

By: Jackson

S.B. No. 1805

Substitute the following for S.B. No. 1805:

By: Wong

C.S.S.B. No. 1805

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Galveston County Management District No. 1; providing authority to levy an assessment, impose a tax, and issue bonds.

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

SECTION 1. GALVESTON COUNTY MANAGEMENT DISTRICT NO. 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3841 to read as follows:

CHAPTER 3841. GALVESTON COUNTY MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3841.001. DEFINITIONS. In this chapter:

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

(2) "District" means the Galveston County Management District No. 1.

Sec. 3841.002. GALVESTON COUNTY MANAGEMENT DISTRICT NO. 1.

The Galveston County Management District No. 1 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3841.003. 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 League City, Galveston County, 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 area of the district.

9 (c) This chapter and the creation of the district may not be  
10 interpreted to relieve Galveston County or the City of League City  
11 from providing the level of services provided as of the effective  
12 date of the Act enacting this chapter to the area in the district.  
13 The district is created to supplement and not to supplant the county  
14 or city services provided in the area in the district.

15 Sec. 3841.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

16 (a) The district is created to serve a public use and benefit.

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

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

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

26 (2) eliminate unemployment and underemployment; and

27 (3) develop or expand transportation and commerce.

1       (d) The district will:

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

5           (2) provide needed funding for the district to  
6 preserve, maintain, and enhance the economic health and vitality of  
7 the district territory as a community and business center; and

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

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

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

20       Sec. 3841.005. DISTRICT TERRITORY. (a) The district is  
21 composed of the territory described by Section 2 of the Act enacting  
22 this chapter, as that territory may have been modified under:

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

24           (2) other law.

25       (b) The boundaries and field notes of the district contained  
26 in Section 2 of the Act enacting this chapter form a closure. A  
27 mistake in the field notes or in copying the field notes in the

1 legislative process does not in any way affect the district's:

2 (1) organization, existence, or validity;

3 (2) right to issue any type of bond for a purpose for  
4 which the district is created or to pay the principal of and  
5 interest on the bond;

6 (3) right to impose or collect an assessment or tax; or

7 (4) legality or operation.

8 Sec. 3841.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

9 All or any part of the area of the district is eligible to be  
10 included in:

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

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

15 (3) an enterprise zone created by the City of League  
16 City under Chapter 2303, Government Code.

17 Sec. 3841.007. APPLICABILITY OF MUNICIPAL MANAGEMENT  
18 DISTRICTS LAW. Except as otherwise provided by this chapter,  
19 Chapter 375, Local Government Code, applies to the district.

20 Sec. 3841.008. LIBERAL CONSTRUCTION OF CHAPTER. This  
21 chapter shall be liberally construed in conformity with the  
22 findings and purposes stated in this chapter.

23 [Sections 3841.009-3841.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 3841.051. BOARD OF DIRECTORS; TERMS. (a) The  
26 district is governed by a board of five voting directors who serve  
27 staggered terms of four years, with two or three directors' terms

1 expiring June 1 of each odd-numbered year.

2 (b) The board by resolution may change the number of voting  
3 directors on the board, but only if the board determines that the  
4 change is in the best interest of the district. The board may not  
5 consist of fewer than five or more than 15 voting directors.

6 Sec. 3841.052. APPOINTMENT OF DIRECTORS. The Texas  
7 Commission on Environmental Quality shall appoint voting directors  
8 from persons recommended by the board.

9 Sec. 3841.053. NONVOTING DIRECTORS. The board may appoint  
10 nonvoting directors to serve at the pleasure of the voting  
11 directors.

12 Sec. 3841.054. QUORUM. For purposes of determining the  
13 requirements for a quorum of the board, the following are not  
14 counted:

15 (1) a board position vacant for any reason, including  
16 death, resignation, or disqualification;

17 (2) a director who is abstaining from participation in  
18 a vote because of a conflict of interest; or

19 (3) a nonvoting director.

