

1-1 By: Deuell S.B. No. 233  
1-2 (In the Senate - Filed November 19, 2010; January 31, 2011,  
1-3 read first time and referred to Committee on Intergovernmental  
1-4 Relations; April 4, 2011, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;  
1-6 April 4, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 233 By: Nichols

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the creation of the Rowlett Pecan Grove Management  
1-11 District; providing authority to impose a tax, levy an assessment,  
1-12 and issue bonds.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-14 SECTION 1. Subtitle C, Title 4, Special District Local Laws  
1-15 Code, is amended by adding Chapter 3895 to read as follows:

1-16 CHAPTER 3895. ROWLETT PECAN GROVE MANAGEMENT DISTRICT  
1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 3895.001. DEFINITIONS. In this chapter:

1-19 (1) "Board" means the district's board of directors.

1-20 (2) "City" means the City of Rowlett, Texas.

1-21 (3) "Director" means a board member.

1-22 (4) "District" means the Rowlett Pecan Grove  
1-23 Management District.

1-24 (5) "Improvement project" means any program or project  
1-25 authorized by Section 3895.102, inside or outside the district.

1-26 Sec. 3895.002. CREATION AND NATURE OF DISTRICT. The  
1-27 district is a special district created under Sections 52 and 52-a,  
1-28 Article III, and Section 59, Article XVI, Texas Constitution.

1-29 Sec. 3895.003. PURPOSE; DECLARATION OF INTENT. (a) The  
1-30 creation of the district is essential to accomplish the purposes of  
1-31 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
1-32 Texas Constitution, and other public purposes stated in this  
1-33 chapter. By creating the district and in authorizing the city and  
1-34 other political subdivisions to contract with the district, the  
1-35 legislature has established a program to accomplish the public  
1-36 purposes set out in Section 52-a, Article III, Texas Constitution.

1-37 (b) The creation of the district is necessary to promote,  
1-38 develop, encourage, and maintain employment, commerce,  
1-39 transportation, housing, tourism, recreation, the arts,  
1-40 entertainment, economic development, safety, and the public  
1-41 welfare in the district.

1-42 (c) This chapter and the creation of the district may not be  
1-43 interpreted to relieve the city or Dallas County from providing the  
1-44 level of services provided to the area in the district as of the  
1-45 effective date of the Act enacting this chapter. The district is  
1-46 created to supplement and not to supplant the city and county  
1-47 services provided in the district.

1-48 Sec. 3895.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1-49 (a) The district is created to serve a public use and benefit.

1-50 (b) All land and other property included in the district  
1-51 will benefit from the improvements and services to be provided by  
1-52 the district under powers conferred by Sections 52 and 52-a,  
1-53 Article III, and Section 59, Article XVI, Texas Constitution, and  
1-54 other powers granted under this chapter.

1-55 (c) The creation of the district is in the public interest  
1-56 and is essential to further the public purposes of:

1-57 (1) developing and diversifying the economy of the  
1-58 state;

1-59 (2) eliminating unemployment and underemployment; and

1-60 (3) developing or expanding transportation and  
1-61 commerce.

1-62 (d) The district will:

1-63 (1) promote the health, safety, and general welfare of

2-1 residents, employers, employees, potential employees, visitors,  
2-2 and consumers in the district, and of the public;

2-3 (2) provide needed funding for the district to  
2-4 preserve, maintain, and enhance the economic health and vitality of  
2-5 the district territory as a community and business center; and

2-6 (3) promote the health, safety, welfare, and enjoyment  
2-7 of the public by providing pedestrian ways and by landscaping and  
2-8 developing certain areas in the district, which are necessary for  
2-9 the restoration, preservation, and enhancement of scenic and  
2-10 aesthetic beauty.

2-11 (e) Pedestrian ways along or across a street, whether at  
2-12 grade or above or below the surface, and street lighting, street  
2-13 landscaping, parking, and street art objects are parts of and  
2-14 necessary components of a street and are considered to be an  
2-15 improvement project that includes a street or road improvement.

2-16 (f) The district will not act as the agent or  
2-17 instrumentality of any private interest even though the district  
2-18 will benefit many private interests as well as the public.

2-19 Sec. 3895.005. DISTRICT TERRITORY. (a) The district is  
2-20 composed of the territory described by Section 2 of the Act creating  
2-21 this chapter, as that territory may have been modified under  
2-22 Section 3895.109 or other law.

2-23 (b) The boundaries and field notes of the district contained  
2-24 in Section 2 of the Act creating this chapter form a closure. A  
2-25 mistake in the field notes of the district contained in Section 2 of  
2-26 the Act creating this chapter or in copying the field notes in the  
2-27 legislative process does not in any way affect the district's:

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

2-29 (2) right to contract, including the right to issue  
2-30 any type of bond or other obligation for a purpose for which the  
2-31 district is created;

2-32 (3) right to impose or collect an assessment, tax, or  
2-33 any other revenue; or

2-34 (4) legality or operation.

