14(o).)

13 Sec. 8501.164. RIGHT OF EMINENT DOMAIN. (a) The  
14 authority may exercise the power of eminent domain to acquire fee  
15 simple title to, or an easement over or through, any land, water, or  
16 land under water that is necessary or convenient for carrying out  
17 any purpose or power given to the authority by this chapter. The  
18 power applies to private or public property inside or outside the  
19 authority.

20 (b) A condemnation proceeding is under the direction of the  
21 board and must be in the name of the authority.

22 (c) The assessment of damages and all procedures related to  
23 condemnation, appeal, and payment must conform to Chapter 21,  
24 Property Code. (Acts 44th Leg., R.S., G.L., Ch. 97, Sec. 14(1).)

25 Sec. 8501.165. COORDINATION AND JOINT UNDERTAKINGS AMONG  
26 DISTRICTS. (a) A drainage, conservation, reclamation, or other  
27 district created by this state with powers provided in Section 59,

1 Article XVI, Texas Constitution, may:

2 (1) coordinate its plans with the authority; and

3 (2) enter into joint undertakings with the authority  
4 for the purposes for which the entities are created.

5 (b) The acts taken under Subsection (a) must be approved by  
6 a majority of the boards of directors of all the districts involved.  
7 (Acts 44th Leg., R.S., G.L., Ch. 97, Sec. 2.)

8 Sec. 8501.166. NO AUTHORITY FOR TAX OR SPECIAL ASSESSMENT.  
9 This chapter does not authorize the authority to impose a tax or  
10 special assessment or to create any debt payable from taxes. (Acts  
11 44th Leg., R.S., G.L., Ch. 97, Sec. 1 (part).)

12 [Sections 8501.167-8501.200 reserved for expansion]

13 SUBCHAPTER E. GENERAL FINANCIAL MATTERS

14 Sec. 8501.201. PROCEDURE FOR PAYMENT. A warrant for the  
15 payment of money by the authority may be drawn and signed by the  
16 president and the secretary-treasurer if the account under which  
17 the payment is to be made results from a contract made by the board  
18 and is ordered paid by the board. (Acts 44th Leg., R.S., G.L., Ch.  
19 97, Sec. 5 (part).)

20 Sec. 8501.202. RECORDS RELATING TO MONEY. The  
21 secretary-treasurer shall:

22 (1) receive and give a receipt for all money received  
23 by the authority; and

24 (2) keep records of all money received and spent by the  
25 authority. (Acts 44th Leg., R.S., G.L., Ch. 97, Sec. 7 (part).)

26 Sec. 8501.203. FILING OF AUDIT. In addition to copies of  
27 the annual audit of the authority that are filed as required by

1 Section 49.194, Water Code, a copy shall be filed with the  
2 depository of the authority and the office of the auditor. (Acts  
3 44th Leg., R.S., G.L., Ch. 97, Sec. 10 (part).)

4 Sec. 8501.204. FEES. (a) The board shall prescribe fees  
5 to be collected for:

- 6 (1) the use of water;
- 7 (2) a water connection; or
- 8 (3) another service.

9 (b) The board shall set the fees in amounts that are  
10 reasonable and equitable and sufficient to produce revenue adequate  
11 to pay the items described by Subsection (c). The fees may not  
12 exceed what may be reasonably necessary to fulfill the obligations  
13 imposed on the authority by this chapter.

14 (c) The board shall pay the following items from the fees:

15 (1) all expenses necessary to the operation and  
16 maintenance of the improvements and facilities of the authority,  
17 including:

18 (A) the cost of the acquisition of materials and  
19 other property necessary to maintain the improvements and  
20 facilities in good condition and to operate them efficiently;

21 (B) necessary wages and salaries of the  
22 authority; and

23 (C) other expenses reasonably necessary to the  
24 efficient operation of the improvements and facilities;

25 (2) the interest on any obligation issued under this  
26 chapter and payable from the revenue from the improvements and  
27 facilities; and

1           (3) the amount required to be paid annually into the  
2 sinking fund for the payment of an obligation issued under this  
3 chapter and payable from the revenue of the improvements and  
4 facilities. (Acts 44th Leg., R.S., G.L., Ch. 97, Sec. 14(m)  
5 (part).)

6           Sec. 8501.205. LIMITATION ON USE OF REVENUE. (a) A charge  
7 on the revenue derived from the improvements and facilities of the  
8 authority may not be made if the principal or interest of any  
9 obligation issued under this chapter is unpaid.

10           (b) If the revenue derived from the improvements and  
11 facilities of the authority exceed the amount required for the  
12 payment of items under Section 8501.204(c), the board may pay the  
13 cost of improvements and replacements not covered by Section  
14 8501.204(c)(1) and may establish a reasonable depreciation and  
15 emergency fund. (Acts 44th Leg., R.S., G.L., Ch. 97, Sec. 14(m)  
16 (part).)

17           [Sections 8501.206-8501.250 reserved for expansion]

18           SUBCHAPTER F. OBLIGATIONS RELATING TO BORROWED MONEY

19           Sec. 8501.251. POWER TO BORROW MONEY; EVIDENCE OF  
20 OBLIGATION. The authority may:

21           (1) borrow money from any source, including an agency  
22 of the United States; and

23           (2) issue a note, warrant, certificate of  
24 indebtedness, or other form of obligation of the authority as  
25 evidence of the borrowed money. (Acts 44th Leg., R.S., G.L., Ch.  
26 97, Sec. 17 (part).)

27           Sec. 8501.252. OBLIGATION PAYABLE FROM REVENUE. (a) An

1 obligation issued under this chapter by the authority may be made  
2 payable from and secured by a pledge of:

3 (1) all the revenue derived from the operations and  
4 devices of the authority's improvements and facilities, excluding  
5 any revenue derived from a tax or assessment;

6 (2) only the revenue derived from the operation of the  
7 authority's improvements and facilities acquired with the proceeds  
8 from the sale of the obligation; or

9 (3) a specific part of the revenue derived from the  
10 operation of the authority's improvements and facilities.

11 (b) The proceedings authorizing the issuance of the  
12 obligation must identify the method described by Subsection (a)  
13 that is to be used to pay and secure the obligation. (Acts 44th  
14 Leg., R.S., G.L., Ch. 97, Secs. 17 (part), 19 (part).)

15 Sec. 8501.253. NO CREATION OF DEBT; NO PAYMENT FROM  
16 TAXES. (a) An obligation issued under this chapter is not a debt  
17 or a pledge of credit of the authority.

18 (b) The obligation:

19 (1) may not be paid in whole or part from any money  
20 raised by taxation; and

21 (2) must contain a recital to that effect. (Acts 44th  
22 Leg., R.S., G.L., Ch. 97, Sec. 18 (part).)

23 Sec. 8501.254. TIME OF SALE. An obligation issued under  
24 this chapter shall be sold at the time determined by the board to be  
25 expedient and necessary to the interest of the authority. (Acts  
26 44th Leg., R.S., G.L., Ch. 97, Sec. 18 (part).)

27 Sec. 8501.255. MATURITY. An obligation issued under this

1 chapter must mature not more than 50 years after its date in the  
2 manner provided by the board. (Acts 44th Leg., R.S., G.L., Ch. 97,  
3 Sec. 18 (part).)

4 Sec. 8501.256. SIGNATURES. (a) An obligation issued  
5 under this chapter must be signed by the president and  
6 secretary-treasurer of the board. An interest coupon attached to  
7 an obligation may be executed with the facsimile signature of the  
8 president and secretary-treasurer.

9 (b) If an officer whose signature is on an obligation or  
10 coupon ceases to be an officer before the delivery of the obligation  
11 to the purchaser, the signature remains valid for all purposes.  
12 (Acts 44th Leg., R.S., G.L., Ch. 97, Sec. 18 (part).)

13 Sec. 8501.257. LIEN ON REVENUE. (a) If more than one  
14 series of obligations is issued under this chapter payable from and  
15 secured by identical revenue, the priority of a lien against that  
16 revenue depends on the time of delivery of the obligations. A lien  
17 for a series of obligations is prior and superior to a lien for  
18 another series of obligations subsequently delivered.

19 (b) For an issue or series of obligations that are  
20 authorized as a unit but delivered periodically in blocks, the  
21 board may, in the proceedings authorizing the issuance of the  
22 obligations, provide that all the obligations of the issue or  
23 series are coequal as to lien regardless of the time of delivery.  
24 (Acts 44th Leg., R.S., G.L., Ch. 97, Sec. 19 (part).)

25 Sec. 8501.258. SINKING FUND: IN GENERAL. (a) A resolution  
26 or order authorizing the issuance of obligations under this chapter  
27 must provide for the creation of a sinking fund. Amounts sufficient

1 to pay the principal of and interest on the obligations shall be  
2 paid into the fund from the revenue pledged to the payment of the  
3 obligations. The payments into the fund shall be made monthly as  
4 the revenue is collected.

5 (b) In the manner provided by this chapter, the money in the  
6 sinking fund shall be applied, at or before maturity of the  
7 obligations, solely to:

8 (1) the payment of interest on the obligations for the  
9 payment of which the fund is created; and

10 (2) the retirement of the obligations.

11 (c) A resolution or order authorizing the issuance of  
12 obligations under this chapter must provide that the revenue from  
13 which the obligations are to be paid and that is pledged to the  
14 payment of the obligations shall be:

15 (1) set apart and paid into the sinking fund monthly as  
16 the revenue accrues and is received; and

17 (2) disbursed in the manner provided by this chapter.

18 (d) In determining the amount of revenue to be set apart,  
19 the board shall provide that the amount to be set apart and paid  
20 into the sinking fund in any year shall be not less than a fixed  
21 amount. The fixed amount must be at least sufficient to:

22 (1) provide for the payment of the principal of and  
23 interest on all obligations maturing and becoming payable in the  
24 year; and

25 (2) create a surplus or margin of 10 percent in excess  
26 of the amount needed under Subdivision (1). (Acts 44th Leg., R.S.,  
27 G.L., Ch. 97, Secs. 20 (part), 22.)

1           Sec. 8501.259. SINKING FUND: EXCESS MONEY. (a) At the  
2 time obligations are authorized under this chapter, the board may  
3 provide that all money in the sinking fund in excess of the amount  
4 required for the payment of the principal of and interest on the  
5 outstanding obligations, for a period the board determines, shall  
6 be spent once each year under the board's order to purchase  
7 obligations for the account of which the sinking fund has been  
8 accumulated, if the obligations can be purchased at a price the  
9 board considers reasonable.

10           (b) The board may provide that, if the obligations contain  
11 an option permitting retirement before maturity, the excess amount  
12 shall be paid out as provided by this chapter for the purchase of  
13 the obligations. If the board is unable to purchase sufficient  
14 obligations of the issue to absorb all the surplus, the board shall  
15 call for redemption of a sufficient amount of the obligations to  
16 absorb, so far as practicable, the entire surplus remaining in the  
17 sinking fund.

18           (c) The board may provide that any excess amount in the  
19 sinking fund that cannot be applied to the purchase or redemption of  
20 obligations shall remain in the sinking fund to be used for payment  
21 of principal or interest, when due, or for the subsequent call of  
22 obligations for purchase or redemption in the manner provided by  
23 this section. (Acts 44th Leg., R.S., G.L., Ch. 97, Sec. 20 (part).)

24           Sec. 8501.260. COVENANTS FOR MARKETABILITY. (a) A  
25 resolution or order authorizing the issuance of obligations under  
26 this chapter may contain covenants with the holders of the  
27 obligations on the following subjects as considered necessary to

1 ensure the marketability of the obligations:

2 (1) management and operation of the improvements and  
3 facilities of the authority;

4 (2) collection of fees for the use of the improvements  
5 and facilities;

6 (3) disposition of the fees;

7 (4) issuance of future obligations and creation of  
8 future liens, mortgages, and encumbrances against the improvements  
9 and facilities and the revenue of the improvements and facilities;  
10 and

11 (5) other pertinent matters.

12 (b) The covenants may not be inconsistent with this chapter.

13 (Acts 44th Leg., R.S., G.L., Ch. 97, Sec. 21.)

14 Sec. 8501.261. HOLDER OF OBLIGATION MAY COMPEL  
15 PERFORMANCE. (a) A holder of obligations issued under this  
16 chapter or of coupons originally attached to the obligations may  
17 enforce and compel the performance by the board of all duties  
18 required of the board by this chapter, including:

19 (1) setting and collecting reasonable and sufficient  
20 fees for the use of the improvements and facilities of the  
21 authority;

22 (2) segregating the income and revenue of the  
23 improvements and facilities; and

24 (3) applying the income and revenue under this  
25 chapter.

26 (b) The holder of the obligations or coupons may act under  
27 Subsection (a):

1 (1) at law or in equity; and

2 (2) by a suit, action, mandamus, or other proceeding.

3 (Acts 44th Leg., R.S., G.L., Ch. 97, Sec. 23 (part).)

4 Sec. 8501.262. HOLDER OF OBLIGATION ENTITLED TO  
5 ADMINISTRATOR OR RECEIVER. (a) If there is a default in the  
6 payment of the principal of or interest on an obligation issued  
7 under this chapter, any holder of the obligation is entitled to have  
8 an administrator or receiver appointed by a court to administer and  
9 operate, on behalf of the authority and the holders of the  
10 obligation, the improvements and facilities the revenue of which is  
11 pledged to the payment of the obligation.

12 (b) The administrator or receiver may:

13 (1) set and collect fees sufficient to:

14 (A) provide for the payment of operation and  
15 maintenance expenses as described by this chapter; and

16 (B) pay any outstanding obligations or interest  
17 coupons payable from the revenue of the improvements and  
18 facilities; and

19 (2) apply the income and revenue of the improvements  
20 and facilities in accordance with this chapter and the proceedings  
21 authorizing the issuance of the obligation. (Acts 44th Leg., R.S.,  
22 G.L., Ch. 97, Sec. 23 (part).)

23 Sec. 8501.263. ADDITIONAL SECURITY FOR OBLIGATION:  
24 MORTGAGE AND ENCUMBRANCE. (a) As additional security for the  
25 payment of an obligation issued under this chapter, the board may  
26 have executed in favor of the holders of the obligations an  
27 indenture mortgaging and encumbering:

1           (1) the improvements, facilities, and other property  
2 acquired with the proceeds of the sale of the obligation; or

3           (2) all the improvements, facilities, and other  
4 property of the authority.

5           (b) In the encumbrance, the board may provide for granting  
6 to any purchaser at a foreclosure sale under the encumbrance a  
7 franchise to operate the improvements, facilities, and other  
8 property for a term not to exceed 50 years after the date of the  
9 purchase, subject to the laws regulating the matter.

10          (c) The indenture:

11           (1) may contain the provisions the board considers  
12 proper; and

13           (2) is enforceable in the manner provided by the laws  
14 of this state for the enforcement of other mortgages and  
15 encumbrances. (Acts 44th Leg., R.S., G.L., Ch. 97, Sec. 24 (part).)

16          Sec. 8501.264. SALE UNDER MORTGAGE OR ENCUMBRANCE. (a)  
17 Under a sale ordered under a mortgage or encumbrance described by  
18 Section 8501.263, a purchaser of the improvements, facilities, and  
19 other property at the sale, and the purchaser's successors or  
20 assigns, are vested with a permit and franchise to maintain and  
21 operate the improvements, facilities, and other property with  
22 powers and privileges like those held by the authority in the  
23 operation of the improvements, facilities, and other property.

24           (b) Instead of operating the improvements, facilities, and  
25 other property as provided by Subsection (a), the purchaser and the  
26 purchaser's successors or assigns may remove all or part of the  
27 improvements, facilities, and other property for diversion to other

1 purposes. (Acts 44th Leg., R.S., G.L., Ch. 97, Sec. 24 (part).)

2 Sec. 8501.265. STATE FRANCHISE LAW NOT APPLICABLE. A  
3 statute of this state relating to the granting of franchises is not  
4 applicable to:

5 (1) the authorization or execution of a mortgage or  
6 encumbrance entered into under this chapter; or

7 (2) the grant of a franchise under this chapter. (Acts  
8 44th Leg., R.S., G.L., Ch. 97, Sec. 24 (part).)

9 Sec. 8501.266. DEPOSIT OF PROCEEDS. (a) The proceeds of  
10 the sale of an obligation issued under this chapter may be:

11 (1) deposited in one or more banks on which the  
12 purchaser of the obligations and the board agree; and

13 (2) deposited and paid out under the conditions and  
14 other terms to which the purchaser and board agree.

15 (b) The statutes of this state relating to the deposit of  
16 authority funds in the depository of the authority do not apply to  
17 the deposit of the proceeds of the sale of an obligation issued  
18 under this chapter. (Acts 44th Leg., R.S., G.L., Ch. 97, Sec. 25  
19 (part).)

20 Sec. 8501.267. USE OF UNSPENT PROCEEDS AFTER PROJECT  
21 COMPLETION. Any part of the proceeds of the sale of an obligation  
22 issued under this chapter that are unspent after the project for  
23 which the obligations were authorized is completed may be paid into  
24 the sinking fund for the payment of the obligation and may be used  
25 only for:

26 (1) the payment of the principal of the obligation; or

27 (2) the purpose of acquiring outstanding obligations

1 by purchase in the manner provided by this chapter. (Acts 44th  
2 Leg., R.S., G.L., Ch. 97, Sec. 25 (part).)

