

By: Campbell

S.B. No. 2022

A BILL TO BE ENTITLED

AN ACT

relating to the Driftwood Economic Development Municipal Management District.

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

SECTION 1. Section 3858.052, Special District Local Laws Code, is amended to read as follows:

Sec. 3858.052. APPOINTMENT OF DIRECTORS. The board consists of the following directors:

(1) Position 1: a person appointed by the commissioners court;

(2) Position 2: a person appointed by the commissioners court;

(3) Position 3: a person appointed by the city council;

(4) Position 4: a person appointed by the city council; and

(5) Position 5: a person appointed by the commissioners court, who must be the individual, the designee of the individual, or the designee of the entity that [who] owns more property in the district than any other individual or entity, except that if the commissioners court is unable to identify a qualified person [~~qualified for Position 5~~] who is willing and able to serve, the commissioners court shall appoint to the place a person who is:

1 (A) at least 18 years old; and

2 (B) a resident of this state.

3 SECTION 2. Subchapter B, Chapter 3858, Special District
4 Local Laws Code, is amended by adding Section 3858.057 to read as
5 follows:

6 Sec. 3858.057. QUALIFICATIONS OF DIRECTORS; PARTICIPATION
7 IN VOTING. (a) Sections 375.063 and 375.072, Local Government
8 Code, do not apply to a director.

9 (b) An official or employee of a public entity may serve on
10 the board. The common law doctrine of incompatibility does not
11 disqualify an official or employee of a public entity from serving
12 as a director.

13 (c) A person appointed to serve on the board under this
14 chapter is qualified to serve as a director and participate in all
15 votes pertaining to the business of the district regardless of any
16 other statutory provision to the contrary.

17 (d) A director may participate in discussion and vote on an
18 action even if:

19 (1) the director has a beneficial interest in a
20 business entity that will receive a pecuniary benefit from the
21 action; or

22 (2) the director is an official or employee of a public
23 entity and the action relates to assessments on or contracts with
24 the public entity.

25 SECTION 3. Section 3858.102(a), Special District Local Laws
26 Code, is amended to read as follows:

27 (a) The district may provide, or it may enter into contracts

1 with a governmental or private entity to provide, the following
2 types of improvement projects or services or activities in support
3 of or incidental to those projects or services:

4 (1) the planning, design, construction, improvement,
5 operation, and maintenance of:

6 (A) irrigation facilities and landscaping;

7 (B) highway right-of-way or transit corridor
8 beautification and improvement;

9 (C) lighting, banners, and signs;

10 (D) a street or sidewalk;

11 (E) a hiking or cycling path or trail;

12 (F) a park, lake, garden, recreational facility,
13 sports facility, open space, scenic area, animal habitat, or
14 related exhibit or preserve;

15 (G) a fountain, plaza, or pedestrian mall;

16 (H) a drainage or storm-water detention
17 improvement;

18 (I) a wastewater treatment and disposal
19 facility;

20 (J) water, wastewater, or drainage facilities or
21 services;

22 (K) a water quality protection facility;

23 (L) [~~(K)~~] a facility to enhance groundwater
24 recharge, including a rainwater collection and harvesting system;

25 (M) [~~(L)~~] an alternative energy facility; [~~or~~]

26 (N) [~~(M)~~] solid waste management services,
27 including garbage collection, recycling, and composting; or

- 1 (O) telecommunications facilities or services;
2 (2) the planning, design, construction, acquisition,
3 lease, rental, improvement, maintenance, installation, and
4 management of and provision of furnishings for a facility for:
5 (A) a conference, convention, or exhibition;
6 (B) a manufacturer, consumer, or trade show;
7 (C) a civic, community, or institutional event;
8 or
9 (D) an exhibit, display, attraction, special
10 event, or seasonal or cultural celebration or holiday; or
11 (3) a special or supplemental service for the
12 improvement and promotion of the district or for the protection of
13 public health and safety in the district, including:
14 (A) advertising;
15 (B) promotion;
16 (C) tourism;
17 (D) health and sanitation;
18 (E) public safety;
19 (F) security;
20 (G) fire protection or emergency medical
21 services;
22 (H) business recruitment;
23 (I) development;
24 (J) elimination of traffic congestion;
25 (K) recreational, educational, or cultural
26 improvements, enhancements, and services; [~~or~~]
27 (L) water, wastewater, or drainage facilities or

1 services;

2 (M) telecommunications facilities or services;

3 or

4 (N) any similar public improvement, facility, or
5 service.

6 SECTION 4. Subchapter C, Chapter 3858, Special District
7 Local Laws Code, is amended by adding Section 3858.1025 to read as
8 follows:

9 Sec. 3858.1025. ECONOMIC DEVELOPMENT. (a) The district
10 may engage in activities that accomplish the economic development
11 purposes of the district.

12 (b) The district may establish and provide for the
13 administration of one or more programs to promote state or local
14 economic development and to stimulate business and commercial
15 activity in the district, including programs to:

16 (1) make loans and grants of public money; and

17 (2) provide district personnel and services.

18 (c) The district may create economic development programs
19 and exercise the economic development powers that Chapter 380,
20 Local Government Code, provides to a municipality.

21 SECTION 5. Section 3858.104(a), Special District Local Laws
22 Code, is amended to read as follows:

23 (a) The district may adopt and enforce rules:

24 (1) to administer or operate the district or any
25 service provided by the district;

26 (2) for the use, enjoyment, availability, protection,
27 security, and maintenance of the district's property and

1 facilities; or

2 (3) to provide for public safety and security in the
3 district.

4 SECTION 6. This Act takes effect September 1, 2015.