

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 4. DEVELOPMENT AND IMPROVEMENT
SUBTITLE C. DEVELOPMENT, IMPROVEMENT, AND MANAGEMENT
CHAPTER 3865. ALIANA MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3865.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means the Aliana Management District.

Added by Acts 2009, 81st Leg., R.S., Ch. 142 (S.B. [1295](#)), Sec. 1, eff. May 23, 2009.

Sec. 3865.002. NATURE OF 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 2009, 81st Leg., R.S., Ch. 142 (S.B. [1295](#)), Sec. 1, eff. May 23, 2009.

Sec. 3865.003. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose 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 is created to accomplish the purposes of a municipal management district as provided by general law and Sections [52](#) and [52-a](#), Article III, and Section [59](#), Article XVI, Texas Constitution.

(d) 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.

(e) The district will:

(1) promote the health, safety, 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, 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.

(f) 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.

(g) 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 2009, 81st Leg., R.S., Ch. 142 (S.B. [1295](#)), Sec. 1, eff. May 23, 2009.

Sec. 3865.004. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act creating this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act creating this chapter form a closure. A mistake made 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 bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

Added by Acts 2009, 81st Leg., R.S., Ch. 142 (S.B. [1295](#)), Sec. 1, eff. May 23, 2009.

Sec. 3865.005. COUNTY CONSENT REQUIRED. The district may not take any action until the Commissioners Court of Fort Bend County consents by resolution to the creation of the district. Added by Acts 2009, 81st Leg., R.S., Ch. 142 (S.B. [1295](#)), Sec. 1, eff. May 23, 2009.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3865.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five directors.

(b) Except as provided by Section [3865.053](#), directors serve staggered four-year terms.

(c) The initial and each succeeding board of directors shall recommend to the Fort Bend County Commissioners Court persons to serve on the succeeding board.

(d) After reviewing the recommendations, the commissioners court shall approve or disapprove the directors recommended by the board.

(e) If the commissioners court is not satisfied with the recommendations submitted by the board, the board, on the request of the commissioners court, shall submit additional recommendations.

(f) Board members may serve successive terms.

(g) If a court finds any provision of Subsections (c)-(f) to be invalid, the Texas Commission on Environmental Quality shall appoint the board from recommendations submitted by the preceding board.

Added by Acts 2009, 81st Leg., R.S., Ch. 142 (S.B. [1295](#)), Sec. 1, eff. May 23, 2009.

Sec. 3865.052. QUALIFICATIONS. To be qualified to serve as a director, a person must meet the qualifications of Section [375.063](#), Local Government Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 142 (S.B. [1295](#)), Sec. 1, eff. May 23, 2009.

Sec. 3865.053. INITIAL DIRECTORS. (a) The initial board consists of:

- (1) Jeff Gilman;
- (2) Charles D. Marcucci;
- (3) Charles H. Weiss;
- (4) Hillary Burke; and
- (5) Greg Valikonis.

(b) The initial directors shall draw lots to determine which two shall serve two-year terms and which three shall serve four-year terms.

Added by Acts 2009, 81st Leg., R.S., Ch. 142 (S.B. [1295](#)), Sec. 1, eff. May 23, 2009.

Sec. 3865.054. 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.

Added by Acts 2017, 85th Leg., R.S., Ch. 627 (H.B. [4289](#)), Sec. 1, eff. September 1, 2017.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3865.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Added by Acts 2009, 81st Leg., R.S., Ch. 142 (S.B. [1295](#)), Sec. 1, eff. May 23, 2009.

Sec. [3865.102](#). MUNICIPAL MANAGEMENT DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapter [375](#), Local Government Code, applicable to municipal management districts created under Sections [52](#) and [52-a](#), Article III, and Section [59](#), Article XVI, Texas Constitution, except the district may not construct, acquire,

maintain, or operate a turnpike or toll road.

Added by Acts 2009, 81st Leg., R.S., Ch. 142 (S.B. 1295), Sec. 1, eff. May 23, 2009.

Sec. 3865.103. EXERCISE OF POWERS OF DEVELOPMENT CORPORATION. The district may exercise the powers of a corporation created under Chapter 505, Local Government Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 142 (S.B. 1295), Sec. 1, eff. May 23, 2009.