3 Sec. 8501.268. INSURING IMPROVEMENTS AND FACILITIES. (a)  
4 The board may enter into, under terms to which the board agrees, an  
5 agreement with the purchaser of an obligation issued under this  
6 chapter to:

7 (1) keep all the improvements and facilities, the  
8 revenue of which is pledged to the payment of the obligation,  
9 insured with insurers of good standing against loss or damage by  
10 fire, water or flood, or another hazard that private companies that  
11 operate similar property customarily cover by insurance; and

12 (2) carry with one or more insurers of good standing  
13 the insurance covering the use and occupancy of the property as is  
14 customarily carried by private companies that operate similar  
15 property.

16 (b) The cost of the insurance shall be budgeted as a  
17 maintenance and operation expense.

18 (c) The insurance shall be carried for the benefit of the  
19 holder of the obligation. (Acts 44th Leg., R.S., G.L., Ch. 97, Sec.  
20 26.)

21 Sec. 8501.269. REFUNDING OBLIGATION. (a) The authority  
22 may authorize and issue, on terms the board considers advisable, a  
23 refunding obligation to provide for the retirement of an  
24 outstanding obligation issued by the authority under this chapter.  
25 The refunding obligation:

26 (1) may be issued for an obligation that is due or to  
27 become due; and

1           (2) is subject to the provisions of this chapter  
2 relating to the issuance of other obligations.

3           (b) A refunding obligation may be:

4           (1) exchanged for like par amounts of the outstanding  
5 obligation; or

6           (2) sold, with the proceeds being used to retire the  
7 outstanding obligation.

8           (c) The refunding obligation must be:

9           (1) secured in all respects to the same extent as other  
10 obligations issued under this chapter; and

11           (2) paid from the same revenue from which the refunded  
12 obligation was to be paid. (Acts 44th Leg., R.S., G.L., Ch. 97,  
13 Sec. 28.)

14           Sec. 8501.270. TAX EXEMPTION. An obligation issued under  
15 this chapter is exempt from taxation by this state or by any  
16 municipal corporation, county, or other political subdivision or  
17 taxing district of this state. (Acts 44th Leg., R.S., G.L., Ch. 97,  
18 Sec. 27.)

19           [Sections 8501.271-8501.900 reserved for expansion]

20           SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

21           Sec. 8501.901. CHAPTER AS FULL AUTHORITY; OTHER STATUTES  
22 NOT APPLICABLE. (a) This chapter, without reference to other  
23 statutes of this state, is full authority for the authorization and  
24 issuance of an obligation under this chapter and for the  
25 accomplishment of all actions authorized by this chapter. No other  
26 proceedings are necessary.

27           (b) A statute of this state does not apply to a proceeding or

1 other act under this chapter if the statute:

2 (1) relates to:

3 (A) the authorization or issuance of  
4 obligations;

5 (B) the operation or maintenance of an  
6 improvement or facility;

7 (C) the grant of a franchise or permit; or

8 (D) the right to an election or referendum  
9 petition; or

10 (2) in any way impedes or restricts the implementation  
11 of the acts authorized under this chapter.

12 (c) Notwithstanding Subsections (a) and (b), this section  
13 does not prevent another statute from applying to the authority if  
14 the legislative intent is that the other statute supersede or  
15 operate in conjunction with this chapter. (Acts 44th Leg., R.S.,  
16 G.L., Ch. 97, Sec. 30.)

17 [Chapters 8502-8800 reserved for expansion]

18 SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER

19 CHAPTER 8801. HARRIS-GALVESTON COASTAL SUBSIDENCE DISTRICT

20 SUBCHAPTER A. GENERAL PROVISIONS

21 Sec. 8801.001. DEFINITIONS

22 Sec. 8801.002. NATURE OF DISTRICT

23 Sec. 8801.003. PURPOSE; LEGISLATIVE INTENT

24 Sec. 8801.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE

25 Sec. 8801.005. DISTRICT TERRITORY

26 Sec. 8801.006. ADDITION OF ADJACENT COUNTY TO DISTRICT

27 [Sections 8801.007-8801.050 reserved for expansion]

1                                   SUBCHAPTER B. DISTRICT ADMINISTRATION

2   Sec. 8801.051. DIRECTORS

3   Sec. 8801.052. APPOINTMENT OF DIRECTORS ON ADDITION OF COUNTY  
4                                   TO DISTRICT

5   Sec. 8801.053. BOARD POWERS AND DUTIES

6   Sec. 8801.054. OFFICERS

7   Sec. 8801.055. MEETINGS

8   Sec. 8801.056. VACANCIES

9   Sec. 8801.057. GENERAL MANAGER

10   Sec. 8801.058. EMPLOYEES; BOND

11                   [Sections 8801.059-8801.100 reserved for expansion]

12                                   SUBCHAPTER C. POWERS AND DUTIES

13   Sec. 8801.101. DISTRICT POWERS AND DUTIES

14   Sec. 8801.102. EXEMPTIONS

15   Sec. 8801.103. SALE OR DISTRIBUTION OF WATER PROHIBITED

16   Sec. 8801.104. AUTHORITY TO COMPEL TESTIMONY, ADMINISTER  
17                                   OATHS, AND ISSUE SUBPOENAS

18   Sec. 8801.105. REPRESENTATION BY ATTORNEY GENERAL

19   Sec. 8801.106. GRANTS; CONTRACTS

20   Sec. 8801.107. COOPERATION WITH GOVERNMENTAL ENTITIES

21   Sec. 8801.108. RULES

22   Sec. 8801.109. HEARINGS

23   Sec. 8801.110. NOTICE OF HEARINGS

24   Sec. 8801.111. DISTRICT PLAN

25   Sec. 8801.112. ADOPTION OF DISTRICT PLAN

26   Sec. 8801.113. WATER CONSERVATION MEASURES

27   Sec. 8801.114. DISTRICT RESEARCH

- 1 Sec. 8801.115. STUDIES BY BOARD STAFF
- 2 Sec. 8801.116. ACCESS TO PROPERTY
- 3 Sec. 8801.117. ANNUAL GROUNDWATER WITHDRAWAL DETERMINATION
- 4 Sec. 8801.118. MONITORING AND SUPERVISION BY DISTRICT
- 5 Sec. 8801.119. REGULATION OF SPACING AND GROUNDWATER
- 6 WITHDRAWAL
- 7 Sec. 8801.120. WATER-METERING DEVICES
- 8 [Sections 8801.121-8801.150 reserved for expansion]
- 9 SUBCHAPTER D. REGULATORY PROVISIONS
- 10 Sec. 8801.151. GROUNDWATER WITHDRAWALS SUBJECT TO BOARD
- 11 RULE
- 12 Sec. 8801.152. CERTAIN WELLS EXEMPT
- 13 Sec. 8801.153. RESTRICTION ON REQUIREMENTS FOR CERTAIN
- 14 MUNICIPALITIES
- 15 Sec. 8801.154. WELL REGISTRATION
- 16 Sec. 8801.155. PERMIT REQUIRED
- 17 Sec. 8801.156. APPLICATION FOR PERMIT
- 18 Sec. 8801.157. NOTICE AND HEARING ON PERMIT
- 19 Sec. 8801.158. ISSUANCE OF PERMIT
- 20 Sec. 8801.159. TERM OF PERMIT
- 21 Sec. 8801.160. RENEWAL OF PERMIT
- 22 Sec. 8801.161. PERMIT FEES
- 23 Sec. 8801.162. ANNUAL REPORT
- 24 Sec. 8801.163. CONVERSION TO SURFACE WATER
- 25 Sec. 8801.164. MONITORING OF ALTERNATIVE WATER SUPPLY
- 26 [Sections 8801.165-8801.200 reserved for expansion]
- 27 SUBCHAPTER E. APPEAL AND ENFORCEMENT PROVISIONS

1 Sec. 8801.201. APPEAL OF SURFACE WATER RATES

2 Sec. 8801.202. APPEAL OF DISTRICT ACTIONS

3 Sec. 8801.203. ALTERNATIVE APPEAL OF CERTAIN DISTRICT

4 ACTIONS TO COMMISSION

5 Sec. 8801.204. INJUNCTIVE RELIEF; CIVIL PENALTY

6 CHAPTER 8801. HARRIS-GALVESTON COASTAL SUBSIDENCE DISTRICT

7 SUBCHAPTER A. GENERAL PROVISIONS

8 Sec. 8801.001. DEFINITIONS. In this chapter:

9 (1) "Board" means the board of directors of the  
10 district.

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

13 (3) "District" means the Harris-Galveston Coastal  
14 Subsidence District.

15 (4) "Groundwater" means water located beneath the  
16 earth's surface. The term does not include water produced with oil  
17 in the production of oil and gas.

18 (5) "Subsidence" means the lowering of the elevation  
19 of the surface of land by groundwater withdrawal.

20 (6) "Water conservation" means a measure that seeks to  
21 make a water supply available for alternative or future use. The  
22 term includes best management practices, improved efficiency or  
23 accountability, recycling, reuse, pollution prevention, and  
24 reduction in consumption, loss, or waste.

25 (7) "Well" means a facility, device, or method used to  
26 withdraw groundwater from the groundwater supply.

27 (8) "Well owner" means a person who has an ownership

1 interest in a well, operates a well, owns land on which a well is  
2 located, or owns the water withdrawn or to be withdrawn from a well.

3 (9) "Withdrawal" means the act of extracting by  
4 pumping or some other method. (Water Code, Secs. 151.002(1), (2),  
5 (3), (5), (7), (8), (9), (10), (11).)

6 Sec. 8801.002. NATURE OF DISTRICT. The district is a  
7 groundwater conservation district created under Section 59,  
8 Article XVI, Texas Constitution, and is essential to accomplish the  
9 purposes of that section. (Water Code, Sec. 151.001(a).)

10 Sec. 8801.003. PURPOSE; LEGISLATIVE INTENT. (a) The  
11 purpose of this chapter is to provide for the regulation of  
12 groundwater withdrawal in the district to end subsidence, which  
13 contributes to or precipitates flooding or overflow of the  
14 district, including rising water resulting from a storm or  
15 hurricane.

16 (b) The legislature intends that the district shall  
17 administer and enforce this chapter and exercise the district's  
18 rights, powers, and duties in a manner that will effectively and  
19 expeditiously accomplish the purpose of this chapter. (Water Code,  
20 Secs. 151.004(a), (b).)

21 Sec. 8801.004. FINDINGS OF BENEFIT AND PUBLIC  
22 PURPOSE. (a) The district is created to serve a public use and  
23 benefit.

24 (b) The works and projects accomplished by the district  
25 under powers conferred by Section 59, Article XVI, Texas  
26 Constitution, will benefit all the land and other property included  
27 in the district. (Water Code, Sec. 151.004(c).)

1           Sec. 8801.005. DISTRICT TERRITORY. The district includes  
2 the territory located within the boundaries of Harris County and  
3 Galveston County, as that territory may have been modified under:

4           (1) Section 8801.006 or its predecessor statute,  
5 former Section 151.003(b), Water Code;

6           (2) Subchapter J, Chapter 36, Water Code; or

7           (3) other law. (Water Code, Sec. 151.003(a); New.)

8           Sec. 8801.006. ADDITION OF ADJACENT COUNTY TO  
9 DISTRICT. (a) A county adjoining the district may be added to the  
10 district:

11           (1) on application by the commissioners court of the  
12 adjoining county; and

13           (2) by complying with the procedures provided by  
14 Subchapter K, Chapter 36, Water Code.

15           (b) A county added to the district under this section is  
16 subject to this chapter and the jurisdiction of the board. (Water  
17 Code, Sec. 151.003(b) (part).)

18           [Sections 8801.007-8801.050 reserved for expansion]

19           SUBCHAPTER B. DISTRICT ADMINISTRATION

20           Sec. 8801.051. DIRECTORS. (a) The district is governed  
21 by a board composed of 19 directors appointed as provided by this  
22 section. Directors serve for two-year, staggered terms. A  
23 director must be a qualified voter of the district.

24           (b) The mayor of the municipality with the largest  
25 population of any municipality in the district shall appoint six  
26 directors from that municipality. One of those directors must be a  
27 representative of industry.

1           (c) The mayor of the municipality with the second largest  
2 population of any municipality in the district shall appoint one  
3 director from that municipality.

4           (d) The mayors of all municipalities in Galveston County  
5 shall jointly appoint two directors from those municipalities.

6           (e) The mayor of Baytown shall appoint one director from the  
7 municipality of Baytown.

8           (f) The Commissioners Court of Harris County shall appoint  
9 three directors who are not residents of the municipality that has  
10 the largest population of any municipality in the district. One of  
11 those directors must be a representative of agriculture, one must  
12 be a representative of industry, and one must be a representative of  
13 municipal utility districts and a resident of a municipal utility  
14 district in the district.

15           (g) The Commissioners Court of Galveston County shall  
16 appoint three directors. One of those directors must be a  
17 representative of municipal utility districts and a resident of a  
18 municipal utility district in the district.

19           (h) The president of the Clear Lake City Water Authority and  
20 the mayors of the municipalities of Deer Park, Galena Park, La  
21 Porte, Nassau Bay, and Seabrook shall jointly appoint one director  
22 from Harris County.

23           (i) The mayors of the municipalities of West University  
24 Place, Southside Place, Bellaire, and Jacinto City shall jointly  
25 appoint one director from Harris County.

26           (j) The mayors of the municipalities of Humble, Piney Point  
27 Village, Hedwig Village, Bunker Hill Village, Hunters Creek

1 Village, Hilshire Village, and Spring Valley shall jointly appoint  
2 one director from Harris County. (Water Code, Sec. 151.031.)

3 Sec. 8801.052. APPOINTMENT OF DIRECTORS ON ADDITION OF  
4 COUNTY TO DISTRICT. (a) On addition of a county to the district  
5 under Section 8801.006, two directors are added to the board as  
6 follows:

7 (1) the commissioners court of the county added to the  
8 district shall appoint one director; and

9 (2) the mayor of the municipality that has the largest  
10 population in the added county shall appoint one director.

11 (b) The directors added to the board under Subsection (a)  
12 shall draw lots to establish staggered terms of office. (Water  
13 Code, Sec. 151.003(b) (part).)

14 Sec. 8801.053. BOARD POWERS AND DUTIES. In addition to the  
15 powers and duties described in this chapter, the board has all other  
16 powers necessary or convenient to carry out its responsibilities  
17 and accomplish the purpose of this chapter. (Water Code, Sec.  
18 151.005(b) (part).)

19 Sec. 8801.054. OFFICERS. Each year, at the first meeting  
20 after the new directors take office, the directors shall select  
21 from among the directors a president, a vice president, and a  
22 secretary. (Water Code, Sec. 151.032(a).)

23 Sec. 8801.055. MEETINGS. The board shall hold regular  
24 meetings once each month at a time set by the board. The board may  
25 hold special meetings at the call of the president or on the written  
26 request of at least three directors. (Water Code, Sec. 151.034.)

27 Sec. 8801.056. VACANCIES. If a vacancy occurs on the board,

1 a person representing the same area as the vacating director shall  
2 be appointed as provided by Section 8801.051 to serve the unexpired  
3 term. (Water Code, Sec. 151.033.)

4 Sec. 8801.057. GENERAL MANAGER. (a) The board shall  
5 employ a general manager, who serves as the chief administrative  
6 officer of the district.

7 (b) The duties of the general manager include:

8 (1) administering board orders;

9 (2) coordinating with state, federal, and local  
10 agencies;

11 (3) overseeing development of district plans and  
12 programs; and

13 (4) performing other duties assigned by the board.

14 (c) The board shall determine the compensation and terms of  
15 office and employment for the general manager.

16 (d) The board by majority vote may discharge the general  
17 manager. (Water Code, Secs. 151.035(a) (part), (b), (c).)

18 Sec. 8801.058. EMPLOYEES; BOND. (a) The general manager  
19 shall employ persons necessary to properly handle district business  
20 and operation. The general manager may employ attorneys,  
21 bookkeepers, engineers, and other expert and specialized personnel  
22 considered necessary.

23 (b) The general manager shall determine the compensation  
24 paid to district employees.

25 (c) The general manager may discharge a district employee.

26 (d) The board shall require an employee who collects, pays,  
27 or handles district funds to furnish a good and sufficient bond.

1 The bond must be in an amount sufficient to safeguard the district  
2 and must be:

3 (1) payable to the district; and

4 (2) conditioned on the faithful performance of the  
5 employee's duties and on accounting for all district funds and  
6 property in the employee's hands.

7 (e) The district shall pay for the bond described by  
8 Subsection (d). (Water Code, Sec. 151.036.)

9 [Sections 8801.059-8801.100 reserved for expansion]

10 SUBCHAPTER C. POWERS AND DUTIES

11 Sec. 8801.101. DISTRICT POWERS AND DUTIES. (a) Except as  
12 provided by Sections 8801.102 and 8801.103, the district has all of  
13 the rights, powers, privileges, authority, functions, and duties  
14 provided by the general laws of this state, including Chapter 36,  
15 Water Code, that are applicable to groundwater conservation  
16 districts created under Section 59, Article XVI, Texas  
17 Constitution.

18 (b) This chapter prevails over any other law in conflict or  
19 inconsistent with this chapter. (Water Code, Secs. 151.005(a),  
20 (e).)

21 Sec. 8801.102. EXEMPTIONS. Sections 36.104, 36.114,  
22 36.117, and 36.201-36.204, Water Code, do not apply to the  
23 district. (Water Code, Sec. 151.005(c).)

24 Sec. 8801.103. SALE OR DISTRIBUTION OF WATER PROHIBITED.  
25 The district may not sell or distribute surface water or  
26 groundwater for any purpose. (Water Code, Sec. 151.005(d).)