2-35 Sec. 3895.006. ELIGIBILITY FOR REINVESTMENT OR ENTERPRISE  
2-36 ZONES. (a) All or any part of the area of the district is  
2-37 eligible, regardless of other statutory criteria, to be included  
2-38 in:

2-39 (1) a tax increment reinvestment zone created by the  
2-40 city under Chapter 311, Tax Code; or

2-41 (2) a tax abatement reinvestment zone created by the  
2-42 city under Chapter 312, Tax Code.

2-43 (b) All or any part of the area of the district is eligible  
2-44 to be nominated for inclusion in an enterprise zone by the city  
2-45 under Chapter 2303, Government Code.

2-46 Sec. 3895.007. APPLICABILITY OF MUNICIPAL MANAGEMENT  
2-47 DISTRICTS LAW. Except as otherwise provided by this chapter,  
2-48 Chapter 375, Local Government Code, applies to the district.

2-49 Sec. 3895.008. LIBERAL CONSTRUCTION OF CHAPTER. This  
2-50 chapter shall be liberally construed in conformity with the  
2-51 findings and purposes stated in this chapter.

2-52 [Sections 3895.009-3895.050 reserved for expansion]

2-53 SUBCHAPTER B. BOARD OF DIRECTORS

2-54 Sec. 3895.051. BOARD OF DIRECTORS. The district is  
2-55 governed by a board of five directors appointed under Section  
2-56 3895.052 and three directors serving ex officio under Section  
2-57 3895.053.

2-58 Sec. 3895.052. APPOINTMENT OF DIRECTORS; TERMS. (a) The  
2-59 mayor and governing body of the city shall appoint voting  
2-60 directors. A person is appointed if a majority of the members of  
2-61 the governing body, including the mayor, vote to appoint that  
2-62 person. A member of the governing body of the city may not be  
2-63 appointed to the board.

2-64 (b) Section 375.063, Local Government Code, does not apply  
2-65 to the district.

2-66 (c) The appointed directors serve staggered terms of four  
2-67 years, with two or three directors' terms expiring June 1 of each  
2-68 odd-numbered year.

2-69 (d) A person may not be appointed to the board if the

3-1 appointment of that person would result in fewer than three of the  
3-2 directors residing in the city.

3-3 (e) The governing body of the city shall appoint a director  
3-4 to fill a vacancy that occurs on the board.

3-5 (f) A director is a public official entitled to governmental  
3-6 immunity for the director's official actions.

3-7 Sec. 3895.053. NONVOTING DIRECTORS. (a) The following  
3-8 persons serve as nonvoting ex officio directors:

- 3-9 (1) the manager of the city;
- 3-10 (2) the financial director of the city; and
- 3-11 (3) the planning director of the city.

3-12 (b) If an office described by Subsection (a) is renamed,  
3-13 changed, or abolished, the governing body of the city may appoint  
3-14 another city officer or employee who performs duties comparable to  
3-15 those performed by the officer described by Subsection (a).

3-16 Sec. 3895.054. CONFLICTS OF INTEREST. (a) Except as  
3-17 provided by Section 3895.053 or this section:

- 3-18 (1) a director may participate in all board votes and  
3-19 decisions; and
- 3-20 (2) Chapter 171, Local Government Code, governs  
3-21 conflicts of interest of board members.

3-22 (b) A director who has a beneficial interest in a business  
3-23 entity that will receive a pecuniary benefit from an action of the  
3-24 board may participate in discussion and vote on that action if a  
3-25 majority of the board has a similar interest in the same action or  
3-26 if all other similar business entities in the district will receive  
3-27 a similar pecuniary benefit.

3-28 (c) A director who is also an officer or employee of a public  
3-29 entity may not participate in a discussion of or vote on a matter  
3-30 regarding a contract with that same public entity.

3-31 Sec. 3895.055. DIRECTOR'S OATH OR AFFIRMATION. A  
3-32 director's oath or affirmation of office shall be filed with the  
3-33 district and the district shall retain the oath or affirmation in  
3-34 the district records.

3-35 Sec. 3895.056. OFFICERS. The board shall elect from among  
3-36 the directors a chair, vice chair, and secretary.

3-37 Sec. 3895.057. COMPENSATION OF DIRECTORS; REIMBURSEMENT OF  
3-38 EXPENSES. A director is not entitled to compensation for service on  
3-39 the board but is entitled to be reimbursed for necessary expenses  
3-40 incurred in carrying out the duties and responsibilities of a  
3-41 director.

3-42 Sec. 3895.058. INITIAL DIRECTORS. (a) The initial board  
3-43 consists of the following directors:

- 3-44 (1) \_\_\_\_\_;
- 3-45 (2) \_\_\_\_\_;
- 3-46 (3) \_\_\_\_\_;
- 3-47 (4) \_\_\_\_\_; and
- 3-48 (5) \_\_\_\_\_.

3-49 (b) Of the initial directors, the terms of directors  
3-50 appointed for positions 1 and 2 expire June 1, 2013, and the terms  
3-51 of directors appointed for positions 3 through 5 expire June 1,  
3-52 2015.

3-53 (c) This section expires September 1, 2015.