20 Sec. 3841.055. INITIAL VOTING DIRECTORS. (a) The initial  
21 board consists of the following voting directors:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Brian K. Yates</u>
<u>2</u>	<u>E. John Justema</u>
<u>3</u>	<u>Tod A. Ruble</u>
<u>4</u>	<u>Steve Whynott</u>
<u>5</u>	<u>David R. Hearne</u>

1 (b) Of the initial directors, the terms of directors  
2 appointed for positions 1 through 3 expire June 1, 2007, and the  
3 terms of directors appointed for positions 4 and 5 expire June 1,  
4 2009.

5 (c) Section 3841.052 does not apply to this section.

6 (d) This section expires September 1, 2010.

7 [Sections 3841.056-3841.100 reserved for expansion]

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 3841.101. ADDITIONAL POWERS OF DISTRICT. The district  
10 may exercise the powers given to:

11 (1) an economic development corporation under Section  
12 4B, Development Corporation Act of 1979 (Article 5190.6, Vernon's  
13 Texas Civil Statutes), including the power to own, operate,  
14 acquire, construct, lease, improve, or maintain a project described  
15 by that section; and

16 (2) a housing finance corporation under Chapter 394,  
17 Local Government Code, to provide housing or residential  
18 development projects in the district.

19 Sec. 3841.102. NONPROFIT CORPORATION. (a) The board by  
20 resolution may authorize the creation of a nonprofit corporation to  
21 assist and act for the district in implementing a project or  
22 providing a service authorized by this chapter.

23 (b) The nonprofit corporation:

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

27 (2) may implement any project and provide any service

1 authorized by this chapter.

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

8 Sec. 3841.103. AGREEMENTS; GRANTS. (a) The district may  
9 make an agreement with or accept a gift, grant, or loan from any  
10 person.

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

14 Sec. 3841.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.  
15 To protect the public interest, the district may contract with a  
16 qualified party, including Galveston County or the City of League  
17 City, for the county or the city to provide law enforcement services  
18 in the district for a fee.

19 Sec. 3841.105. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The  
20 district may join and pay dues to an organization that:

21 (1) enjoys tax-exempt status under Section 501(c)(3),  
22 (4), or (6), Internal Revenue Code of 1986; and

23 (2) performs a service or provides an activity  
24 consistent with the furtherance of a district purpose.

25 Sec. 3841.106. ECONOMIC DEVELOPMENT PROGRAMS. (a) The  
26 district may establish and provide for the administration of one or  
27 more programs to promote state or local economic development and to

1 stimulate business and commercial activity in the district,  
2 including programs to:

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

4 (2) provide district personnel and services.

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

8 Sec. 3841.107. NO EMINENT DOMAIN. The district may not  
9 exercise the power of eminent domain.

10 [Sections 3841.108-3841.150 reserved for expansion]

11 SUBCHAPTER D. FINANCIAL PROVISIONS

12 Sec. 3841.151. 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.

16 Sec. 3841.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.  
17 The district may acquire, construct, finance, operate, or maintain  
18 any improvement or service authorized under this chapter or Chapter  
19 375, Local Government Code, using any money available to the  
20 district.

21 Sec. 3841.153. PETITION REQUIRED FOR FINANCING SERVICES AND  
22 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a  
23 service or improvement project with assessments under this chapter  
24 unless a written petition requesting that service or improvement  
25 has been filed with the board.

26 (b) A petition filed under Subsection (a) must be signed by:

27 (1) the owners of a majority of the assessed value of



1 real property in the district subject to assessment according to  
2 the most recent certified tax appraisal roll for Galveston County;  
3 or

4 (2) at least 50 persons who own real property in the  
5 district, if more than 50 persons own real property in the district  
6 as determined by the most recent certified tax appraisal roll for  
7 Galveston County.

8 Sec. 3841.154. METHOD OF NOTICE FOR HEARING. The district  
9 may mail the notice required by Section 375.115(c), Local  
10 Government Code, by certified United States mail or an equivalent  
11 service that can provide a record of mailing or other delivery.