27 Sec. 8801.104. AUTHORITY TO COMPEL TESTIMONY, ADMINISTER

1 OATHS, AND ISSUE SUBPOENAS. If necessary to carry out its powers,  
2 duties, and functions under this chapter, the board may:

- 3 (1) compel the testimony of a person;  
4 (2) administer an oath to a person compelled to  
5 testify before the board or a person designated by the board; and  
6 (3) issue a subpoena to compel the testimony of a  
7 person and the production of a document. (Water Code, Sec.  
8 151.073.)

9 Sec. 8801.105. REPRESENTATION BY ATTORNEY GENERAL. The  
10 attorney general shall defend the district in suits brought against  
11 the district in all district and appellate courts of this state and  
12 in the courts of the United States. (Water Code, Sec. 151.037(b).)

13 Sec. 8801.106. GRANTS; CONTRACTS. The district may make or  
14 accept a grant, gratuity, advance, or loan in any form to or from  
15 any public source approved by the board, including a governmental  
16 entity, and may enter into a contract, agreement, or covenant that  
17 the board considers appropriate in connection with a grant,  
18 gratuity, advance, or loan. (Water Code, Sec. 151.083(b).)

19 Sec. 8801.107. COOPERATION WITH GOVERNMENTAL ENTITIES. In  
20 implementing this chapter, the board may request the assistance of  
21 and cooperate with a local government or an agency of this state or  
22 of the United States. (Water Code, Sec. 151.083(a).)

23 Sec. 8801.108. RULES. (a) After notice and hearing, the  
24 board shall adopt rules designed to expeditiously and effectively  
25 implement this chapter and accomplish its purpose, including rules  
26 governing procedures before the board. The board shall enforce the  
27 rules.

1 (b) The board shall compile its rules in a book and make the  
2 rules available for use and inspection at the district's principal  
3 office. (Water Code, Sec. 151.071.)

4 Sec. 8801.109. HEARINGS. (a) Board hearings must be  
5 conducted as provided by this section and Section 8801.110.

6 (b) At a regular meeting of the board, the board shall set  
7 the dates, times, and locations for hearings to be held under this  
8 chapter. The board may hold hearings at any location in the  
9 district and may recess a hearing from day to day.

10 (c) A person may appear at a hearing and present testimony,  
11 evidence, exhibits, or other information in person or by counsel,  
12 or both.

13 (d) The board may use hearing examiners to hear a subject  
14 set for the hearing, but the board must make the decision on the  
15 subject. Procedures for use of hearing examiners shall be provided  
16 by rule. (Water Code, Secs. 151.072(a) (part), (b) (part), (f),  
17 (g), (h), (i).)

18 Sec. 8801.110. NOTICE OF HEARINGS. (a) Except as  
19 provided by this section, notice of hearings shall be provided  
20 according to Chapter 551, Government Code.

21 (b) At a meeting at which the board sets a hearing, the board  
22 shall direct the general manager of the district to give notice of  
23 the hearing.

24 (c) Written notice must be given to:

25 (1) each county and municipal government in the  
26 district; and

27 (2) each person that the board believes has an

1 interest in the subject matter of the hearing.

2 (d) Notice of a hearing must be published at least once in a  
3 newspaper of general circulation in each county in the district.

4 (e) A copy of the notice must be posted in the place where  
5 notices are usually posted at the county courthouse of each county  
6 in the district. (Water Code, Secs. 151.072(a) (part), (b) (part),  
7 (c), (d), (e).)

8 Sec. 8801.111. DISTRICT PLAN. (a) The board shall  
9 formulate a plan to control and prevent subsidence in the district.

10 (b) The plan must:

11 (1) reduce groundwater withdrawals to amounts that  
12 will restore and maintain sufficient artesian pressure to control  
13 and prevent subsidence; and

14 (2) specify in as much detail as practicable the acts,  
15 procedures, performance, and avoidance that are necessary to  
16 accomplish the purpose of this chapter.

17 (c) Information gathered for formulating the plan must  
18 include:

19 (1) a list of all wells in the district that are  
20 subject to regulation under this chapter;

21 (2) a list of all available sources of water, other  
22 than groundwater, in the district;

23 (3) the purposes for which the water described by  
24 Subdivision (2) is used and for which it is proposed to be used;

25 (4) accurate estimates of:

26 (A) groundwater withdrawal from all wells or  
27 proposed wells in the district;

1 (B) the amount of groundwater that may be  
2 withdrawn from each area in the district without causing a  
3 reduction of artesian pressure that will lead to subsidence in the  
4 district; and

5 (C) current and future water needs in the  
6 district;

7 (5) information relating to formulating a permit  
8 system; and

9 (6) other information and material necessary to manage  
10 groundwater in the district and to effectively and expeditiously  
11 accomplish the purpose of this chapter. (Water Code, Secs.  
12 151.074, 151.075(a).)

13 Sec. 8801.112. ADOPTION OF DISTRICT PLAN. (a) The board  
14 shall hold a hearing to consider a plan formulated under Section  
15 8801.111.

16 (b) After the hearing, the board shall:

17 (1) make any changes it considers necessary according  
18 to evidence and material presented at the hearing; and

19 (2) adopt the plan.

20 (c) The board may amend or repeal a plan adopted under this  
21 section and may adopt a new plan as provided by this section for the  
22 adoption of the original plan.

23 (d) An adopted plan remains in effect until a new plan is  
24 adopted. (Water Code, Secs. 151.075(b), (c), (d).)

25 Sec. 8801.113. WATER CONSERVATION MEASURES. (a) The  
26 board may adopt rules requiring the use of water conservation  
27 measures to reduce groundwater withdrawals.

1 (b) The district may cooperate with the commission and any  
2 local government to establish water conservation goals,  
3 guidelines, and plans to be used in the district.

4 (c) The district may contract with a local government in the  
5 district to provide services needed to meet water conservation  
6 requirements that the commission establishes. (Water Code, Sec.  
7 151.079.)

8 Sec. 8801.114. DISTRICT RESEARCH. The district may conduct  
9 studies and research that the board considers necessary to  
10 implement this chapter. In conducting studies and research, the  
11 district may use the services of geologists, hydrologists, licensed  
12 engineers, or other expert personnel. (Water Code, Sec. 151.082.)

13 Sec. 8801.115. STUDIES BY BOARD STAFF. At least once each  
14 year and at any other time the board considers necessary, the board  
15 shall have its staff and, if necessary, the staff of the Texas Water  
16 Development Board make a complete study of the groundwater in the  
17 district and determine:

18 (1) the water level;  
19 (2) the rates and amounts of groundwater withdrawal;  
20 and

21 (3) other information relating to groundwater  
22 withdrawal that may effect subsidence in the district. (Water  
23 Code, Sec. 151.076.)

24 Sec. 8801.116. ACCESS TO PROPERTY. (a) To perform  
25 technical and other investigations needed to implement this  
26 chapter, the board and its agents and employees are entitled to  
27 access to all property in the district.

1 (b) Before entering property for the purposes of this  
2 section, the person seeking access shall:

3 (1) give notice to the owner of the property as  
4 provided by district rules; and

5 (2) present proper credentials.

6 (c) The board and its agents and employees who enter private  
7 property shall observe the establishment's rules concerning  
8 safety, internal security, and fire protection. (Water Code, Sec.  
9 151.038.)

10 Sec. 8801.117. ANNUAL GROUNDWATER WITHDRAWAL  
11 DETERMINATION. (a) Not later than March 31 of each year, the  
12 board shall hold a hearing to determine the effects of groundwater  
13 withdrawal during the preceding calendar year on subsidence in the  
14 district.

15 (b) At the hearing, the board shall consider information  
16 provided under Sections 8801.115 and 8801.162 and information  
17 presented by persons appearing before the board.

18 (c) After the hearing, the board shall:

19 (1) consider all information presented to it;

20 (2) determine groundwater withdrawal in the district  
21 during the preceding calendar year; and

22 (3) make findings on the effects of groundwater  
23 withdrawal during the preceding calendar year on subsidence in the  
24 district.

25 (d) The board's findings and determinations under  
26 Subsection (c) shall be included in a report adopted by the board.  
27 The board shall make the report available for examination by any

1 interested person. (Water Code, Sec. 151.077.)

2       Sec. 8801.118. MONITORING AND SUPERVISION BY DISTRICT. The  
3 district may use subsidence compaction monitors, water-level  
4 observation wells, and other materials and equipment to determine  
5 the amount of groundwater that may be withdrawn while allowing  
6 groundwater to rebound and stabilize to a level that will halt  
7 subsidence. (Water Code, Sec. 151.081.)

8       Sec. 8801.119. REGULATION OF SPACING AND GROUNDWATER  
9 WITHDRAWAL. (a) To minimize as far as practicable the drawdown of  
10 the water table and the reduction of artesian pressure and to  
11 control and prevent subsidence, the board may provide for the  
12 spacing of wells in the district and may regulate groundwater  
13 withdrawal from wells, taking into consideration the economic  
14 impact on well owners, the resulting effect on subsidence, and  
15 other relevant factors.

16       (b) Before issuing an order or rule under this section, the  
17 board shall set a hearing on the proposed order or rule. (Water  
18 Code, Sec. 151.078.)

19       Sec. 8801.120. WATER-METERING DEVICES. The board may  
20 require water-metering devices to be placed on wells in the  
21 district. (Water Code, Sec. 151.080.)

22       [Sections 8801.121-8801.150 reserved for expansion]

23                   SUBCHAPTER D. REGULATORY PROVISIONS

24       Sec. 8801.151. GROUNDWATER WITHDRAWALS SUBJECT TO BOARD  
25 RULE. Groundwater withdrawals governed by this chapter are subject  
26 to reasonable board rules and orders, taking into account all  
27 factors, including availability of surface water, economic impact

1 on persons and the community, degree and effect of subsidence on the  
2 surface of land, and differing topographical and geophysical  
3 characteristics of land areas in the district. (Water Code, Sec.  
4 151.005(b) (part).)

5 Sec. 8801.152. CERTAIN WELLS EXEMPT. The regulatory  
6 provisions of this chapter do not apply to:

- 7 (1) a well regulated under Chapter 27, Water Code;  
8 (2) a well with a casing diameter of less than five  
9 inches that serves a single-family dwelling; and  
10 (3) any other well as provided by board rule. (Water  
11 Code, Sec. 151.084(a).)

12 Sec. 8801.153. RESTRICTION ON REQUIREMENTS FOR CERTAIN  
13 MUNICIPALITIES. The board may require a municipality with a  
14 population of less than 100,000 to reduce its groundwater  
15 withdrawal by more than 50 percent in a three-year period only if  
16 the board determines at a public hearing that the reduction:

- 17 (1) would not cause the municipality to have an  
18 inadequate supply of water for its residents; and  
19 (2) would not cause an increase of 50 percent or more  
20 in water rates for the municipality or its residents. (Water Code,  
21 Sec. 151.126(f).)

22 Sec. 8801.154. WELL REGISTRATION. The board by rule may  
23 require the registration of any well in the district. (Water Code,  
24 Sec. 151.084(b).)

25 Sec. 8801.155. PERMIT REQUIRED. The owner or operator of a  
26 well located in the district must obtain a permit from the board  
27 before:

- 1 (1) drilling, equipping, or completing the well;
- 2 (2) substantially altering the size of the well or a  
3 well pump; or
- 4 (3) operating the well. (Water Code, Secs.  
5 151.002(4), 151.121.)

6 Sec. 8801.156. APPLICATION FOR PERMIT. (a) A person must  
7 submit an application to the board to obtain a permit under this  
8 chapter.

9 (b) The application must state:

- 10 (1) the name and address of the person requesting the  
11 permit;
- 12 (2) the location and wellhead elevation of the well or  
13 proposed well;
- 14 (3) the amount of water being withdrawn or proposed to  
15 be withdrawn; and
- 16 (4) any other information necessary for the board to  
17 control and prevent subsidence in the district.

18 (c) The board shall set a reasonable fee for processing an  
19 application. The application must be accompanied by the fee.  
20 (Water Code, Sec. 151.124.)

21 Sec. 8801.157. NOTICE AND HEARING ON PERMIT. (a) On  
22 receiving an application for a permit, the board shall issue notice  
23 and set a time for a hearing on the application.

24 (b) The board must give notice of the date, time, and  
25 location of the hearing to the applicant by certified mail, return  
26 receipt requested.

27 (c) The board may consider as many applications for permits

1 as necessary at a hearing. (Water Code, Sec. 151.125.)

2 Sec. 8801.158. ISSUANCE OF PERMIT. (a) Within a  
3 reasonable period after a permit hearing under Section 8801.157,  
4 but not later than the 60th day after the date of the hearing, the  
5 board shall:

6 (1) decide whether to issue the permit; and

7 (2) set the terms of the permit if it decides to issue  
8 the permit.

9 (b) In deciding whether to issue a permit and in setting the  
10 terms of the permit, the board shall consider:

11 (1) the purpose of this chapter;

12 (2) the district plan;

13 (3) the quality, quantity, and availability of surface  
14 water at prices that are competitive with prices charged by  
15 suppliers of surface water in the district;

16 (4) the economic impact on the applicant of a decision  
17 to issue or deny the permit, or of the permit terms, in relation to  
18 the effect on subsidence that would result;

19 (5) the applicant's use of water conservation  
20 measures; and

21 (6) all other relevant factors.

22 (c) The board shall issue a permit to an applicant if, on  
23 presentation of adequate proof, the board finds that:

24 (1) there is no other adequate and available  
25 substitute or supplemental source of surface water at prices  
26 competitive with the prices charged by suppliers of surface water  
27 in the district; and

1           (2) compliance with any provision of this chapter or  
2 any district rule will result in an arbitrary taking of property or  
3 in the practical closing and elimination of a lawful business,  
4 occupation, or activity without sufficient corresponding benefit  
5 or advantage to the public.

6           (d) The permit must state the terms prescribed by the board.  
7 The permit must include:

8           (1) the name and address of the person to whom the  
9 permit is issued;

10           (2) the location of the well;

11           (3) the date the permit expires;

12           (4) conditions and restrictions placed on groundwater  
13 withdrawal; and

14           (5) other terms necessary to control and prevent  
15 subsidence. (Water Code, Secs. 151.126(a), (b), (c), (d), (e).)

16           Sec. 8801.159. TERM OF PERMIT. (a) A permit issued under  
17 this chapter may be for a term not to exceed five years as set by the  
18 board.

19           (b) A permit does not become a vested right of the permit  
20 holder. The board may revoke or suspend a permit or amend its terms  
21 after notice and hearing when reasonably necessary to accomplish  
22 the purpose of this chapter. (Water Code, Sec. 151.122.)

23           Sec. 8801.160. RENEWAL OF PERMIT. The board may renew a  
24 permit for a well in the manner provided for obtaining the original  
25 permit. (Water Code, Sec. 151.123.)

26           Sec. 8801.161. PERMIT FEES. (a) When the board issues or  
27 renews a permit, the board shall collect a permit fee from the

1 applicant. The fee shall be determined by a schedule based on the  
2 term of the permit and the maximum annual amount of groundwater that  
3 the board authorizes to be withdrawn from the well.

4 (b) The board shall determine the amount of a permit fee  
5 after a hearing. The fee may not exceed 110 percent of the highest  
6 rate that the City of Houston charges for surface water supplied to  
7 its customers in the district.

8 (c) The amount of a permit fee applicable to a well used for  
9 irrigating agricultural crops is the lowest of:

10 (1) 70 percent of the lowest amount determined under  
11 Subsection (b);

12 (2) 70 percent of a base amount of one cent for each  
13 thousand gallons authorized to be withdrawn, except that the board  
14 may adjust the base amount annually to account for increases since  
15 1992 in the most recently published Consumer Price Index for All  
16 Urban Consumers, All Items (Houston, Texas, Average), as compiled  
17 by the Bureau of Labor Statistics, United States Department of  
18 Labor; or

19 (3) the amount determined in accordance with  
20 Subsection (d).

21 (d) At a hearing, the board shall calculate and express as a  
22 percentage the relative contribution to subsidence by wells used  
23 for irrigating agricultural crops and wells used for other  
24 purposes. The board shall use information prepared by the United  
25 States Geological Survey, which is presumed to be correct. The  
26 permit fee for wells used for irrigating agricultural crops must be  
27 such that the percentage of total permit fee revenue that permit fee

1 revenue from those wells represents equals the percentage that  
2 agricultural use contributes to subsidence.

3 (e) The board shall use permit fees collected under this  
4 section to pay the cost of issuing permits and performing other  
5 regulatory functions. (Water Code, Sec. 151.128.)

6 Sec. 8801.162. ANNUAL REPORT. Before January 31 each year,  
7 a well owner who holds a permit under this chapter shall submit to  
8 the board a report stating:

9 (1) the well owner's name;

10 (2) the total amount of groundwater withdrawn from the  
11 well during the preceding 12-month period;

12 (3) the total amount of groundwater withdrawn from the  
13 well during each month of the preceding 12-month period;

14 (4) the purpose for which the groundwater was used;

15 and

16 (5) any other information the board considers  
17 necessary. (Water Code, Sec. 151.127.)

18 Sec. 8801.163. CONVERSION TO SURFACE WATER. (a) In this  
19 section, "alternative water supply" means a water supply that a  
20 person needs to acquire from sources other than the person's own  
21 groundwater supply to comply with a board order issued under this  
22 section.

