(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) The general law relating to consent by political subdivisions to the creation of districts with conservation, reclamation, and road powers and the inclusion of land in those districts has been complied with.

(e) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed the Senate on May 11, 2009: Yeas 31, Nays 0; passed the House on May 26, 2009: Yeas 140, Nays 1, one present not voting.

Approved June 19, 2009.


CHAPTER 588

S.B. No. 2479

AN ACT

relating to the creation of the Country Place Management District; providing authority to impose an assessment, impose a tax, and issue bonds.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3875 to read as follows:

CHAPTER 3875. COUNTRY PLACE MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3875.001. DEFINITIONS. In this chapter:

(1) “Board” means the district’s board of directors.

(2) “Director” means a board member.

(3) “District” means the Country Place Management District.

Sec. 3875.002. NATURE OF DISTRICT. The Country Place Management District is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3875.003. 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 the City of Pearland, Brazoria County, 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 district.

(c) This chapter and the creation of the district may not be interpreted to relieve the City of Pearland and Brazoria County from providing the level of services provided, as of the effective date of the Act enacting this chapter, to the area in the district. The district is
created to supplement and not to supplant the city or county services provided in the area in
the district.

Sec. 3875.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is
created to serve a public use and benefit.

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

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

(1) further the public purposes of developing and diversifying the economy of the state;
(2) eliminate unemployment and underemployment; and
(3) develop or expand transportation and commerce.

(d) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential
employees, employees, visitors, and consumers in the district, and of the public;
(2) provide needed funding for the district to preserve, maintain, and enhance the
economic health and vitality of the district territory as a community and business center,
including funding for the ownership, operation, and maintenance of public recreational
facilities, including parks, trails, green space, golf, and other sporting facilities that benefit
the district;
(3) promote the health, safety, welfare, and enjoyment of the public by providing
pedestrian ways and by landscaping and developing certain areas in the district, which
are necessary for the restoration, preservation, and enhancement of scenic beauty;
(4) provide funding for public improvements, including drainage facilities, beautifica-
tion projects, and identification and directional signage;
(5) provide for water, wastewater, drainage, water reuse, solid waste collection, and
recycling for the district; and
(6) provide street and road improvements.

(e) Pedestrian ways along or across a street, whether at grade or above or below the
surface, and street lighting, street landscaping, parking, walls and sound barriers, and street
art objects are parts of and necessary components of a street and are considered to be a street
or road improvement.

(f) The district will not act as the agent or instrumentality of any private interest even
though the district will benefit many private interests as well as the public.

Sec. 3875.005. INITIAL DISTRICT TERRITORY. (a) The district is initially com-
posed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundary description contained in Section 2 of the Act enacting this chapter forms
a closure. A mistake in the boundary description does not affect the district's:

(1) organization, existence, or validity;
(2) right to issue any type of bond for the purposes for which the district is created or to
pay the principal of and interest on the bond;
(3) right to impose or collect an assessment or tax; or
(4) legality or operation.

Sec. 3875.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. All or any part
of the area of the district is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code;
(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code; or
(3) an enterprise zone created under Chapter 2303, Government Code.

Sec. 3875.007. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW.
Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies
to the district.
Sec. 3875.008. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

[Sections 3875.009-3875.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3875.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five directors who serve staggered terms of four years. Two or three directors shall be elected each even-numbered year on the uniform election date in May established by the Election Code.

(b) Section 49.052, Water Code, applies to the district and directors.

(c) A director may also serve as a director of Brazoria County Municipal Utility District No. 4. The director is not entitled to remuneration from the district while serving in both positions.

Sec. 3875.052. CONFIRMATION ELECTION REQUIRED. (a) The initial directors shall hold an election to confirm the creation of the district. If an election to confirm the creation of the district does not pass, the initial directors may call subsequent elections to confirm the creation of the district without further approval.

(b) Subchapter D, Chapter 49, Water Code, applies to the district and directors.

(c) Section 375.063, Local Government Code, does not apply to the district.