12 Sec. 3841.155. ASSESSMENTS; LIENS FOR ASSESSMENTS.

13 (a) The board by resolution may impose and collect an assessment  
14 for any purpose authorized by this chapter in all or any part of the  
15 district.

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

21 (1) are a first and prior lien against the property  
22 assessed;

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

26 (3) are the personal liability of and a charge against  
27 the owners of the property even if the owners are not named in the

1 assessment proceedings.

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

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

10 Sec. 3841.156. AD VALOREM TAX. (a) If authorized at an  
11 election held in accordance with Section 3841.160, the district may  
12 impose an annual ad valorem tax on taxable property in the district  
13 for any district purpose, including to:

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

17 (b) The board shall determine the tax rate.

18 Sec. 3841.157. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND  
19 ASSESSMENTS. The district may not impose an impact fee or  
20 assessment on the property, including the equipment,  
21 rights-of-way, facilities, or improvements, of:

22 (1) an electric utility or a power generation company  
23 as defined by Section 31.002, Utilities Code;

24 (2) a gas utility as defined by Section 101.003 or  
25 121.001, Utilities Code;

26 (3) a telecommunications provider as defined by  
27 Section 51.002, Utilities Code; or

1           (4) a person who provides to the public cable  
2 television or advanced telecommunications services.

3           Sec. 3841.158. BONDS AND OTHER OBLIGATIONS. (a) The  
4 district may issue bonds or other obligations, by competitive bid  
5 or negotiated sale, payable wholly or partly from ad valorem taxes,  
6 assessments, impact fees, revenue, grants, or other money of the  
7 district, or any combination of those sources of money, to pay for  
8 any authorized purpose of the district.

9           (b) The district may issue a bond or other obligation in the  
10 form of a bond, note, certificate of participation or other  
11 instrument evidencing a proportionate interest in payments to be  
12 made by the district, or other type of obligation.

13           Sec. 3841.159. TAXES FOR BONDS AND OTHER OBLIGATIONS. At  
14 the time bonds or other obligations payable wholly or partly from ad  
15 valorem taxes are issued:

16           (1) the board shall impose a continuing direct annual  
17 ad valorem tax, without limit as to rate or amount, for each year  
18 that all or part of the bonds are outstanding; and

19           (2) the district annually shall impose the continuing  
20 direct ad valorem tax on all taxable property in the district in an  
21 amount sufficient to:

22                   (A) pay the interest on the bonds or other  
23 obligations as the interest becomes due;

24                   (B) create a sinking fund for the payment of the  
25 principal of the bonds or other obligations when due or the  
26 redemption price at any earlier required redemption date; and

27                   (C) pay the expenses of imposing the taxes.

1       Sec. 3841.160. TAX AND BOND ELECTIONS. (a) The district  
2 shall hold an election in the manner provided by Subchapter L,  
3 Chapter 375, Local Government Code, to obtain voter approval before  
4 the district imposes an ad valorem tax or issues bonds payable from  
5 ad valorem taxes.

6       (b) Section 375.243, Local Government Code, does not apply  
7 to the district.

8       Sec. 3841.161. CITIES NOT REQUIRED TO PAY DISTRICT  
9 OBLIGATIONS. Except as provided by Section 375.263, Local  
10 Government Code, the City of League City is not required to pay a  
11 bond, note, or other obligation of the district.

12       Sec. 3841.162. COMPETITIVE BIDDING. Section 375.221, Local  
13 Government Code, applies to the district only for a contract that  
14 has a value greater than \$25,000.

15       Sec. 3841.163. TAX AND ASSESSMENT ABATEMENTS. The district  
16 may grant in the manner authorized by Chapter 312, Tax Code, an  
17 abatement for a tax or assessment owed to the district.

18       [Sections 3841.164-3841.200 reserved for expansion]

19                               SUBCHAPTER E. DISSOLUTION

20       Sec. 3841.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
21 DEBT. (a) The board may dissolve the district regardless of  
22 whether the district has debt. Section 375.264, Local Government  
23 Code, does not apply to the district.

