

By: Clardy

H.B. No. 1535

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the San Antonio River Authority, following
3 recommendations of the Sunset Advisory Commission; altering the
4 terms of office of the members of the board of directors of the
5 authority.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 1-a(a), Chapter 276, Acts of the 45th
8 Legislature, Regular Session, 1937, is amended to read as follows:

9 (a) The District is subject to review under Chapter 325,
10 Government Code (Texas Sunset Act), but may not be abolished under
11 that chapter. The review shall be conducted under Section 325.025,
12 Government Code, as if the District were a state agency scheduled to
13 be abolished September 1, 2035 [~~2023~~], and every 12th year after
14 that year.

15 SECTION 2. Section 3, Chapter 276, Acts of the 45th
16 Legislature, Regular Session, 1937, is amended to read as follows:

17 Sec. 3. POWERS OF THE DISTRICT. The District is hereby
18 invested with all of the powers of the State of Texas under Article
19 16, Section 59, of the Constitution of the State of Texas to
20 effectuate the construction, maintenance and operation of
21 navigable canals or waterways, to effectuate flood control, to
22 effectuate the conservation and use, for all beneficial purposes,
23 of ground, storm, flood and unappropriated flow waters in the
24 District, to effectuate irrigation, to effectuate soil

1 conservation, to effectuate sewage treatment, to effectuate
2 pollution prevention, to encourage and develop parks, recreational
3 facilities and to preserve fish, to effectuate forestation and
4 reforestation, and to do all things as are required therefor,
5 subject only to: (i) declarations of policy by the Legislature of
6 the State of Texas as to the use of water; (ii) continuing
7 supervision and control by the State Board of Water Engineers and
8 any board or agency which may thereafter succeed to its duties;
9 (iii) the provisions of Section 4, page 212, Acts of the
10 Thirty-fifth Legislature, 1917, as subsequently amended (codified
11 under Article 7471, Vernon's Civil Statutes of the State of Texas),
12 prescribing the priorities of uses for water; and (iv) the rights
13 heretofore or hereafter legally acquired in water by municipalities
14 and other users. Subject to the foregoing, it shall be the duty of
15 the District to exercise for the greatest practicable measure of
16 the conservation and beneficial utilization of all ground, storm,
17 flood and unappropriated flow waters of the District, in the manner
18 and for the particular purposes specified hereinafter in this
19 Section 3 and elsewhere in this Act the following powers, rights,
20 privileges and functions, to wit:

21 (a) Navigation:

22 (1) To promote, construct, maintain and operate, and/or to
23 make practicable, promote, aid and encourage, the construction,
24 maintenance and operation of navigable canals or waterways and all
25 navigational systems or facilities auxiliary thereto using the
26 natural bed and banks of the San Antonio River to its junction with
27 the Guadalupe River where practicable and thence traversing such

1 route as may be found by the District to be most feasible and
2 practicable to connect with the Intracoastal Canal and/or with any
3 new canal to be constructed and/or with any harbor at or near San
4 Antonio Bay or the Gulf of Mexico, and also using such new
5 correlated artificial waterways, together with all locks and other
6 works, structures and artificial facilities as may be necessary and
7 convenient for the construction, maintenance and operation of said
8 navigable canals or waterways and all navigational systems or
9 facilities auxiliary thereto. The District is empowered to
10 construct, or cause to be constructed, said system of artificial
11 waterways, canals, locks, works and other facilities so as to
12 connect the watershed area of the San Antonio River, including
13 navigation to or at a point near the City of San Antonio, with the
14 Intracoastal Canal and/or with any new canal to be constructed
15 and/or with any harbor at or near San Antonio Bay or the Gulf of
16 Mexico;

17 (2) To control, develop, store and use the natural flow and
18 floodwaters of the San Antonio River and its tributaries for the
19 purpose of operating and maintaining said navigable canals or
20 waterways and all navigational systems or facilities auxiliary
21 thereto, provided, however, that such navigational use shall be
22 subordinate to consumptive use of water, and navigation shall be
23 incidental thereto;

24 (3) In the case of the construction of said navigable canals
25 or waterways and all navigational systems or facilities auxiliary
26 thereto by the Federal Government or otherwise, the District shall
27 have the power to construct, maintain and operate lateral

1 connecting canals and turning basins to serve local needs, and
2 shall also have the power to provide, construct, acquire, purchase,
3 take over, lease from others, lease to others, and to maintain and
4 operate, develop, regulate and/or by franchise control wharves,
5 docks, warehouses, grain elevators, bunkering facilities, belt or
6 terminal railroads, floating plants, lighterage, towing
7 facilities, and all other facilities incident to or in aid of the
8 efficient operation and development of said canals or waterways and
9 all navigational systems or facilities auxiliary thereto, and any
10 ports incident thereto, whether the same be upon land or upon water;