Sec. 3875.053. INITIAL DIRECTORS. (a) The initial board consists of the following directors:

<table>
<thead>
<tr>
<th>Pos. No.</th>
<th>Name of Director</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Jack Banowsky</td>
</tr>
<tr>
<td>2</td>
<td>Charles A. Mills</td>
</tr>
<tr>
<td>3</td>
<td>Hugh S. Pylant</td>
</tr>
<tr>
<td>4</td>
<td>Terry Gray</td>
</tr>
<tr>
<td>5</td>
<td>Paul West</td>
</tr>
</tbody>
</table>

(b) Of the initial directors, the terms of directors appointed for positions 1 through 3 expire May 2010, and the terms of directors appointed for positions 4 and 5 expire May 2012.

(c) Section 3875.052 does not apply to this section.

(d) This section expires September 1, 2013.

Sec. 3875.054. QUORUM. For purposes of determining the requirements for a quorum of the board, the following are not counted:

1. a board position vacant for any reason, including death, resignation, or disqualification; or
2. a director who is abstaining from participation in a vote because of a conflict of interest.

Sec. 3875.055. COMPENSATION. Except as provided by Section 3875.051(c), a director is entitled to receive fees of office and reimbursement for actual expenses as provided by Section 49.060, Water Code. Sections 375.069 and 375.070, Local Government Code, do not apply to the board.

[Sections 3875.056-3875.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3875.101. DEVELOPMENT CORPORATION POWERS. The district may exercise the powers given to a development corporation under Chapter 505, Local Government Code, including the power to own, operate, acquire, construct, lease, improve, or maintain a project described by that chapter.
Sec. 3875.102. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

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

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

(c) The board shall appoint the board of directors of the nonprofit corporation. The board of directors of the nonprofit corporation shall serve in the same manner as the board of directors of a local government corporation created under Chapter 431, Transportation Code, except that a board member is not required to reside in the district.

Sec. 3875.103. AGREEMENTS; GRANTS. (a) The district may make an agreement with or accept a gift, grant, or loan from any person.

(b) The implementation of a project is a governmental function or service for the purposes of Chapter 791, Government Code.

Sec. 3875.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT. To protect the public interest, the district may contract with a qualified party, including Brazoria County or the City of Pearland, for the provision of law enforcement services in the district for a fee.

Sec. 3875.105. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The district may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a district purpose.

Sec. 3875.106. ECONOMIC DEVELOPMENT PROGRAMS. (a) The district may establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

(1) make loans and grants of public money; and

(2) provide district personnel and services.

(b) For purposes of this section, the district has all of the powers of a municipality under Chapter 380, Local Government Code.

Sec. 3875.107. NO EMINENT DOMAIN. The district may not exercise the power of eminent domain.

Sec. 3875.108. ANNEXATION OR EXCLUSION OF LAND. (a) The district may annex land as provided by Subchapter J, Chapter 49, Water Code.

(b) The district may exclude land as provided by Subchapter J, Chapter 49, Water Code. Section 375.044(b), Local Government Code, does not apply to the district.

[Sections 3875.109–3875.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 3875.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of the district's money.

Sec. 3875.152. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may acquire, construct, finance, operate, or maintain any improvement or service authorized under this chapter or Chapter 375, Local Government Code, using any money available to the district.

Sec. 3875.153. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board.

(b) A petition filed under Subsection (a) must be signed by the owners of a majority of the assessed value of real property in the district subject to the assessment according to the most recent certified tax appraisal roll for Brazoria County.
Sec. 3875.154. METHOD OF NOTICE FOR HEARING. The district may mail the notice required by Section 375.115(c), Local Government Code, by certified or first class United States mail. The board shall determine the method of notice.

Sec. 3875.155. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district. Section 375.114, Local Government Code, does not apply to the district.

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

(1) are a first and prior lien against the property assessed;
(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and
(3) are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

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

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

Sec. 3875.156. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND ASSESSMENTS. The district may not impose an impact fee or assessment on the property, including the equipment, rights-of-way, facilities, or improvements, of:

(1) an electric utility or a power generation company as defined by Section 31.002, Utilities Code;
(2) a gas utility as defined by Section 101.003 or 121.001, Utilities Code;
(3) a telecommunications provider as defined by Section 51.002, Utilities Code; or
(4) a person who provides to the public cable television or advanced telecommunications services.

Sec. 3875.157. RESIDENTIAL PROPERTY. Section 375.161, Local Government Code, does not apply to a tax imposed by the district or a requirement for payment for a service provided by the district.

