

By: Holt

H.B. No. 5680

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Bayou Belle Municipal Management District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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 4021 to read as follows:

CHAPTER 4021. BAYOU BELLE MUNICIPAL MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 4021.0101. DEFINITIONS. In this chapter:

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

(2) "County" means Liberty County.

(3) "Director" means a board member.

(4) "District" means the Bayou Belle Municipal Management District No. 1.

Sec. 4021.0102. NATURE OF DISTRICT. The Bayou Belle Municipal Management District No. 1 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 4021.0103. 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.

1 (b) By creating the district and in authorizing the county
2 and other political subdivisions to contract with the district, the
3 legislature has established a program to accomplish the public
4 purposes set out in Section 52-a, Article III, Texas Constitution.

5 (c) The creation of the district is necessary to promote,
6 develop, encourage, and maintain employment, commerce,
7 transportation, housing, tourism, recreation, the arts,
8 entertainment, economic development, safety, and the public
9 welfare in the district.

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

16 Sec. 4021.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

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

22 (b) The district is created to serve a public use and
23 benefit.

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

26 (1) developing and diversifying the economy of the
27 state;

1 (2) eliminating unemployment and underemployment; and
2 (3) developing or expanding transportation and
3 commerce.

4 (d) The district will:

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

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

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

16 (4) provide for water, wastewater, drainage, road, and
17 recreational facilities for the district.

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

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

26 Sec. 4021.0105. INITIAL DISTRICT TERRITORY. (a) The
27 district is initially composed of the territory described by

Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bonds for the purposes for which the district is created or to pay the principal of and interest on the bonds;

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

(4) legality or operation.

Sec. 4021.0106. 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; or

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code.

Sec. 4021.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 4021.0108. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 4021.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors who serve staggered

terms of four years.

(b) Directors are elected in the manner provided by Subchapter D, Chapter 49, Water Code.

Sec. 4021.0202. COMPENSATION; EXPENSES. (a) The district may compensate each director in an amount not to exceed \$150 for each board meeting. The total amount of compensation for each director in one year may not exceed \$7,200.

(b) A director is entitled to reimbursement for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of the board.

(c) Sections 375.069 and 375.070, Local Government Code, do not apply to the board.

Sec. 4021.0203. INITIAL DIRECTORS. (a) The initial board consists of the following directors:

| <u>Pos. No.</u> | <u>Name of Director</u> |
|-----------------|--------------------------|
| <u>1</u> | <u>Dez Carlson</u> |
| <u>2</u> | <u>Remard Mason</u> |
| <u>3</u> | <u>Kye Sampson</u> |
| <u>4</u> | <u>Anthony Hernandez</u> |
| <u>5</u> | <u>Kyle Clarke</u> |

(b) Of the initial directors, the terms of directors appointed for positions one through three expire June 1, 2027, and the terms of directors appointed for positions four and five expire June 1, 2029.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 4021.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for

which the district is created.

Sec. 4021.0302. IMPROVEMENT PROJECTS AND SERVICES. (a) The district, using any money available to the district for the purpose, may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

(b) The district may contract with a governmental or private entity to carry out an action under Subsection (a).

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

Sec. 4021.0303. 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 to be a local government corporation created under Subchapter D, 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 Subchapter D, Chapter 431, Transportation Code, except that a board member is not

required to reside in the district.

Sec. 4021.0304. LAW ENFORCEMENT SERVICES. To protect the public interest, the district may contract with a qualified party, including the county or a municipality with territory in the district, to provide law enforcement services in the district for a fee.

Sec. 4021.0305. 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. 4021.0306. ECONOMIC DEVELOPMENT PROGRAMS. (a) The district may engage in activities that accomplish the economic development purposes of the district.

(b) 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.

(c) The district may create economic development programs and exercise the economic development powers provided to municipalities by:

(1) Chapter 380, Local Government Code; and

(2) Subchapter A, Chapter 1509, Government Code.

Sec. 4021.0307. PARKING FACILITIES. (a) The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain parking facilities or a system of parking

facilities, including lots, garages, parking terminals, or other structures or accommodations for parking motor vehicles off the streets and related appurtenances.

(b) The district's parking facilities serve the public purposes of the district and are owned, used, and held for a public purpose even if leased or operated by a private entity for a term of years.