Sec. 3865.104. SPORTS VENUE. The district may construct, acquire, improve, maintain, and operate a sports venue, including an arena, coliseum, stadium, or other type of area or facility used for one or more professional or amateur sports or athletics events.

Added by Acts 2009, 81st Leg., R.S., Ch. 142 (S.B. 1295), Sec. 1, eff. May 23, 2009.

Sec. 3865.105. ECONOMIC DEVELOPMENT. The district may create economic development programs and exercise the economic development powers that:

(1) Chapter 380, Local Government Code, provides to a municipality with a population of more than 100,000; and

(2) Chapter 1509, Government Code, provides to any municipality, except the district may not create the programs or exercise the powers provided by Subchapter E of that chapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 142 (S.B. 1295), Sec. 1, eff. May 23, 2009.

Sec. 3865.106. NO EMINENT DOMAIN. The district may not exercise the power of eminent domain.

Added by Acts 2009, 81st Leg., R.S., Ch. 142 (S.B. 1295), Sec. 1, eff. May 23, 2009.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 3865.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other

obligations secured by revenue or contract payments from any source other than ad valorem taxation.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Added by Acts 2009, 81st Leg., R.S., Ch. 142 (S.B. 1295), Sec. 1, eff. May 23, 2009.

Sec. 3865.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 3865.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Added by Acts 2009, 81st Leg., R.S., Ch. 142 (S.B. 1295), Sec. 1, eff. May 23, 2009.

Sec. 3865.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may make payments under a contract from taxes other than operation and maintenance taxes after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

Added by Acts 2009, 81st Leg., R.S., Ch. 142 (S.B. 1295), Sec. 1, eff. May 23, 2009.

Sec. 3865.154. HOTEL OCCUPANCY TAX. The district may impose a hotel occupancy tax in the manner provided in Section 351.002, Tax Code. A tax imposed under this section may not exceed the maximum

rate provided in Section [351.003](#)(a), Tax Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 142 (S.B. [1295](#)), Sec. 1, eff. May 23, 2009.

Sec. 3865.155. SALES AND USE TAX. (a) The district may impose a sales and use tax if authorized by a majority of the voters of the district voting at an election called for that purpose. Revenue from the tax may be used for any purpose for which ad valorem tax revenue of the district may be used.

(b) The district may not adopt a sales and use tax if as a result of the adoption of the tax the combined rate of all sales and use taxes imposed by the district and other political subdivisions of this state having territory in the district would exceed two percent at any location in the district.

(c) If the voters of the district approve the adoption of the tax at an election held on the same election date on which another political subdivision adopts a sales and use tax or approves an increase in the rate of its sales and use tax and as a result the combined rate of all sales and use taxes imposed by the district and other political subdivisions of this state having territory in the district would exceed two percent at any location in the district, the election to adopt a sales and use tax under this chapter has no effect.

(d) Chapter [321](#), Tax Code, applies to the imposition, computation, administration, enforcement, and collection of the sales and use tax imposed by this section except to the extent it is inconsistent with this chapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 142 (S.B. [1295](#)), Sec. 1, eff. May 23, 2009.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 3865.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, hotel occupancy taxes, sales and use taxes, revenue from economic development agreements under

Chapter 380 or 381, Local Government Code, other district money, or any combination of those sources, to pay for any authorized district purpose.

Added by Acts 2009, 81st Leg., R.S., Ch. 142 (S.B. 1295), Sec. 1, eff. May 23, 2009.

Sec. 3865.202. TAXES FOR BONDS. (a) At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of an ad valorem tax, without limit as to rate or amount, as required by Section 54.601, Water Code.

(b) The board shall annually impose the tax while all or part of the bonds are outstanding. Sections 54.601 and 54.602, Water Code, govern the amount and rate of the tax.

Added by Acts 2009, 81st Leg., R.S., Ch. 142 (S.B. 1295), Sec. 1, eff. May 23, 2009.

Sec. 3865.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects may not exceed one-fourth of the assessed value of the real property in the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 142 (S.B. 1295), Sec. 1, eff. May 23, 2009.