3-54 Sec. 3895.059. QUORUM. For purposes of determining whether  
3-55 a quorum of the board is present, the following are not counted:

- 3-56 (1) a board position vacant for any reason, including  
3-57 death, resignation, or disqualification;
- 3-58 (2) a director who is abstaining from participation in  
3-59 a vote because of a conflict of interest; or
- 3-60 (3) a nonvoting director.

3-61 [Sections 3895.060-3895.100 reserved for expansion]

3-62 SUBCHAPTER C. POWERS AND DUTIES

3-63 Sec. 3895.101. GENERAL POWERS AND DUTIES. The district has  
3-64 the powers and duties provided by:

- 3-65 (1) the general laws relating to conservation and  
3-66 reclamation districts created under Section 59, Article XVI, Texas  
3-67 Constitution, including Chapters 49 and 54, Water Code;
- 3-68 (2) the general laws relating to road districts and  
3-69 road utility districts created under Section 52(b), Article III,

4-1 Texas Constitution, including Chapter 441, Transportation Code;  
4-2 and  
4-3 (3) Chapter 375, Local Government Code.  
4-4 Sec. 3895.102. IMPROVEMENT PROJECTS. (a) The district may  
4-5 provide, or it may enter into contracts with a governmental or  
4-6 private entity to provide, the following types of improvement  
4-7 projects or activities in support of or incidental to those  
4-8 projects:  
4-9 (1) a supply and distribution facility or system to  
4-10 provide potable and city-approved nonpotable water to the residents  
4-11 and businesses of the district, including a wastewater collection  
4-12 facility;  
4-13 (2) a paved road or street, inside and outside the  
4-14 district, to the extent authorized by Section 52, Article III,  
4-15 Texas Constitution;  
4-16 (3) the planning, design, construction, improvement,  
4-17 and maintenance of:  
4-18 (A) landscaping;  
4-19 (B) highway right-of-way or transit corridor  
4-20 beautification and improvement;  
4-21 (C) lighting, banners, and signs;  
4-22 (D) a street or sidewalk;  
4-23 (E) a hiking and cycling path or trail;  
4-24 (F) a pedestrian walkway, skywalk, crosswalk, or  
4-25 tunnel;  
4-26 (G) a park, lake, garden, recreational facility,  
4-27 sports facility, open space, scenic area, or related exhibit or  
4-28 preserve;  
4-29 (H) a fountain, plaza, or pedestrian mall; or  
4-30 (I) a drainage or storm-water detention  
4-31 improvement;  
4-32 (4) protection and improvement of the quality of storm  
4-33 water that flows through the district;  
4-34 (5) the planning, design, construction, improvement,  
4-35 maintenance, and operation of:  
4-36 (A) a water or sewer facility;  
4-37 (B) an off-street parking facility or heliport;  
4-38 or  
4-39 (C) alternative power generation facilities,  
4-40 including solar, geothermal, and wind;  
4-41 (6) the planning and acquisition of:  
4-42 (A) public art and sculpture and related exhibits  
4-43 and facilities; or  
4-44 (B) an educational and cultural exhibit or  
4-45 facility;  
4-46 (7) the planning, design, construction, acquisition,  
4-47 lease, rental, improvement, maintenance, installation, and  
4-48 management of and provision of furnishings for a facility for:  
4-49 (A) a conference, convention, or exhibition;  
4-50 (B) a manufacturer, consumer, or trade show;  
4-51 (C) a civic, community, or institutional event;  
4-52 or  
4-53 (D) an exhibit, display, attraction, special  
4-54 event, or seasonal or cultural celebration or holiday;  
4-55 (8) the removal, razing, demolition, or clearing of  
4-56 land or improvements in connection with an improvement project;  
4-57 (9) the acquisition and improvement of land or other  
4-58 property for the mitigation of the environmental effects of an  
4-59 improvement project;  
4-60 (10) the acquisition of property or an interest in  
4-61 property in connection with an authorized improvement project;  
4-62 (11) a special or supplemental service for the  
4-63 improvement and promotion of the district or an area adjacent to the  
4-64 district or for the protection of public health and safety in or  
4-65 adjacent to the district, including:  
4-66 (A) advertising;  
4-67 (B) promotion;  
4-68 (C) tourism;  
4-69 (D) health and sanitation;

- 5-1 (E) public safety;
- 5-2 (F) security;
- 5-3 (G) fire protection or emergency medical
- 5-4 services;
- 5-5 (H) business recruitment;
- 5-6 (I) development;
- 5-7 (J) elimination of traffic congestion; and
- 5-8 (K) recreational, educational, or cultural
- 5-9 improvements, enhancements, and services; or

5-10 (12) any similar public improvement, facility, or

5-11 service.

5-12 (b) The district may not undertake an improvement project

5-13 under this section unless the board determines the project to be

5-14 necessary to accomplish a public purpose of the district.

5-15 (c) An improvement project must comply with any applicable

5-16 city requirements, including codes and ordinances.

5-17 (d) The district may not provide, conduct, or authorize any

5-18 improvement project on the city streets, highways, rights-of-way,

5-19 or easements without the consent of the governing body of the city.

