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H.B. No. 4349

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Alamo Management District;
providing authority to issue bonds.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws
Code, is amended by adding Chapter 3636 to read as follows:

CHAPTER 3636. ALAMO MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3636.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "City" means the City of San Antonio.

(3) "Commissioner" means the commissioner of the
General Land Office.

(4) "County" means Bexar County.

(5) "Director" means a board member.

(6) "District" means the Alamo Management District.

Sec. 3636.002. CREATION AND NATURE OF DISTRICT. The
district is a special district created under Section 59, Article
XVI, Texas Constitution.

Sec. 3636.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The
creation of the district is essential to accomplish the purposes of
Sections 52 and 52-a, Article III, and Section 59, Article XVI,
Texas Constitution, and other public purposes stated in this
chapter. By creating the district and in authorizing the city,

1 county, and other political subdivisions to contract with the
2 district, the legislature has established a program to accomplish
3 the public purposes set out in Section 52-a, Article III, Texas
4 Constitution.

5 (b) The creation of the district is necessary to protect and
6 preserve the Alamo shrine and the area surrounding the Alamo
7 shrine.

8 (c) The creation of the district is necessary to promote,
9 develop, encourage, and maintain employment, commerce,
10 transportation, tourism, recreation, the arts, entertainment,
11 enjoyment of historic and cultural treasures, economic
12 development, safety, health, and the public welfare in the
13 district.

14 (d) This chapter and the creation of the district may not be
15 interpreted to relieve the city or county from providing the level
16 of services provided on November 1, 2016, to the area in the
17 district. The district is created to supplement and not to supplant
18 city and county services provided in the district or city and county
19 zoning or site development ordinances or orders applicable to the
20 territory in the district.

21 Sec. 3636.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
22 The district is created to serve a public use and benefit.

23 (b) All land and other property included in the district
24 will benefit from the improvements and services to be provided by
25 the district under powers conferred by Sections 52 and 52-a,
26 Article III, and Section 59, Article XVI, Texas Constitution, and
27 other powers granted under this chapter.

1 (c) The creation of the district is in the public interest
2 and is essential to further the public purposes of:

3 (1) developing and diversifying the economy of the
4 state;

5 (2) eliminating unemployment and underemployment; and

6 (3) developing or expanding transportation and
7 commerce.

8 (d) The district will:

9 (1) promote the health, safety, and general welfare of
10 residents, employers, employees, visitors, and consumers in the
11 district, and of the public;

12 (2) provide needed funding for the district to
13 protect, preserve, maintain, and enhance the economic health and
14 vitality of the district territory as a community, business,
15 historic, and cultural center; and

16 (3) promote the health, safety, welfare, and enjoyment
17 of the public by providing pedestrian ways and by landscaping and
18 developing certain areas in the district, which are necessary for
19 the restoration, preservation, and enhancement of scenic,
20 cultural, and aesthetic beauty.

21 (e) Pedestrian ways along or across a street, whether at
22 grade or above or below the surface, and street lighting, street
23 landscaping, and street art objects are parts of and necessary
24 components of a street and are considered to be a street or road
25 improvement. Parking facilities are considered to be a street or
26 road improvement.

27 (f) The district will not act as the agent or

1 instrumentality of any private interest even though the district
2 will benefit many private interests as well as the public.

3 Sec. 3636.005. INITIAL DISTRICT TERRITORY. (a) The
4 district is initially composed of the territory described by
5 Section 2 of the Act enacting this chapter.

6 (b) The boundaries and field notes of the district contained
7 in Section 2 of the Act enacting this chapter form a closure. A
8 mistake in the field notes of the district contained in Section 2 of
9 the Act enacting this chapter or in copying the field notes in the
10 legislative process does not in any way affect the district's:

- 11 (1) organization, existence, or validity;
- 12 (2) right to issue any type of bond or other obligation
13 for a purpose for which the district is created or to pay the
14 principal of and interest on a bond;
- 15 (3) right to impose or collect an assessment; or
- 16 (4) legality or operation.

17 Sec. 3636.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.
18 All or any part of the area of the district is eligible to be
19 included in:

- 20 (1) a tax increment reinvestment zone created under
21 Chapter 311, Tax Code;
- 22 (2) a tax abatement reinvestment zone created under
23 Chapter 312, Tax Code;
- 24 (3) an enterprise zone created under Chapter 2303,
25 Government Code; or
- 26 (4) a similar zone created for economic development
27 purposes.

1 Sec. 3636.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
2 DISTRICTS LAW. Except as otherwise provided by this chapter,
3 Chapter 375, Local Government Code, applies to the district.

4 Sec. 3636.008. LIBERAL CONSTRUCTION OF CHAPTER. This
5 chapter shall be liberally construed in conformity with the
6 findings and purposes stated in this chapter.