11 (4) In the event the construction and/or maintenance and
12 operation of said navigable canals or waterways and all
13 navigational systems or facilities auxiliary thereto is taken over
14 by the Federal Government or any agency of the Federal Government,
15 then and in such event the District shall be fully authorized to
16 make and enter into any such contracts as may be lawfully required
17 by the Federal Government, including such assignments and transfers
18 of property and rights of property and easements and privileges and
19 any and all other lawful things and acts may be necessary and
20 required in order to meet the requirements of the Federal
21 Government or any agency of the Federal Government in taking over
22 the construction and/or maintenance and operation of said navigable
23 canals or waterways and all navigational systems or facilities
24 auxiliary thereto;

25 (5) The District may grant a franchise or right to any
26 person or body politic or corporate for the use of said navigable
27 canals or waterways and all navigational systems or facilities

1 auxiliary thereto or any facility thereof in aiding navigation and
2 no person or body politic or corporate may provide, maintain or
3 operate any facility of aid of navigation in any way connected with
4 said navigable canals or waterways and all navigational systems or
5 facilities auxiliary thereto and intended for use by the public
6 within the meaning and intent of this Act, except by and under the
7 franchise granted by this District, in the form of an ordinance as
8 provided by this Act, which franchise may be for any term not to
9 exceed fifty (50) years. Such ordinance granting franchise may
10 contain provisions for the payment of reasonable fees, and/or other
11 charges to be paid to the District, and shall contain provisions
12 adequate to regulate the fees, tolls, rates or exactions to be
13 demanded for the use of, or service to be rendered by any means or
14 facility to be provided or operated under any such franchise, to the
15 end that the same will be uniform, reasonable, and without
16 discrimination against any person, both as to charges and the
17 conditions of use or service, and such ordinance shall contain all
18 provisions reasonably required to procure service adequate to serve
19 the public necessity and convenience. The District may grant a
20 franchise for the design, construction, repair, enlargement,
21 alteration, maintenance, operation of, and service from, or use of
22 any facility to be provided for use in aid of navigation on said
23 navigable canals or water ways and all navigational systems or
24 facilities auxiliary thereto, whether upon land, or in or upon
25 water. The right hereby granted shall include the right to require
26 uniform and adequate analytic accounting systems and forms,
27 periodic verified reports based thereon, and the right of audit by

1 the District, and other reasonable regulations designed to protect
2 the public. In order to procure observance of the conditions of a
3 franchise granted hereunder, and/or compliance with the rules and
4 regulations established by ordinance of the District (to be adopted
5 and promulgated as elsewhere is provided in this Act) hereunder,
6 such ordinance may provide reasonable and commensurate penalties
7 fixed by General Law in Texas, and not to exceed the limit for
8 penalties as fixed elsewhere in this Act. The forfeiture or
9 suspension of a franchise granted under this Act, where not
10 otherwise provided in any such franchise, may be only because of
11 discrimination in rendering service, affording use, or in taking or
12 demanding a toll, rate or charge. Forfeiture or suspension of a
13 franchise granted hereunder, unless otherwise provided therein,
14 shall be upon a decree of a District Court within the County in
15 which this District may maintain its general office. The District
16 may likewise by ordinance establish rules necessary or designed to
17 protect the physical property owned by it, or physical property
18 owned or operated by another under a franchise hereunder granted,
19 and/or to effect the safety or efficient use of the same, and in
20 such ordinance may provide reasonable and commensurate penalties
21 for the violation thereof, which penalties shall be cumulative of
22 other penalties provided by the General Law of Texas, and not to
23 exceed the limit for penalties as fixed elsewhere in this Act;

24 (b) Flood Control and Flood Plain Management. To prevent
25 and aid in the prevention of damage to persons and property by the
26 overflow of any and all rivers, streams or tributaries thereof
27 within the District including the study and designation of flood

1 plains and the regulation thereof;

2 (c) Water Conservation, Storage, Procurement, Distribution
3 and Supply:

4 (1) To store and conserve to the greatest beneficial use
5 that of standby service as well as for the actual delivery of water;

6 (6) To provide water for the development of commercial and
7 industrial enterprises within or without the District;

8 (7) To bring water into the boundaries of the District;

9 (8) To construct, acquire, equip, to acquire storage rights
10 at, and operate and maintain dams and reservoirs, either within or
11 without the District, had in carrying out the powers conferred upon
12 the District, or to exercise such powers in conjunction with
13 others;

14 (9) To contract, operate and maintain or otherwise provide
15 water supply lines, water purification and water pumping systems
16 and facilities either within or without the District;

17 (10) Power to execute contracts with municipalities and
18 others involving the construction of reservoirs, dams, water supply
19 lines, water purification and pumping facilities, and the
20 furnishing of water supply service substantially in the manner
21 prescribed by Chapter 342, Acts of the Regular Session of the
22 Fifty-first Legislature, for Districts organized and created
23 pursuant to Article 16, Section 59, of the Constitution, extended
24 so as to permit such contracts with individuals, partnerships, and
25 all classes of corporations, and to permit the inclusion of
26 provisions for the operation, maintenance and ownership of such
27 properties, but the powers granted the District in this Subsection

1 are not to be considered a limitation on the powers, rights,
2 privileges and functions otherwise granted herein;

