

1-1 By: Jackson S.B. No. 2479
1-2 (In the Senate - Filed March 31, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 17, 2009, reported favorably by the following
1-5 vote: Yeas 4, Nays 0; April 17, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation of the Country Place Management District;
1-9 providing authority to impose an assessment, impose a tax, and
1-10 issue bonds.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Subtitle C, Title 4, Special District Local Laws
1-13 Code, is amended by adding Chapter 3875 to read as follows:

1-14 CHAPTER 3875. COUNTRY PLACE MANAGEMENT DISTRICT

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 3875.001. DEFINITIONS. In this chapter:

1-17 (1) "Board" means the district's board of directors.

1-18 (2) "Director" means a board member.

1-19 (3) "District" means the Country Place Management
1-20 District.

1-21 Sec. 3875.002. NATURE OF DISTRICT. The Country Place
1-22 Management District is a special district created under Section 59,
1-23 Article XVI, Texas Constitution.

1-24 Sec. 3875.003. PURPOSE; DECLARATION OF INTENT. (a) The
1-25 creation of the district is essential to accomplish the purposes of
1-26 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
1-27 Texas Constitution, and other public purposes stated in this
1-28 chapter. By creating the district and in authorizing the City of
1-29 Pearland, Brazoria County, and other political subdivisions to
1-30 contract with the district, the legislature has established a
1-31 program to accomplish the public purposes set out in Section 52-a,
1-32 Article III, Texas Constitution.

1-33 (b) The creation of the district is necessary to promote,
1-34 develop, encourage, and maintain employment, commerce,
1-35 transportation, housing, tourism, recreation, the arts,
1-36 entertainment, economic development, safety, and the public
1-37 welfare in the district.

1-38 (c) This chapter and the creation of the district may not be
1-39 interpreted to relieve the City of Pearland and Brazoria County
1-40 from providing the level of services provided, as of the effective
1-41 date of the Act enacting this chapter, to the area in the district.
1-42 The district is created to supplement and not to supplant the city
1-43 or county services provided in the area in the district.

1-44 Sec. 3875.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1-45 (a) The district is created to serve a public use and benefit.

1-46 (b) All land and other property included in the district
1-47 will benefit from the improvements and services to be provided by
1-48 the district under powers conferred by Sections 52 and 52-a,
1-49 Article III, and Section 59, Article XVI, Texas Constitution, and
1-50 other powers granted under this chapter.

1-51 (c) The creation of the district is in the public interest
1-52 and is essential to:

1-53 (1) further the public purposes of developing and
1-54 diversifying the economy of the state;

1-55 (2) eliminate unemployment and underemployment; and

1-56 (3) develop or expand transportation and commerce.

1-57 (d) The district will:

1-58 (1) promote the health, safety, and general welfare of
1-59 residents, employers, potential employees, employees, visitors,
1-60 and consumers in the district, and of the public;

1-61 (2) provide needed funding for the district to
1-62 preserve, maintain, and enhance the economic health and vitality of
1-63 the district territory as a community and business center,
1-64 including funding for the ownership, operation, and maintenance of

2-1 public recreational facilities, including parks, trails, green
2-2 space, golf, and other sporting facilities that benefit the
2-3 district;

2-4 (3) promote the health, safety, welfare, and enjoyment
2-5 of the public by providing pedestrian ways and by landscaping and
2-6 developing certain areas in the district, which are necessary for
2-7 the restoration, preservation, and enhancement of scenic beauty;

2-8 (4) provide funding for public improvements,
2-9 including drainage facilities, beautification projects, and
2-10 identification and directional signage;

2-11 (5) provide for water, wastewater, drainage, water
2-12 reuse, solid waste collection, and recycling for the district; and

2-13 (6) provide street and road improvements.

2-14 (e) Pedestrian ways along or across a street, whether at
2-15 grade or above or below the surface, and street lighting, street
2-16 landscaping, parking, walls and sound barriers, and street art
2-17 objects are parts of and necessary components of a street and are
2-18 considered to be a street or road improvement.

2-19 (f) The district will not act as the agent or
2-20 instrumentality of any private interest even though the district
2-21 will benefit many private interests as well as the public.

2-22 Sec. 3875.005. INITIAL DISTRICT TERRITORY. (a) The
2-23 district is initially composed of the territory described by
2-24 Section 2 of the Act enacting this chapter.