Sec. 3875.158. AD VALOREM TAX. (a) If authorized at an election held in accordance with Section 3875.162, the district may impose an ad valorem tax on taxable property in the district in accordance with Section 49.107, Water Code, for any district purpose, including to:

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

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

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

Sec. 3875.159. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.
Sec. 3875.160. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS. (a) The district may borrow money on terms and conditions as determined by the board. Section 375.205, Local Government Code, does not apply to a loan, line of credit, or other borrowing from a bank or financial institution secured by revenue other than ad valorem taxes.

(b) The district may issue by competitive bid or negotiated sale bonds, notes, or other obligations payable wholly or partly from ad valorem taxes, assessments, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources of money, to pay for any authorized district purpose.

(c) The limitation on the outstanding principal amount of bonds, notes, and other obligations provided by Section 375.205, Local Government Code, does not apply to the district.

Sec. 3875.161. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the imposition of a continuing direct annual ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 3875.162. ELECTIONS REGARDING TAXES AND BONDS. (a) The district may issue, without an election, bonds, notes, and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 3875.159.

(b) The district must hold an election in the manner provided by Subchapter L, Chapter 375, Local Government Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) Section 375.243, Local Government Code, does not apply to the district.

(d) All or any part of any facilities or improvements that the district may acquire by the issuance of its bonds may be submitted as a single proposition or as several propositions to be voted on at the election.

Sec. 3875.163. CITY APPROVAL. (a) Except as provided by Subsection (c), the district must obtain the approval of the City of Pearland’s governing body for the issuance of bonds for each improvement project.

(b) The governing body of the City of Pearland must provide the approval required for the issuance of bonds under Subsection (a) by adoption of an ordinance or resolution.

(c) The district may obtain any other city approval required by this chapter by permit or other city administrative process that does not involve the City of Pearland’s governing body.

Sec. 3875.164. CITY NOT REQUIRED TO PAY DISTRICT OBLIGATIONS. Except as provided by Section 375.263, Local Government Code, the City of Pearland is not required to pay a bond, note, or other obligation of the district.

Sec. 3875.165. COMPETITIVE BIDDING. Subchapter I, Chapter 49, Water Code, applies to the district. Subchapter K, Chapter 375, Local Government Code, does not apply to the district.

Sec. 3875.166. TAX AND ASSESSMENT ABATEMENTS. The district may grant in the manner authorized by Chapter 312, Tax Code, an abatement for a tax or assessment owed to the district.

Sec. 3875.167. USAGE FEES. The board of directors may set, charge, impose, and collect fees, charges, or tolls for the use of any district facilities.

[Sections 3875.168-3875.200 reserved for expansion]

SUBCHAPTER E. DISSOLUTION

Sec. 3875.201. DISSOLUTION OF DISTRICT. (a) The board of directors may vote to dissolve the district regardless of the district’s outstanding debt. Section 375.264, Local Government Code, does not apply to the district.

(b) If the district has outstanding debt when it is dissolved, the district shall remain in existence solely for the purpose of discharging its debts. The dissolution is effective when all debts of the district have been discharged.
SECTION 2. The Country Place Management District initially includes all territory contained in the boundaries of the Brazoria County Municipal Utility District No. 4, as those boundaries existed on January 1, 2009.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) The general law relating to consent by political subdivisions to the creation of districts with conservation, reclamation, and road powers and the inclusion of land in those districts has been complied with.

(e) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed the Senate on April 28, 2009: Yeas 31, Nays 0; passed the House on May 25, 2009: Yeas 142, Nays 0, one present not voting.

Approved June 19, 2009.


CHAPTER 589

S.B. No. 2480

AN ACT

relating to the board of navigation and canal commissioners of the Matagorda County Navigation District No. 1.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle A, Title 5, Special District Local Laws Code, is amended by adding Chapter 5006 to read as follows:

CHAPTER 5006. MATAGORDA COUNTY NAVIGATION DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 5006.001. DEFINITIONS. In this chapter:

(1) “Board” means the board of navigation and canal commissioners of the district.

(2) “Commissioner” means a member of the board.

(3) “District” means the Matagorda County Navigation District No. 1.

[Sections 5006.002-5006.050 reserved for expansion]