3 (11) To acquire from the United States Government, through
4 the Secretary of the Army or the Secretary of the Interior or any
5 other of its officials authorized to make such contracts, or from
6 the State of Texas or any agency thereof, or from any privately
7 financed reservoirs, unsold conservation storage capacity at any
8 dam within or without the District now constructed or to be
9 constructed either by or with the assistance of the United States
10 Government or the State of Texas, or by both. It may acquire
11 additional conservation storage capacity which may be provided at
12 any such dam;

13 (d) Irrigation: To provide water for irrigation of lands
14 within and without the District, and incident thereto, to
15 construct, operate and maintain supply lines and pumping systems
16 and facilities either within or without the District;

17 (e) Soil Conservation: For the conservation of soils and
18 other surface resources within the District against destructive
19 erosion, thereby preventing the increased flood menace incident
20 thereto, and for the prevention of sedimentation and siltation of
21 lands, channels and reservoirs, including the right either to act
22 as local sponsoring agent of upstream soil and water conservation
23 and flood prevention projects authorized by State or Federal
24 Agencies in conjunction with Soil Conservation Districts or to aid
25 and supplement the work of such upstream soil and water
26 conservation and flood prevention projects, all in furtherance of
27 the purposes of the District as provided by this Act [~~Master Plan~~]

1 ~~as defined in Section 4-a]~~. In connection therewith, the District
2 is authorized to make arrangements satisfactory to the Secretary of
3 Agriculture of the United States for defraying costs of operating
4 and maintaining such projects, in accordance with regulations
5 presented by the Secretary of Agriculture; provided, however, that
6 any portion of the total construction cost of any such project which
7 is allocable to flood control and/or soil conservation shall be
8 paid for or financed by funds which have their source in the county
9 in which each particular project is situated and which funds may be
10 of any kind or character, except taxes collected in accordance with
11 the provisions of Sections 15-a and 15-b of this Act;

12 (f) Sewage Treatment and Solid Waste Disposal. As a
13 necessary aid to the conservation, control, preservation,
14 purification and distribution of surface and ground waters within
15 the District, the District shall have the power to construct, own,
16 operate, maintain or otherwise provide, within the San Antonio
17 River Basin, sewage gathering, treatment and/or disposal services,
18 including solid waste disposal services, to charge for such
19 services, and to make contracts in reference thereto with counties,
20 municipalities and others. Provided, however, that the District
21 shall not exercise the powers hereinabove granted by this Section
22 3(f) within the boundaries of Kerr, Real, or Bandera Counties
23 unless the Commissioners Court of such county or counties shall
24 first have consented by a majority vote thereof to the exercise of
25 such power within such county or counties;

26 (g) Pollution Prevention. To provide for the study,
27 correcting and control of both artificial and natural pollution

1 including organic, inorganic and thermal, of all ground or surface
2 water within the San Antonio River Basin. In this connection, the
3 District is given the power by ordinance to promulgate rules and
4 regulations with regard to such pollution, both artificial and
5 natural, with the right of policing by said District to enforce such
6 rules and regulations and of providing reasonable and commensurate
7 penalties for the violation of any rules and regulations, which
8 penalties shall be cumulative of any penalties fixed by General Law
9 in Texas, and not to exceed the limit for penalties as fixed
10 elsewhere in this Act. Provided, however, that no ordinance
11 enacted pursuant to the powers hereinabove given the District by
12 this Section 3(g) shall be promulgated in any county or counties
13 outside the existing boundaries of the District;

14 (h) Parks, Recreational Facilities and Preservation of
15 Fish: For the encouragement and development of parks, recreational
16 facilities and the preservation of fish, the District shall have
17 the power to acquire additional land adjoining any permanent work
18 of improvement constructed within the District for the purpose of
19 developing parks, or recreational facilities. The District may
20 negotiate contracts with any county, municipality, municipal
21 corporation, person, firm, corporation, non-profit organization,
22 or State or Federal agency for the operation and/or maintenance of
23 any such park, or recreational facility. The preservation of fish
24 shall be in accordance with rules and regulations, if any,
25 prescribed by the Game and Fish Commission of the State of Texas;

26 (i) Forestation and Reforestation: To forest and reforest
27 and to aid in foresting and reforesting of all areas within the

1 District;

2 (j) Contractual: To make contracts and to execute
3 instruments necessary or convenient to the exercise of the powers,
4 rights, privileges and functions conferred upon it by this Act,
5 with the United States, its agencies, counties, cities, all
6 municipal corporations, political subdivisions and districts, and
7 with private persons, partnerships, associations, nonprofit
8 organizations, and corporations. The District shall make and
9 execute such contracts and instruments in accordance with the
10 following procedures:

11 (1) Concerning any wholesale contract for the sale,
12 purchase, procurement, distribution and/or supply of water or
13 conservation storage capacity, or for the construction of a
14 navigable canal or waterway, or any contract authorized by Section
15 1, Chapter 84, page 140, Acts of the 52nd Legislature, 1951, as
16 subsequently amended (codified under Article 7048b, Vernon's Civil
17 Statutes of Texas), the Manager shall cause a notice describing the
18 general nature of such contract to be published once each week for
19 three (3) consecutive weeks in a newspaper of general circulation
20 in each county in the District within which such contract is to have
21 effect. Such contract may be considered and acted upon at the
22 regular meeting of the Board next following the last date of
23 publication or, without further notice, at any meeting thereafter.
24 The affirmative vote of at least seven (7) members of the Board
25 shall be required for the approval of confirmation or ratification
26 of any such contract. Of those seven (7) affirmative votes, at
27 least three (3) affirmative votes shall be cast by Board members