2-25 (b) The boundary description contained in Section 2 of the
2-26 Act enacting this chapter forms a closure. A mistake in the
2-27 boundary description does not affect the district's:

2-28 (1) organization, existence, or validity;

2-29 (2) right to issue any type of bond for the purposes
2-30 for which the district is created or to pay the principal of and
2-31 interest on the bond;

2-32 (3) right to impose or collect an assessment or tax; or

2-33 (4) legality or operation.

2-34 Sec. 3875.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.
2-35 All or any part of the area of the district is eligible to be
2-36 included in:

2-37 (1) a tax increment reinvestment zone created under
2-38 Chapter 311, Tax Code;

2-39 (2) a tax abatement reinvestment zone created under
2-40 Chapter 312, Tax Code; or

2-41 (3) an enterprise zone created under Chapter 2303,
2-42 Government Code.

2-43 Sec. 3875.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
2-44 DISTRICTS LAW. Except as otherwise provided by this chapter,
2-45 Chapter 375, Local Government Code, applies to the district.

2-46 Sec. 3875.008. LIBERAL CONSTRUCTION OF CHAPTER. This
2-47 chapter shall be liberally construed in conformity with the
2-48 findings and purposes stated in this chapter.

2-49 [Sections 3875.009-3875.050 reserved for expansion]

2-50 SUBCHAPTER B. BOARD OF DIRECTORS

2-51 Sec. 3875.051. GOVERNING BODY; TERMS. (a) The district is
2-52 governed by a board of five directors who serve staggered terms of
2-53 four years. Two or three directors shall be elected each
2-54 even-numbered year on the uniform election date in May established
2-55 by the Election Code.

2-56 (b) Section 49.052, Water Code, applies to the district and
2-57 directors.

2-58 (c) A director may also serve as a director of Brazoria
2-59 County Municipal Utility District No. 4. The director is not
2-60 entitled to remuneration from the district while serving in both
2-61 positions.

2-62 Sec. 3875.052. CONFIRMATION ELECTION REQUIRED. (a) The
2-63 initial directors shall hold an election to confirm the creation of
2-64 the district. If an election to confirm the creation of the
2-65 district does not pass, the initial directors may call subsequent
2-66 elections to confirm the creation of the district without further
2-67 approval.

2-68 (b) Subchapter D, Chapter 49, Water Code, applies to the
2-69 district and directors.

3-1 (c) Section 375.063, Local Government Code, does not apply
3-2 to the district.

3-3 Sec. 3875.053. INITIAL DIRECTORS. (a) The initial board
3-4 consists of the following directors:

<u>Pos. No.</u>	<u>Name of Director</u>
1	Jack Banowsky
2	Charles A. Mills
3	Hugh S. Pylant
4	Terry Gray
5	Paul West

3-11 (b) Of the initial directors, the terms of directors
3-12 appointed for positions 1 through 3 expire May 2010, and the terms
3-13 of directors appointed for positions 4 and 5 expire May 2012.

3-14 (c) Section 3875.052 does not apply to this section.

3-15 (d) This section expires September 1, 2013.

3-16 Sec. 3875.054. QUORUM. For purposes of determining the
3-17 requirements for a quorum of the board, the following are not
3-18 counted:

3-19 (1) a board position vacant for any reason, including
3-20 death, resignation, or disqualification; or

3-21 (2) a director who is abstaining from participation in
3-22 a vote because of a conflict of interest.

3-23 Sec. 3875.055. COMPENSATION. Except as provided by Section
3-24 3875.051(c), a director is entitled to receive fees of office and
3-25 reimbursement for actual expenses as provided by Section 49.060,
3-26 Water Code. Sections 375.069 and 375.070, Local Government Code,
3-27 do not apply to the board.

3-28 [Sections 3875.056-3875.100 reserved for expansion]

3-29 SUBCHAPTER C. POWERS AND DUTIES

3-30 Sec. 3875.101. DEVELOPMENT CORPORATION POWERS. The
3-31 district may exercise the powers given to a development corporation
3-32 under Chapter 505, Local Government Code, including the power to
3-33 own, operate, acquire, construct, lease, improve, or maintain a
3-34 project described by that chapter.

