

By: Paxton

S.B. No. 867

A BILL TO BE ENTITLED

AN ACT

relating to comprehensive performance reviews of certain special districts.

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

SECTION 1. Title 1, Special District Local Laws Code, is amended by adding Chapter 2 to read as follows:

CHAPTER 2. REVIEW OF CERTAIN SPECIAL DISTRICTS

Sec. 2.001. DEFINITION. In this chapter, "special district" means a political subdivision of this state that has a limited geographic area, is created by local law or under general law for a special purpose, and is authorized to impose a tax, assessment, or fee. The term does not include a school district or junior college district.

Sec. 2.002. COMPREHENSIVE REVIEW REQUIRED. At least once every three years, the governing body of a special district shall conduct a comprehensive review of the district under this chapter to determine whether the district should be continued or dissolved.

Sec. 2.003. COMPREHENSIVE SELF-EVALUATION REPORT. (a) After conducting the review, the governing body must publish a written self-evaluation report not later than the 30th day before the date of the public hearing required by Section 2.005.

(b) The self-evaluation report must include:

(1) an identification of the statutory provision authorizing the special district;

1 (2) an identification of the mission, goals, and
2 objectives intended for the special district and an assessment of
3 the extent to which the mission, goals, and objectives have been
4 achieved, have failed to be achieved, or are continuing to be
5 achieved;

6 (3) an identification of the problem or need that the
7 special district was created to address and an assessment of the
8 extent to which the problem or need has been addressed, has failed
9 to be addressed, or is continuing to be addressed;

10 (4) an identification of the activities of the special
11 district that overlap or duplicate those of other governmental
12 entities;

13 (5) an identification of each tax, assessment, fee, or
14 penalty that the special district is authorized to impose or
15 collect;

16 (6) a statement of the revenue collected by the
17 special district and an assessment of whether the revenue exceeds
18 the amount needed to accomplish the mission, goals, and objectives
19 of the district;

20 (7) an identification of the special district's
21 financial liabilities, including bonds and other obligations; and

22 (8) a determination of whether the special district
23 should be continued or dissolved.

24 (c) The governing body must make the self-evaluation report
25 available for inspection by any person. The governing body must
26 take action to ensure that the self-evaluation report is posted
27 continuously on the special district's Internet website.

1 Sec. 2.004. NOTICE OF HEARING. (a) Not earlier than the
2 30th day or later than the 15th day before the date of the hearing
3 required by Section 2.005, the governing body of the special
4 district must publish notice of the hearing in at least one
5 newspaper of general circulation in the county in which the
6 district is located and on the district's Internet website. The
7 notice on the website must remain posted until the conclusion of the
8 hearing.

9 (b) The notice must contain a statement in the following
10 form:

11 "NOTICE OF PUBLIC MEETING TO DISCUSS THE CONTINUATION OF THE
12 (INSERT NAME OF SPECIAL DISTRICT)

13 "The (insert name of the district) was created in (insert
14 year) to (insert purpose for district's creation). The district
15 imposes a (insert type of tax, assessment, or fee, as appropriate,
16 and the appropriate rate or amount). State law requires the
17 district to hold a hearing at least every three years to determine
18 whether the district should be continued or dissolved. The hearing
19 will be held on (insert date) at (insert time) at (insert location).
20 A copy of the district's self-evaluation report is available at
21 (insert the physical address of the district's main office, or the
22 physical address of the main office of another local political
23 subdivision if the district does not maintain an office, and the
24 district's website address where the self-evaluation report is
25 posted)."

26 Sec. 2.005. PUBLIC HEARING. (a) The governing body of a
27 special district must conduct a public hearing at which persons

1 interested in the continuation or dissolution of the district are
2 given the opportunity to be heard.

3 (b) At the conclusion of the hearing, the governing body
4 must vote on the question of whether the special district should be
5 continued or dissolved. If the governing body votes to dissolve the
6 district, the governing body shall take action to dissolve the
7 district.

8 (c) Not later than the 10th day after the date of the public
9 hearing, the governing body must post on the special district's
10 Internet website:

11 (1) the minutes of the hearing;

12 (2) the estimated number of members of the public in
13 attendance at the hearing; and

14 (3) the number of witnesses testifying at the hearing.

15 Sec. 2.006. INTERNET WEBSITE. A special district shall
16 maintain an Internet website to comply with this chapter.

17 SECTION 2. The governing body of a special district to which
18 Chapter 2, Special District Local Laws Code, as added by this Act,
19 applies must conclude the first comprehensive review cycle required
20 by that chapter not later than September 1, 2014.

21 SECTION 3. This Act takes effect September 1, 2013.