23 (b) The board may issue an order requiring a person to  
24 completely or partially discontinue the use of groundwater only if  
25 the person is able to acquire a water supply composed of surface  
26 water needed to replace the water supply covered by the order.

27 (c) A notice of public hearing must inform a person when the

1 board will consider an order to convert to surface water.

2 (d) In addition to the percentage of groundwater that a  
3 board order authorizes a person to use, the person may use in the  
4 current permit year a percentage of groundwater that is equal to the  
5 percentage result of multiplying the annual average percentage of  
6 groundwater, as determined under Section 8801.164(d), delivered to  
7 the person during the preceding permit year by the total percentage  
8 of alternative water supply required by the board's order for the  
9 current year.

10 (e) This section does not limit the board's authority to  
11 issue an order or adopt a rule requiring a person to reduce  
12 groundwater use by eliminating waste or implementing water  
13 conservation. (Water Code, Secs. 151.129(a), (d) (part), (f),  
14 151.163(a) (part).)

15 Sec. 8801.164. MONITORING OF ALTERNATIVE WATER  
16 SUPPLY. (a) In this section, "alternative water supply" has the  
17 meaning assigned by Section 8801.163.

18 (b) If a person who is issued an order under Section  
19 8801.163 acquires an alternative water supply and files with the  
20 commission a written request for monitoring the supply, the  
21 commission shall monitor annually the water delivered to the person  
22 from the date of the request to the expiration of the annual permit  
23 to determine the percentage of the water that is surface water and  
24 the percentage that is groundwater.

25 (c) If required under Subsection (b) to monitor water  
26 deliveries, the commission shall monitor the deliveries at random  
27 times at all points of connection between the purchaser's and

1 seller's water systems. Samples taken through monitoring must be  
2 analyzed by water chemists employed by or contracting with the  
3 commission. The water chemist making each analysis shall issue a  
4 certified written analysis of the percentages of surface water and  
5 groundwater included in the sample.

6 (d) Not later than the 15th day after the last day of each  
7 permit year, the commission shall issue a certified written  
8 analysis based on all samples collected that states the annual  
9 average percentages of surface water and groundwater that the  
10 seller provided to the purchaser for the permit year.

11 (e) The commission shall make results of an analysis under  
12 this section available on request to the purchaser, seller, or  
13 board.

14 (f) The commission shall assess reasonable fees to cover the  
15 costs of water sampling and analysis under this section. The  
16 commission shall assess one-half of the fees to the purchaser and  
17 one-half to the seller. (Water Code, Secs. 151.129(b), (c), (d)  
18 (part), (e).)

19 [Sections 8801.165-8801.200 reserved for expansion]

20 SUBCHAPTER E. APPEAL AND ENFORCEMENT PROVISIONS

21 Sec. 8801.201. APPEAL OF SURFACE WATER RATES. (a) A  
22 person who is required to convert to surface water under this  
23 chapter and who purchases that water supply wholesale from a  
24 political subdivision as defined by Section 12.013(b), Water Code,  
25 may appeal to the commission the rates the political subdivision  
26 charges to the person. Chapter 12, Water Code, and rules adopted  
27 under that chapter apply to an appeal under this section.

1 (b) The commission shall hear the appeal not later than the  
2 180th day after the date the appeal is filed.

3 (c) The commission shall issue a final decision on the  
4 appeal not later than the 60th day after the date the hearing ends.  
5 (Water Code, Sec. 151.161.)

6 Sec. 8801.202. APPEAL OF DISTRICT ACTIONS. (a) A person  
7 who is adversely affected by a rule, order, or other official action  
8 of the district under this chapter, including a person residing in  
9 or owning real property in the district whose residence or real  
10 property is subsiding, may appeal the action in a district court in  
11 any county in the district. An appeal under this section must be  
12 filed not later than the 45th day after the date the action is  
13 taken.

14 (b) On a written request from a person residing in or owning  
15 real property in the district, the board shall make written  
16 findings and conclusions regarding a rule, order, or other official  
17 action of the district. The board shall provide certified copies of  
18 those findings and conclusions to the person not later than the 35th  
19 day after the date the board receives the request.

20 (c) An appeal under this section is governed by the  
21 substantial evidence rule as provided by Subchapter G, Chapter  
22 2001, Government Code. (Water Code, Sec. 151.162.)

23 Sec. 8801.203. ALTERNATIVE APPEAL OF CERTAIN DISTRICT  
24 ACTIONS TO COMMISSION. (a) As an alternative to the appeal  
25 procedure provided by Section 8801.202, a person who is granted a  
26 permit authorizing groundwater withdrawal in an amount less than  
27 the person requested may appeal the board's final decision to the

1 commission. The person must file the appeal not later than the 60th  
2 day after the date the board issues its final order.

3 (b) On a written request from a person proposing to appeal  
4 an order under this section, the board shall make written findings  
5 and conclusions regarding the order. The board shall provide  
6 certified copies of the findings and conclusions to the person not  
7 later than the 35th day after the date the board receives the  
8 request.

9 (c) The effect of a board order is stayed until the  
10 commission's decision on an appeal under this section is final.

11 (d) An appeal to the commission under this section is  
12 governed by the substantial evidence rule as provided by Subchapter  
13 G, Chapter 2001, Government Code.

14 (e) The commission may:

15 (1) adopt rules necessary to implement this section;  
16 and

17 (2) adopt and assess reasonable and necessary fees  
18 adequate to recover the commission's costs in administering this  
19 section.

20 (f) An appeal of a final commission decision is to a  
21 district court in Travis County. The appeal shall be under the  
22 substantial evidence rule. A party appealing a decision of the  
23 district court is not required to provide an appeal bond. (Water  
24 Code, Secs. 151.163(a) (part), (b), (c), (d), (e), (f) (part), (g),  
25 (h).)

26 Sec. 8801.204. INJUNCTIVE RELIEF; CIVIL PENALTY. (a) If  
27 it appears that a person has violated or is violating or threatening

1 to violate this chapter or a rule, permit, or other order of the  
2 district issued or adopted under this chapter, the district may  
3 institute an action in a district court in the district for:

4 (1) injunctive relief to restrain the person from  
5 continuing the violation or threat of violation;

6 (2) the assessment and recovery of a civil penalty of  
7 not less than \$50 and not more than \$5,000 for each violation and  
8 for each day of a continuing violation; or

9 (3) both injunctive relief and civil penalties.

10 (b) On application for injunctive relief and a finding that  
11 a person is violating or threatening to violate this chapter or a  
12 rule, permit, or other order of the district under this chapter, the  
13 district court shall grant injunctive relief as the facts warrant.

14 (c) At the request of the board, or the general manager if  
15 authorized by the board, the attorney general shall institute and  
16 conduct an action in the name of the district for injunctive relief  
17 or to recover a civil penalty, or both.

18 (d) The district is not required to post a bond or other  
19 security with the court. (Water Code, Sec. 151.164.)

20 [Chapters 8802-9000 reserved for expansion]

21 SUBTITLE I. WATER CONTROL AND IMPROVEMENT DISTRICTS

22 [Chapters 9001 and 9002 reserved for expansion]

23 CHAPTER 9003. AQUILLA-HACKBERRY CREEK

24 CONSERVATION DISTRICT

25 SUBCHAPTER A. GENERAL PROVISIONS

26 Sec. 9003.001. DEFINITIONS

27 Sec. 9003.002. NATURE OF DISTRICT

- 1 Sec. 9003.003. LEGISLATIVE DECLARATION AND FINDINGS  
2 Sec. 9003.004. DISTRICT TERRITORY  
3 Sec. 9003.005. LIBERAL CONSTRUCTION OF CHAPTER  
4 [Sections 9003.006-9003.050 reserved for expansion]  
5 SUBCHAPTER B. ADMINISTRATION  
6 Sec. 9003.051. BOARD  
7 Sec. 9003.052. QUALIFICATIONS FOR OFFICE  
8 Sec. 9003.053. BOND  
9 Sec. 9003.054. ORDER FOR DIRECTORS ELECTION  
10 Sec. 9003.055. NOTICE OF ELECTION  
11 Sec. 9003.056. ELECTION RESULTS  
12 Sec. 9003.057. PETITION  
13 Sec. 9003.058. COMPENSATION  
14 Sec. 9003.059. APPOINTMENT OF SECRETARY AND TREASURER  
15 Sec. 9003.060. VOTE BY BOARD PRESIDENT  
16 Sec. 9003.061. EMPLOYEES  
17 Sec. 9003.062. DISTRICT SEAL  
18 [Sections 9003.063-9003.100 reserved for expansion]  
19 SUBCHAPTER C. POWERS AND DUTIES  
20 Sec. 9003.101. GENERAL POWERS  
21 Sec. 9003.102. SURVEYS; ENGINEERING INVESTIGATIONS  
22 Sec. 9003.103. EXPENDITURES  
23 Sec. 9003.104. LIMITATION ON EMINENT DOMAIN  
24 Sec. 9003.105. COST OF RELOCATING PROPERTY  
25 [Sections 9003.106-9003.150 reserved for expansion]  
26 SUBCHAPTER D. TAXES AND BONDS  
27 Sec. 9003.151. AUTHORITY TO IMPOSE TAX; TAX ELECTIONS

1 Sec. 9003.152. TAX LIEN

2 Sec. 9003.153. ISSUANCE OF BONDS

3 Sec. 9003.154. TAX STATUS OF BONDS

4 CHAPTER 9003. AQUILLA-HACKBERRY CREEK

5 CONSERVATION DISTRICT

6 SUBCHAPTER A. GENERAL PROVISIONS

7 Sec. 9003.001. DEFINITIONS. In this chapter:

8 (1) "Board" means the board of directors of the  
9 district.

10 (2) "District" means the Aquilla-Hackberry Creek  
11 Conservation District. (V.A.C.S. Art. 8280-222, Sec. 1 (part);  
12 New.)

13 Sec. 9003.002. NATURE OF DISTRICT. The district is a  
14 conservation and reclamation district and a political subdivision  
15 created under Section 59, Article XVI, Texas Constitution.  
16 (V.A.C.S. Art. 8280-222, Sec. 1 (part).)

17 Sec. 9003.003. LEGISLATIVE DECLARATION AND  
18 FINDINGS. (a) The legislature declares that:

19 (1) the district is essential to accomplish the  
20 purposes of Section 59, Article XVI, Texas Constitution; and

21 (2) this chapter addresses a subject in which the  
22 state and general public are interested.

23 (b) The legislature finds that:

24 (1) all land included in the district will be  
25 benefited; and

26 (2) the district is created to serve a public use and  
27 benefit. (V.A.C.S. Art. 8280-222, Secs. 3 (part), 10 (part).)

1           Sec. 9003.004. DISTRICT TERRITORY.       The district is  
2 composed of the territory described by Section 3, Chapter 183, Acts  
3 of the 56th Legislature, Regular Session, 1959 (Article 8280-222,  
4 Vernon's Texas Civil Statutes), as that territory may have been  
5 modified under:

6                   (1) Subchapter O, Chapter 51, Water Code, before  
7 September 1, 1995;

8                   (2) Subchapter J, Chapter 49, Water Code; or

9                   (3) other law. (New.)

10           Sec. 9003.005. LIBERAL CONSTRUCTION OF CHAPTER.   This  
11 chapter shall be liberally construed to accomplish its purposes.  
12 (V.A.C.S. Art. 8280-222, Sec. 10 (part).)

13                   [Sections 9003.006-9003.050 reserved for expansion]

14                                   SUBCHAPTER B. ADMINISTRATION

15           Sec. 9003.051. BOARD.       The board consists of five  
16 directors. (V.A.C.S. Art. 8280-222, Sec. 4(a) (part).)

17           Sec. 9003.052. QUALIFICATIONS FOR OFFICE.   A director of  
18 the district must be:

19                   (1) at least 21 years of age;

20                   (2) a resident of the state; and

21                   (3) the owner of taxable property in the district.

22 (V.A.C.S. Art. 8280-222, Sec. 4(a) (part).)

23           Sec. 9003.053. BOND.   Each director shall make bond in the  
24 amount of \$5,000 for the faithful performance of the director's  
25 duties. (V.A.C.S. Art. 8280-222, Sec. 4(a) (part).)

26           Sec. 9003.054. ORDER FOR DIRECTORS ELECTION.   The election  
27 order for a directors election shall state the time, place, and

1 purpose of the election. (V.A.C.S. Art. 8280-222, Sec. 4(c)  
2 (part).)

3 Sec. 9003.055. NOTICE OF ELECTION. Notice of the directors  
4 election shall be published two times in a newspaper of general  
5 circulation in the district at least 30 days before the election.  
6 (V.A.C.S. Art. 8280-222, Sec. 4(c) (part).)

7 Sec. 9003.056. ELECTION RESULTS. (a) The candidate  
8 receiving the highest number of votes for a position shall be  
9 declared elected as a director of the district.

10 (b) The board shall enter an order declaring the results of  
11 the election. (V.A.C.S. Art. 8280-222, Sec. 4(c) (part).)

12 Sec. 9003.057. PETITION. (a) Any candidate for director  
13 may have the candidate's name printed on the ballot by submitting a  
14 petition signed by at least 25 persons qualified to vote at the  
15 election.

16 (b) The petition must be presented to the secretary of the  
17 board not later than the 21st day before the date of the election.  
18 (V.A.C.S. Art. 8280-222, Sec. 4(d).)

19 Sec. 9003.058. COMPENSATION. (a) Unless the board by  
20 resolution increases the fee to an amount authorized by Section  
21 49.060, Water Code, a director is entitled to receive an amount  
22 determined by the board, not to exceed \$40 a day, for:

23 (1) each day the director attends a meeting of the  
24 board; or

25 (2) each day the director otherwise devotes to the  
26 business of the district.

27 (b) A director is entitled to reimbursement for actual

1 expenses incurred in attending to district business, provided the  
2 service and expense are expressly approved by the board. (V.A.C.S.  
3 Art. 8280-222, Sec. 4(f).)

4 Sec. 9003.059. APPOINTMENT OF SECRETARY AND TREASURER. The  
5 board shall appoint a secretary and a treasurer. The board may  
6 combine the offices of secretary and treasurer. The secretary or  
7 treasurer is not required to be a director. (V.A.C.S.  
8 Art. 8280-222, Sec. 4(g) (part).)

9 Sec. 9003.060. VOTE BY BOARD PRESIDENT. The president has  
10 the same right to vote as any other director. (V.A.C.S.  
11 Art. 8280-222, Sec. 4(g) (part).)

12 Sec. 9003.061. EMPLOYEES. The board may employ a general  
13 manager, attorneys, accountants, engineers, or other technical or  
14 nontechnical employees or assistants and set the amount and manner  
15 of their compensation. (V.A.C.S. Art. 8280-222, Sec. 4(h) (part).)

16 Sec. 9003.062. DISTRICT SEAL. The board may adopt a seal  
17 for the district. (V.A.C.S. Art. 8280-222, Sec. 4(g) (part).)

18 [Sections 9003.063-9003.100 reserved for expansion]

19 SUBCHAPTER C. POWERS AND DUTIES

20 Sec. 9003.101. GENERAL POWERS. (a) The district has all  
21 the rights, powers, and privileges granted water control and  
22 improvement districts by:

- 23 (1) Chapter 51, Water Code; and  
24 (2) other laws relating to water control and  
25 improvement districts.

26 (b) To the extent a general law described by Subsection (a)  
27 conflicts or is inconsistent with this chapter, this chapter

1 prevails.

2 (c) In addition to powers granted the district under other  
3 law, the district has the power to:

4 (1) control, store, conserve, protect, distribute,  
5 and use the storm and flood waters in the district for all useful  
6 purposes permitted by law;

7 (2) implement flood prevention and control measures in  
8 the district and prevent or aid in preventing damage to district  
9 lands and the soil and fertility of those lands;

10 (3) receive and accept technical and financial  
11 assistance from other districts or state agencies or from the  
12 United States to accomplish district purposes; and

13 (4) purchase, construct, maintain, or in any other  
14 manner acquire, provide, and develop all works, facilities,  
15 improvements, lands, easements, and properties that may be  
16 necessary or useful in fulfilling any purpose of the district.  
17 (V.A.C.S. Art. 8280-222, Secs. 2 (part), 4(a) (part).)

18 Sec. 9003.102. SURVEYS; ENGINEERING INVESTIGATIONS. The  
19 board may conduct or provide for surveys and engineering  
20 investigations for district purposes. (V.A.C.S. Art. 8280-222,  
21 Sec. 4(h) (part).)

22 Sec. 9003.103. EXPENDITURES. The board may provide for the  
23 payment of expenditures considered essential to the proper  
24 maintenance of the district and its business. (V.A.C.S.  
25 Art. 8280-222, Sec. 4(h) (part).)

26 Sec. 9003.104. LIMITATION ON EMINENT DOMAIN. The  
27 district's powers of eminent domain are limited to Hill and

1 McLennan counties. (V.A.C.S. Art. 8280-222, Sec. 9 (part).)

2       Sec. 9003.105. COST OF RELOCATING PROPERTY. If the  
3 district's exercise of eminent domain or of another power granted  
4 by this chapter makes necessary relocating, raising, rerouting,  
5 changing the grade of, or altering the construction of any highway,  
6 railroad, electric transmission line, telephone or telegraph  
7 properties and facilities, or pipeline, all the necessary  
8 relocating, raising, rerouting, changing of grade, or alteration of  
9 construction shall be accomplished at the sole expense of the  
10 district. (V.A.C.S. Art. 8280-222, Sec. 9 (part).)

