

SPECIAL DISTRICT LOCAL LAWS CODE  
TITLE 4. DEVELOPMENT AND IMPROVEMENT  
SUBTITLE C. DEVELOPMENT, IMPROVEMENT, AND MANAGEMENT  
CHAPTER 3870. MAVERICK IMPROVEMENT DISTRICT  
OF PALO PINTO COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3870.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Maverick Improvement District of Palo Pinto County.

Added by Acts 2009, 81st Leg., R.S., Ch. 245 (S.B. 2470), Sec. 1, eff. September 1, 2009.

Sec. 3870.002. NATURE OF DISTRICT. The district is a special district created under Section 59, Article XVI, and Sections 52 and 52-a, Article III, Texas Constitution.

Added by Acts 2009, 81st Leg., R.S., Ch. 245 (S.B. 2470), Sec. 1, eff. September 1, 2009.

Sec. 3870.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 245 (S.B. 2470), Sec. 1, eff. September 1, 2009.

Sec. 3870.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 3870.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 245 (S.B. 2470), Sec. 1,

eff. September 1, 2009.

Sec. 3870.005. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public purpose and benefit. By creating the district and in authorizing the county of Palo Pinto 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 district is created to accomplish the purposes of promoting, developing, encouraging, and maintaining employment, commerce, transportation, housing, tourism, recreation, economic development, safety, and the public welfare in the district and to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution;

(2) a county development district as provided by general law and Section 52-a, Article III, Texas Constitution;

(3) Section 52, Article III, Texas Constitution, related to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads; and

(4) Section 52-a, Article III, Texas Constitution, related to the provision of public recreational facilities, including docks and boat access facilities, pedestrian ways and street lighting and parking, and the installation of signage and landscaping and the development of certain areas in the district that are necessary for the restoration, preservation, and enhancement of scenic beauty.

Added by Acts 2009, 81st Leg., R.S., Ch. 245 (S.B. 2470), Sec. 1, eff. September 1, 2009.

Sec. 3870.006. 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. 245 (S.B. 2470), Sec. 1, eff. September 1, 2009.

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3870.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 3870.052, directors serve staggered four-year terms.

Added by Acts 2009, 81st Leg., R.S., Ch. 245 (S.B. 2470), Sec. 1, eff. September 1, 2009.

Sec. 3870.052. TEMPORARY DIRECTORS. (a) On or after September 1, 2009, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 3870.003; or

(2) September 1, 2013.

(c) If permanent directors have not been elected under Section 3870.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 3870.003; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

Added by Acts 2009, 81st Leg., R.S., Ch. 245 (S.B. 2470), Sec. 1, eff. September 1, 2009.

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 3870.101. 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. 245 (S.B. 2470), Sec. 1, eff. September 1, 2009.

Sec. 3870.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Added by Acts 2009, 81st Leg., R.S., Ch. 245 (S.B. 2470), Sec. 1, eff. September 1, 2009.

Sec. 3870.103. ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads, and may convey those roads or improvements to this state, a county, or a municipality to operate and maintain.

Added by Acts 2009, 81st Leg., R.S., Ch. 245 (S.B. 2470), Sec. 1, eff. September 1, 2009.

Sec. 3870.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulatory ordinances of a municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

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

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Added by Acts 2009, 81st Leg., R.S., Ch. 245 (S.B. 2470), Sec. 1, eff. September 1, 2009.

Sec. 3870.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCES OR RESOLUTIONS. The district shall comply with all applicable requirements of any ordinance or resolution adopted by the governing body of a municipality under Section 54.016 or 54.0165, Water Code, that consents to the creation of the district or to the inclusion of land in the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 245 (S.B. 2470), Sec. 1, eff. September 1, 2009.

Sec. 3870.106. LIMITATION ON USE OF EMINENT DOMAIN. The district may exercise the power of eminent domain only inside the district's boundaries.

Added by Acts 2009, 81st Leg., R.S., Ch. 245 (S.B. 2470), Sec. 1, eff. September 1, 2009.

Sec. 3870.107. AGREEMENTS; GRANTS. (a) The district may make an agreement with or accept a gift, grant, or loan from any person.

(b) The board may enter into a contract with another political subdivision or the state to share the costs of

construction, acquisition, operation, or maintenance of a transportation improvement, including a road, a bridge, a culvert, a parking facility, or another public improvement.

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

Added by Acts 2009, 81st Leg., R.S., Ch. 245 (S.B. 2470), Sec. 1, eff. September 1, 2009.

Sec. 3870.108. 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.

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

(d) The board, on its own motion or on receipt of a petition signed by the owners of a majority of the assessed value of real property in the district according to the most recent certified appraisal roll for the county in which the district is located, may adopt an order dividing the district. An order dividing the district may be adopted before or after an election to confirm the district as required by Section 3870.003.

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 3870.003 to confirm the district's creation.

(f) An order dividing the district shall:

- (1) name each new district;
- (2) include the metes and bounds of each new district;
- (3) appoint temporary directors for each new district;

and

(4) provide for the division of assets and liabilities between each new district.

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

(h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 49.102, Water Code.

(i) Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 3870.004 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

(j) Any new district created by the division of 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 a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.

Added by Acts 2009, 81st Leg., R.S., Ch. 245 (S.B. 2470), Sec. 1, eff. September 1, 2009.

#### SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 3870.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

- (1) revenue other than ad valorem taxes; or
- (2) contract payments described by Section 3870.153.

(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. 245 (S.B. 2470), Sec. 1,

eff. September 1, 2009.

Sec. 3870.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 3870.151, the district may impose an operation and maintenance tax on taxable property in the district as provided by 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. 245 (S.B. 2470), Sec. 1, eff. September 1, 2009.

Sec. 3870.153. CONTRACT TAXES. (a) As provided by Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract 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. 245 (S.B. 2470), Sec. 1, eff. September 1, 2009.

Sec. 3870.154. POWERS OF COUNTY DEVELOPMENT DISTRICT. The district has the powers of a county development district provided by Chapter 383, Local Government Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 245 (S.B. 2470), Sec. 1, eff. September 1, 2009.

Sec. 3870.155. SALES AND USE TAX; ELECTION. (a) The district may adopt a sales and use tax as provided by Chapter 383, Local Government Code, after an election in which the majority of the voters of the district voting in the election authorize the adoption of the tax.

(b) The board by order may call an election to authorize a sales and use tax. The election may be held with any other district election.



(c) The district shall provide notice of the election and shall hold the election in the manner prescribed by Section [3870.151](#).

Added by Acts 2009, 81st Leg., R.S., Ch. 245 (S.B. [2470](#)), Sec. 1, eff. September 1, 2009.

Sec. 3870.156. SALES AND USE TAX RATE. (a) On adoption of the tax authorized by Section [3870.155](#), there is imposed a tax on the receipts from the sale at retail of taxable items within the district, and an excise tax on the use, storage, or other consumption in the district of taxable items purchased, leased, or rented from a retailer in the district during the period after the tax is in effect.

(b) The board shall determine the rate of the tax, which may be in one-eighth of one percent increments not to exceed the maximum rate authorized by the district voters at the election. The board may lower the tax rate to the extent it does not impair any outstanding debt or obligations payable from the tax.

Added by Acts 2009, 81st Leg., R.S., Ch. 245 (S.B. [2470](#)), Sec. 1, eff. September 1, 2009.

Sec. 3870.157. HOTEL OCCUPANCY TAX. (a) In this section, "hotel" has the meaning assigned by Section [156.001](#), Tax Code.

(b) For purposes of this section, a reference in Subchapter [A](#), Chapter [352](#), Tax Code, to a county is a reference to the district and a reference in Subchapter [A](#), Chapter [352](#), Tax Code, to the county's officers or governing body is a reference to the board.

(c) Except as inconsistent with this section, Subchapter [A](#), Chapter [352](#), Tax Code, governs a hotel occupancy tax authorized by this section, including the collection of the tax, subject to the limitations prescribed by Sections [352.002](#)(b) and (c), Tax Code.

(d) The district may impose a hotel occupancy tax for any district purpose, including to:

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

(e) The district may examine and receive information

related to the imposition of hotel occupancy taxes to the same extent as if the district were a county.

Added by Acts 2009, 81st Leg., R.S., Ch. 245 (S.B. 2470), Sec. 1, eff. September 1, 2009.

#### SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 3870.201. 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, or 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. 245 (S.B. 2470), Sec. 1, eff. September 1, 2009.

Sec. 3870.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 245 (S.B. 2470), Sec. 1, eff. September 1, 2009.

Sec. 3870.203. 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 and payable from ad valorem taxes 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. 245 (S.B. 2470), Sec. 1, eff. September 1, 2009.