3-35 Sec. 3875.102. NONPROFIT CORPORATION. (a) The board by
3-36 resolution may authorize the creation of a nonprofit corporation to
3-37 assist and act for the district in implementing a project or
3-38 providing a service authorized by this chapter.

3-39 (b) The nonprofit corporation:

3-40 (1) has each power of and is considered for purposes of
3-41 this chapter to be a local government corporation created under
3-42 Chapter 431, Transportation Code; and

3-43 (2) may implement any project and provide any service
3-44 authorized by this chapter.

3-45 (c) The board shall appoint the board of directors of the
3-46 nonprofit corporation. The board of directors of the nonprofit
3-47 corporation shall serve in the same manner as the board of directors
3-48 of a local government corporation created under Chapter 431,
3-49 Transportation Code, except that a board member is not required to
3-50 reside in the district.

3-51 Sec. 3875.103. AGREEMENTS; GRANTS. (a) The district may
3-52 make an agreement with or accept a gift, grant, or loan from any
3-53 person.

3-54 (b) The implementation of a project is a governmental
3-55 function or service for the purposes of Chapter 791, Government
3-56 Code.

3-57 Sec. 3875.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.
3-58 To protect the public interest, the district may contract with a
3-59 qualified party, including Brazoria County or the City of Pearland,
3-60 for the provision of law enforcement services in the district for a
3-61 fee.

3-62 Sec. 3875.105. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
3-63 district may join and pay dues to a charitable or nonprofit
3-64 organization that performs a service or provides an activity
3-65 consistent with the furtherance of a district purpose.

3-66 Sec. 3875.106. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
3-67 district may establish and provide for the administration of one or
3-68 more programs to promote state or local economic development and to
3-69 stimulate business and commercial activity in the district,

4-1 including programs to:
4-2 (1) make loans and grants of public money; and
4-3 (2) provide district personnel and services.
4-4 (b) For purposes of this section, the district has all of
4-5 the powers of a municipality under Chapter 380, Local Government
4-6 Code.
4-7 Sec. 3875.107. NO EMINENT DOMAIN. The district may not
4-8 exercise the power of eminent domain.
4-9 Sec. 3875.108. ANNEXATION OR EXCLUSION OF LAND. (a) The
4-10 district may annex land as provided by Subchapter J, Chapter 49,
4-11 Water Code.
4-12 (b) The district may exclude land as provided by Subchapter
4-13 J, Chapter 49, Water Code. Section 375.044(b), Local Government
4-14 Code, does not apply to the district.
4-15 [Sections 3875.109-3875.150 reserved for expansion]
4-16 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
4-17 Sec. 3875.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
4-18 board by resolution shall establish the number of directors'
4-19 signatures and the procedure required for a disbursement or
4-20 transfer of the district's money.
4-21 Sec. 3875.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.
4-22 The district may acquire, construct, finance, operate, or maintain
4-23 any improvement or service authorized under this chapter or Chapter
4-24 375, Local Government Code, using any money available to the
4-25 district.
4-26 Sec. 3875.153. PETITION REQUIRED FOR FINANCING SERVICES AND
4-27 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
4-28 service or improvement project with assessments under this chapter
4-29 unless a written petition requesting that service or improvement
4-30 has been filed with the board.
4-31 (b) A petition filed under Subsection (a) must be signed by
4-32 the owners of a majority of the assessed value of real property in
4-33 the district subject to the assessment according to the most recent
4-34 certified tax appraisal roll for Brazoria County.
4-35 Sec. 3875.154. METHOD OF NOTICE FOR HEARING. The district
4-36 may mail the notice required by Section 375.115(c), Local
4-37 Government Code, by certified or first class United States mail.
4-38 The board shall determine the method of notice.
4-39 Sec. 3875.155. ASSESSMENTS; LIENS FOR ASSESSMENTS.
4-40 (a) The board by resolution may impose and collect an assessment
4-41 for any purpose authorized by this chapter in all or any part of the
4-42 district. Section 375.114, Local Government Code, does not apply
4-43 to the district.
4-44 (b) An assessment, a reassessment, or an assessment
4-45 resulting from an addition to or correction of the assessment roll
4-46 by the district, penalties and interest on an assessment or
4-47 reassessment, an expense of collection, and reasonable attorney's
4-48 fees incurred by the district:
4-49 (1) are a first and prior lien against the property
4-50 assessed;
4-51 (2) are superior to any other lien or claim other than
4-52 a lien or claim for county, school district, or municipal ad valorem
4-53 taxes; and
4-54 (3) are the personal liability of and a charge against
4-55 the owners of the property even if the owners are not named in the
4-56 assessment proceedings.
4-57 (c) The lien is effective from the date of the board's
4-58 resolution imposing the assessment until the date the assessment is
4-59 paid. The board may enforce the lien in the same manner that the
4-60 board may enforce an ad valorem tax lien against real property.
4-61 (d) The board may make a correction to or deletion from the
4-62 assessment roll that does not increase the amount of assessment of
4-63 any parcel of land without providing notice and holding a hearing in
4-64 the manner required for additional assessments.
4-65 Sec. 3875.156. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
4-66 ASSESSMENTS. The district may not impose an impact fee or
4-67 assessment on the property, including the equipment,
4-68 rights-of-way, facilities, or improvements, of:
4-69 (1) an electric utility or a power generation company