11       [Sections 9003.106-9003.150 reserved for expansion]

12                   SUBCHAPTER D. TAXES AND BONDS

13       Sec. 9003.151. AUTHORITY TO IMPOSE TAX; TAX  
14 ELECTIONS. (a) If authorized at an election under Section  
15 49.107, Water Code, the district may impose annual ad valorem taxes  
16 to provide funds:

17               (1) necessary to construct or acquire, maintain, and  
18 operate works, plants, and facilities considered essential or  
19 beneficial to the district and its purposes; or

20               (2) adequate to defray the cost of the maintenance,  
21 operation, and administration of the district.

22       (b) Elections for the imposition of taxes shall be:

23               (1) ordered by the board; and

24               (2) held and conducted in the manner provided by  
25 general law relating to elections for the authorization of bonds of  
26 water control and improvement districts.

27       (c) In calling an election for taxes authorized by

1 Subsection (a), the board shall specify the maximum tax rate. A tax  
2 in excess of that amount may not be imposed without submitting the  
3 question of the increased rate to the voters. (V.A.C.S.  
4 Art. 8280-222, Secs. 3 (part), 5 (part).)

5 Sec. 9003.152. TAX LIEN. All taxes imposed by the district  
6 for any purpose constitute a lien on the property taxed. Limitation  
7 does not bar the enforcement or collection of those taxes.  
8 (V.A.C.S. Art. 8280-222, Sec. 5 (part).)

9 Sec. 9003.153. ISSUANCE OF BONDS. (a) To accomplish  
10 district purposes, the board may borrow money and issue bonds in the  
11 manner provided by general law.

12 (b) In the resolution authorizing the bonds, the district  
13 may set aside an amount from the bond proceeds for:

14 (1) the payment of interest expected to accrue during  
15 construction; and

16 (2) a reserve interest and sinking fund.

17 (c) Bond proceeds may be used to pay all expenses  
18 necessarily incurred in accomplishing district purposes, including  
19 the expenses of issuing and selling the bonds.

20 (d) Pending the use of bond proceeds for the purpose for  
21 which the bonds were issued, the board may invest the proceeds in  
22 obligations of or guaranteed by the United States.

23 (e) Bonds payable wholly from the district's net revenue,  
24 from the proceeds of any water contracts, or from any source other  
25 than ad valorem taxes may be issued pursuant to a board resolution  
26 without a hearing or election. The resolution must be authorized by  
27 unanimous vote of all directors. (V.A.C.S. Art. 8280-222, Sec. 6



1           Sec. 9301.003.   PURPOSE.   The purposes of the district are:

2                   (1) to reclaim and irrigate the district's arid,  
3 semiarid, and other lands needing irrigation;

4                   (2) to reclaim and drain the district's overflowed  
5 lands and other lands needing drainage; and

6                   (3) all other purposes under Section 59, Article XVI,  
7 Texas Constitution.   (Acts 41st Leg., 1st C.S., Ch. 110, Sec. 1  
8 (part).)

9           Sec. 9301.004.   DISTRICT   TERRITORY.       The district is  
10 composed of the territory described by Section 1, Chapter 110, Acts  
11 of the 41st Legislature, 1st Called Session, 1929, as that  
12 territory may have been modified under:

13                   (1) Chapter 2, Title 128, Revised Statutes, before  
14 August 30, 1971;

15                   (2) Chapter 55, Water Code, before September 1, 1995;

16                   (3) Subchapter J, Chapter 49, Water Code; or

17                   (4) other law. (New.)

18           Sec. 9301.005.   LEGISLATIVE   FINDINGS.       The legislature  
19 determines that:

20                   (1) all property within the boundaries of the district  
21 is benefited by the creation of the district;

22                   (2) no property not benefited by the creation of the  
23 district is included in the district's boundaries; and

24                   (3) the district is essential to accomplish the  
25 purposes of Section 59, Article XVI, Texas Constitution.   (Acts  
26 41st Leg., 1st C.S., Ch. 110, Secs. 1 (part), 11 (part).)

27           Sec. 9301.006.   GOVERNING LAW; POWERS AND DUTIES.   (a) The

1 district is governed by Chapters 49 and 55, Water Code.

2 (b) The district has the rights, powers, privileges,  
3 duties, and functions of a water improvement district under the  
4 Texas Constitution and general law, including Chapters 49 and 55,  
5 Water Code. (Acts 41st Leg., 1st C.S., Ch. 110, Secs. 1 (part), 2,  
6 11 (part).)

7 Sec. 9301.007. BOARD OF DIRECTORS. (a) The board  
8 consists of five directors.

9 (b) A director must meet the qualifications for a director  
10 under Chapter 55, Water Code. (Acts 41st Leg., 1st C.S., Ch. 110,  
11 Sec. 3 (part).)

12 [Chapters 9302-9500 reserved for expansion]

13 SUBTITLE K. SEAWALL COMMISSIONS

14 CHAPTER 9501. SEAWALL COMMISSION IN MATAGORDA COUNTY

15 SUBCHAPTER A. GENERAL PROVISIONS

16 Sec. 9501.001. DEFINITIONS

17 Sec. 9501.002. AUTHORITY TO ESTABLISH COMMISSION

18 Sec. 9501.003. JURISDICTION

19 Sec. 9501.004. LAWSUITS

20 [Sections 9501.005-9501.050 reserved for expansion]

21 SUBCHAPTER B. COMMISSION

22 Sec. 9501.051. COMMISSION; TERMS

23 Sec. 9501.052. APPOINTMENT OF MEMBERS; VACANCY

24 Sec. 9501.053. ELIGIBILITY FOR APPOINTMENT

25 Sec. 9501.054. OATH

26 Sec. 9501.055. BOND

27 Sec. 9501.056. PRESIDING OFFICER

1 Sec. 9501.057. COMPENSATION; CERTIFIED REPORT

2 Sec. 9501.058. REMOVAL FROM OFFICE

3 Sec. 9501.059. TREASURER

4 Sec. 9501.060. AUDITOR

5 Sec. 9501.061. EMPLOYMENT OF ATTORNEY

6 [Sections 9501.062-9501.100 reserved for expansion]

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 9501.101. COMMISSION POWERS

9 Sec. 9501.102. AUTHORITY TO CONTRACT

10 Sec. 9501.103. PURCHASING AND CONTRACTING

11 Sec. 9501.104. ANNUAL REPORT REQUIRED

12 Sec. 9501.105. CONDEMNATION PROCEEDINGS

13 [Sections 9501.106-9501.150 reserved for expansion]

14 SUBCHAPTER D. FINANCIAL PROVISIONS

15 Sec. 9501.151. AD VALOREM TAX

16 Sec. 9501.152. ASSESSMENT AND COLLECTION OF TAXES

17 Sec. 9501.153. DISBURSEMENT OF FUNDS

18 CHAPTER 9501. SEAWALL COMMISSION IN MATAGORDA COUNTY

19 SUBCHAPTER A. GENERAL PROVISIONS

20 Sec. 9501.001. DEFINITIONS. In this chapter:

21 (1) "Commission" means a seawall commission  
22 established under Section 9501.002.

23 (2) "Commissioners court" means the Commissioners  
24 Court of Matagorda County. (New.)

25 Sec. 9501.002. AUTHORITY TO ESTABLISH COMMISSION. (a) The  
26 commissioners court and the governing body of a municipality in  
27 Matagorda County by resolution may establish a seawall commission

1 to perform the functions described by Section 421.002, Local  
2 Government Code.

3 (b) A resolution authorized by Subsection (a) must specify  
4 the date on which the commission is established. (Loc. Gov. Code,  
5 Secs. 421.021(a), (b).)

6 Sec. 9501.003. JURISDICTION. (a) Except as provided by  
7 Subsection (b), the commission has jurisdiction only in county  
8 commissioners precinct number three in Matagorda County, as that  
9 precinct existed on December 31, 1959.

10 (b) The commission does not have jurisdiction in the  
11 municipality of Bay City. (Loc. Gov. Code, Sec. 421.021(c).)

12 Sec. 9501.004. LAWSUITS. The commission may sue and be sued  
13 in a court in this state. (Loc. Gov. Code, Sec. 421.023(h).)

14 [Sections 9501.005-9501.050 reserved for expansion]

15 SUBCHAPTER B. COMMISSION

16 Sec. 9501.051. COMMISSION; TERMS. The commission is  
17 composed of three members appointed for staggered terms of six  
18 years, with one member's term expiring every two years. (Loc. Gov.  
19 Code, Sec. 421.022(a).)

20 Sec. 9501.052. APPOINTMENT OF MEMBERS; VACANCY. (a) The  
21 members of the commission shall be appointed as follows:

22 (1) one member by the commissioners court;

23 (2) one member by the governing body of the  
24 municipality; and

25 (3) one member by the commissioners court and the  
26 governing body of the municipality, acting jointly.

27 (b) On expiration of a member's term of office, the office

1 shall be filled by the authority that originally appointed the  
2 member.

3 (c) If a vacancy occurs during the term, it shall be filled  
4 for the remainder of the term by the original appointing authority.  
5 (Loc. Gov. Code, Sec. 421.022(b).)

6 Sec. 9501.053. ELIGIBILITY FOR APPOINTMENT. To be eligible  
7 for appointment as a member of the commission, a person must own  
8 real property in and be a qualified voter of the area in which the  
9 commission has jurisdiction. (Loc. Gov. Code, Sec. 421.022(c).)

10 Sec. 9501.054. OATH. (a) Before assuming the duties of  
11 office, each member must:

12 (1) take the constitutional oath of office and swear  
13 in writing before the county judge that the member will faithfully  
14 and impartially discharge the duties of the office; and

15 (2) on the request of the commissioners court or the  
16 governing body of the municipality, give an account of the member's  
17 activities.

18 (b) The clerk of the county court shall file and maintain  
19 the oath of office as part of the records of the commission. (Loc.  
20 Gov. Code, Secs. 421.0221(a), (b).)

21 Sec. 9501.055. BOND. Each member of the commission shall  
22 execute a bond in the amount of \$1,000 that is:

23 (1) payable to the county judge for the benefit of the  
24 commission; and

25 (2) conditioned on the faithful performance of the  
26 member's official duties. (Loc. Gov. Code, Sec. 421.0221(c).)

27 Sec. 9501.056. PRESIDING OFFICER. (a) The members of the

1 commission shall annually elect one member as presiding officer.

2 (b) The presiding officer shall:

3 (1) preside over commission meetings; and

4 (2) sign each contract, warrant, or other instrument  
5 made or issued by the commission. (Loc. Gov. Code, Sec.  
6 421.022(e).)

7 Sec. 9501.057. COMPENSATION; CERTIFIED REPORT. (a) The  
8 commissioners court and the governing body of the municipality by  
9 order or resolution shall set the compensation of members of the  
10 commission. The amount of compensation for each member may not  
11 exceed \$50 for each day that the member attends an official meeting  
12 of the commission. The total amount of compensation for each member  
13 each month may not exceed \$300.

14 (b) Each member shall submit to the county auditor for each  
15 pay period a certified report that describes in detail each time the  
16 member attended an official meeting of the commission. The report  
17 must be submitted on a date prescribed by the commissioners court  
18 and the governing body of the municipality. (Loc. Gov. Code, Secs.  
19 421.0221(d), (e).)

20 Sec. 9501.058. REMOVAL FROM OFFICE. The commissioners  
21 court and the governing body of the municipality, by a majority vote  
22 in a joint session, may remove a member of the commission from  
23 office only for malfeasance. (Loc. Gov. Code, Sec. 421.022(d).)

24 Sec. 9501.059. TREASURER. The county treasurer of  
25 Matagorda County shall serve as treasurer of the commission. (Loc.  
26 Gov. Code, Sec. 421.022(f).)

27 Sec. 9501.060. AUDITOR. The county auditor for Matagorda

1 County is the auditor for the commission. (Loc. Gov. Code, Sec.  
2 421.024(b).)

3 Sec. 9501.061. EMPLOYMENT OF ATTORNEY. The commission may  
4 employ an attorney for legal services required by the commission.  
5 (Loc. Gov. Code, Sec. 421.023(j).)

6 [Sections 9501.062-9501.100 reserved for expansion]

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 9501.101. COMMISSION POWERS. The commission may  
9 exercise the authority granted to a county or municipality under  
10 Section 421.002, 421.003, 421.004, or 421.005 or Section 421.011(a)  
11 or (b), Local Government Code. (Loc. Gov. Code, Sec. 421.023(g).)

12 Sec. 9501.102. AUTHORITY TO CONTRACT. The commission may  
13 enter into a contract relating to the performance of any function  
14 described by Section 421.002, Local Government Code. (Loc. Gov.  
15 Code, Sec. 421.023(e).)

16 Sec. 9501.103. PURCHASING AND CONTRACTING. The commission,  
17 in the performance of functions under this chapter, has the same  
18 powers granted to a county under Subchapter C, Chapter 262, and  
19 Chapter 271, Local Government Code, and is subject to the same  
20 requirements imposed on a county under those provisions. (Loc.  
21 Gov. Code, Sec. 421.025.)

22 Sec. 9501.104. ANNUAL REPORT REQUIRED. The commission  
23 shall annually submit a report to the commissioners court and the  
24 governing body of the municipality. The report must:

25 (1) describe the commission's financial condition and  
26 operations during the preceding year;

27 (2) propose a budget for the following year; and

1           (3) describe generally the work proposed for the  
2 following year. (Loc. Gov. Code, Sec. 421.023(d).)

3           Sec. 9501.105. CONDEMNATION PROCEEDINGS.           (a)       A  
4 condemnation proceeding brought by the commission must be brought  
5 in the name of the commission and under the direction of the  
6 commission.

7           (b) An appeal from a finding and assessment of damages as  
8 provided by Chapter 21, Property Code, does not suspend work of the  
9 commission. (Loc. Gov. Code, Sec. 421.023(i).)

10           [Sections 9501.106-9501.150 reserved for expansion]

11                           SUBCHAPTER D. FINANCIAL PROVISIONS

12           Sec. 9501.151. AD VALOREM TAX. (a) The commission may  
13 impose an ad valorem tax on real property within the commission's  
14 jurisdiction.

15           (b) The commission shall determine the tax rate, which may  
16 not exceed 10 cents for each \$100 valuation of property.

17           (c) Revenue from the tax may be used only to pay for  
18 functions of the commission. (Loc. Gov. Code, Secs. 421.023(a),  
19 (b), (c).)

20           Sec. 9501.152. ASSESSMENT AND COLLECTION OF TAXES. The  
21 county tax assessor and collector shall assess and collect taxes  
22 imposed by the commission in the manner provided by law for the  
23 assessment and collection of county taxes. (Loc. Gov. Code, Sec.  
24 421.024(a).)

25           Sec. 9501.153. DISBURSEMENT OF FUNDS. The commission may  
26 disburse funds set aside by the commissioners court and the  
27 governing body of the municipality for the performance of the

1 commission's functions. (Loc. Gov. Code, Sec. 421.023(f).)

2 [Chapters 9502-11000 reserved for expansion]

3 SUBTITLE X. DISTRICTS WITH COMBINED POWERS

4 CHAPTER 11001. ROAD DISTRICT AUTHORITY OF BASTROP COUNTY WATER  
5 CONTROL AND IMPROVEMENT DISTRICT NO. 2

6 Sec. 11001.001. DEFINITIONS

7 Sec. 11001.002. ROAD DISTRICT POWERS AND DUTIES

8 Sec. 11001.003. MASTER PLAN APPROVAL AND ADOPTION

9 Sec. 11001.004. MASTER PLAN CONTENT

10 Sec. 11001.005. MASTER PLAN IMPLEMENTATION

11 Sec. 11001.006. MASTER PLAN ANNUAL HEARING

12 Sec. 11001.007. MONTHLY CHARGES

13 Sec. 11001.008. CITY OR COUNTY APPROVAL OF PLANS AND  
14 SPECIFICATIONS

15 Sec. 11001.009. INSPECTIONS, SAMPLING, AND TESTING

16 Sec. 11001.010. CONVEYANCE OF IMPROVEMENTS

17 Sec. 11001.011. ADDITIONAL POWERS

18 Sec. 11001.012. REPORT TO CERTAIN LEGISLATORS

19 Sec. 11001.013. TERMINATION OF ROAD DISTRICT AUTHORITY;  
20 DISTRIBUTION OF DISTRICT MONEY

21 CHAPTER 11001. ROAD DISTRICT AUTHORITY OF BASTROP COUNTY  
22 WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2

23 Sec. 11001.001. DEFINITIONS. In this chapter:

24 (1) "Board" means the board of directors of the  
25 district.

26 (2) "District" means the Bastrop County Water Control  
27 and Improvement District No. 2. (Acts 75th Leg., R.S., Ch. 47,

1 Secs. 1(1), (4).)

2 Sec. 11001.002. ROAD DISTRICT POWERS AND DUTIES. (a) The  
3 district has all of the rights, powers, privileges, functions,  
4 responsibilities, and duties that general law grants a road  
5 district created under Section 52, Article III, Texas Constitution.

6 (b) The board, within the district's boundaries, may  
7 exercise the powers that the commissioners court of a county may  
8 exercise under Chapter 257, Transportation Code, to the extent that  
9 chapter can be applied.

10 (c) To the extent this chapter conflicts with general law,  
11 this chapter controls. (Acts 75th Leg., R.S., Ch. 47, Sec. 2.)

12 Sec. 11001.003. MASTER PLAN APPROVAL AND  
13 ADOPTION. (a) The district shall adopt a master plan for all road  
14 improvements.