(c) The district's parking facilities are parts of and necessary components of a street and are considered to be a street or road improvement.

(d) The development and operation of the district's parking facilities may be considered an economic development program.

Sec. 4021.0308. 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 district money.

Sec. 4021.0309. ADDING OR EXCLUDING LAND. Except as provided by Section 4021.0310, the district may add or exclude land in the manner provided by Subchapter J, Chapter 49, Water Code, or by Subchapter H, Chapter 54, Water Code.

Sec. 4021.0310. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

1 (c) Any new district created by the division of the district
2 may not, at the time the new district is created, contain any land
3 outside the area described by Section 2 of the Act enacting this
4 chapter.

5 (d) The board, on its own motion or on receipt of a petition
6 signed by the owner or owners of a majority of the assessed value of
7 the real property in the district, may adopt an order dividing the
8 district.

9 (e) An order dividing the district must:

10 (1) name each new district;
11 (2) include the metes and bounds description of the
12 territory of each new district;

13 (3) appoint initial directors for each new district;
14 and

15 (4) provide for the division of assets and liabilities
16 between or among the new districts.

17 (f) On or before the 30th day after the date of adoption of
18 an order dividing the district, the district shall file the order
19 with the Texas Commission on Environmental Quality and record the
20 order in the real property records of each county in which the
21 district is located.

22 (g) Any new district created by the division of the district
23 must hold an election as required by this chapter to obtain voter
24 approval before the district may impose a maintenance tax or issue
25 bonds payable wholly or partly from ad valorem taxes.

26 (h) Municipal consent to the creation of the district and to
27 the inclusion of land in the district granted under Section

1 4021.0506 acts as municipal consent to the creation of any new
2 district created by the division of the district and to the
3 inclusion of land in the new district.

4 Sec. 4021.0311. EMINENT DOMAIN. The district may exercise
5 the power of eminent domain in the manner provided by Section
6 49.222, Water Code.

7 SUBCHAPTER D. ASSESSMENTS

8 Sec. 4021.0401. PETITION REQUIRED FOR FINANCING SERVICES
9 AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
10 service or improvement project with assessments under this chapter
11 unless a written petition requesting that service or improvement
12 has been filed with the board.

13 (b) A petition filed under Subsection (a) must be signed by
14 the owners of a majority of the assessed value of real property in
15 the district subject to assessment according to the most recent
16 certified tax appraisal roll for the county.

17 Sec. 4021.0402. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
18 The board by resolution may impose and collect an assessment for any
19 purpose authorized by this chapter in all or any part of the
20 district.

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

26 (1) are a first and prior lien against the property
27 assessed;

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

4 (3) are the personal liability of and a charge against
5 the owners of the property even if the owners are not named in the
6 assessment proceedings.

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

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

15 SUBCHAPTER E. TAXES AND BONDS

16 Sec. 4021.0501. TAX ELECTION REQUIRED. (a) The district
17 must hold an election in the manner provided by Chapter 49, Water
18 Code, or, if applicable, Chapter 375, Local Government Code, to
19 obtain voter approval before the district may impose an ad valorem
20 tax.

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

23 Sec. 4021.0502. OPERATION AND MAINTENANCE TAX. (a) If
24 authorized by a majority of the district voters voting at an
25 election under Section 4021.0501, the district may impose an
26 operation and maintenance tax on taxable property in the district
27 in the manner provided by 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 operation and maintenance tax rate. The rate may not exceed the rate approved at the election.

Sec. 4021.0503. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on terms determined by the board.

(b) The district may issue, by public or private 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.

Sec. 4021.0504. BONDS SECURED BY REVENUE OR CONTRACT PAYMENTS. The district may issue, without an election, bonds secured by:

(1) revenue other than ad valorem taxes, including contract revenues; or

(2) contract payments, provided that the requirements of Section 49.108, Water Code, have been met.

Sec. 4021.0505. BONDS SECURED BY AD VALOREM TAXES; ELECTIONS. (a) If authorized at an election under Section 4021.0501, the district may issue bonds payable from ad valorem taxes.

(b) At the time the district issues bonds payable wholly or

1 partly from ad valorem taxes, the board shall provide for the annual
2 imposition of a continuing direct annual ad valorem tax, without
3 limit as to rate or amount, for each year that all or part of the
4 bonds are outstanding as required and in the manner provided by
5 Sections 54.601 and 54.602, Water Code.

