

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 4. DEVELOPMENT AND IMPROVEMENT

SUBTITLE C. DEVELOPMENT, IMPROVEMENT, AND MANAGEMENT

CHAPTER 3857. CHAMBERS-LIBERTY COUNTIES IMPROVEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3857.001. DEFINITIONS. In this chapter:

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

(2) "District" means the Chambers-Liberty Counties Improvement District.

Added by Acts 2007, 80th Leg., R.S., Ch. 1286 (H.B. 4093), Sec. 1, eff. June 15, 2007.

Sec. 3857.002. CHAMBERS-LIBERTY COUNTIES IMPROVEMENT DISTRICT. The district is a special district created under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

Added by Acts 2007, 80th Leg., R.S., Ch. 1286 (H.B. 4093), Sec. 1, eff. June 15, 2007.

Sec. 3857.003. 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 Chambers and Liberty 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 automobile transportation, housing, recreation, the arts, safety, and the public welfare in the district territory.

(c) This chapter and the creation of the district may not be interpreted to relieve Chambers and Liberty Counties 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 services provided in the area in the district.

Added by Acts 2007, 80th Leg., R.S., Ch. 1286 (H.B. 4093), Sec. 1, eff. June 15, 2007.

Sec. 3857.004. 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 district will:

(1) promote the health, safety, and general welfare of residents 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 commercially viable area; and

(3) promote the health, safety, welfare, 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.

(d) 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.

(e) 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 2007, 80th Leg., R.S., Ch. 1286 (H.B. 4093), Sec. 1, eff. June 15, 2007.

Sec. 3857.005. DISTRICT TERRITORY. 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.

Added by Acts 2007, 80th Leg., R.S., Ch. 1286 (H.B. 4093), Sec. 1, eff. June 15, 2007.

Sec. 3857.006. 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 2007, 80th Leg., R.S., Ch. 1286 (H.B. 4093), Sec. 1, eff. June 15, 2007.

Sec. 3857.007. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 1286 (H.B. 4093), Sec. 1, eff. June 15, 2007.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3857.051. GOVERNING BODY; TERMS. (a) 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.

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

Added by Acts 2007, 80th Leg., R.S., Ch. 1286 (H.B. 4093), Sec. 1, eff. June 15, 2007.

Sec. 3857.052. APPOINTMENT OF DIRECTORS. From persons recommended by the board, the county judge:

(1) of Liberty County shall appoint directors for positions 1, 2, and 3; and

(2) of Chambers County shall appoint directors for positions 4 and 5.

Added by Acts 2007, 80th Leg., R.S., Ch. 1286 (H.B. 4093), Sec. 1, eff. June 15, 2007.

Sec. 3857.053. CONFLICTS OF INTEREST; ONE-TIME AFFIDAVIT.

(a) Except as provided by this section:

(1) a director may participate in all board votes and decisions; and

(2) Chapter 171, Local Government Code, governs conflicts of interest for directors.

(b) Section 171.004, Local Government Code, does not apply to the district. A director who has a substantial interest in a business or charitable entity that will receive a pecuniary benefit from a board action shall file a one-time affidavit declaring the interest. An additional affidavit is not required if the director's interest changes. After the affidavit is filed with the board secretary, the director may participate in a discussion or vote on that action if:

(1) a majority of the directors have a similar interest in the same entity; or

(2) all other similar business or charitable entities in the district will receive a similar pecuniary benefit.

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

(d) For purposes of this section, a director has a substantial interest in a charitable entity in the same manner that a person would have a substantial interest in a business entity under Section 171.002, Local Government Code.

Added by Acts 2007, 80th Leg., R.S., Ch. 1286 (H.B. 4093), Sec. 1, eff. June 15, 2007.

Sec. 3857.054. COMPENSATION. (a) Sections 375.069 and 375.070, Local Government Code, do not apply to the board.

(b) Section 49.060, Water Code, applies to the board.

Added by Acts 2007, 80th Leg., R.S., Ch. 1286 (H.B. 4093), Sec. 1, eff. June 15, 2007.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3857.101. MUNICIPAL UTILITY DISTRICT. The district has the powers given to a municipal utility district created under Chapters 49 and 54, Water Code.

Added by Acts 2007, 80th Leg., R.S., Ch. 1286 (H.B. 4093), Sec. 1, eff. June 15, 2007.

Sec. 3857.102. ROAD POWERS. (a) The district has the powers given to a road district created under Section 52, Article III, Texas Constitution, including:

(1) a road district under Chapter 257, Transportation Code; and

(2) a road utility district under Chapter 441, Transportation Code.

(b) The district has the power under Subsection (a) to finance arterials, including a farm-to-market road, state highway, and county road.

(c) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the district is located. If the district is not located in the corporate limits or extraterritorial jurisdiction of a municipality, a road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each county in which the district is located.

(d) The district may not undertake a road project outside the district unless each municipality in whose corporate limits or extraterritorial jurisdiction the district is located consents by resolution. If the district is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the district may not undertake a road project outside the district unless each county in which the district is located consents by resolution.