15 (b) The district shall submit the master plan to the  
16 governing bodies of the City of Bastrop and Bastrop County before  
17 the plan is adopted.

18 (c) The district may not adopt the master plan until the  
19 plan is approved by the governing body of:

20 (1) the City of Bastrop, for improvements to be made in  
21 the city's jurisdiction; and

22 (2) Bastrop County, for improvements to be made in the  
23 county's jurisdiction.

24 (d) Not later than the 61st day after the date the  
25 applicable governing body receives the master plan, the governing  
26 body shall review the plan and present the district with any  
27 proposed revisions necessary to obtain the governing body's

1 approval of the plan.

2 (e) The district shall review proposed plan revisions at a  
3 public hearing held for that purpose.

4 (f) The district must adopt the master plan at a public  
5 hearing. (Acts 75th Leg., R.S., Ch. 47, Secs. 3(a) (part), 4.)

6 Sec. 11001.004. MASTER PLAN CONTENT. The master plan must  
7 include:

8 (1) a map of the district boundaries that shows:

9 (A) the proposed improvements; and

10 (B) how the proposed improvements would connect  
11 to other entities' road and drainage systems; and

12 (2) a written plan that contains:

13 (A) general objectives for the proposed  
14 improvements;

15 (B) the sequence of the improvements;

16 (C) the estimated date of completion of each  
17 phase of the proposed improvements;

18 (D) the estimated cost of each phase of the  
19 proposed improvements;

20 (E) an analysis of the district's projected  
21 revenues compared with the projected costs; and

22 (F) a proposed timetable for completion of the  
23 proposed improvements. (Acts 75th Leg., R.S., Ch. 47, Sec. 3(b).)

24 Sec. 11001.005. MASTER PLAN IMPLEMENTATION. The district  
25 shall make all road improvements in accordance with the master  
26 plan. (Acts 75th Leg., R.S., Ch. 47, Sec. 3(a) (part).)

27 Sec. 11001.006. MASTER PLAN ANNUAL HEARING. The district

1 shall conduct an annual public hearing on revisions to the master  
2 plan to inform the public and provide opportunity for public  
3 comment. (Acts 75th Leg., R.S., Ch. 47, Sec. 5.)

4 Sec. 11001.007. MONTHLY CHARGES. (a) The board may  
5 impose a monthly charge of five dollars for each developed or  
6 undeveloped lot, tract, or reserve in the district.

7 (b) Money received from the monthly charge must be used for  
8 constructing, maintaining, or repairing public streets or roadways  
9 in the district.

10 (c) Of the money received under Subsection (a):

11 (1) not more than 10 percent may be used for  
12 administrative purposes; and

13 (2) not more than 15 percent may be used for road  
14 maintenance. (Acts 75th Leg., R.S., Ch. 47, Sec. 6.)

15 Sec. 11001.008. CITY OR COUNTY APPROVAL OF PLANS AND  
16 SPECIFICATIONS. (a) The district shall submit for the approval  
17 of the governing body of the City of Bastrop or Bastrop County, as  
18 appropriate, all road plans and specifications before the district  
19 begins construction.

20 (b) The plans and specifications are considered approved if  
21 the governing body to which they are presented does not by  
22 resolution disapprove of them before the 22nd day after the date on  
23 which they are presented.

24 (c) In reviewing plans or specifications for construction  
25 in a subdivision, the City of Bastrop or Bastrop County shall  
26 generally apply, as a minimum standard, the standard the city or  
27 county applied to review similar plans or specifications at the

1 time the subdivision was created. If the plans or specifications  
2 exceed that minimum standard, the standard for approval shall be  
3 based on good engineering practices related to subjects such as  
4 vehicle and pedestrian safety, soil and terrain variables,  
5 watershed impacts, projected traffic use, and future maintenance  
6 requirements. (Acts 75th Leg., R.S., Ch. 47, Sec. 8.)

7 Sec. 11001.009. INSPECTIONS, SAMPLING, AND TESTING.

8 (a) The City of Bastrop or Bastrop County may:

9 (1) perform reasonable inspections, gather and test  
10 samples, and perform other testing; or

11 (2) require the district or the contractor for the  
12 work to perform reasonable inspections, gather and test samples,  
13 and perform other testing.

14 (b) The district may include the cost of inspecting,  
15 sampling, and testing in the bid specifications. If the district  
16 includes the costs in the bid specifications, the costs are  
17 allowable charges for spending road money. (Acts 75th Leg., R.S.,  
18 Ch. 47, Sec. 9.)

19 Sec. 11001.010. CONVEYANCE OF IMPROVEMENTS. (a) The  
20 district shall convey the completed improvements to the City of  
21 Bastrop or Bastrop County as appropriate.

22 (b) If the improvements comply with the minimum standards  
23 the city or county, as applicable, prescribes for improvements in  
24 its jurisdiction, the city or county shall accept the improvements.

25 (c) If the jurisdictions of the city and the county overlap,  
26 the more stringent standards apply. (Acts 75th Leg., R.S., Ch. 47,  
27 Sec. 10.)

1           Sec. 11001.011.   ADDITIONAL POWERS.   The district may:

2                   (1)   select professional and consultant personnel for  
3 engineering, legal, and other necessary support services;

4                   (2)   select    and    approve    work    contractors    and  
5 subcontractors;

6                   (3)   supervise road and drainage work in the district;

7                   (4)   contract to carry out the improvements provided by  
8 the master plan, including contracting with a professional or  
9 contractor;

10                  (5)   supervise the cost-effective use of district money  
11 allocated for permanent improvements; and

12                  (6)   approve expenditures for necessary maintenance.  
13 (Acts 75th Leg., R.S., Ch. 47, Sec. 11.)

14           Sec. 11001.012.   REPORT TO CERTAIN LEGISLATORS.    The  
15 district annually shall present a report concerning road district  
16 activities to each state representative and each state senator who  
17 represents the area in the district's jurisdiction.   The report  
18 must include:

19                   (1)   information regarding the progress of work during  
20 the preceding year;

21                   (2)   the amount of money spent during the preceding  
22 year;

23                   (3)   any revisions to the master plan; and

24                   (4)   a complete financial statement that lists all  
25 funds of the district and fund balances, expenditures, and interest  
26 earnings. (Acts 75th Leg., R.S., Ch. 47, Sec. 12.)

27           Sec. 11001.013.   TERMINATION OF ROAD DISTRICT AUTHORITY;

1 DISTRIBUTION OF DISTRICT MONEY. (a) The road district authority  
2 under this chapter terminates when:

3 (1) all road improvements under the master plan are  
4 completed; and

5 (2) the City of Bastrop or Bastrop County, as  
6 appropriate, has accepted all road improvements in the district.

7 (b) On termination of the district's road district  
8 authority, the district shall give any money related to the  
9 district's road district authority that remains in the district's  
10 possession or control to the City of Bastrop or Bastrop County, as  
11 appropriate, for road maintenance in the district. The district  
12 shall send the money to the City of Bastrop or Bastrop County in the  
13 proportion that the number of miles of road improvements by the  
14 district accepted by the city or county bears to the total number of  
15 miles of road improvements by the district accepted by both the city  
16 and the county. (Acts 75th Leg., R.S., Ch. 47, Sec. 13.)

17 SECTION 2. CONFORMING AMENDMENT. Section 1, Chapter 120,  
18 Acts of the 60th Legislature, Regular Session, 1967, is amended to  
19 read as follows:

20 Sec. 1. The [~~Pursuant to authority granted by the~~  
21 ~~provisions of Section 9 of Article IX of the Constitution of the~~  
22 ~~State of Texas,~~] Angleton-Danbury Hospital District of Brazoria  
23 County, Texas, [~~is hereby authorized to be created in Brazoria~~  
24 ~~County, Texas, and as created~~] shall have the following boundaries:

25 BEGINNING at the southeasterly corner of the I. F. W. Curd  
26 Survey, Abstract 170, on the westerly shore line of West Bay at mean  
27 low tide;

1           THENCE southwesterly along the most southerly boundary line  
2 of said Curd Survey to its intersection with the northerly shore  
3 line of Bastrop Bay;

4           THENCE in a westerly direction along the shore lines of  
5 Bastrop Bay, Cox's Lake and Bastrop Bayou and along the southerly  
6 boundary line of said I. F. W. Curd Survey, the G. B. Brownrigg  
7 Survey, Abstract 150, the J. J. Calvington Survey, Abstract 427,  
8 the Juan Armendaris Survey, Abstract 405, and the F. Spann Survey,  
9 Abstract 373, to a point where an extension of the northwesterly  
10 boundary line of the B. F. Holt Survey, Abstract 592, would  
11 intersect the north bank of said bayou;

12           THENCE across Bastrop Bayou to the most northwesterly corner  
13 of said B. F. Holt Survey;

14           THENCE in a southerly direction along the western boundary  
15 line of said Holt Survey, the F. Pawpa Survey, Abstract 443, and the  
16 E. J. DeBard Survey, Abstract 673, to Big Slough;

17           THENCE up Big Slough with its meanders to a point in the west  
18 boundary line of the Austin & Williams Survey, Abstract 145;

19           THENCE west to a point in the southeast right-of-way line of  
20 the H. & B. V. Railway right-of-way in the J. E. Groce 5-League  
21 Grant, Abstract 66;

22           THENCE in a northeasterly direction along the southeast line  
23 of said railway right-of-way to Bastrop Bayou and continuing on the  
24 same course across said bayou to its northeasterly shore line at  
25 mean low tide;

26           THENCE northwesterly across said right-of-way to its  
27 northwesterly line on the shore of said bayou;

1           THENCE southwesterly crossing said bayou and following the  
2 northwest right-of-way line of the said railway to the center of  
3 Oyster Creek;

4           THENCE up the center of Oyster Creek to a point which is due  
5 south of the southwest corner of the S. F. Austin Survey, Abstract  
6 22;

7           THENCE in a northerly direction to the Southwestern corner of  
8 S. F. Austin Survey, Abstract 22, and continuing in a northerly  
9 direction with the west boundary line of said Austin Survey and the  
10 east boundary of the J. E. Groce 5-League Grant to its intersection  
11 with the center of Bastrop Bayou;

12           THENCE up the center of Bastrop Bayou with its meanders  
13 crossing State Hwy. No. 288 and the H. and B. V. Railroad to a point  
14 for corner being an extension of the division line of J. T. Suggs  
15 398.14 acre tract and W. T. Galloway 280.66 acre tract;

16           THENCE West passing a concrete monument on the bank of  
17 Bastrop Bayou to a concrete monument on the Northwest corner of said  
18 398.14 acre tract and the Southwest corner of said 280.66 acre tract  
19 and in the East line of C. M. and Elane S. Frost 100 acre tract;

20           THENCE North along West line of W. T. Galloway's 280.66 acre  
21 tract and the East line of C. M. and Elane S. Frost 100 acre tract,  
22 the Marmion Estate 100 acre tract and William Franklin and DeWitt C.  
23 Baker, Jr., 57.4 acre tract to the center of Bastrop Bayou;

24           THENCE up the center line of Bastrop Bayou to a point in the  
25 East line of J. T. Suggs 450 acre tract;

26           THENCE North along the East line of J. T. Suggs 450 acre tract  
27 and the West line of 128.55 acre tract to the Southeast corner of H.

1 E. Merchant 244 acre tract;

2       THENCE West along the South line of H. E. Merchant 244 acre  
3 tract and The Texas Company's 300 acre tract to the Southwest corner  
4 of said 300 acre Texas Company tract and in the East line of The  
5 Retrieve Prison Farm 2405.27 acre tract;

6       THENCE North along the East line of said Prison Farm 2405.27  
7 acre tract and the West line of said 300 acre Texas Company tract to  
8 the N. W. corner of the 300 acre tract of the North line of the J. E.  
9 Groce 5-League Grant;

10       THENCE West with the North line of said J. E. Groce 5-League  
11 Grant to its Northwest corner and continuing West with the North  
12 line of the S. F. Austin 5-League Grant, Abstract No. 19 to its  
13 point of intersection with the center of Oyster Creek;

14       THENCE downstream with the center of Oyster Creek and its  
15 meanders to the point where the center of Oyster Creek crosses the  
16 common boundary line of the S. F. Austin and J. E. Groce Surveys for  
17 the fourth time, in the Retrieve State Prison Farm;

18       THENCE in a Northwesterly direction in a straight line to the  
19 Northeast corner of the Dow Chemical Company's 3,586.32 acre tract  
20 in said S. F. Austin 5-League Grant which is also an ell corner of  
21 said Retrieve State Prison Farm;

22       THENCE South with the common line between the Prison Farm and  
23 the Dow 3,586.32 acre tract to a point in such line which is due East  
24 from a point in the center of the Brazoria Reservoir Levee which  
25 said last named point is 200 feet North of the point of intersection  
26 of the center of said levee with the center line of Buffalo Camp  
27 Bayou;

1           THENCE from said point in the Dow & Prison Farm common  
2 boundary, due West to the point in the center of the Brazoria  
3 Reservoir Levee;

4           THENCE Southerly with the center line of said Levee to the  
5 Center of Buffalo Camp Bayou, approximately 200 feet;

6           THENCE up the center of Buffalo Camp Bayou to a point due east  
7 of the south line of the John P. Cole Survey, Abstract 55;

8           THENCE west to the southeast corner of said John P. Cole  
9 Survey;

10          THENCE west along the south line of said John P. Cole Survey  
11 to the center of Middle Bayou;

12          THENCE up the center of Middle Bayou with its meanders to a  
13 point where the center line of said Bayou intersects the south line  
14 of the Samuel Carter League, Abstract 53;

15          THENCE in an easterly direction along the south boundary line  
16 of said Carter League to its southeast corner;

17          THENCE in a northerly direction along its eastern boundary  
18 line to its northeast corner;

19          THENCE in a westerly direction along its northern boundary  
20 line to the southeast corner of the J. B. Bailey League, Abstract  
21 38;

22          THENCE in a Northerly direction along the eastern boundary  
23 line of said J. B. Bailey League and continuing past its northeast  
24 corner on the same course to the middle line of the William Roberts  
25 League, Abstract 124;

26          THENCE west along the north line of the lower half of the  
27 William Roberts League and continuing on the same course to the

1 center of the Brazos River;

2 THENCE up the center of the Brazos River with its meanders to  
3 a point in the said river due west of the northwest corner of the  
4 Francis Bingham League; Abstract 43;

5 THENCE east to the northwest corner of said Bingham League  
6 and continuing along the northern boundary line of said league to  
7 its northeast corner;

8 THENCE in a southerly direction along the eastern boundary  
9 line of said Bingham League and the A. McFarland League, Abstract  
10 86, to its southeast corner;

11 THENCE southerly on the same course across the David Tally  
12 League, Abstract 130, and the Chester S. Gorbett League, Abstract  
13 64, to the northwest corner of the Lavaca Navigation Company  
14 Survey, Abstract 327;

15 THENCE in a southerly direction along the western boundary  
16 line of said Lavaca Navigation Company Survey, to its southwest  
17 corner;

18 THENCE in an easterly direction along the southern boundary  
19 line of said Lavaca Navigation Company Surveys, Abstracts 327 and  
20 536, to the most southeasterly corner thereof, same being the  
21 northeast corner of H. T. & B. Survey, Abstract 535;

22 THENCE in a southerly direction along the western boundary  
23 line of H. T. & B. Survey, Abstract 236, to the southwest corner of  
24 H. T. & B. Survey, Abstract 236;

25 THENCE in an easterly direction along the southern boundary  
26 lines of H. T. & B. Surveys, Abstracts 236, 555, 253, 556 and 254,  
27 and continuing on the same course to the southerwestern boundary

1 line of the Francis Moore League, Abstract 100;

2       THENCE in a southeasterly direction along the southwestern  
3 boundary line of said Francis Moore League to its most southwestern  
4 corner in the northwesterly boundary line of the S. T. Angier  
5 League, Abstract 7;

6       THENCE in a southwesterly direction along the northwestern  
7 boundary line of said Angier League to its most northwesterly  
8 corner;

9       THENCE in a southeasterly direction along its southwesterly  
10 boundary line to the southwest corner thereof;

11       THENCE in an easterly direction along its southeastern  
12 boundary line to the northwestern corner of H. T. & B. Survey,  
13 Abstract 277;

14       THENCE in a southeasterly direction along the southwestern  
15 boundary line of said H. T. & B. Survey 277 to its most  
16 southwesterly corner and continuing in the same direction along the  
17 southwestern boundary line of H. T. & B. Survey, Abstract 519, to  
18 the most northwesterly corner of H. T. & B. Survey, Abstract 520;

19       THENCE in a northeasterly direction along the northwesterly  
20 boundary line of H. T. & B. Survey, Abstract 520, H. T. & B. Survey,  
21 Abstract 260, and continuing on the same course across the Day Land  
22 & Cattle Company Survey, Abstract 603, to a point for corner in its  
23 northeasterly boundary line;

24       THENCE in a southeasterly direction along its northeasterly  
25 boundary line to its most southeasterly corner and continuing on  
26 the same course along the boundary line of the Day Land & Cattle  
27 Company Survey, Abstract 601, to the north boundary line of the L.