24       (b) If the district has debt when it is dissolved, the  
25 district shall remain in existence solely for the purpose of  
26 discharging its debts. The dissolution is effective when all debts  
27 have been discharged.

1 SECTION 2. BOUNDARIES. As of the effective date of this  
2 Act, the Galveston County Management District No. 1 includes all  
3 territory contained in the following described area:

4 All that certain 98.86 acre tract of land located in the STEPHEN F.  
5 AUSTIN SURVEY, ABSTRACT 3, Galveston County, Texas, being the  
6 remainder of a 76.3820 acre tract called Tract A (a portion of which  
7 is out of Lot 11, Block B, CLEAR CREEK SUBDIVISION, a subdivision in  
8 Galveston County, according to the map or plat recorded in Volume  
9 119, Page 67), a 0.515 acre tract called Tract B (out of said Lot 11)  
10 and a 3.00 acre tract called Tract C all described in a deed  
11 recorded under Film Code No. 006-07-1921, a 44.2763 acre tract  
12 described in a deed recorded under Film Code No. 017-24-1293, and a  
13 2.36 acre tract out of BIG LEAGUE DREAMS, recorded in Plat No.  
14 2005A, Map No. 72 all deeds and maps recorded in the Office of the  
15 County Clerk of Galveston County and being more particularly  
16 described by metes and bounds as follows:

17 BEGINNING at a 2 inch iron pipe found marking the Southeast corner  
18 of said Lot 11 of CLEAR CREEK SUBDIVISION;

19 THENCE N 00°53'20" W, along the East line of said Lot 11 a distance  
20 of 565.90 feet to a point for corner, from which a fence corner  
21 bears S 72°22'01" W, 2.63 feet;

22 THENCE S 89°07'15" W, a distance of 746.38 feet (called 747.94 feet)  
23 to a point for corner on the East line of Calder Road (50 foot  
24 right-of-way), from which a 1/2 inch iron rod bears  
25 S 17°07'25" W, 0.86 feet;

26 THENCE N 00°53'20" W, along the East line of Calder Road a distance  
27 of 30.00 feet to a point for corner, from which a 60D nail bears S

1 56°56'32" E, 1.41 feet;  
2 THENCE N 89°07'15" E, a distance of 746.38 feet (called 748.95 feet)  
3 p  
4 to a point for corner on the East line of said Lot 11, from which a  
5 1/2 inch iron rod bears S 53°59'49" E, 0.81 feet;  
6 THENCE N 00°53'20" W, along the East line of said Lot 11 a distance  
7 of 60.00 feet to a point for corner, from which a 60D nail bears S  
8 47°39'50" E, 1.64 feet;  
9 THENCE S 89°07'15" W, a distance of 746.38 feet (called 747.79 feet)  
10 to a point for corner on the East line of said Calder Road;  
11 THENCE N 00°53'20" W, along the East line of said Calder Road a  
12 distance of 192.11 feet to a point for corner, from which a 1/2 inch  
13 iron rod bears S 62°02'39" W, 1.60 feet;  
14 THENCE N 89°07'15" E, a distance of 746.38 feet (called 748.10 feet)  
15 to a 1/2 inch iron rod with cap stamped "GeoSurv" found for corner;  
16 THENCE N 00°53'20" W, along the East line of said Lot 11 a distance  
17 of 282.36 feet to a point for corner, being the Northeast corner of  
18 Lot 11, the same being the Southeast corner of said Lot 10, from  
19 which a 3/4 inch iron pipe bears S 43°48'04" W, 1.61 feet;  
20 THENCE S 89°06'40" W, along the common line of Lots 10 and 11, the  
21 same being the South line of Big League Parkway (70 foot  
22 right-of-way) as shown on said plat of BIG LEAGUE DREAMS a distance  
23 of 746.38 feet to an iron rod with cap stamped "GeoSurv" found for  
24 corner on the East line of said Calder Road;  
25 THENCE N 00°53'20" W, along the East line of Calder Road, the same  
26 being the West line of Lot 10 a distance of 70.00 feet to a point for  
27 corner;

