

By: Janek

S.B. No. 1887

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of the board of directors of and to the powers of the Westchase Area Management District.

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

SECTION 1. Section 376.050, Local Government Code, is amended to read as follows:

Sec. 376.050. APPOINTMENT OF DIRECTORS; VACANCY. The mayor and members of the governing body of the municipality shall appoint directors from persons recommended by the board. A vacancy in the office of director because of the death, resignation, or removal of a director shall be filled by the remaining members of the board by appointing a qualified person for the unexpired term. The mayor and members of the governing body of the municipality are authorized to and shall endeavor to appoint as directors ~~[for the positions indicated]~~ persons representing the following interests:

(1) ~~[positions 1, 11, and 12 must represent]~~ owners of multifamily rental housing with a minimum of 200 rental units;

(2) lessees ~~[position 2 must be a lessee]~~ of office space of at least 30,000 square feet of rentable area;

(3) ~~[positions 9 and 10 must represent]~~ owners of office facilities with a minimum of 500 employees or taxable value in excess of \$10 million;

(4) ~~[positions 8, 13, and 14 must represent]~~ owners of multitenant office buildings;

1           (5) [~~position 15 must represent~~] owners of multitenant  
2 retail property or major retail tenants [~~of 20,000 square feet or~~  
3 ~~more~~];

4           (6) [~~position 16 must represent~~] owners of temporary  
5 lodging facilities with on-site food service;

6           (7) [~~position 17 must represent~~] owners of undeveloped  
7 property with a contiguous area of 5 acres or more; and

8           (8) [~~positions 3, 4, 5, 6, and 7 must represent~~] the  
9 district at large, and any person qualified to serve on the board as  
10 provided by Section 375.063 may be appointed to represent the  
11 district at large [~~for those positions~~].

12           SECTION 2. Subsection (a), Section 376.052, Local  
13 Government Code, is amended to read as follows:

14           (a) The district has:

15           (1) all powers necessary or required to accomplish the  
16 purposes for which the district was created;

17           (2) the rights, powers, privileges, authority, and  
18 functions of a district created under Chapter 375;

19           (3) the powers given to a corporation under Section  
20 4B, the Development Corporation Act of 1979 (Article 5190.6,  
21 Vernon's Texas Civil Statutes), and the power to own, operate,  
22 acquire, construct, lease, improve, and maintain projects  
23 described by that section;

24           (4) the power to impose ad valorem taxes, assessments,  
25 or impact fees in accordance with Chapter 375 to provide  
26 improvements and services for a project or activity the district is  
27 authorized to acquire, construct, improve, or provide under this

1 subchapter;

2 (5) the power to correct, add to, or delete  
3 assessments from its assessment rolls after notice and hearing as  
4 provided by Subchapter F, Chapter 375; ~~and~~

5 (6) the power to grant, without additional procedures,  
6 abatements for taxes or assessments owed to the district under  
7 Chapter 312, Tax Code;

8 (7) the power to solicit, market, or otherwise promote  
9 and secure telecommunications services for properties within the  
10 district, including the right to partner with one or more  
11 telecommunications companies to make such services available to  
12 properties in the district, provided that the facilities to provide  
13 the services are privately owned and operated or leased to a private  
14 entity; and

15 (8) the power to finance, acquire, lease as a lessor or  
16 lessee, construct, improve, operate, or maintain conference and  
17 convocation centers and supporting facilities and to enter into  
18 long-term operating agreements with public entities or private  
19 persons or entities.

20 SECTION 3. (a) The legislature validates and confirms all  
21 governmental acts and proceedings of the Westchase Area Management  
22 District and the district's board of directors that occurred before  
23 the effective date of this Act.

24 (b) This section does not apply to any matter that on the  
25 effective date of this Act:

26 (1) is involved in litigation, if the litigation  
27 ultimately results in the matter being held invalid by a final

1 judgment of a court of competent jurisdiction; or

2 (2) has been held invalid by a court of competent  
3 jurisdiction.

4 SECTION 4. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2003.