5-20 (e) The district shall immediately comply with any city

5-21 ordinance, order, or resolution that:

5-22 (1) requires the district to transfer to the city the

5-23 title to all or any portion of an improvement project; or

5-24 (2) authorizes the district to own, encumber,

5-25 maintain, and operate an improvement project, subject to the right

5-26 of the city to order a conveyance of the project to the city on a

5-27 date determined by the city.

5-28 (f) For the purposes of this section, planning, design,

5-29 construction, improvement, and maintenance of a lake include work

5-30 done for drainage, reclamation, or recreation.

5-31 Sec. 3895.103. DEVELOPMENT CORPORATION POWERS. The

5-32 district, using money available to the district, may exercise the

5-33 powers given to a development corporation under Chapter 505, Local

5-34 Government Code, including the power to own, operate, acquire,

5-35 construct, lease, improve, or maintain a project under that

5-36 chapter.

5-37 Sec. 3895.104. GENERAL POWERS REGARDING CONTRACTS.

5-38 (a) The district may:

5-39 (1) contract with any person to accomplish any

5-40 district purpose, including a contract for:

5-41 (A) the payment, repayment, or reimbursement of

5-42 costs incurred by that person on behalf of the district, including

5-43 all or part of the costs of an improvement project and interest on

5-44 the reimbursed cost; or

5-45 (B) the use, occupancy, lease, rental,

5-46 operation, maintenance, or management of all or part of a proposed

5-47 or existing improvement project; and

5-48 (2) apply for and contract with any person to receive,

5-49 administer, and perform a duty or obligation of the district under a

5-50 federal, state, local, or private gift, grant, loan, conveyance,

5-51 transfer, bequest, or other financial assistance arrangement

5-52 relating to the investigation, planning, analysis, study, design,

5-53 acquisition, construction, improvement, completion,

5-54 implementation, or operation by the district or others of a

5-55 proposed or existing improvement project.

5-56 (b) A contract the district enters into to carry out a

5-57 purpose of this chapter may be on any terms and for any period the

5-58 board determines, including a negotiable or nonnegotiable note or

5-59 warrant payable to the city, Dallas County, and any other person.

5-60 (c) Any person may contract with the district to carry out

5-61 the purposes of this chapter without further statutory or other

5-62 authorization.

5-63 (d) A contract payable from ad valorem taxes for a period

5-64 longer than one year must be approved by the governing body of the

5-65 city.

5-66 Sec. 3895.105. COMPETITIVE BIDDING. Section 375.221, Local

5-67 Government Code, applies only to a district contract that has a

5-68 value of more than \$50,000.

5-69 Sec. 3895.106. ECONOMIC DEVELOPMENT. (a) The district may

6-1 engage in activities that accomplish the economic development  
6-2 purposes of the district.  
6-3 (b) The district may establish and provide for the  
6-4 administration of one or more programs to promote state or local  
6-5 economic development and to stimulate business and commercial  
6-6 activity in the district, including programs to:  
6-7 (1) make loans and grants of public money; and  
6-8 (2) provide district personnel and services.  
6-9 (c) The district may create economic development programs  
6-10 and exercise the economic development powers that:  
6-11 (1) Chapter 380, Local Government Code, provides to a  
6-12 municipality; and  
6-13 (2) Subchapter A, Chapter 1509, Government Code,  
6-14 provides to a municipality.  
6-15 Sec. 3895.107. RULES; ENFORCEMENT. (a) The district may  
6-16 adopt rules:  
6-17 (1) to administer or operate the district;  
6-18 (2) for the use, enjoyment, availability, protection,  
6-19 security, and maintenance of the district's property and  
6-20 facilities; or  
6-21 (3) to provide for public safety and security in the  
6-22 district.  
6-23 (b) The district may enforce its rules by injunctive relief.  
6-24 (c) To the extent a district rule conflicts with a city rule  
6-25 or order, the city rule or order controls.  
6-26 Sec. 3895.108. NAME CHANGE. The board by resolution may  
6-27 change the district's name. The board shall give written notice of  
6-28 the change to the city.  
6-29 Sec. 3895.109. ADDING OR REMOVING TERRITORY. The board may  
6-30 add or remove territory under Subchapter J, Chapter 49, and Section  
6-31 54.016, Water Code, except that:  
6-32 (1) the addition or removal of the territory must be  
6-33 approved by:  
6-34 (A) the governing body of the city; and  
6-35 (B) the owners of the territory being added or  
6-36 removed;  
6-37 (2) a reference to a tax in Subchapter J, Chapter 49,  
6-38 or Section 54.016, Water Code, means an ad valorem tax; and  
6-39 (3) territory may not be removed from the district if  
6-40 bonds or other obligations of the district payable wholly or partly  
6-41 from ad valorem taxes on the territory are outstanding.  
6-42 Sec. 3895.110. NO EMINENT DOMAIN POWER. The district may  
6-43 not exercise the power of eminent domain.  
6-44 Sec. 3895.111. NO TOLL ROADS. The district may not  
6-45 construct, acquire, maintain, or operate a toll road.  
6-46 Sec. 3895.112. DISTRICT EMPLOYEES; TERMS OF EMPLOYMENT;  
6-47 COMPENSATION. The board may employ and establish the terms of  
6-48 employment and compensation of:  
6-49 (1) an executive director or general manager; or  
6-50 (2) any other district employee the board considers  
6-51 necessary.  
6-52 [Sections 3895.113-3895.150 reserved for expansion]  
6-53 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS  
6-54 Sec. 3895.151. GENERAL POWERS REGARDING FINANCIAL MATTERS.  
6-55 Except as provided by Section 3895.161, the district may:  
6-56 (1) impose an ad valorem tax on all taxable property in  
6-57 the district, including industrial, commercial, and residential  
6-58 property, to pay for an improvement project;  
6-59 (2) impose an assessment on property in the district  
6-60 in the manner provided for:  
6-61 (A) a district under Subchapter F, Chapter 375,  
6-62 Local Government Code; or  
6-63 (B) a municipality or county under Subchapter A,  
6-64 Chapter 372, Local Government Code;  
6-65 (3) provide or secure the payment or repayment of the  
6-66 costs and expenses of the establishment, administration, and  
6-67 operation of the district and the district's costs or share of the  
6-68 costs or revenue of an improvement project or district contractual  
6-69 obligation or indebtedness by or through:

