

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 4. DEVELOPMENT AND IMPROVEMENT
SUBTITLE C. DEVELOPMENT, IMPROVEMENT, AND MANAGEMENT
CHAPTER 3837. WEST RANCH MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3837.001. DEFINITIONS. In this chapter:

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

(2) "District" means the West Ranch Management District.

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

Sec. 3837.002. WEST RANCH MANAGEMENT DISTRICT. The West Ranch Management District is a special district created under Section 59, Article XVI, Texas Constitution.

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

Sec. 3837.003. 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 Friendswood, Galveston and Harris Counties, and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

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

(c) This chapter and the creation of the district may not be interpreted to relieve Galveston and Harris Counties and the City

of Friendswood from providing the level of services provided as of the effective date of the Act enacting this chapter, to the area in the district. The district is created to supplement and not to supplant the county or city services provided in the area in the district.

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

Sec. 3837.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

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

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

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

(2) eliminate unemployment and underemployment; and

(3) develop or expand transportation and commerce.

(d) The district will:

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

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

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

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

or road improvement.

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

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

Sec. 3837.005. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 2 of the Act enacting this chapter, as that territory may have been modified under:

- (1) Subchapter J, Chapter 49, Water Code; or
- (2) other law.

(b) The boundaries and field notes of the district 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 in any way affect the district's:

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

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

Sec. 3837.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. All or any part of the area of the district is eligible to be included in:

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

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

Sec. 3837.007. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district. Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

Sec. 3837.008. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter. Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3837.051. GOVERNING BODY. The district is governed by a board of five directors who serve staggered terms of four years, with two or three directors' terms expiring June 1 of each odd-numbered year. Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

Sec. 3837.052. APPOINTMENT OF DIRECTORS. (a) The governing body of the City of Friendswood shall appoint the directors of the board. The governing body shall appoint:

(1) three directors from a list of persons nominated by the board; and

(2) two directors chosen by the governing body.

(b) If a person owns 25 percent or more of the land in the district, the board shall request that the person provide to the board a list of persons for the board to nominate under this section. If the person does not provide a list of persons to the board for that purpose before the 31st day after the date the board requests the list or if no person owns 25 percent or more of the land in the district, the board is not required to obtain a list and may nominate any eligible person for appointment to the board. If more than one person owns 25 percent or more of the land included in the district, only the person who owns the greatest amount of land

included in the district is entitled to have the board request a list under this subsection.

(c) If a person owns 25 percent or more of the land in the district, at least a majority of the board must have been named from a list provided by a person who owns 25 percent or more of the land. Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

Sec. 3837.053. REMOVAL OF DIRECTORS CHOSEN BY CITY. The City of Friendswood for any reason may remove a director appointed under Section 3837.052(a)(2) and appoint a person to serve the remainder of that director's term.

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

Sec. 3837.054. VACANCY IN OFFICE OF DIRECTOR. (a) The board may appoint a person to fill a vacancy in the office of a director appointed under Section 3837.052(a)(1) for the remainder of the director's term.

(b) The City of Friendswood may appoint a person to fill a vacancy in the office of a director appointed under Section 3837.052(a)(2) for the remainder of the director's term.

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

Sec. 3837.055. QUORUM. For purposes of determining whether a quorum of the board is present, the following are not counted:

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

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

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3837.101. EDUCATIONAL FACILITIES. (a) The district

may acquire, construct, or finance an educational facility or a site or appurtenance for an educational facility to benefit the district.

(b) The district may convey the facility, site, or appurtenance to a school district that contains territory in the West Ranch Management District.

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

Sec. 3837.102. AGREEMENTS; GRANTS. (a) The district may make an agreement with or accept a gift, grant, or loan from any person.

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

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

Sec. 3837.103. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT. To protect the public interest, the district may contract with the City of Friendswood for the city to provide law enforcement services in the district that exceed the services that would otherwise be provided in the district by the city.

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

Sec. 3837.104. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The district may join and pay dues to an organization that:

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

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

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

Sec. 3837.105. ECONOMIC DEVELOPMENT PROGRAMS. (a) The district may establish and provide for the administration of one or

more programs to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

- (1) make loans and grants of public money; and
- (2) provide district personnel and services.

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

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

Sec. 3837.106. NO EMINENT DOMAIN. The district may not exercise the power of eminent domain.

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

SUBCHAPTER D. FINANCIAL PROVISIONS

Sec. 3837.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of the district's money.

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

Sec. 3837.152. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board.

(b) A petition filed under Subsection (a) must be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal rolls for Harris County and Galveston County, as applicable.

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

Sec. 3837.153. AD VALOREM TAX. (a) If authorized at an election held in accordance with Section 3837.157, the district may impose an annual ad valorem tax on taxable property in the district for any district purpose, including to:

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

(b) The board shall determine the tax rate.

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

Sec. 3837.154. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND ASSESSMENTS. The district may not impose an impact fee or assessment on the property, including the equipment, rights-of-way, facilities, or improvements, of:

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

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

Sec. 3837.155. BONDS AND OTHER OBLIGATIONS; APPROVAL BY CITY OF FRIENDSWOOD. (a) The district may issue bonds or other obligations payable wholly or partly from taxes, assessments, impact fees, revenue, grants, or other money of the district, or any combination of those sources of money, to pay for any authorized purpose of the district.

(b) The district may issue a bond or other obligation in the form of a bond, note, certificate of participation or other instrument evidencing a proportionate interest in payments to be

made by the district, or other type of obligation.

(c) The district must obtain the approval of the City of Friendswood for the issuance of bonds or other obligations for any improvement project.

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

Sec. 3837.156. TAXES FOR BONDS AND OTHER OBLIGATIONS. At the time bonds or other obligations payable wholly or partly from ad valorem taxes are issued:

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

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

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

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

(C) pay the expenses of imposing the taxes.

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

Sec. 3837.157. TAX AND BOND ELECTIONS. (a) The district shall hold an election in the manner provided by Subchapter L, Chapter 375, Local Government Code, to obtain voter approval before the district imposes a maintenance tax or issues bonds payable from ad valorem taxes.

(b) The board may include more than one purpose in a single proposition at an election.

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

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

Sec. 3837.158. CITIES NOT REQUIRED TO PAY DISTRICT OBLIGATIONS. Except as provided by Section 375.263, Local Government Code, a municipality is not required to pay a bond, note, or other obligation of the district.

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

Sec. 3837.159. COMPETITIVE BIDDING. (a) The competitive bidding provisions of Subchapter I, Chapter 49, Water Code, apply to the district for a contract to acquire or construct a water, a wastewater, or a drainage or detention improvement. For all other district contracts or projects, the competitive bidding requirements that apply to a local government corporation created under Chapter 431, Transportation Code, apply to the district.

(b) Subchapter K, Chapter 375, Local Government Code, does not apply to the district.

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.

SUBCHAPTER E. DISSOLUTION

Sec. 3837.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING DEBT. (a) The board may dissolve the district regardless of whether the district has debt. Section 375.264, Local Government Code, does not apply to the district.

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

Added by Acts 2005, 79th Leg., Ch. 438 (S.B. 1806), Sec. 1, eff. June 17, 2005.