6 (c) All or any part of any facilities or improvements that
7 may be acquired by a district by the issuance of its bonds may be
8 submitted as a single proposition or as several propositions to be
9 voted on at the election.

10 Sec. 4021.0506. CONSENT OF MUNICIPALITY REQUIRED. The
11 board may not issue bonds until each municipality in whose
12 corporate limits or extraterritorial jurisdiction the district is
13 located has consented by ordinance or resolution to the creation of
14 the district and to the inclusion of land in the district as
15 required by applicable law.

16 SUBCHAPTER I. DISSOLUTION

17 Sec. 4021.0901. DISSOLUTION. (a) The board shall dissolve
18 the district on written petition filed with the board by the owners
19 of:

20 (1) at least two-thirds of the assessed value of the
21 property subject to assessment by the district based on the most
22 recent certified county property tax rolls; or

23 (2) at least two-thirds of the surface area of the
24 district, excluding roads, streets, highways, utility
25 rights-of-way, other public areas, and other property exempt from
26 assessment by the district according to the most recent certified
27 county property tax rolls.

1 (b) The board by majority vote may dissolve the district at
2 any time.

3 (c) The district may not be dissolved by its board under
4 Subsection (a) or (b) if the district:

5 (1) has any outstanding bonded indebtedness until that
6 bonded indebtedness has been repaid or defeased in accordance with
7 the order or resolution authorizing the issuance of the bonds;

8 (2) has a contractual obligation to pay money until
9 that obligation has been fully paid in accordance with the
10 contract; or

11 (3) owns, operates, or maintains public works,
12 facilities, or improvements unless the district contracts with
13 another person for the ownership, operation, or maintenance of the
14 public works, facilities, or improvements.

15 (d) Sections 375.261, 375.262, and 375.264, Local
16 Government Code, do not apply to the district.

17 SECTION 2. The Bayou Belle Municipal Management District
18 No. 1 initially includes all territory contained in the following
19 area:

20 A 605.3082 ACRE TRACT OF LAND IN THE JULIANNA MALLEY LEAGUE,
21 ABSTRACT NO. 71 LIBERTY COUNTY, TEXAS, BEING OUT OF A CALLED 98.05
22 ACRE TRACT OF LAND (TRACT A) AND A 76.95 ACRE TRACT OF LAND (TRACT B)
23 BOTH CONVEYED TO JAMES A. SMESNY, AS RECORDED UNDER LIBERTY COUNTY
24 CLERKS FILE NUMBER (L.C.C.F. NO.) 2013009926, AND BEING OUT OF A
25 TRACT OF LAND CONVEYED TO MARILYN A. MCCOY, AS RECORDED UNDER
26 L.C.C.F. NO. 2024026279, SAID 605.3082 ACRE TRACT BEING MORE
27 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (WITH

H.B. No. 5680

1 BEARINGS BASED ON TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE, AS
2 DETERMINED BY GPS MEASUREMENTS):
3 BEGINNING at a capped 1/2-inch iron rod (unable to read cap,
4 underwater) found on the north line of a tract of land (Tract 1)
5 conveyed to Cedar Bayou Farms, LTD. As recorded under L.C.C.F.
6 No. 2014015962, marking the southeast corner of a called 1,296.96
7 acre tract of land, conveyed to Ironwood Holdings, LLC, as recorded
8 under L.C.C.F. no. 2018017630 and the southwest corner of the
9 herein described tract;
10 THENCE, North 12°41'11" West, along the east line of said 1,296.96
11 acre tract a distance of 5,892.63 feet to a capped 1/2-inch iron rod
12 stamped "HOFFPAUIR RPLS 4492" found marking an interior corner of
13 said 1,296.96 acre tract and the northwest corner of the herein
14 described tract;
15 THENCE, North 76°27'15" East, along a south line of said 1,296.96
16 acre tract, a distance of 2,334.77 feet to a capped 1/2-inch iron
17 rod (unable to read cap, underwater) found marking a southeasterly
18 corner of said 1,296.96 acre tract, the southwest corner of a called
19 150.49 acre tract, conveyed to multiple owners, as described in
20 Volume 1183, Page 75 of the Liberty County Deed Records (L.C.D.R.)
21 and in L.C.C.F. No. 2015020160, and an angle in the northern line of
22 the herein described tract;
23 THENCE, North 76°29'43" East, along the south line of said 150.49
24 acre tract, a distance of 1,803.29 feet to the southwest corner of a
25 called 49.51 acre tract of land, conveyed to Marilyn A. McCoy under
26 said L.C.C.F. no. 2024026279 and described in document recorded
27 under L.C.C.F. No. 2015020160 and an interior corner of the herein