7-1 (A) a lease, installment purchase contract, or  
7-2 other agreement with any person;  
7-3 (B) the imposition of a tax, assessment, user  
7-4 fee, concession fee, or rental charge; or  
7-5 (C) any other revenue or resource of the  
7-6 district;  
7-7 (4) establish user charges related to the operation of  
7-8 storm-water facilities, including the regulation of storm water for  
7-9 the protection of water quality in the district;  
7-10 (5) establish user charges for the use of nonpotable  
7-11 water for irrigation purposes, subject to the approval of the  
7-12 governing body of the city;  
7-13 (6) undertake separately or jointly with other  
7-14 persons, including the city or Dallas County, all or part of the  
7-15 cost of an improvement project, including an improvement project:  
7-16 (A) for improving, enhancing, and supporting  
7-17 public safety and security, fire protection and emergency medical  
7-18 services, and law enforcement in and adjacent to the district; or  
7-19 (B) that confers a general benefit on the entire  
7-20 district or a special benefit on a definable part of the district;  
7-21 and  
7-22 (7) enter into a tax abatement agreement in accordance  
7-23 with the general laws of this state authorizing and applicable to  
7-24 tax abatement agreements by municipalities.  
7-25 Sec. 3895.152. BORROWING MONEY. The district may borrow  
7-26 money for a district purpose by issuing or executing bonds, notes,  
7-27 credit agreements, or other obligations of any kind found by the  
7-28 board to be necessary or appropriate for the district purpose. The  
7-29 bond, note, credit agreement, or other obligation must be secured  
7-30 by and payable from ad valorem taxes, assessments, or other  
7-31 district revenue.  
7-32 Sec. 3895.153. IMPACT FEES AND ASSESSMENTS; EXEMPTION.  
7-33 (a) The district may impose an impact fee or assessment on  
7-34 property in the district, including an impact fee or assessment on  
7-35 residential or commercial property, only in the manner provided by  
7-36 Subchapter A, Chapter 372, or Subchapter F, Chapter 375, Local  
7-37 Government Code, for a municipality, county, or public improvement  
7-38 district, according to the benefit received by the property.  
7-39 (b) An impact fee for residential property must be for the  
7-40 limited purpose of providing capital funding for:  
7-41 (1) public water and wastewater facilities;  
7-42 (2) drainage and storm-water facilities; and  
7-43 (3) streets and alleys.  
7-44 (c) An assessment, a reassessment, or an assessment  
7-45 resulting from an addition to or correction of the assessment roll  
7-46 by the district, penalties and interest on an assessment or  
7-47 reassessment, or an expense of collection of an assessment,  
7-48 including reasonable attorney's fees, incurred by the district:  
7-49 (1) is a first and prior lien against the property  
7-50 assessed; and  
7-51 (2) is superior to any other lien or claim other than a  
7-52 lien or claim for county, school district, or municipal ad valorem  
7-53 taxes.  
7-54 (d) The board may make a correction to or deletion from the  
7-55 assessment roll that does not increase the amount of assessment of  
7-56 any parcel of land without providing notice and holding a hearing in  
7-57 the manner required for additional assessments.  
7-58 (e) The district may not impose an impact fee on the  
7-59 property, including equipment and facilities, of a public utility  
7-60 provider in the district.  
7-61 Sec. 3895.154. CERTAIN RESIDENTIAL PROPERTY NOT EXEMPT.  
7-62 Section 375.161, Local Government Code, does not apply to the  
7-63 district.  
7-64 Sec. 3895.155. MAINTENANCE AND OPERATION TAX; ELECTION.  
7-65 (a) Except as provided by Section 3895.161, the district may  
7-66 impose a tax for maintenance and operation purposes, including for:  
7-67 (1) planning, constructing, acquiring, maintaining,  
7-68 repairing, and operating all improvement projects, including land,  
7-69 plants, works, facilities, improvements, appliances, and equipment

8-1 of the district; and

8-2 (2) paying costs of services, engineering and legal  
8-3 fees, and organization and administrative expenses.