5-1 as defined by Section 31.002, Utilities Code;
 5-2 (2) a gas utility as defined by Section 101.003 or
 5-3 121.001, Utilities Code;
 5-4 (3) a telecommunications provider as defined by
 5-5 Section 51.002, Utilities Code; or
 5-6 (4) a person who provides to the public cable
 5-7 television or advanced telecommunications services.
 5-8 Sec. 3875.157. RESIDENTIAL PROPERTY. Section 375.161,
 5-9 Local Government Code, does not apply to a tax imposed by the
 5-10 district or a requirement for payment for a service provided by the
 5-11 district.
 5-12 Sec. 3875.158. AD VALOREM TAX. (a) If authorized at an
 5-13 election held in accordance with Section 3875.162, the district may
 5-14 impose an ad valorem tax on taxable property in the district in
 5-15 accordance with Section 49.107, Water Code, for any district
 5-16 purpose, including to:
 5-17 (1) maintain and operate the district;
 5-18 (2) construct or acquire improvements; or
 5-19 (3) provide a service.
 5-20 (b) The board shall determine the tax rate. The rate may not
 5-21 exceed the rate approved at the election.
 5-22 (c) Section 49.107(h), Water Code, does not apply to the
 5-23 district.
 5-24 Sec. 3875.159. CONTRACT TAXES. (a) In accordance with
 5-25 Section 49.108, Water Code, the district may impose a tax other than
 5-26 an operation and maintenance tax and use the revenue derived from
 5-27 the tax to make payments under a contract after the provisions of
 5-28 the contract have been approved by a majority of the district voters
 5-29 voting at an election held for that purpose.
 5-30 (b) A contract approved by the district voters may contain a
 5-31 provision stating that the contract may be modified or amended by
 5-32 the board without further voter approval.
 5-33 Sec. 3875.160. AUTHORITY TO BORROW MONEY AND TO ISSUE
 5-34 BONDS. (a) The district may borrow money on terms and conditions
 5-35 as determined by the board. Section 375.205, Local Government
 5-36 Code, does not apply to a loan, line of credit, or other borrowing
 5-37 from a bank or financial institution secured by revenue other than
 5-38 ad valorem taxes.
 5-39 (b) The district may issue by competitive bid or negotiated
 5-40 sale bonds, notes, or other obligations payable wholly or partly
 5-41 from ad valorem taxes, assessments, impact fees, revenue, contract
 5-42 payments, grants, or other district money, or any combination of
 5-43 those sources of money, to pay for any authorized district purpose.
 5-44 (c) The limitation on the outstanding principal amount of
 5-45 bonds, notes, and other obligations provided by Section 49.4645,
 5-46 Water Code, does not apply to the district.
 5-47 Sec. 3875.161. TAXES FOR BONDS. At the time the district
 5-48 issues bonds payable wholly or partly from ad valorem taxes, the
 5-49 board shall provide for the imposition of a continuing direct
 5-50 annual ad valorem tax, without limit as to rate or amount, while all
 5-51 or part of the bonds are outstanding as required and in the manner
 5-52 provided by Sections 54.601 and 54.602, Water Code.
 5-53 Sec. 3875.162. ELECTIONS REGARDING TAXES AND BONDS.
 5-54 (a) The district may issue, without an election, bonds, notes, and
 5-55 other obligations secured by:
 5-56 (1) revenue other than ad valorem taxes; or
 5-57 (2) contract payments described by Section 3875.159.
 5-58 (b) The district must hold an election in the manner
 5-59 provided by Subchapter L, Chapter 375, Local Government Code, to
 5-60 obtain voter approval before the district may impose an ad valorem
 5-61 tax or issue bonds payable from ad valorem taxes.
 5-62 (c) Section 375.243, Local Government Code, does not apply
 5-63 to the district.
 5-64 (d) All or any part of any facilities or improvements that
 5-65 the district may acquire by the issuance of its bonds may be
 5-66 submitted as a single proposition or as several propositions to be
 5-67 voted on at the election.
 5-68 Sec. 3875.163. CITY APPROVAL. (a) Except as provided by
 5-69 Subsection (c), the district must obtain the approval of the City of

