

Public Authority for Private Benefit — Without a Public Vote

By Citizens in Defense of Waller County

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Most Texans assume that taxing and governing authority is exercised by elected officials — and only after a public vote.

In reality, Texas law allows several mechanisms through which private developments can obtain public powers without direct voter approval. These tools are legal, widely used, and often navigated quietly through legislative or administrative processes. Many residents don't learn how they work until a proposal appears in their own community.

That learning curve arrived in Waller County last year.

How This Became a Local Issue

In May 2025, a bill introduced in the Texas Legislature proposed creating a project-specific improvement district tied to the TexasLand USA site. The district would have been granted taxing, borrowing, and self-governance authority for infrastructure associated with a single private development.

Required notice for the bill appeared only in the *Houston Chronicle*, meaning most local residents were unaware of the proposal until late in the legislative process. When the bill became public, many were blindsided.

Residents raised broader questions:

Who controls public infrastructure?

Who benefits from public taxing authority?

And how much public input should exist before those powers are delegated?

Following public scrutiny, the bill was withdrawn. But the underlying issue did not disappear.

Special Districts Without a Vote

After the legislation was pulled, representatives for TexasLand USA stated that they intended to pursue a Municipal Management District (MMD) — a form of special district that can exercise taxing and borrowing authority without any public vote.

Special districts are not theoretical. Once created, they can levy taxes, issue bonds, and direct long-term infrastructure investment. While nearby residents may not pay those taxes directly, the authority itself becomes embedded in public law and sets a precedent for how large developments are governed.

Public authority, once delegated, is rarely returned.

One Penny With Real Consequences

Much of the discussion in Waller County has focused on a single penny — the final 1% of local sales-tax authority that remains unclaimed in unincorporated areas.

That penny may sound insignificant. It isn't.

Large destination developments generate enormous taxable activity: admissions, food, merchandise, lodging, fuel, and retail. When those purchases occur inside a special district, 1% of every dollar is captured automatically, year after year. Over time, that revenue can translate into tens of millions of dollars in taxing and borrowing power.

This is not about creating a new tax.
It is about who controls an existing one.

A Voter Decision — and What It Did (and Didn't) Resolve

In November 2025, voters in unincorporated Waller County rejected a proposed County Assistance District (CAD) for the second time. The margin was decisive.

That vote settled one proposal.

It did not eliminate the broader question of how public authority can still be claimed through other legal pathways — including special districts that do not require voter approval.

Understanding those pathways matters even when no project appears to be moving forward.

Where Things Stand Today

At present:

- No County Assistance District is in place
- No developer-controlled district has been approved
- No public taxing or borrowing authority has been committed

However, a regulatory filing related to a proposed special district has been initiated, beginning a formal administrative process governed by state law. As required, any official public notice must

be issued by the applicant in accordance with regulatory requirements. When such notice appears, it will define the next procedural steps.

This article is not a legal notice. It is intended to provide context — so residents understand how public authority can be proposed, transferred, and exercised before decisions are made.

Why Transparency Still Matters

Large developments require roads, drainage, utilities, and public safety infrastructure. The question is not whether those investments are needed. It is who controls them.

When taxing authority is exercised through voter-approved mechanisms, it is governed by elected officials and accountable to the public. When it is delegated to a developer-controlled district, oversight is limited and accountability shifts.

Public authority comes with public responsibility. Understanding how that authority is granted is the first step in protecting it.

This commentary reflects publicly available information as of January 2026.