1 from Bexar County, at least one (1) affirmative vote shall be cast
2 by a Board member from Wilson County, at least one (1) affirmative
3 vote shall be cast by a Board member from Karnes County, and at
4 least one (1) affirmative vote shall be cast by a Board member from
5 Goliad County. The District may use any such contract as the sole
6 basis, or as a supplement to the basis, for securing its bonds;

7 (2) Concerning any construction, maintenance, operation or
8 repair contract, contract for the purchase of material, equipment
9 or supplies or any contract for services other than professional
10 services, if the contract will require an estimated expenditure of
11 more than the maximum amount for which competitive bidding is
12 required by statute for any political subdivision of the state or if
13 the contract is for a term of two (2) years or more, the Board, upon
14 the affirmative vote of a majority of a quorum present at any
15 regular or special meeting, shall award such contract to the lowest
16 and best bidder after publication of a notice to bidders once each
17 week for three (3) consecutive weeks. The Board by bylaw shall
18 promulgate the procedures for the publication of notice to bidders
19 and related procedures and may, within the limitations set forth in
20 this section, from time to time prescribe the amount of estimated
21 expenditures to be subjected to competitive bidding. In the event
22 of an emergency, the authority may let such contracts as are
23 necessary to protect and preserve the public health and welfare or
24 the properties of the authority, without such bidding procedures.
25 Members of the Board of Directors shall be ineligible to submit such
26 bids. Any provision of this Subsection to the contrary
27 notwithstanding, the District may purchase surplus property from

1 the United States by negotiated contract and without the necessity
2 of advertising for bids.

3 (k) General:

4 (1) This District hereby is vested with such title and right
5 of control as the State has, or may have, in, to and concerning the
6 natural bed and banks of the San Antonio River in its entire length,
7 and all of its tributaries as are within the District, as said
8 District is defined in Section 2-a of this Act, and the District
9 hereby is further vested with such title and right of control as the
10 State has, or may have, in, to and concerning the natural bed and
11 banks of any other navigable stream or tributary thereof as may be
12 situated within the District, as said District is defined in
13 Section 2-a of this Act; which investment, however, shall be in
14 trust, and to authorize said District to make such uses, and/or
15 disposition of such lands and rights (and the proceeds, income,
16 revenues, or trading values thereof) as in actual experience may
17 prove to be reasonably required for, or in aid of, the
18 accomplishment of the purposes of this Act;

19 (2) To make preliminary investigations and surveys in the
20 manner and for the purposes specified in said Chapter 25 (either
21 independently at its own cost, or jointly with others, or to
22 contribute to the cost thereof when done by another), whereby to
23 procure cooperation by the Government of the United States of
24 America, to the end that any project lawfully within the purposes of
25 this Act may be approved for construction as a Federal project under
26 such contractual terms and conditions as may be demanded by the
27 Federal Congress;

1 (3) To expend all sums reasonably deemed to be necessary or
2 expedient for seeking cooperation in accomplishing the objects of
3 this Act from the Federal Government, and/or any and all other
4 persons, creatures, or entities, whether natural, or creatures of
5 law or contract;

6 (4) Subject to the provisions of this Act from time to time
7 to sell or otherwise dispose of any property of any kind, real,
8 personal, or mixed, or any interest therein, which shall not be
9 necessary to the carrying on of the business of the District;

10 (5) To overflow and inundate any public lands and public
11 property and to require the relocation of roads and highways in
12 manner and to the extent permitted to districts organized under
13 General Laws pursuant to Section 59 of Article 16 of the
14 Constitution of the State of Texas. In the event that the District,
15 in the exercise of the power of eminent domain or power of
16 relocation, or any other power granted hereunder, makes necessary
17 the relocation, raising, rerouting or changing the grade of, or
18 altering the construction of any railroad, or street railway, all
19 such necessary relocation, raising, rerouting, changing of grade or
20 alteration of construction shall be accomplished at the sole
21 expense of the District;

22 (6) To construct, extend, improve, maintain and
23 reconstruct, to cause to be constructed, extended, improved,
24 maintained, and reconstructed, and to use and operate, any and all
25 facilities of any kind necessary or convenient to the exercise of
26 such powers, rights, privileges, and functions;

27 (7) To sue and to be sued in its corporate name;

1 (8) To adopt, use, and alter a corporate seal;

2 (9) To adopt and to amend its bylaws for the management of
3 its affairs;

4 (10) To appoint officers, agents, employees and
5 professional consultants, none of whom shall have any interest,
6 direct or indirect, in any contracts awarded by the District;

7 (11) To prescribe the duties and fix the compensation of all
8 officers, agents, employees and professional consultants;