Added by Acts 2007, 80th Leg., R.S., Ch. 1286 (H.B. 4093), Sec. 1, eff. June 15, 2007.

Sec. 3857.103. 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 for purposes of this chapter to be a local government corporation created under 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 Chapter 431, Transportation Code.

Added by Acts 2007, 80th Leg., R.S., Ch. 1286 (H.B. 4093), Sec. 1, eff. June 15, 2007.

Sec. 3857.104. 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 project is a governmental function or service for the purposes of Chapter 791, Government Code.

Added by Acts 2007, 80th Leg., R.S., Ch. 1286 (H.B. 4093), Sec. 1, eff. June 15, 2007.

Sec. 3857.105. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT. To protect the public interest, the district may contract with Chambers or Liberty County for the county to provide law enforcement services in the district for a fee.

Added by Acts 2007, 80th Leg., R.S., Ch. 1286 (H.B. 4093), Sec. 1, eff. June 15, 2007.

Sec. 3857.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

Added by Acts 2007, 80th Leg., R.S., Ch. 1286 (H.B. 4093), Sec. 1, eff. June 15, 2007.

SUBCHAPTER D. FINANCIAL PROVISIONS

Sec. 3857.151. 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 2007, 80th Leg., R.S., Ch. 1286 (H.B. 4093), Sec. 1, eff. June 15, 2007.

Sec. 3857.152. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that improvement or service has been filed with the board.

(b) The petition must be signed by:

(1) the owners of a majority of the assessed value of real property in the district subject to assessment as determined by the most recent certified tax appraisal roll for Chambers or Liberty County; or

(2) at least 50 persons who own real property in the district, if more than 50 persons own real property in the district as determined by the most recent certified tax appraisal roll for Chambers or Liberty County.

Added by Acts 2007, 80th Leg., R.S., Ch. 1286 (H.B. 4093), Sec. 1, eff. June 15, 2007.

Sec. 3857.153. MAINTENANCE TAX. (a) If authorized at an election held in accordance with Section 3857.160, the district may impose an annual ad valorem tax on taxable property in the district to:

(1) maintain and operate the district and the improvements constructed or acquired by the district; or

(2) provide a service.

(b) The board shall determine the tax rate.

Added by Acts 2007, 80th Leg., R.S., Ch. 1286 (H.B. 4093), Sec. 1, eff. June 15, 2007.

Sec. 3857.154. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose an assessment for any purpose authorized by this chapter in all or any part of the district.

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

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

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

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

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

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

Added by Acts 2007, 80th Leg., R.S., Ch. 1286 (H.B. [4093](#)), Sec. 1, eff. June 15, 2007.

Sec. 3857.155. UTILITY PROPERTY EXEMPT FROM IMPACT FEES OR 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 2007, 80th Leg., R.S., Ch. 1286 (H.B. [4093](#)), Sec. 1, eff. June 15, 2007.

Sec. 3857.156. BONDS AND OTHER OBLIGATIONS. (a) The district may issue by competitive bid or negotiated sale bonds, notes, or other obligations payable wholly or partly from ad valorem 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) In exercising the district's power to borrow, 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.

Added by Acts 2007, 80th Leg., R.S., Ch. 1286 (H.B. [4093](#)), Sec. 1, eff. June 15, 2007.

Sec. 3857.157. APPROVAL REQUIRED FOR WATER-RELATED BONDS. The district may not issue bonds to finance water, sewage, or drainage facilities without the approval of the Texas Commission on Environmental Quality.

Added by Acts 2007, 80th Leg., R.S., Ch. 1286 (H.B. [4093](#)), Sec. 1, eff. June 15, 2007.

Sec. 3857.158. COUNTIES NOT REQUIRED TO PAY DISTRICT OBLIGATIONS. Except as provided by Section [375.263](#), Local Government Code, a county is not required to pay a bond, note, or other obligation of the district.

Added by Acts 2007, 80th Leg., R.S., Ch. 1286 (H.B. [4093](#)), Sec. 1, eff. June 15, 2007.

Sec. 3857.159. COMPETITIVE BIDDING. Section [375.221](#), Local Government Code, applies to the district only for a contract that has a value greater than \$25,000.

Added by Acts 2007, 80th Leg., R.S., Ch. 1286 (H.B. 4093), Sec. 1, eff. June 15, 2007.

Sec. 3857.160. ELECTIONS REGARDING TAXES OR BONDS. (a) In addition to the elections required under Subchapter L, Chapter 375, Local Government Code, the district must hold an election in the manner provided by that subchapter to obtain voter approval before the district may:

- (1) impose a maintenance tax; or
- (2) issue a bond payable from ad valorem taxes or assessments.

(b) The board may submit multiple purposes in a single proposition at an election.

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

Added by Acts 2007, 80th Leg., R.S., Ch. 1286 (H.B. 4093), Sec. 1, eff. June 15, 2007.

SUBCHAPTER E. DISSOLUTION

Sec. 3857.201. 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 2007, 80th Leg., R.S., Ch. 1286 (H.B. 4093), Sec. 1, eff. June 15, 2007.