1 THENCE N 89°06'40" E, along the North line of said Big League  
2 Parkway, the same being the South line of Reserve 'A' of said BIG  
3 LEAGUE DREAMS a distance of 1236.18 feet to the Point of Curve of a  
4 curve to the left having a central angle of 11°28'42" and a radius of  
5 1065.00 feet;  
6 THENCE continuing along the North line of Big League Parkway and the  
7 South line of said Reserve 'A', curving to the left, an arc distance  
8 of 213.36 feet (chord bears N 83°22'19" E, 213.00 feet) to an iron  
9 rod with cap stamped "GeoSurv" found for corner;  
10 THENCE N 00°53'20" W, along the East line of said Reserve 'A' a  
11 distance of 1194.49 feet to an iron rod with cap stamped "GeoSurv"  
12 found for corner;  
13 THENCE N 88°26'53" E, a distance of 706.40 feet to an iron rod with  
14 cap stamped "GeoSurv" found for corner on the Westerly line of  
15 Interstate Highway 45 (300 foot right-of-way);  
16 THENCE S 27°32'00" E, along the Westerly line of Interstate Highway  
17 45 a distance of 1418.63 feet to an iron rod with cap stamped  
18 "GeoSurv" found for the Point of Curve of a curve to the left having  
19 a central angle of 07°42'21" and a radius of 5877.65 feet;  
20 THENCE continuing along the Westerly line of Interstate Highway 45  
21 curving to the left an arc distance of 790.49 feet (chord bears S  
22 31°17'56" E, 789.89 feet) to an iron rod with cap stamped "GeoSurv"  
23 set for Point of Tangent;  
24 THENCE S 35°09'41" E, continuing along the Westerly line of  
25 Interstate Highway 45 a distance of 483.31 feet to an angle point,  
26 from which a 1 inch iron pipe bears S 87°42'43" E, 0.61 feet;  
27 THENCE S 00°32'16" W, continuing along the Westerly line of

1 Interstate Highway 45 a distance of 77.21 feet to a point for  
2 corner, from which a 1 inch iron pipe bears N 89°08'30" E, 1.20 feet;  
3 THENCE S 89°08'30" W, a distance of 2714.35 feet to the POINT OF  
4 BEGINNING and containing 98.86 acres of land.

5 SECTION 3. LEGISLATIVE FINDINGS. The legislature finds  
6 that:

7 (1) proper and legal notice of the intention to  
8 introduce this Act, setting forth the general substance of this  
9 Act, has been published as provided by law, and the notice and a  
10 copy of this Act have been furnished to all persons, agencies,  
11 officials, or entities to which they are required to be furnished by  
12 the constitution and laws of this state, including the governor,  
13 who has submitted the notice and Act to the Texas Commission on  
14 Environmental Quality;

15 (2) the Texas Commission on Environmental Quality has  
16 filed its recommendations relating to this Act with the governor,  
17 lieutenant governor, and speaker of the house of representatives  
18 within the required time;

19 (3) the general law relating to consent by political  
20 subdivisions to the creation of districts with conservation,  
21 reclamation, and road powers and the inclusion of land in those  
22 districts has been complied with; and

23 (4) all requirements of the constitution and laws of  
24 this state and the rules and procedures of the legislature with  
25 respect to the notice, introduction, and passage of this Act have  
26 been fulfilled and accomplished.

27 SECTION 4. EFFECTIVE DATE. This Act takes effect



C.S.S.B. No. 1805

1 immediately if it receives a vote of two-thirds of all the members  
2 elected to each house, as provided by Section 39, Article III, Texas  
3 Constitution. If this Act does not receive the vote necessary for  
4 immediate effect, this Act takes effect September 1, 2005.