9 (12) To acquire by purchase, lease, gift, or in any other
10 lawful manner and to maintain, use, and operate any and all property
11 of any kind, real, personal or mixed, or any interest therein,
12 within and without the boundaries of the District, necessary or
13 convenient to the exercise of the powers, rights, privileges and
14 functions conferred upon it by this Act, in the manner provided by
15 general law with respect to condemnation or, at the option of the
16 District, in the manner provided by the statutes relative to
17 condemnation by Districts organized under general law pursuant to
18 Section 59 of Article 16 of the Constitution of the State of Texas;

19 (13) To condemn lands used or dedicated for cemetery
20 purposes in the manner provided by the General Law of Texas where
21 reasonably necessary to effectuate the powers, rights, privileges
22 and functions of the District, provided, however, that, when such
23 power of condemnation is sought to be exercised with respect to any
24 Perpetual Care cemetery, as defined in Article 912a, Vernon's Civil
25 Statutes of the State of Texas, as to the condemnation of any such
26 Perpetual Care cemetery or portion thereof, jurisdiction is hereby
27 conferred for such purpose on the District Court or Courts of the

1 county in which such cemetery land or any part thereof may be
2 located, and such condemnation action shall likewise involve the
3 issue of the removal of the dedication thereof as such Perpetual
4 Care cemetery and the issue of the necessity for such taking;

5 (14) To borrow money for its corporate purposes and to
6 execute proper notes or other evidences of indebtedness, and
7 without limitation of the generality of the foregoing, to borrow
8 money and accept grants from the United States of America, and in
9 connection with any such loan or grant, to enter into such
10 agreements as the United States of America or such corporation or
11 agency may require; and to make and issue its negotiable bonds for
12 moneys borrowed in the manner and to the extent provided in Section
13 16. Nothing in this Act shall authorize the issuance of any bonds,
14 notes, or other evidences of indebtedness of the District, except
15 as specifically provided in this Act, and no issuance of bonds,
16 notes, or other evidences of indebtedness, except as specifically
17 provided in this Act, shall ever be authorized except by an Act of
18 the Legislature;

19 (15) To obtain loans from and accept grants from the United
20 States and its agencies, and from the State of Texas, and its
21 agencies, and it shall have the right to participate in and be the
22 beneficiary of any plan which may be evolved by the State or Federal
23 Government for guaranteeing or otherwise subsidizing the
24 obligations of the District;

25 (16) The District shall have the power to adopt and
26 promulgate by ordinance all reasonable rules and regulations for
27 purposes elsewhere provided in this Act and generally to secure and

1 protect any and all of its property and any and all of its works of
2 improvement, and to regulate residence, hunting, fishing, boating
3 and camping, and all recreational and business privileges on any
4 navigable river of the District, or any reservoir of the District,
5 or upon any land owned by the District. The District may prescribe
6 reasonable and commensurate penalties for the violation of any and
7 all such rules and regulations of the District, which penalties
8 shall be cumulative of any penalties fixed by the General Law in
9 Texas and shall not exceed fines of more than Two Hundred Dollars
10 (\$200), or imprisonment for not more than one hundred eighty (180)
11 days, or may provide for both such fine and imprisonment. No rule
12 or regulation which provides a penalty for the violation thereof
13 shall be in effect, as to enforcement of the penalty, until five (5)
14 days next after the District may have caused a substantive
15 statement of the particular rule or regulation and the penalty for
16 the violation thereof to be published once a week for three (3)
17 consecutive weeks in a newspaper of general circulation in each
18 county in which it is to be effective. The substantive statement so
19 to be published shall be as condensed as is possible to afford an
20 intelligent direction of the mind to the act forbidden by the rule
21 or regulation; one (1) notice may embrace any number of
22 regulations; there must be embraced in the notice advice that
23 breach of the particular regulation, or regulations, will subject
24 the violator to the infliction of a penalty and there also shall be
25 included in the notice advice that the full text of the regulations
26 sought to be enforced is on file in the principal office of the
27 District, where the same may be read by any interested person. Five

1 (5) days after the third publication of the notice hereby required,
2 the advertised regulation shall be in effect, and ignorance of any
3 such regulation shall not constitute a defense to a prosecution for
4 the enforcement of a penalty and, the rules and regulations
5 authorized hereby, after the required publication, shall
6 judicially be known to the courts and shall be considered of a
7 nature like unto that of valid penal ordinance of a city of the
8 State. The District shall be primarily liable for any court costs
9 incurred hereunder, and the cost to maintain any offender committed
10 for imprisonment hereunder. Any fine imposed in any such
11 proceeding and paid in money shall be payable to this District and
12 applied as its Board may direct;

13 (17) To designate an official newspaper of the District in
14 each county in the District, each of which newspapers shall be a
15 newspaper having general circulation in the county in which it is
16 situated;

17 (18) To acquire such rights-of-way as are necessary to
18 construct, operate and maintain such roads as are necessary for
19 ingress and egress to any work of improvement or to any park,
20 recreational facility, or fish or wildlife preserve or reserve;

21 (19) To grant concessions and franchises upon the premises
22 of any works of improvement or any park, recreational facility or
23 fish or wildlife preserve or reserve to any person or corporation;