1 F. Tomlinson Survey, Abstract 374;

2       THENCE in a southwesterly direction along said boundary line  
3 to the northwest corner of the Arrington 75 acre tract;

4       THENCE in a southeasterly direction along the southwestern  
5 boundary line of said Arrington tract to its most southwestern  
6 corner;

7       THENCE in a southwesterly direction along the north boundary  
8 line of Lot 2 in Block 4 in said Tomlinson Survey to the most  
9 northwesterly corner of said lot;

10       THENCE in a southeasterly direction along the southwestern  
11 boundary line of said Lot 2 to its most southwesterly corner;

12       THENCE in a southwesterly direction along the southern  
13 boundary line of Lot 3 in Block 4 of a subdivision in said Tomlinson  
14 Survey to the northeast corner of a 291 acre tract known as the  
15 Kempner and Davis Tract in Block 5;

16       THENCE in a southeasterly direction along the eastern  
17 boundary line of said Kempner and Davis tract to its most  
18 southeastern corner and the north line of the L. A. Morton League,  
19 Abstract 101;

20       THENCE in a southeasterly direction across said Morton League  
21 to the Northwest corner of Lot 1 of the Coast Development Company  
22 Subdivision in the H. Austin League, Abstract 11;

23       THENCE in a southeasterly direction along the western  
24 boundary line of Lots 1, 2, 3, 4, 27, 28, 29 and 30 of said Coast  
25 Development Company Subdivision to a point for corner;

26       THENCE in an easterly direction along the southeastern  
27 boundary line of Lots 30 and 31 to the northwest corner of the G. J.

1 Swickheimer 160 acre tract;

2       THENCE in a southeasterly direction along the southwestern  
3 boundary line of said G. J. Swickheimer tract to its most  
4 southwesterly corner;

5       THENCE along the southeastern boundary line of said tract to  
6 its most southeasterly corner;

7       THENCE in a northeasterly direction to the southwestern  
8 corner of Lot 9 of the J. H. Everett Subdivision in said Austin  
9 League;

10       THENCE in a northeasterly direction along the southeastern  
11 boundary line of said Everett Subdivision and the Coast Development  
12 Company Subdivision to the west bank of Chocolate Bayou;

13       THENCE in a generally southwesterly direction with the  
14 meanders of said west bank of Chocolate Bayou and with the westerly  
15 shore line of West Bay at mean low tide to the southeasterly corner  
16 of the I. F. W. Curd Survey, Abstract 170, the PLACE OF BEGINNING.

17 ~~[The Legislature hereby finds that the foregoing boundaries and~~  
18 ~~field notes of said District form a closure, and, if any mistake is~~  
19 ~~made in copying the field notes in the legislative process, such~~  
20 ~~mistake shall not affect the organization, existence or validity of~~  
21 ~~the District or its right to issue bonds or refunding bonds, and the~~  
22 ~~right to assess, levy and collect taxes, or in any other manner~~  
23 ~~affect the legality or operation of the District.]~~

24       SECTION 3. CONFORMING AMENDMENT. Section 1, Chapter 411,  
25 Acts of the 58th Legislature, Regular Session, 1963, is amended to  
26 read as follows:

27       Sec. 1. The boundaries ~~[Pursuant to the provisions of~~

1 ~~Section 9 of Article IX of the Constitution of the State of Texas,~~  
2 ~~this Act shall be operative so as to authorize the creation,~~  
3 ~~establishment, maintenance, and operation]~~ of the Booker Hospital  
4 District[~~, the boundaries of which]~~ are described as follows, to  
5 wit:

6 BEGINNING at the Northwest corner of Lipscomb County where  
7 county boundary lines between Ochiltree County and Lipscomb County  
8 intersect the state boundary line between Texas and Oklahoma, and  
9 running due south along said county line to the Southwest corner of  
10 Lipscomb County;

11 THENCE East along the county boundary line between Lipscomb  
12 County and Hemphill County to its intersection with the eastern  
13 boundary line of Section 66 of Block 43 of the Houston and Texas  
14 Central R. R. Survey;

15 THENCE Northerly along the eastern boundaries of Sections 66,  
16 111, 154, 199, 242, 287, 330, 375, 418, 463, 506, 551, 594, 639,  
17 682, 727, 770, 815, 858, 903, 946, 991, 1034, 1079, 1122, and 1167  
18 of Block 43 of the Houston and Texas Central R. R. Survey to the  
19 point of intersection of the eastern boundary of said Section 1167  
20 with the south boundary of Section 155 of Block 10 of the Southern  
21 Pacific R. R. Survey;

22 THENCE West along the South boundary of Section 155 of Block  
23 10 of the Southern Pacific R. R. Survey to its point of intersection  
24 with the east boundary of Section 154 of said survey;

25 THENCE North along the east boundary of said Section 154 and  
26 continuing north along the east boundaries of Sections 111, 66 and  
27 23 of Block 10 of the Houston Tap and Brazoria R. R. Survey to the

1 point of the intersection of that line with the Southern boundary of  
2 the W. P. Wiser Survey.

3 THENCE continuing north along the projection of the east  
4 boundary line of Section 23 of Block 10 of the Houston Tap and  
5 Brazoria R. R. Survey to the state boundary line.

6 THENCE West along the state boundary line between Texas and  
7 Oklahoma to the point of beginning.

8 SECTION 4. CONFORMING AMENDMENT. Section 3, Chapter 183,  
9 Acts of the 56th Legislature, Regular Session, 1959 (Article  
10 8280-222, Vernon's Texas Civil Statutes), is amended to read as  
11 follows:

12 Sec. 3. TERRITORY COMPRISING THE DISTRICT. The  
13 Aquilla-Hackberry Creek Conservation District [~~hereby created and~~  
14 ~~established~~], situated wholly within Hill and McLennan Counties,  
15 shall comprise all territory located within the boundaries  
16 described as follows, except lands situated within the limits of  
17 incorporated cities, or towns, of Abbott, Hillsboro, Itasca, and  
18 West, Texas:

19 BEGINNING at the point of intersection of the Hill-Johnson  
20 County line and the East line of 113.2 acre tract in the Mary  
21 Carothers Survey, A-114, Hill County, Texas, owned by John D.  
22 Harper et al.

23 THENCE S. 30 E. with said Harpers east line 2500 feet, to the  
24 South line of a County road;

25 THENCE N. 60 E. with said road line 3125 feet to point in East  
26 line of said Carothers Survey;

27 THENCE S. 30 E. with said survey line 4250 feet to its S.E.

1 corner;

2 THENCE S. 60 W. with South line of said survey 500 feet to  
3 N.E. corner of Lewis A. Reynold Survey, A-752;

4 THENCE S. 30 E. at 11,750 feet pass the S.E. corner of said  
5 Reynolds Survey, at 17,625 feet pass the S.W. corner of John Clary  
6 Survey, A-118, in all 22,700 feet to S.W. corner of Smith Newton  
7 Survey, A-690, which point is in the North line of a public road;

8 THENCE N. 60 E. with South line of said Newton Survey 10,750  
9 feet to its S.E. corner of said corner being also in West line of  
10 McKinney & Williams Survey, A-665;

11 THENCE S. 30 E. with said west line 2750 feet to S.W. corner  
12 of said survey;

13 THENCE N. 60 E. 1150 feet to a point in said south survey  
14 line, said point also being the N.E. corner of Sterling R. Barnes  
15 Survey A-74;

16 THENCE S. 30 E. 2650 feet to a point in East line of said  
17 Barnes Survey, said point being the S.W. corner of a 63.65 acre  
18 tract in M. L. Barnes Survey, A-73, once owned by C. B. Hill;

19 THENCE N. 60 E. 2800 feet with the south lines of Hills 63.65  
20 acre tract and 58.8 acre tract to S.E. corner of the latter in the  
21 East line of said M. L. Barnes Survey;

22 THENCE S. 30 E. 500 feet to the N.W. corner of Don Herlin's  
23 100 acre tract in the Henry Sikes Survey, A-817;

24 THENCE N. 60 E. with said Herlins North line 3925 feet to his  
25 N.E. corner in the East line of said survey;

26 THENCE S. 30 E. with East line of said Survey 3300 feet to its  
27 S.E. corner, being also the N.W. corner of J. P. Rushing Survey,

1 A-785, continuing same course with west line of last named Survey  
2 5280 feet or 8580 feet in all to its S.W. corner in North line of a  
3 Public road;

4 THENCE N. 60 E. with said North line of road 10,050 feet to  
5 N.E. corner of J. A. England's 109 acre tract in J. P. Rushing  
6 Survey, A-786, said corner being in North line of said survey;

7 THENCE S. 30 E. with England's east line 2950 feet to his S.E.  
8 corner in South line of said survey, being also the most easterly  
9 N.E. corner of B. B. B. & C. R. R. Co. Survey, A-105;

10 THENCE S. 30 E. with East line of said Survey 3050 feet to an  
11 outside ell corner of same;

12 THENCE S. 60 W. 850 feet to an inside ell corner of said  
13 survey;

14 THENCE S. 30 E. at 690 feet pass the most southerly S.E.  
15 corner of said survey, continuing same course in all 1775 feet to an  
16 inside ell corner of Geo. McDaniel Survey, A-633;

17 THENCE S. 60 W. 260 feet to the most westerly N.W. corner of  
18 said survey;

19 THENCE S. 30 E. 1650 feet to S.W. corner of survey;

20 THENCE N. 60 E. 600 feet to point in South line of said survey  
21 and also the south line of 110.5 acre tract owned by Mrs. Estelle  
22 Adair, said point being the N.W. corner of Wm. McDonald Survey,  
23 A-568;

24 THENCE S. 30 E. with West line of said survey and East line of  
25 public road; at 1100 feet pass the most westerly S.W. corner of said  
26 survey, at 1650 feet pass an inside ell corner of Sarah A. Cook  
27 Survey, A-1043, and in all 4100 feet to an outside ell corner of

1 said survey;

2           THENCE N. 60 E. 1600 feet to an inside ell corner of said  
3 survey, being also the N.W. corner of Chas. M. Smithdeal's 109 acre  
4 tract in said survey;

5           THENCE S. 30 E. with Smithdeal's west line 4100 feet to a  
6 point in the North line of W. O. Merriweather Survey, A-564;

7           THENCE N. 80 E. with said North line 1,000 feet to N.E. corner  
8 of survey;

9           THENCE S. 10 E. with east line of said survey 10,900 feet to  
10 its S.E. corner;

11           THENCE S. 80 W. 2,300 feet with south line of said survey and  
12 North line of Wm. Armstrong Survey, A-23, to N.W. corner of 105 acre  
13 tract in latter named survey owned by W. B. Overman, et al;

14           THENCE S. 30 E. with the west line of the said Overman tract  
15 and the Mrs. Dora Kyle Estate 90.45 acre tract 3,450 feet to the  
16 S.W. corner of the latter in the South line of said survey;

17           THENCE N. 60 E. with said South line 400 feet to a point  
18 thereon which is the N.W. corner of the James J. Lee Survey, A-543;

19           THENCE S. 30 E. with the Survey's west line and the East line  
20 of a public road at 4,700 feet pass the survey's S.W. corner at  
21 5,650 feet pass the North line of Navarro County School Land Survey,  
22 A-675, and in all 5,900 feet to the North line of the Old Dallas  
23 Highway;

24           THENCE S. 60 W. with said North line of Highway 2100 feet to  
25 point in survey's west line;

26           THENCE S. 30 E. with said west line 3600 feet to a point  
27 thereon, which is also the N.E. corner of Polly Meeks Survey, A-639;

1           THENCE S. 60 W. with North line of said survey and North line  
2 of public road 5,280 feet to point in same;

3           THENCE with west line of public road S. 30 E. 3,670 feet; S.  
4 15 W. 280 feet and S. 30 E. 4,500 feet to the most southerly North  
5 line of A. Morrow Survey, A-580;

6           THENCE S. 60 W. 700 feet with said line to the most westerly  
7 N.W. corner of said survey;

8           THENCE S. 30 E. 1580 feet with West line of said Morrow Survey  
9 and West line of W. W. Hobson Survey, A-429, to a point in the North  
10 line of State Highway No. 22;

11          THENCE S. 60 W. with said North line 3,250 feet to point in  
12 East line of John A. Harlan Survey, A-397;

13          THENCE S. 30 E. with said survey, East line and the East line  
14 of a public road 27,100 feet to the S.E. corner of George Wilkins  
15 Survey, A-965;

16          THENCE With South line of said survey S. 60 W. 5,575 feet to  
17 S.W. corner of survey;

18          THENCE with south line of Ephraim Goss Survey, A-346, S. 60 W.  
19 1,200 feet; N. 30 W. 350 feet; and S. 60 W. at 2,800 feet, pass S.W.  
20 corner of said survey and in all 2,900 feet to an outside ell corner  
21 of Simon Jones Survey, A-482;

22          THENCE S. 30 E. 1,050 feet to an inside ell corner of said  
23 survey; S. 60 W. 950 feet to an outside ell corner of said survey; S.  
24 30 E. 1,500 feet to an inside ell corner of said survey; S. 60 W. 225  
25 feet to an outside ell corner of said survey; and S. 30 E. 1,100 feet  
26 to survey's S.W. corner, said point being in North line of Thomas  
27 Graham Survey, A-341;

1           THENCE S. 60 W. with said North line of survey and North line  
2 of Ennis Smith's tract in E. Cameron Survey, A-130, 2,550 feet to an  
3 inside ell corner of said Smith tract;

4           THENCE N. 30 W. with Smith's east line 850 feet to the S.E.  
5 corner of Abner Lee Survey, A-532;

6           THENCE S. 60 W. with said survey's South line 1,425 feet to a  
7 point thereon, said point also being in the East line of a public  
8 road;

9           THENCE S. 30 E. with said line of road 6,030 feet to a point in  
10 North line of John Mills Survey, A-620, and said point also being in  
11 the North line of a public road;

12           THENCE S. 60 W. with said line 5,325 feet to a point in East  
13 line of Robert F. Norvell Survey, A-687;

14           THENCE S. with said survey line 4,000 feet to S.E. corner of  
15 survey and N.E. corner of Robert F. Norvell Survey, A-688;

16           THENCE W. with said Common survey line 3,151 feet to a point  
17 in the West right-of-way line of M. K. & T. R. R. Co.;

18           THENCE with said right-of-way line as follows: S. 10 E. 1,570  
19 feet; S. 7,500 feet; and S. 13 W. 10,738 feet to its intersection  
20 with the Hill-McLennan County line; Continuing the same course for  
21 22,940 or 33,678 feet in all to a point on the South line of M.  
22 Jewett Survey, A-517;

23           THENCE S. 60 W. with the South lines of said survey, B. B.  
24 Ingraham Survey, A-1126, J. M. Marek 89.5 acre tract in J. Moreno  
25 Survey, A-26 and Andrew N. Halbert 80 acre tract in same survey  
26 9,100 feet to S.W. corner of Charles J. Holy 167.2 acre tract in  
27 same survey;

1           THENCE N. 30 W. 100 feet to S.E. corner of Mary Catherine  
2 Demars' 80 acre tract in said survey;

3           THENCE S. 60 W. with her South line and the South lines of D.  
4 C. Mosely 80 acre tract, Albin Pavlas 84 acre tract, Joseph L.  
5 Melansky, 58.559 acre tract, W. C. Cox 10 acre tract (all in said  
6 Moreno Survey), and Wm. Carmichael Survey, A-273, 8,500 feet to a  
7 point in East line of T. H. Brennan Survey;

8           THENCE S. 30 E. with said E. line 2,600 feet to survey S.E.  
9 corner;

10          THENCE S. 60 W. 4,200 feet to point on South survey line;

11          THENCE S. 30 E. 1,620 feet to S.E. corner of W. M. Haney's 7.5  
12 acre tract in N. H. Hobbs Survey, A-428;

13          THENCE S. 60 W. 518 feet to his S.W. corner, being in the East  
14 line of a public road;

15          THENCE with said East road line S. 1 W. 1,900 feet to a point  
16 in survey's South line;

17          THENCE N. 60 E. 775 feet to N.W. corner W. W. Kattner 118.6  
18 acre tract in R. P. Shepherd Survey, A-1145;

19          THENCE S. 30 E. with Shepherd's West line, at 630 feet the  
20 N.E. corner Samuel Gholson Survey, A-18, continuing same course  
21 with East line of survey 7,800 feet to its S.E. corner;

22          THENCE S. 60 W. with South line of survey 3,220 feet to point  
23 in West line of public road;

24          THENCE with said line of said road as follows: S. 37 E. 2,825  
25 feet; S. 18 E. 2,500 feet; S. 8 W. 1,525 feet; S. 18 E. 1,240 feet;  
26 S. 60 W. 645 feet; S. 7 W. 3,700 feet; S. 23 W. 780 feet; S. 2 E. 540  
27 feet; and S. 8 W. 2,970 feet to a point in East line of Waco-Gholson

1 road;

2           THENCE S. 20 E. with said line 400 feet to point in South line  
3 of Joseph Rutherford Survey, A-34;

4           THENCE S. 60 W. 6,640 feet to a point on East bank of Brazos  
5 River;

6           THENCE in a general direction of N. 60 W. with the meanders of  
7 the East bank of the Brazos River 20,900 feet to a point in said bank  
8 being the N.W. corner of Martin G. McCartney's 93.53 acre tract in  
9 Samuel Gholson Survey, A-18;

10           THENCE N. 60 E. 1,620 feet to S.E. corner of B. L. Eastwood's  
11 86 acre tract in said survey;

12           THENCE N. 30 W. with East lines of Eastwood tract and M. G.  
13 Lightfoot tract 3,540 feet to a point in North line of said Gholson  
14 survey, said point being in West line of a public road;

15           THENCE N. 30 W. with said West line of said road 4,435 feet to  
16 its intersection with South line of A. Estes Survey, A-335;

