

## **BILL ANALYSIS**

H.B. 4789  
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Culture, Recreation & Tourism  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The City of Forney built, owns, operates, and maintains six public parks, including two which have recently been improved significantly. In 2006, voters in Forney approved a \$14 million bond package to build a 127-acre community park which opened in March. In the last two fiscal years alone, the City of Forney has committed over \$16 million to recreational facility development.

Just outside the city limits of Forney, a large population lives in four large special utility districts. This population makes up the vast majority of the people who use the City of Forney parks. Current estimates show that over 70 percent of the park users live outside the city limits of Forney. This causes an inequitable burden for Forney taxpayers. The overwhelming majority of city park users are non-city resident, while Forney taxpayers' shoulder 100 percent of the cost of parks operations, maintenance, and capital.

H.B. 4789 sets forth language for the creation of the Kaufman County Parks Improvement District and for the imposition of a property tax.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 4789 amends the Special District Local Laws Code to set forth language for the creation of the Kaufman County Parks Improvement District. The bill sets forth general provisions for the nature of the district and the district's public purpose and benefit relating to improvement of the lives of the public through parks improvements and conservation. The bill provides that the initial district territory includes all territory contained in Forney Independent School District that is not included in the boundaries of Forney and sets forth provisions for the eligibility of all or any part of the district to be included in special zones. The bill sets forth provisions for an election on the issue of confirming the creation of a district, the required notice for a hearing on a petition proposing the district, the hearing regarding the petition, and the confirmation election. The bill sets forth general provisions for the governing body of the district, including the election date, number of members, terms, eligibility, appointment if a vacancy occurs, compensation and reimbursement, and initial voting directors of the board of directors of the district.

H.B. 4789 sets forth provisions for depositories and the disbursement of money or funds belonging to or under control of the board, and authorizes the board to employ necessary personnel for its operation and to call on appropriate government attorneys for legal services. The bill requires the board to adopt a seal. The bill authorizes the board to enter any contract necessary or convenient to carry out its purposes and powers granted by the bill's provisions. The bill authorizes the board to adopt reasonable rules and orders applicable to the administration, enforcement, and collection of district taxes; littering and litter abatement in the parks in the

district; activities that endanger the health and safety of persons or property in parks in the district; tenants, business privileges, concessionaires, users, and activities affecting district property and facilities; and a road that borders or runs through a park, subject to an applicable municipal ordinance. The bill makes it a Class C misdemeanor to violate such a rule or order and specifies that the board is not required to post a bond when bringing an action to enforce a district power or duty or to enjoin a violation of a rule or order adopted by the board.

H.B. 4789 authorizes the board to acquire and develop land for the conservation of the district's natural resources and the public welfare, specifies that the district does not have the power of eminent domain, and prohibits a commissioners court from acquiring land by eminent domain for park purposes or transferring land to the board if the land was acquired by eminent domain within a specified period of the transfer. The bill authorizes the board to sell and dispose of land or lease or permit the use of land owned by the district, and authorizes the board to accept grants and gratuities to promote, establish, or accomplish a purpose of the bill's provisions. The bill authorizes the district to cooperate with other public authorities in connection with parkland and sets forth requirements for the rental of water-oriented recreational equipment.

H.B. 4789 requires the board to develop and approve a three-year master plan for capital development and the development of parks and district facilities, to annually review the plan during the budget process, to annually develop and approve a one-year budget, and to file copies of the plan and budget with the county clerk. The bill requires the board to submit the budget to the commissioners court for approval. The bill provides conditions for the disbursement and transfer of the district's money. The bill authorizes the board to issue bonds, secured by property taxes, revenues, grants, gifts, contracts, leases, or any combination of those funds, to finance all or part of the costs of a park improvement project or park services and sets forth the terms and conditions of such a bond. The bill authorizes the board to pledge all or part of the income from a park improvement project or from any other source to the payment of bonds and authorizes bonds to be additionally secured by a mortgage or deed of trust on real property relating to park facilities owned or to be acquired by the district and by certain security interests on personal property appurtenant to that real property. The bill sets forth provisions for required municipal approval relating to the issuance of bonds and to the plans and specifications of park improvement projects financed by the bonds. The bill requires the district to hold an election to obtain voter approval before imposing a property tax. The bill requires the board to determine the tax rate, with limitation, and provides that a property tax may be imposed on taxable property in the district to maintain and operate the district, construct or acquire park improvements, or provide a park service. The bill sets forth comprehensive provisions for the dissolution of the district at a later date. The bill defines the terms "board," "city," "commissioners court," "county," "director," "district," and "park."

#### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.