24 (20) When germane to the accomplishment and the purposes of
25 this Act, and not otherwise adequately provided by Chapter 25, or
26 provided elsewhere in this Act, the Directors of the District shall
27 have the power to adopt and promulgate ordinances, which may be done

1 by a majority (except as specifically provided elsewhere in this
2 Act) of those Directors present at any meeting held in compliance
3 with the provisions of the bylaws at which there must be present a
4 majority of the Board, constituting a quorum. No notice shall be
5 required before the passage of such ordinance, except such notices
6 of special or regular meetings of the Board as may be provided
7 elsewhere in this Act. After having adopted such ordinances, the
8 Directors shall cause the same to be filed and recorded in the
9 official records of the Authority. The Directors may, if they deem
10 necessary and proper, in addition to filing and recording same in
11 the official records of the Authority, either caused certified
12 copies of same to be forthwith filed of record in the office of the
13 County Clerk of each county situated in whole or in part within the
14 District within which such ordinance is intended to have
15 application and/or to be published once or more each week for three
16 (3) or more consecutive weeks in a newspaper or newspapers of
17 general circulation in each county within the District within which
18 ordinance is intended to have application, following either or all
19 of which methods of recording and/or publication the ordinance
20 shall be in full force and effect; and thereafter all courts and
21 persons shall be held to have knowledge thereof, just as though the
22 same had been embraced in the body of this Act and the County Clerk
23 in any county is authorized and directed to file and record all
24 certified copies of such county and to charge therefor the same fees
25 as is provided for recording deeds of conveyance. And the powers of
26 said District to adopt ordinances shall include, among other things
27 as follows: in any case in which said Chapter 25 does not provide a

1 specific power or right germane to, or appropriate, or adequate to
2 accomplish an object of this Act, and such specific power has been,
3 or hereafter may, conferred by law on Counties, Cities, Water
4 Improvement Districts, Water Control and Improvement Districts,
5 Drainage Districts, Navigation Districts, Canal Corporations,
6 Channel and Dock Corporations, Deep Water Corporations, Railway
7 Corporations, Terminal Railway Corporations, Telegraph and
8 Telephone Corporations, or other like creatures of the law, then to
9 the intent required to make adequate hereto the powers and rights of
10 this District, it may by ordinance adopt and have as part of the law
11 of its being so much of the power and right of any of the herein
12 designated creatures of the law as will enable it effectively to
13 accomplish that purpose of this Act. The adoption of a power or
14 mode of procedure hereunder shall not be held to include any
15 incidental limitation which would impede the lawful accomplishment
16 of the purposes of this Act. As to this, there shall be no limit
17 hereof save such as would violate the provisions of the
18 Constitution of the United States and the State of Texas concerning
19 the rights of others;

20 (21) This District shall have all such powers and rights,
21 and regulations for government and procedure, as are contained in
22 said Chapter 25, which shall be cumulative of those provided by this
23 Act, and those rules for procedure which may be provided by
24 ordinances adopted by the District under other provisions of this
25 Act.

26 SECTION 3. Chapter 276, Acts of the 45th Legislature,
27 Regular Session, 1937, is amended by adding Section 5 to read as

1 follows:

2 Sec. 5. PARTNERSHIP WITH NONPROFIT ORGANIZATION. (a) In
3 this section, "affiliated nonprofit organization" means a
4 nonprofit organization:

5 (1) created by the District; or

6 (2) for which the District, the Board, or the
7 District's employees have a right to appoint one or more of the
8 members of the governing body of the nonprofit organization.

9 (b) The District may contract or otherwise coordinate with a
10 nonprofit organization, including an affiliated nonprofit
11 organization, to accomplish the purposes of the District.

12 (c) Members of the Board or employees of the District may
13 not constitute a majority of the board of directors or other
14 governing body of an affiliated nonprofit organization.

15 (d) The Board shall develop a policy regarding fund-raising
16 activities of any nonprofit organizations that enter into a
17 partnership with the District. The policy must:

18 (1) include acceptable and prohibited fund-raising
19 activities;

20 (2) specify how fund-raising is conducted and
21 supervised; and

22 (3) include criteria for seeking and selecting
23 corporate sponsors to ensure that sponsorships serve the public
24 interest and are consistent with the purposes of the District.

25 (e) A memorandum of understanding between the District and
26 an affiliated nonprofit organization entered into under this
27 section must include the policy developed by the Board under

1 Subsection (d) of this section.

2 SECTION 4. Section 9, Chapter 276, Acts of the 45th
3 Legislature, Regular Session, 1937, is amended to read as follows:

4 Sec. 9. GOVERNING BODY OF THE DISTRICT; QUALIFICATIONS OF
5 MEMBERS OF THE BOARD; VACANCIES; TERM OF OFFICE. The government and
6 control of the District shall be vested in a Board of Directors
7 consisting of 12 [~~twelve (12)~~] members, 6 [~~six (6)~~] of whom shall be
8 elected from Bexar County, 2 [~~two (2)~~] of whom shall be elected from
9 Wilson County, 2 [~~two (2)~~] of whom shall be elected from Karnes
10 County, and 2 [~~two (2)~~] of whom shall be elected from Goliad County.
11 Each director shall serve for a term of four [~~six (6)~~] years, and
12 shall hold office until the director's [~~his~~] successor has been
13 elected and has qualified by taking the oath of office. Before
14 entering upon the duties of the member's [~~his~~] office, each member
15 of the Board shall take the Constitutional Oath of Office and the
16 same shall be filed in written form with the Secretary of the Board.
17 Vacancies occurring on the Board from any county shall be filled by
18 appointment by the Governor of the State, with the advice and
19 consent of the Senate, for such unexpired term. Any person over the
20 age of 21 [~~twenty-one (21)~~] years, residing within the District and
21 within the county from which the person [~~he~~] is elected or
22 appointed, and possessing the qualifications of a juror shall be
23 eligible to be elected or appointed and to serve as a director.