8-4 (b) The district may not impose a maintenance and operation  
8-5 tax unless the maximum tax rate is approved by the governing body of  
8-6 the city and a majority of the district voters voting at an election  
8-7 held for that purpose. If the maximum tax rate is approved, the  
8-8 board may impose the tax at any rate that does not exceed the  
8-9 approved rate.

8-10 (c) A maintenance and operation tax election may be held at  
8-11 the same time and in conjunction with any other district election.  
8-12 The election may be called by a separate election order or as part  
8-13 of any other election order.

8-14 (d) The proposition in a maintenance and operation tax  
8-15 election may be for a specific maximum rate.

8-16 Sec. 3895.156. USE OF SURPLUS MAINTENANCE AND OPERATION  
8-17 MONEY. If the district has surplus maintenance and operation tax  
8-18 money that is not needed for the purposes for which it was  
8-19 collected, the money may be used for any authorized purpose.

8-20 Sec. 3895.157. BOND ISSUANCE PLAN REQUIRED BEFORE ISSUING  
8-21 BONDS. The district may not issue bonds until the governing body of  
8-22 the city approves a bond issuance plan authorizing and setting  
8-23 forth the limitations on the issuance of the bonds.

8-24 Sec. 3895.158. BONDS AND OTHER OBLIGATIONS; MUNICIPAL  
8-25 APPROVAL. (a) Except as provided by Sections 3895.157 and  
8-26 3895.161, the district may issue, by competitive bid or negotiated  
8-27 sale, bonds, notes, or other obligations payable wholly or partly  
8-28 from ad valorem taxes or assessments in the manner provided by  
8-29 Subchapter A, Chapter 372, or Subchapter J, Chapter 375, Local  
8-30 Government Code.

8-31 (b) In exercising the district's borrowing power, the  
8-32 district may issue a bond or other obligation in the form of a bond,  
8-33 note, certificate of participation or other instrument evidencing a  
8-34 proportionate interest in payments to be made by the district, or  
8-35 other type of obligation.

8-36 (c) In addition to the sources of money described by  
8-37 Subchapter A, Chapter 372, and Subchapter J, Chapter 375, Local  
8-38 Government Code, district bonds may be secured and made payable  
8-39 wholly or partly by a pledge of any part of the net proceeds the  
8-40 district receives from any other district revenue.

8-41 Sec. 3895.159. BOND MATURITY. Bonds must mature not more  
8-42 than 40 years from their date of issue.

8-43 Sec. 3895.160. TAXES FOR BONDS AND OTHER OBLIGATIONS.  
8-44 (a) At the time bonds or other obligations payable wholly or  
8-45 partly from ad valorem taxes are issued:

8-46 (1) the board shall impose a continuing direct annual  
8-47 ad valorem tax, without limit as to rate or amount, for each year  
8-48 that all or part of the bonds are outstanding; and

8-49 (2) the district annually shall impose an ad valorem  
8-50 tax on all taxable property in the district in an amount sufficient  
8-51 to:

8-52 (A) pay the interest on the bonds or other  
8-53 obligations as the interest becomes due;

8-54 (B) create a sinking fund for the payment of the  
8-55 principal of the bonds or other obligations when due or the  
8-56 redemption price at any earlier required redemption date; and

8-57 (C) pay the expenses of imposing the taxes.

8-58 (b) Bonds or other obligations that are secured by and  
8-59 payable from ad valorem taxes may not be issued unless the bonds and  
8-60 the imposition of the taxes are approved by:

8-61 (1) a majority of the district voters voting at an  
8-62 election held for that purpose; and

8-63 (2) the governing body of the city.

8-64 (c) The district shall hold an election required by this  
8-65 section in the manner provided by Chapter 54, Water Code.

8-66 Sec. 3895.161. PROJECT DEVELOPMENT AGREEMENT REQUIRED TO  
8-67 IMPOSE TAXES OR BORROW MONEY, INCLUDING BONDS. Before the district  
8-68 may issue bonds, impose taxes, or borrow money, the district and the  
8-69 city must negotiate and execute a mutually approved and accepted



9-1 interlocal project development agreement regarding the development  
9-2 plans and rules for:

9-3 (1) the development and operation of the district; and  
9-4 (2) the financing of improvement projects.

9-5 Sec. 3895.162. CITY NOT REQUIRED TO PAY DISTRICT  
9-6 OBLIGATIONS. Except as provided by Section 375.263, Local  
9-7 Government Code, the city is not required to pay a bond, note, or  
9-8 other obligation of the district.

9-9 [Sections 3895.163-3895.200 reserved for expansion]

9-10 SUBCHAPTER E. DISSOLUTION

9-11 Sec. 3895.201. DISSOLUTION BY CITY ORDINANCE. (a) If the  
9-12 city adopts by a two-thirds vote of its governing body an ordinance  
9-13 to dissolve the district, the district is dissolved.