1 described tract;

2 THENCE, along the common line of said 150.49 acre tract and said
3 49.51 acre tract, the following nine (9) courses and distances:

4 (1) North 10°36'07" East, a distance of 495.99 feet to an
5 angle point;

6 (2) North 21°06'58" East, a distance of 969.97 feet to an
7 angle point;

8 (3) North 20°56'41" East, a distance of 613.07 feet to an
9 angle point;

10 (4) North 31°29'49" East, a distance of 35.91 feet to an
11 angle point;

12 (5) North 49°26'57" East, a distance of 39.77 feet to an
13 angle point;

14 (6) North 74°47'07" East, a distance of 451.42 feet to an
15 angle point;

16 (7) North 55°38'57" East, a distance of 57.80 feet to an
17 angle point;

18 (8) North 22°37'44" East, a distance of 75.74 feet to an
19 angle point;

20 (9) North 12°53'38" West, a distance of 591.62 feet to the
21 south line of Lot 10 of Aaronglen Estates, map or plat thereof
22 recorded under Volume 9, Page 8 of the Liberty County Map Records
23 (L.C.M.R.), for a northerly corner of the herein described tract;

24 THENCE, North 76°29'43" East, along the north line of said Lot 10, a
25 distance of 18.00 feet to the northwest corner of a tract of land,
26 conveyed to Roman Guadalupe and Francella Martinez, as recorded
27 under L.C.C.F. No. 2020007603, and the northeast corner of the

1 herein described tract;

2 THENCE, South 12°36'14" East, along the west line of said Martinez
3 tract, common with the east line of said 49.51 acre tract, passing
4 at a distance of 488.82 feet a 5/8-inch iron rod found marking the
5 southwest corner of said Martinez tract, and continuing for a total
6 distance of 862.99 feet to a 1-inch iron pipe found marking the
7 southwest corner of Lot 12 of Whitewing Section II, map or plat
8 thereof recorded under Volume 8, Page 173, L.C.M.R. ;

9 THENCE, South 12°42'40" East, continuing along the east line of said
10 49.51 acre tract, passing at a distance of 1,624.04 feet the
11 southeast corner of said 49.51 acre tract, and continuing for a
12 total distance of 2,224.86 feet to an angle point;

13 THENCE, over and across the said Marilyn McCoy tracts, and the
14 aforesaid Tract 1 and Tract 2, conveyed to James A. Smesny, the
15 following

16 (1) South 38°44'04" West, a distance of 1,082.20 feet to an
17 angle point;

18 (2) South 28°06'28" West, a distance of 1,341.46 feet to an
19 angle point;

20 (3) South 15°01'13" West, a distance of 1,372.44 feet to an
21 angle point;

22 (4) South 01°54'04" East, a distance of 1,827.99 feet to an
23 angle point;

24 (5) South 20°23'43" East, a distance of 667.44 feet to the
25 north line of the aforesaid Tract 1, conveyed to Cedar Bayou Farms,
26 for the southeast corner of the herein described tract;

27 THENCE, South 77°03'37" West, along the north line of said Tract 1,

1 conveyed to Cedar Bayou Farms, a distance of 3,224.06 feet to the
2 POINT OF BEGINNING, and containing 605.3082 acres of land.

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

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

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

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

21 SECTION 4. (a) Section 4021.0311, Special District Local
22 Laws Code, as added by Section 1 of this Act, takes effect only if
23 this Act receives a two-thirds vote of all the members elected to
24 each house.

25 (b) If this Act does not receive a two-thirds vote of all the
26 members elected to each house, Subchapter C, Chapter 4021, Special
27 District Local Laws Code, as added by Section 1 of this Act, is

1 amended by adding Section 4021.0311 to read as follows:

2 Sec. 4021.0311. NO EMINENT DOMAIN POWER. The district may
3 not exercise the power of eminent domain.

4 SECTION 5. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2025.