24 SECTION 5. Chapter 276, Acts of the 45th Legislature,
25 Regular Session, 1937, is amended by adding Sections 13-a, 13-b,
26 13-c, and 13-d to read as follows:

27 Sec. 13-a. TRAINING FOR BOARD MEMBERS. (a) A person who is

1 elected or appointed to and qualifies for office as a member of the
2 Board may not vote, deliberate, or be counted as a member in
3 attendance at a meeting of the Board until the person completes a
4 training program that complies with this section.

5 (b) The training program must provide the person with
6 information regarding:

7 (1) the law governing the District's operations;

8 (2) the programs, functions, rules, and budget of the
9 District;

10 (3) the scope of and limitations on the rulemaking
11 authority of the Board;

12 (4) the results of the most recent formal audit of the
13 District;

14 (5) the requirements of:

15 (A) laws relating to open meetings, public
16 information, administrative procedure, and disclosing conflicts of
17 interest; and

18 (B) other laws applicable to members of the
19 governing body of a river authority in performing their duties; and

20 (6) any applicable ethics policies adopted by the
21 District or the Texas Ethics Commission.

22 (c) A person elected or appointed to the Board is entitled
23 to reimbursement for the travel expenses incurred in attending the
24 training program regardless of whether the attendance at the
25 program occurs before or after the person qualifies for office.

26 (d) The Manager of the District shall create a training
27 manual that includes the information required by Subsection (b) of

1 this section. The Manager of the District shall distribute a copy
2 of the training manual annually to each member of the Board. Each
3 member of the Board shall sign and submit to the Manager of the
4 District a statement acknowledging that the member received and
5 reviewed the training manual.

6 Sec. 13-b. POLICIES TO SEPARATE POLICY-MAKING AND STAFF
7 FUNCTIONS. The Board shall develop and implement policies that
8 clearly separate the policy-making responsibilities of the Board
9 and the management responsibilities of the Manager and the staff of
10 the District.

11 Sec. 13-c. PUBLIC TESTIMONY AT BOARD MEETINGS. The Board
12 shall develop and implement policies that provide the public with a
13 reasonable opportunity to appear before the Board and to speak on
14 any issue under the jurisdiction of the District.

15 Sec. 13-d. COMPLAINT INFORMATION REQUIREMENTS. (a) The
16 District shall maintain a system to promptly and efficiently act on
17 complaints filed with the District. The District shall maintain
18 information about parties to the complaint, the subject matter of
19 the complaint, a summary of the results of the review or
20 investigation of the complaint, and its disposition.

21 (b) The District shall make information available
22 describing its procedures for complaint investigation and
23 resolution.

24 (c) The District shall periodically notify the complaint
25 parties of the status of the complaint until final disposition
26 unless the notice would jeopardize an investigation.

27 SECTION 6. Chapter 276, Acts of the 45th Legislature,

1 Regular Session, 1937, is amended by adding Section 14-b to read as
2 follows:

3 Sec. 14-b. FISCAL YEAR. The District's fiscal year ends on
4 September 30 of each year.

5 SECTION 7. Section 15-a, Chapter 276, Acts of the 45th
6 Legislature, Regular Session, 1937, is amended to read as follows:

7 Sec. 15-a. TAXATION. Subject to the limitation as to the
8 maximum rate of tax as prescribed in this Section, the District may
9 levy and collect throughout the territory of the District such ad
10 valorem taxes as are voted at an election or elections called by the
11 Board for that purpose and conducted throughout the territory of
12 the District. The maximum rate of tax which can be levied and
13 collected for any year shall be two cents (2¢) on the One Hundred
14 Dollars (\$100) of taxable property based on its assessed valuation,
15 in accordance with the following conditions and procedures:

16 (a) The Board of Directors of the District may, by
17 ordinance, call an election to submit to the voters for approval
18 such taxation; provided that a public hearing to discuss the
19 proposed tax issue shall be held in each county in the District,
20 said public hearing to be held not less than ten (10) days nor more
21 than twenty-five (25) days prior to the scheduled date of any such
22 election, and said hearings shall be called by the Board of
23 Directors of the District and notice of the time, day, date, place
24 and purpose of said meeting shall be given by publishing said notice
25 in at least one (1) newspaper of general circulation in each county
26 where the meeting is to be held at least ten (10) days prior to such
27 hearing;

1 (b) Only qualified electors, owning taxable property within
2 the boundaries of the District and who have duly rendered their
3 property for taxation shall be entitled to vote in any such
4 election. An elector otherwise qualified must vote in the county of
5 his residence and at the polling place designated for the precinct
6 of his residence. The ordinance calling the election shall specify
7 the polling place or places in each of the several counties. The
8 notice of election will be sufficient as to any county within the
9 District if it states that the election is to be held throughout the
10 territory comprising the District and if it specifies the polling
11 place or places in such county. But it shall not be necessary to
12 publish such details except in the county in which they are
13 applicable;

14 (c) Returns of the election shall be made to the Board, and
15 the Board shall canvass the returns of the election and adopt an
16 ordinance declaring the results thereof. The Board may levy taxes
17 within the maximum rate thus voted if a majority of the votes cast
18 throughout the District are in favor of the levy of the tax and if a
19 majority of the votes cast in any three (3) counties in the District
20 are in favor of the levy of the tax;

21 (d) The rate of tax shall be uniform throughout the
22 territory comprising the District, and shall be certified by the
23 Chairman and the Secretary of the Board of Directors of the District
24 to the Tax Assessor and the Tax Collector of each included county;

25 (e) After an election has resulted favorably to the levy of
26 a tax, the Board of Directors may borrow money payable therefrom and
27 may evidence such loan by a negotiable note given in the name of the

1 District;

2 (f) Any taxes thus collected shall be used for the purpose
3 of general administration[~~, preparation of the Master Plan provided~~
4 ~~for in Section 4-a,~~] and for [~~other~~] planning and other services
5 with respect to any of the purposes, rights, privileges and
6 functions of the District; provided, however, that none of the
7 taxes thus collected shall be used to pay for or finance the
8 construction of any dams, reservoirs, levees, channels, pipelines
9 or other major physical works of the District, or pay for the cost
10 of any right-of-way acquisitions, or the expenses of right-of-way
11 acquisition, or damages awarded by any Court under Article 1,
12 Section 17, of the Constitution of the State of Texas. It is the
13 intent of this Act that any taxes thus collected will enable the
14 District to accomplish its purposes, including [~~develop a Master~~
15 ~~Plan for~~] the maximum development of the soil and water resources of
16 the District, it [~~is~~] being hereby found and determined that the
17 benefits to be realized from such maximum development can be
18 obtained only through area-wide participation and planning. It is
19 the intent of this Act that the construction of any dams,
20 reservoirs, levees, channels, pipelines or other major physical
21 works of the District shall be paid for or financed by revenue bonds
22 of the District to be redeemed either by the sale of services or by
23 taxes to be levied by a county or municipality and paid over to the
24 District as an independent contractor of said county or
25 municipality. It is likewise the intent of this Act that any taxes
26 thus collected may be used to pay for the operation, repair and/or
27 maintenance of any flood control, soil conservation, watershed

1 protection and/or erosion structures or works of improvement
2 constructed in cooperation with the Federal Government; provided,
3 however, that any such operation, repair and/or maintenance costs
4 shall be paid for out of taxes thus collected in the county in which
5 the particular structure or work of improvement is situated. It is
6 further the intent of this Act that the taxes authorized by this
7 Section 15-a thus collected shall not be pledged to the redemption
8 of any bonds of the District.

9 SECTION 8. Sections 4-a and 14-a, Chapter 276, Acts of the
10 45th Legislature, Regular Session, 1937, are repealed.

11 SECTION 9. (a) The change in law made by this Act to the
12 terms of the directors of the San Antonio River Authority applies
13 only to the term of a director who is appointed or elected on or
14 after the effective date of this Act.

15 (b) The directors elected at the election held on the
16 uniform election date in November 2023 shall draw lots to determine
17 which director serves a term of four years and which director serves
18 a term of two years.

19 (c) Notwithstanding Section 13-a, Chapter 276, Acts of the
20 45th Legislature, Regular Session, 1937, as added by this Act, a
21 person serving on the board of directors of the district may vote,
22 deliberate, and be counted as a director in attendance at a meeting
23 of the board until December 1, 2023.

24 SECTION 10. (a) The legal notice of the intention to
25 introduce this Act, setting forth the general substance of this
26 Act, has been published as provided by law, and the notice and a
27 copy of this Act have been furnished to all persons, agencies,

1 officials, or entities to which they are required to be furnished
2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3 Government Code.

4 (b) The governor, one of the required recipients, has
5 submitted the notice and Act to the Texas Commission on
6 Environmental Quality.

7 (c) The Texas Commission on Environmental Quality has filed
8 its recommendations relating to this Act with the governor, the
9 lieutenant governor, and the speaker of the house of
10 representatives within the required time.

11 (d) All requirements of the constitution and laws of this
12 state and the rules and procedures of the legislature with respect
13 to the notice, introduction, and passage of this Act are fulfilled
14 and accomplished.

15 SECTION 11. This Act takes effect immediately if it
16 receives a vote of two-thirds of all the members elected to each
17 house, as provided by Section 39, Article III, Texas Constitution.
18 If this Act does not receive the vote necessary for immediate
19 effect, this Act takes effect September 1, 2023.