17           THENCE S. 60 W. with said South line 2,150 feet to S.W. corner  
18 of said survey;

19           THENCE N. 30 W. 4,040 feet to N.W. corner of survey, said  
20 corner being in the south line of Mary Ware Survey, A-1056;

21           THENCE S. 60 W. with said line 1,010 feet to S.W. corner of  
22 John H. McCartney 100 acre tract in said survey;

23           THENCE N. 30 W. 3,020 feet to point in South line of Frank T.  
24 Allen 90.4 acre tract;

25           THENCE S. 60 W. 240 feet to his S.W. corner;

26           THENCE N. 30 W. 4070 feet to point in North line of said Ware  
27 Survey;

1           THENCE S. 60 W. 800 feet to S.W. corner of C. Carley 110 acre  
2 tract in Lemuel Rice Survey, A-1054;

3           THENCE N. 30 W. 1625 feet to his N.W. corner;

4           THENCE S. 60 W. 360 feet to an inside ell corner of P. A.  
5 Fuston 128 acre tract in said survey;

6           THENCE N. 30 W. 3670 feet to N.W. corner of Julia M. Clark 50  
7 acre tract of said survey;

8           THENCE N. 60 E. 1425 feet to S.W. corner of Esther Powell 51  
9 acre tract in said survey;

10          THENCE N. 30 W. 1735 feet to point in Hill-McLennan County  
11 line, being the N.W. corner of said Powell tract;

12          THENCE N. 60 E. 1300 feet to point in said County Line, being  
13 in the East line of a public road and in South line of Wm. H. Smith  
14 Survey, A-864;

15          THENCE N. 30 W. with said road line 2750 feet to its  
16 intersection with North line of said survey and continuing with  
17 said line N. 33 W. 2550 feet to its intersection with North line of  
18 Geo. W. Hill Survey, A-370;

19          THENCE N. 60 E. with said line 1200 feet to S.W. corner of  
20 Philip Hardwick Survey, A-372;

21          THENCE N. 30 W. with West line of said survey 1725 feet to  
22 inside ell corner of survey and also S.W. corner of J. E. Johnson 41  
23 acre tract in same;

24          THENCE N. 60 E. 2150 feet to Johnson's S.E. corner and inside  
25 ell corner in East Survey line;

26          THENCE N. 30 W. with said line 4225 feet to N.W. corner of  
27 survey, which point is the south line of John Saffel Survey, A-982;

1           THENCE N. 60 E. 3275 feet to a point in said Saffel survey  
2 line, and being the S.E. corner of C. R. Wright's 107.5 acre tract  
3 in said survey;

4           THENCE N. 30 W. with Wright's East line 2800 to his N.E.  
5 corner in North survey line;

6           THENCE N. 60 E. with said survey line 2200 feet to an inside  
7 ell corner of said survey;

8           THENCE N. 30 W. 4300 feet to N.W. corner of said survey;

9           THENCE N. 60 E. 6800 feet to point in Saffel N. line and being  
10 S.W. corner of E. E. Ussery's 100 acre tract in Wm. Brooks Survey,  
11 A-1;

12           THENCE N. 30 W. 7175 feet to N.W. corner of Ussery's 179.6  
13 acre tract in North survey line;

14           THENCE N. 60 E. 10,350 feet to a point in East line of public  
15 road at its intersection with common line between said Brooks  
16 Survey and James S. Dallas Survey, A-210, and said point being the  
17 S.W. corner of Klement Svreck's 92.35 acre tract out of said Dallas  
18 Survey;

19           THENCE N. 38 W. with said East road line 13,700 feet to the  
20 south line of Sterling C. Robertson Survey, A-8;

21           THENCE N. 60 E. 1200 feet to S. E. corner of survey;

22           THENCE N. 30 W. 6900 feet to survey N.E. corner;

23           THENCE S. 60 W. 2570 feet to point on survey's North line and  
24 being S.E. corner of Francisco Baldez Survey, A-31;

25           THENCE N. 30 W. with Baldez's East line and the East line of  
26 public road 10,750 feet to corner in South line of public road;

27           THENCE N. 60 E. with south line of said road 3820 feet to

1 corner in East line of public road;

2           THENCE with said East line of road N. 28 W. 9750 feet; N. 49 W.  
3 1400 feet; and N. 51°; W. 3475 feet to point in North line of State  
4 Highway No. 22, which point is also in South line of Mary Beacham  
5 Survey, A-26;

6           THENCE N. 60 E. 2385 feet to S.E. corner of said survey;

7           THENCE N. 30 W. 16,000 feet to N.W. corner R. Irvin Survey,  
8 A-461;

9           THENCE N. 60 E. 2750 feet to its N.E. corner;

10           THENCE N. 30 W. 8800 feet to N.E. corner Rutgersville College  
11 Survey;

12           THENCE N. 60 E. 650 feet to an inside ell corner of P. J.  
13 George Survey, A-329;

14           THENCE N. 30 W. 10,250 feet to N.W. corner of W. M. McDonald  
15 Survey, A-566;

16           THENCE N. 60 E. 2350 feet to its N.E. corner;

17           THENCE N. 30 W. 3550 feet to N.W. corner James R. Rattekin  
18 Survey, A-782;

19           THENCE N. 60 E. 3650 feet to S.W. corner James McDonald  
20 Survey, A-650;

21           THENCE N. 30 W. 10,500 feet to N.W. corner of Samuel Ralph  
22 Survey, A-798;

23           THENCE N. 60 E. 5200 feet to its N.E. corner;

24           THENCE N. 30 W. 4850 feet to S.W. corner Richard Hope Survey,  
25 A-432;

26           THENCE N. 60 E. 5200 feet to its S.E. corner;

27           THENCE N. 30 W. 2,150 feet to S.W. corner W. C. Weatherred

1 Survey, A-932;

2 THENCE N. 60 E. 7,700 feet to its S.E. corner;

3 THENCE N. 30 W. 11675 feet to N.W. corner F. C. Burt Survey,  
4 A-28;

5 THENCE N. 60 E. 7800 feet to its N.E. corner;

6 THENCE N. 30 W. 7775 feet to N.W. corner Edwin S. Cabler  
7 Survey, A-113;

8 THENCE N. 60 E. 5225 feet to point in North line of survey,  
9 being S.W. corner of Myrtle Reddell 48 acre tract in Samuel Marshall  
10 Survey, A-571;

11 THENCE N. 30 W. 2190 feet to Reddell's N.W. corner;

12 THENCE N. 60 E. 3560 feet to point in West line of public  
13 road;

14 THENCE N. 30 W. with said line 3,000 feet to its intersection  
15 with the Hill-Johnson County line;

16 THENCE N. 75 E. 14,900 feet to the place of beginning,  
17 containing 273,864.4 acres of land, more or less. 190,524.4 acres,  
18 more or less, thereof, being in the Aquilla Creek Watershed and  
19 83,340 acres, more or less, being in the Hackberry Creek Watershed.

20 ~~[It being hereby found and determined that all of the land~~  
21 ~~included within the boundaries of the District will be benefited~~  
22 ~~and that the District is created to serve a public use and benefit,~~  
23 ~~it shall not be necessary for the Board of Directors to call a~~  
24 ~~confirmation election or to hold a hearing on the exclusion of lands~~  
25 ~~or a hearing on the adoption of a plan of taxation, but the ad~~  
26 ~~valorem plan of taxation shall be used by the District.]~~

27 SECTION 5. CONFORMING AMENDMENT. Section 1, Chapter 110,

1 Acts of the 41st Legislature, 1st Called Session, 1929, is amended  
2 to read as follows:

3       Sec. 1. ~~[That Cameron County Water Improvement District~~  
4 ~~Number Ten, in Cameron County, Texas, as hereinafter described by~~  
5 ~~metes and bounds, is hereby created and established as a~~  
6 ~~Conservation and Reclamation District under authority of Section 59~~  
7 ~~of Article 16, of the Constitution of the State of Texas, for the~~  
8 ~~purpose of the reclamation and irrigation of its arid, semi-arid~~  
9 ~~and other lands, needing irrigation, reclamation and drainage of~~  
10 ~~its overflowed lands, and other lands needing drainage, and all~~  
11 ~~other purposes as contemplated by said Section 59 of Article 16, of~~  
12 ~~the Constitution of this State, and said District shall be a~~  
13 ~~Governmental agency and a body politic with all powers as are~~  
14 ~~granted to such Conservation and Reclamation Districts in the~~  
15 ~~Constitution and in the General Laws of the State of Texas, and the~~  
16 ~~organization and establishment of said District by the~~  
17 ~~Commissioners' Court of Cameron County, Texas, and all orders of~~  
18 ~~said Commissioners' Court of Cameron County, Texas, and of the~~  
19 ~~Board of Directors of said Cameron County Water Improvement~~  
20 ~~District Number Ten, heretofore made in respect to the creation of~~  
21 ~~such District and the authorization and issuance of the bonds of~~  
22 ~~said District and particularly an issue of Six Hundred Eighty~~  
23 ~~Thousand Dollars of bonds voted at an election under date of October~~  
24 ~~1, 1928, be and the same are hereby in all things ratified,~~  
25 ~~confirmed and validated.~~

26       ~~[It is hereby declared and determined that all property~~  
27 ~~within the boundaries of said District, as herein set forth, is~~

1 ~~benefited by the creation of said District, and that no property not~~  
2 ~~benefited is included within such boundaries.]~~ The said Cameron  
3 County Water Improvement District Number Ten, in Cameron County,  
4 Texas, [~~here now created and established, after consideration of~~  
5 ~~the benefits to the property therein located,~~] is described by  
6 metes and bounds, as follows, to-wit:

7         Six Thousand Nine Hundred Seventy-eight and 48/100 (6978.48)  
8 acres, more or less, situated wholly in Cameron County, Texas, and  
9 being a part of Shares Nos. 19, 27 and 28 of the Espiritu Santo  
10 Grant, in Cameron County, Texas, as said shares were allotted and  
11 set apart by the final decree partitioning said grant rendered by  
12 the District Court of Cameron County, Texas, May 6, 1889, in Cause  
13 No. 1346 entitled "M. Kenedy, R. King, et al. vs. Thomas Carson,  
14 Administrator, et al.," and more particularly described by metes  
15 and bonds, as follows:

16         "Beginning at a point on the west line of Share No. 27 said  
17 point being South 4°30' West 1228.2 feet from the center line of  
18 State Highway No. 100. Thence South 85°0' East 2915.2 feet to a  
19 point on the East line of said Share No. 27. Thence with the East  
20 line of share No. 27 North 3° 51' East 1258.2 feet to the North line  
21 of State Highway No. 100. Thence South 85° 0' East 2733.3 feet with  
22 the North line of State Highway No. 100 to a point in the East line  
23 of Share No. 28. Thence with the East line of Share No. 28 North 2°  
24 24' East 33,705.8 feet. Thence North 86° 36' West 1893.4 feet to a  
25 point in the East line of Share No. 27. Thence with the East line of  
26 Share No. 27 North 3° 30' East 26,848.8 ft. more or less, to the  
27 Northeast corner of Section 2, Citrus Gardens Subdivision,

1 according to map recorded in Vol. 8, page 19, of the Map Records of  
2 Cameron County, Texas; thence north 85° 58' West, 1972 feet along  
3 and with the North line of said Subdivision to the Northwest corner  
4 thereof in the West line of said Share No. 27; thence South 4° 35'  
5 West 18,060.4 ft. more or less, to the northeast corner of Tract No.  
6 43 of Share No. 19 of the Espiritu Santo Grant, as said Tract No. 43  
7 was set apart and allotted to Mrs. Agnes A. Browne by the final  
8 decree partitioning said Share 19, rendered by the District Court  
9 of Jefferson County, Texas, in Cause No. 7588, entitled "Charles B.  
10 Combe, et al., vs. John H. Broocks, et al"; thence with the North  
11 line of Tract No. 43 North 85° 30' West 1863.6 feet to the Northwest  
12 corner of said Tract No. 43; thence with the West line of Tract No.  
13 43 South 4° 30' West 43,772.3 feet to the Southwest corner of Tract  
14 No. 43; thence with the South line of Tract No. 43 South 88° 30' East  
15 1810.8 feet to a point in the West line of Share No. 27; thence North  
16 4° 30' East 1279.5 feet to the place of beginning, containing  
17 6978.48 acres, more or less."

18 The above described territory being the same territory that  
19 was included within the boundaries of this District at the time of  
20 its organization and described in order adopted on the 18th day of  
21 June, 1928, by the Commissioners' Court of Cameron County, Texas,  
22 with modifications thereto made by orders of the Board of Directors  
23 of said District in conformity with law, prior to the voting of any  
24 bonds by said District.

25 SECTION 6. REPEALER. The following statutes are repealed:

26 (1) Sections 2-20, Chapter 120, Acts of the 60th  
27 Legislature, Regular Session, 1967;

1           (2) Sections 2 and 3, Chapter 271, Acts of the 62nd  
2 Legislature, Regular Session, 1971;

3           (3) Sections 2-18, Chapter 411, Acts of the 58th  
4 Legislature, Regular Session, 1963;

5           (4) Sections 4-7, Chapter 541, Acts of the 63rd  
6 Legislature, Regular Session, 1973;

7           (5) Sections 2(b)-(d), Chapter 95, Acts of the 76th  
8 Legislature, Regular Session, 1999;

9           (6) the following provisions of the Local Government  
10 Code:

11           (A) Chapter 384, as added by Chapter 1578, Acts  
12 of the 76th Legislature, Regular Session, 1999;

13           (B) Subchapters A-J, Chapter 376;

14           (C) Subchapter K, Chapter 376, as added by  
15 Chapter 418, Acts of the 77th Legislature, Regular Session, 2001;

16           (D) Subchapter K, Chapter 376, as added by  
17 Chapter 1356, Acts of the 77th Legislature, Regular Session, 2001;

18           (E) Subchapter K, Chapter 376, as added by  
19 Chapter 1371, Acts of the 77th Legislature, Regular Session, 2001;

20           (F) Subchapter K, Chapter 376, as added by  
21 Chapter 1376, Acts of the 77th Legislature, Regular Session, 2001;

22           (G) Subchapter K, Chapter 376, as added by  
23 Chapter 1476, Acts of the 77th Legislature, Regular Session, 2001;

24           (H) Subchapter K, Chapter 376, as added by  
25 Chapter 1384, Acts of the 77th Legislature, Regular Session, 2001;

26           (I) Subchapter K, Chapter 376, as added by  
27 Chapter 1433, Acts of the 77th Legislature, Regular Session, 2001;

1 and

2 (J) Subchapters A and B, Chapter 396;

3 (7) Section 2, Chapter 360, Acts of the 76th  
4 Legislature, Regular Session, 1999;

5 (8) Chapter 213, Acts of the 51st Legislature, Regular  
6 Session, 1949;

7 (9) Section 2, Chapter 525, Acts of the 71st  
8 Legislature, Regular Session, 1989;

9 (10) Chapter 9, page 42, Special laws, Acts of the 41st  
10 Legislature, 4th Called Session, 1930;

11 (11) Sections 2-14, Chapter 43, Acts of the 57th  
12 Legislature, 3rd Called Session, 1962;

13 (12) Sections 2-10, Chapter 245, Acts of the 58th  
14 Legislature, Regular Session, 1963;

15 (13) Chapter 827, Acts of the 70th Legislature,  
16 Regular Session, 1987;

17 (14) Chapter 357, Acts of the 72nd Legislature,  
18 Regular Session, 1991;

19 (15) Sections 1-3 and 5-9, Chapter 661, Acts of the  
20 62nd Legislature, Regular Session, 1971;

21 (16) Chapter 142, Acts of the 55th Legislature,  
22 Regular Session, 1957;

23 (17) Sections 2 and 3, Chapter 157, Acts of the 57th  
24 Legislature, Regular Session, 1961;

25 (18) Chapter 97, Acts of the 44th Legislature, Regular  
26 Session, 1935;

27 (19) Chapter 151, Water Code;

1           (20) Sections 1, 2, and 4-12, Chapter 183, Acts of the  
2 56th Legislature, Regular Session, 1959;

3           (21) Sections 2-13, Chapter 110, Acts of the 41st  
4 Legislature, 1st Called Session, 1929;

5           (22) Subchapter B, Chapter 421, Local Government Code;  
6 and

7           (23) Chapter 47, Acts of the 75th Legislature, Regular  
8 Session, 1997.

9           SECTION 7. LEGISLATIVE INTENT OF NO SUBSTANTIVE CHANGE.

10 This Act is enacted under Section 43, Article III, Texas  
11 Constitution. This Act is intended as a recodification only, and no  
12 substantive change in the law is intended by this Act. This Act  
13 does not increase or decrease the territory of any special district  
14 of the state as those boundaries exist on the effective date of this  
15 Act.

16           SECTION 8. PRESERVATION OF VALIDATION MADE BY PREVIOUS LAW.

17 (a) The repeal of a law, including a validating law, by this Act  
18 does not remove, void, or otherwise affect in any manner a  
19 validation under the repealed law. The validation is preserved and  
20 continues to have the same effect that it would have if the law were  
21 not repealed.

22 (b) Subsection (a) of this section does not diminish the  
23 saving provisions prescribed by Section 311.031, Government Code.

24           SECTION 9. EFFECTIVE DATE. This Act takes effect April 1,  
25 2005.

H.B. No. 3508

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3508 was passed by the House on April 30, 2003, by a non-record vote.

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Chief Clerk of the House

I certify that H.B. No. 3508 was passed by the Senate on May 20, 2003, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor