

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 4. DEVELOPMENT AND IMPROVEMENT
SUBTITLE C. DEVELOPMENT, IMPROVEMENT, AND MANAGEMENT
CHAPTER 3962. WEST PECOS MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3962.0101. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Pecos.

(3) "County" means Reeves County.

(4) "Director" means a board member.

(5) "District" means the West Pecos Management District.

(6) "School district" means Pecos-Barstow-Toyah Independent School District.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0102. NATURE OF DISTRICT. The West Pecos Management District is a special district created under Section 59, Article XVI, Texas Constitution.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0103. 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.

(b) By creating the district and in authorizing the county, the city, the school district, 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.

(c) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce,

transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

(d) This chapter and the creation of the district may not be interpreted to relieve the county or the city 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 county or city services provided in the district.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

(a) 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.

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

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

- (1) developing and diversifying the economy of the state;
- (2) eliminating unemployment and underemployment; and
- (3) developing or expanding transportation and commerce.

(d) 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;

(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; and

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

(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 2019, 86th Leg., R.S., Ch. 407 (S.B. [2502](#)), Sec. 1, eff. June 4, 2019.

Sec. 3962.0105. INITIAL DISTRICT TERRITORY. (a) The 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.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. [2502](#)), Sec. 1, eff. June 4, 2019.

Sec. 3962.0106. 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.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0107. 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 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0108. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3962.0201. GOVERNING BODY; TERMS. The district is governed by a board of seven voting directors who serve staggered terms of four years with three or four directors' terms expiring June 1 of each odd-numbered year.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0202. QUALIFICATIONS AND APPOINTMENT OF VOTING DIRECTORS. (a) Section 375.063, Local Government Code, does not apply to the district.

(b) To be qualified to serve as a director, a person must be at least 18 years of age.

(c) The governing body of the city shall appoint five directors from persons recommended by the board in the manner provided by Section 375.064, Local Government Code, each of whom must be:

(1) an owner of property in the district;

(2) an owner of a beneficial interest in a trust, or a trustee in a trust, that directly or indirectly owns property in the

district; or

(3) an agent, employee, or tenant of a person described by Subdivision (1) or (2).

(d) The governing body of the city and the governing body of the county shall each appoint an additional director. A director appointed under this subsection is not required to have a qualification listed in Subsection (c).

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0203. NONVOTING DIRECTORS. The board may appoint representatives of taxing entities in the district to serve as nonvoting directors.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3962.0301. 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 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0302. 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.

(d) The city, the county, the school district, the Reeves County Hospital District, and any other local government or

political subdivision may contract with the district to provide for financing, construction, maintenance, and operation of public infrastructure or to carry out a district purpose.

(e) The district may not undertake a project on land owned by the city unless the city consents to the project.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0303. 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.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0304. AUTHORITY TO CONTRACT FOR PUBLIC SAFETY SERVICES. To protect the public interest, the district may contract with a qualified party, including the city, the county, or any other governmental entity to provide law enforcement, public safety, fire protection, ambulance, emergency, or code enforcement services in the district for a fee.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0305. 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. Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0306. 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.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0307. 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.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0308. ADDING OR EXCLUDING LAND. 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.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0309. 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.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0310. RESIDENTIAL PROPERTY NOT EXEMPT. Section 375.161, Local Government Code, does not apply to the district.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0311. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

SUBCHAPTER D. ASSESSMENTS

Sec. 3962.0401. 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 roll for the county.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0402. ASSESSMENTS; LIENS FOR ASSESSMENTS.

(a) The board by resolution may impose and collect 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 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

SUBCHAPTER E. TAXES AND BONDS

Sec. 3962.0501. TAX ELECTION REQUIRED. The district must hold an election in the manner provided by Chapter 49, Water Code, or, if applicable, Chapter 375, Local Government Code, to obtain

voter approval before the district may impose an ad valorem tax.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0502. OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the district voters voting at an election under Section 3962.0501, the district may impose an operation and maintenance tax on taxable property in the district 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.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0503. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS. (a) The district may borrow money on terms determined by the board.

(b) The district may issue 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.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0504. 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.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0505. BONDS SECURED BY AD VALOREM TAXES; ELECTIONS. (a) If authorized at an election under Section 3962.0501, the district may issue bonds payable from ad valorem taxes.

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

(c) 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 annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

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

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0506. CONSENT OF MUNICIPALITY REQUIRED. (a) The board may not issue bonds until the city has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

(b) This section applies only to the district's first issuance of bonds payable from ad valorem taxes.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

SUBCHAPTER F. DEFINED AREAS

Sec. 3962.0601. AUTHORITY TO ESTABLISH DEFINED AREAS OR DESIGNATED PROPERTY. The district may define areas or designate certain property of the district to pay for improvements, facilities, or services that primarily benefit that area or

property and do not generally and directly benefit the district as a whole.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0602. PROCEDURE FOR ELECTION. (a) Before the district may impose an ad valorem tax applicable only to the defined area or designated property or issue bonds payable from ad valorem taxes of the defined area or designated property, the board shall hold an election in the defined area or designated property only.

(b) The board may submit the proposition to the voters on the same ballot to be used in another election.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0603. DECLARING RESULT AND ISSUING ORDER. (a) If a majority of the voters voting at an election held under Section 3962.0602 approve the proposition or propositions, the board shall declare the results and, by order, shall establish the defined area or designated property and describe it by metes and bounds or designate the specific area or property.

(b) A court may not review the board's order except on the ground of fraud, palpable error, or arbitrary and confiscatory abuse of discretion.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

Sec. 3962.0604. TAXES FOR SERVICES, IMPROVEMENTS, AND FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter approval and adoption of an order described by Section 3962.0603, the district may apply separately, differently, equitably, and specifically its taxing power and lien authority to the defined area or designated property to provide money to construct, administer, maintain, and operate services, improvements, and facilities that primarily benefit the defined area or designated property.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1,

eff. June 4, 2019.

Sec. 3962.0605. ISSUANCE OF BONDS FOR DEFINED AREA OR DESIGNATED PROPERTY. After an order under Section 3962.0603 is adopted, the district may issue bonds to provide for any land, improvements, facilities, plants, equipment, and appliances for the defined area or designated property.

Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. 2502), Sec. 1, eff. June 4, 2019.

SUBCHAPTER I. DISSOLUTION

Sec. 3962.0901. DISSOLUTION. (a) The board shall dissolve the district on written petition filed with the board by the owners of:

(1) 66 percent or more of the assessed value of the property subject to assessment by the district based on the most recent certified county property tax rolls; or

(2) 66 percent or more of the surface area of the district, excluding roads, streets, highways, utility rights-of-way, other public areas, and other property exempt from assessment by the district according to the most recent certified county property tax rolls.

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

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

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

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

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

(d) Sections [375.261](#), [375.262](#), and [375.264](#), Local Government Code, do not apply to the district.
Added by Acts 2019, 86th Leg., R.S., Ch. 407 (S.B. [2502](#)), Sec. 1, eff. June 4, 2019.