6-1 Pearland's governing body for the issuance of bonds for each
6-2 improvement project.

6-3 (b) The governing body of the City of Pearland must provide
6-4 the approval required for the issuance of bonds under Subsection
6-5 (a) by adoption of an ordinance or resolution.

6-6 (c) The district may obtain any other city approval required
6-7 by this chapter by permit or other city administrative process that
6-8 does not involve the City of Pearland's governing body.

6-9 Sec. 3875.164. CITY NOT REQUIRED TO PAY DISTRICT
6-10 OBLIGATIONS. Except as provided by Section 375.263, Local
6-11 Government Code, the City of Pearland is not required to pay a bond,
6-12 note, or other obligation of the district.

6-13 Sec. 3875.165. COMPETITIVE BIDDING. Subchapter I, Chapter
6-14 49, Water Code, applies to the district. Subchapter K, Chapter 375,
6-15 Local Government Code, does not apply to the district.

6-16 Sec. 3875.166. TAX AND ASSESSMENT ABATEMENTS. The district
6-17 may grant in the manner authorized by Chapter 312, Tax Code, an
6-18 abatement for a tax or assessment owed to the district.

6-19 Sec. 3875.167. USAGE FEES. The board of directors may set,
6-20 charge, impose, and collect fees, charges, or tolls for the use of
6-21 any district facilities.

6-22 [Sections 3875.168-3875.200 reserved for expansion]

6-23 SUBCHAPTER E. DISSOLUTION

6-24 Sec. 3875.201. DISSOLUTION OF DISTRICT. (a) The board of
6-25 directors may vote to dissolve the district regardless of the
6-26 district's outstanding debt. Section 375.264, Local Government
6-27 Code, does not apply to the district.

6-28 (b) If the district has outstanding debt when it is
6-29 dissolved, the district shall remain in existence solely for the
6-30 purpose of discharging its debts. The dissolution is effective
6-31 when all debts of the district have been discharged.

6-32 SECTION 2. The Country Place Management District initially
6-33 includes all territory contained in the boundaries of the Brazoria
6-34 County Municipal Utility District No. 4, as those boundaries
6-35 existed on January 1, 2009.

6-36 SECTION 3. (a) The legal notice of the intention to
6-37 introduce this Act, setting forth the general substance of this
6-38 Act, has been published as provided by law, and the notice and a
6-39 copy of this Act have been furnished to all persons, agencies,
6-40 officials, or entities to which they are required to be furnished
6-41 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-42 Government Code.

6-43 (b) The governor, one of the required recipients, has
6-44 submitted the notice and Act to the Texas Commission on
6-45 Environmental Quality.

6-46 (c) The Texas Commission on Environmental Quality has filed
6-47 its recommendations relating to this Act with the governor,
6-48 lieutenant governor, and speaker of the house of representatives
6-49 within the required time.

6-50 (d) The general law relating to consent by political
6-51 subdivisions to the creation of districts with conservation,
6-52 reclamation, and road powers and the inclusion of land in those
6-53 districts has been complied with.

6-54 (e) All requirements of the constitution and laws of this
6-55 state and the rules and procedures of the legislature with respect
6-56 to the notice, introduction, and passage of this Act have been
6-57 fulfilled and accomplished.

6-58 SECTION 4. This Act takes effect immediately if it receives
6-59 a vote of two-thirds of all the members elected to each house, as
6-60 provided by Section 39, Article III, Texas Constitution. If this
6-61 Act does not receive the vote necessary for immediate effect, this
6-62 Act takes effect September 1, 2009.

6-63 * * * * *