9-14 (b) The district may not be dissolved until the district's  
9-15 outstanding indebtedness or contractual obligations payable from  
9-16 ad valorem taxes have been repaid or discharged.

9-17 (c) The district may not be dissolved until any agreement  
9-18 under Section 3895.161 has been executed and the district's  
9-19 performance under the agreement has been fulfilled, including any  
9-20 right or obligation the district has to reimburse a developer or  
9-21 owner for the costs of improvement projects.

9-22 Sec. 3895.202. COLLECTION OF ASSESSMENTS AND OTHER REVENUE.

9-23 (a) If the dissolved district has bonds or other obligations  
9-24 outstanding secured by and payable from assessments or other  
9-25 revenue, other than ad valorem taxes, the city succeeds to the  
9-26 rights and obligations of the district regarding enforcement and  
9-27 collection of the assessments or other revenue.

9-28 (b) If the district is dissolved, the city has and may  
9-29 exercise all district powers to enforce and collect the assessments  
9-30 or other revenue to pay:

9-31 (1) the bonds or other obligations when due and  
9-32 payable according to their terms; or

9-33 (2) special revenue or assessment bonds or other  
9-34 obligations issued by the city to refund the outstanding bonds or  
9-35 obligations.

9-36 Sec. 3895.203. ASSUMPTION OF ASSETS AND LIABILITIES.

9-37 (a) The district may not be dissolved by the city unless the city  
9-38 assumes the obligations of the district, including any bonds or  
9-39 other indebtedness payable from assessments or other district  
9-40 revenue.

9-41 (b) If the city dissolves the district, the board shall  
9-42 transfer ownership of all district property to the city.

9-43 SECTION 2. The Rowlett Pecan Grove Management District  
9-44 initially includes all territory contained in the following area:

9-45 TRACT 1: BEING Lots 1 and 2, in Block A of Pecan Grove Park  
9-46 Addition, an Addition to the City of Rowlett, Dallas County, Texas,  
9-47 according to the Map thereof recorded under cc#200600238026, Real  
9-48 Property Records of Dallas County, Texas; and

9-49 TRACT 2: BEING all that certain lot, tract or parcel of land  
9-50 situated in the Thomas Lumley Survey, Abstract No. 789, City of  
9-51 Rowlett, Dallas County, Texas, and being a part of a 87.934 acres  
9-52 tract of land as described in a Special Warranty deed from Garland  
9-53 Independent School District to City of Rowlett, dated August 27,  
9-54 1997 and being recorded in Volume 97175, Page 1103 of the Deed  
9-55 Records of Dallas County, Texas, and being more particularly  
9-56 described as follows:

9-57 BEGINNING at a 3/8" iron rod found for corner in the east  
9-58 right-of-way line of Kirby Road (variable width right-of-way) and  
9-59 in the meanders of a creek, said point being at the west most  
9-60 northwest corner of said 87.934 acres tract and at the southwest  
9-61 corner of Lot 1, Block A, Rowlett High School, an Addition to the  
9-62 City of Rowlett, Texas, according to the Map thereof recorded in  
9-63 Volume 94179, Page 1344 of the Map Records of Dallas County, Texas;

9-64 THENCE in an easterly direction along the south line of said  
9-65 Addition and generally along the meanders of said creek as follows:

9-66 S. 26 deg. 27 min. 49 sec. E. a distance of 111.48 feet;

9-67 N. 70 deg. 10 min. 55 sec. E. a distance of 260.00 feet;

9-68 S. 79 deg. 19 min. 59 sec. E. a distance of 195.00 feet;

9-69 N. 81 deg. 03 min. 35 sec. E. a distance of 110.00 feet;

10-1 S. 51 deg. 03 min. 57 sec. E. a distance of 60.00 feet;  
 10-2 N. 79 deg. 18 min. 55 sec. E. a distance of 175.00 feet;  
 10-3 S. 38 deg. 56 min. 57 sec. E. a distance of 142.00 feet;  
 10-4 N. 57 deg. 52 min. 19 sec. E. a distance of 115.00 feet;  
 10-5 S. 15 deg. 11 min. 06 sec. E. a distance of 108.00 feet;  
 10-6 S. 19 deg. 47 min. 39 sec. W. a distance of 106.00 feet;  
 10-7 S. 78 deg. 40 min. 34 sec. E. a distance of 335.00 feet;  
 10-8 S. 13 deg. 24 min. 39 sec. E. a distance of 92.20 feet;  
 10-9 THENCE N. 59 deg. 02 min. 24 sec. E. leaving the meanders of  
 10-10 said creek and continuing along the south line of said Addition, a  
 10-11 distance of 219.48 feet to a 1/2" iron rod found for corner at the  
 10-12 southeast corner of said Addition and being in the west line of a  
 10-13 100 foot T.P. & L. Co. easement as recorded in Volume 67115, Page  
 10-14 202 of the Deed Records of Dallas County, Texas;  
 10-15 THENCE N. 00 deg. 55 min. 24 sec. W. along the east line of  
 10-16 said Addition, a distance of 500.14 feet to a 5/8" iron rod found  
 10-17 for corner at the southwest corner of Lot 2, Block A, of Pecan Grove  
 10-18 Park Addition, an Addition to the City of Rowlett, Dallas County,  
 10-19 Texas, according to the Map thereof recorded under cc#200600238026,  
 10-20 Real Property Records of Dallas County, Texas;  
 10-21 THENCE N. 89 deg. 04 min. 17 sec. E. along the south line of  
 10-22 said Lot 2, a distance of 936.07 feet to a 5/8" iron rod found for  
 10-23 corner at the southeast corner of Lot 2 and the south most southwest  
 10-24 corner of said Lot 1;  
 10-25 THENCE N. 68 deg. 17 min. 12 sec. E. along the southeast line  
 10-26 of said Lot 1, a distance of 800.60 feet to a 5/8" iron rod found for  
 10-27 corner in the southwest right-of-way line of Dallas Area Rapid  
 10-28 Transit (100' R.O.W.)  
 10-29 THENCE S. 45 deg. 29 min. 56 sec. E. along said right-of-way  
 10-30 line, a distance of 97.69 feet to a 1/2" iron rod found for corner in  
 10-31 the west take line of the City of Dallas for Lake Ray Hubbard as  
 10-32 recorded in Volume 69061, Page 970 of the Deed Records of Dallas  
 10-33 County, Texas;  
 10-34 THENCE S. 18 deg. 04 min. 52 sec. E. along said take line, a  
 10-35 distance of 338.92 feet to a concrete monument with brass disk  
 10-36 marked "City of Dallas Water Dept. U-10-2" found for corner;  
 10-37 THENCE S. 02 deg. 36 min. 36 sec. E. along said take line, a  
 10-38 distance of 502.17 feet to a concrete monument with brass disk  
 10-39 marked "City of Dallas Water Dept. U-6-2" found for corner;  
 10-40 THENCE S. 19 deg. 09 min. 28 sec. W. along said take line, a  
 10-41 distance of 477.18 feet to a broken concrete monument with brass  
 10-42 disk marked "City of Dallas Water Dept. U-6-1" found for corner;  
 10-43 THENCE S. 89 deg. 19 min. 30 sec. W. along the north line of a  
 10-44 2.29 acres tract as described in a Deed to Singh Lalsingh Sanker, as  
 10-45 recorded in Volume 87085, Page 4639 of the Deed Records of Dallas  
 10-46 County, Texas, a distance of 705.12 feet to a 1/2" iron rod found  
 10-47 for corner in the east right-of-way line of Miller Heights Drive  
 10-48 (60' R.O.W.);  
 10-49 THENCE N. 02 deg. 54 min. 52 sec. E., along said right-of-way  
 10-50 line, a distance of 10.12 feet to a 1/2" iron rod found for corner;  
 10-51 THENCE S. 89 deg. 18 min. 25 sec. W. along said right-of-way  
 10-52 line, a distance of 2546.89 feet to a 1/2" iron rod found for corner  
 10-53 in the east right-of-way line of Kirby Road and being at the  
 10-54 southwest corner of said 87.934 acres tract;  
 10-55 THENCE N. 00 deg. 54 min. 25 sec. W. along said right-of-way  
 10-56 line, a distance of 569.41 feet to a 1/2" iron rod found for corner;  
 10-57 THENCE N. 05 deg. 30 min. 22 sec. E. along said right-of-way  
 10-58 line, a distance of 200.25 feet to a 1/2" iron rod found for corner;  
 10-59 THENCE N. 00 deg. 57 min. 36 sec. W. along said right-of-way  
 10-60 line, a distance of 123.69 feet to the POINT OF BEGINNING and  
 10-61 containing 3,171.925 square feet or 72.82 acres of land.  
 10-62 SECTION 3. (a) The legal notice of the intention to  
 10-63 introduce this Act, setting forth the general substance of this  
 10-64 Act, has been published as provided by law, and the notice and a  
 10-65 copy of this Act have been furnished to all persons, agencies,  
 10-66 officials, or entities to which they are required to be furnished  
 10-67 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
 10-68 Government Code.  
 10-69 (b) The governor, one of the required recipients, has

11-1 submitted the notice and Act to the Texas Commission on  
11-2 Environmental Quality.

11-3 (c) The Texas Commission on Environmental Quality has filed  
11-4 its recommendations relating to this Act with the governor,  
11-5 lieutenant governor, and speaker of the house of representatives  
11-6 within the required time.

11-7 (d) The general law relating to consent by political  
11-8 subdivisions to the creation of districts with conservation,  
11-9 reclamation, and road powers and the inclusion of land in those  
11-10 districts has been complied with.

11-11 (e) All requirements of the constitution and laws of this  
11-12 state and the rules and procedures of the legislature with respect  
11-13 to the notice, introduction, and passage of this Act have been  
11-14 fulfilled and accomplished.

11-15 SECTION 4. This Act takes effect immediately if it receives  
11-16 a vote of two-thirds of all the members elected to each house, as  
11-17 provided by Section 39, Article III, Texas Constitution. If this  
11-18 Act does not receive the vote necessary for immediate effect, this  
11-19 Act takes effect September 1, 2011.

11-20

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