7 Sec. 3636.009. CONFLICT WITH RIVER AUTHORITY. If any
8 authority or power granted to the district overlaps or conflicts
9 with any authority or power granted to the San Antonio River
10 Authority, the authority or power granted to the San Antonio River
11 Authority shall supersede and control over the authority or power
12 granted to the district, unless the San Antonio River Authority
13 consents to the exercise of the authority or power by the district.

14 Sec. 3636.010. CONFLICT WITH CITY. If any authority or
15 power granted to the district overlaps or conflicts with any
16 authority or power granted to the city, the authority or power
17 granted to the city shall supersede and control over the authority
18 or power granted to the district, unless the city consents to the
19 exercise of the authority or power by the district.

20 SUBCHAPTER B. BOARD OF DIRECTORS

21 Sec. 3636.051. BOARD; TERMS. (a) The district is governed
22 by a board of seven voting directors who serve staggered terms of
23 four years, with three or four directors' terms expiring February 1
24 of each odd-numbered year.

25 (b) The board by resolution may change the number of voting
26 directors on the board if the board determines that the change is in
27 the best interest of the district. The board may not consist of

1 fewer than 7 or more than 15 voting directors.

2 Sec. 3636.052. APPOINTMENT AND REMOVAL OF DIRECTORS. (a)

3 The commissioner serves as the presiding officer of the board.

4 (b) The mayor of the city shall serve as a director or
5 appoint a person to serve on behalf of the mayor.

6 (c) The commissioner shall appoint the remaining members of
7 the board as follows:

8 (1) a person with knowledge of Texas history;

9 (2) a person with knowledge of preservation or
10 operation of historic sites;

11 (3) a person with knowledge of fund-raising or state
12 funding sources and procedures;

13 (4) a person with knowledge of municipal land use or
14 site development regulation; and

15 (5) a person who owns a business in or near the
16 district.

17 (d) If the board increases the number of directors under
18 Section 3636.051 to more than seven, the commissioner shall appoint
19 the additional directors. The additional directors must be
20 qualified to serve as a director under Section 375.063, Local
21 Government Code.

22 (e) If a vacancy occurs on the board, the commissioner shall
23 appoint a director for the remainder of the unexpired term only with
24 the approval of a majority of the remaining directors.

25 (f) Each director appointed under Subsection (c) serves at
26 the pleasure of the commissioner. The commissioner may remove a
27 director at any time in a manner authorized by law.

1 Sec. 3636.053. NONVOTING DIRECTORS. The board may appoint
2 nonvoting directors to serve at the pleasure of the voting
3 directors.

4 Sec. 3636.054. QUORUM; BOARD ACTION. (a) Section 375.071,
5 Local Government Code, does not apply to the board.

6 (b) For purposes of determining the requirements for a
7 quorum of the board, the following are not counted:

8 (1) a board position vacant for any reason, including
9 death, resignation, or disqualification;

10 (2) a director who is abstaining from participation in
11 a vote because of a conflict of interest; or

12 (3) a nonvoting director.

13 (c) A concurrence of a majority of a quorum of directors is
14 required for an official action of the district.

15 (d) Official actions of the district must be made by written
16 resolution.

17 SUBCHAPTER C. POWERS AND DUTIES

18 Sec. 3636.101. GENERAL POWERS AND DUTIES. The district has
19 the powers and duties necessary to accomplish the purposes for
20 which the district is created.

21 Sec. 3636.102. MASTER PLAN. The district may participate
22 with the city in the development and implementation of an Alamo
23 Complex Master Plan.

24 Sec. 3636.103. AGREEMENTS; GRANTS. (a) As provided by
25 Chapter 375, Local Government Code, the district may make an
26 agreement with or accept a gift, grant, or loan from any person.

27 (b) The implementation of a project is a governmental

1 function or service for the purposes of Chapter 791, Government
2 Code.

3 Sec. 3636.104. CONTRACT WITH POLITICAL SUBDIVISION. The
4 county, the city, or another political subdivision of this state,
5 without further authorization, may contract with the district to
6 implement a project of the district or assist the district in
7 providing a service authorized under this chapter. A contract
8 under this section may:

9 (1) be for a period on which the parties agree;

10 (2) include terms on which the parties agree;

11 (3) be payable from any source of revenue that may be
12 available for that project or service; and

13 (4) provide terms under which revenue collected at a
14 district project or from a person using or purchasing a commodity or
15 service at a district project may be paid or rebated to the
16 district.

17 Sec. 3636.105. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
18 district may join and pay dues to a charitable or nonprofit
19 organization that performs a service or provides an activity
20 consistent with the furtherance of a district purpose.

21 Sec. 3636.106. NO ANNEXATION. The district may not annex
22 territory.

23 Sec. 3636.107. NO EMINENT DOMAIN POWER. The district may
24 not exercise the power of eminent domain.

25 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

26 Sec. 3636.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
27 board by resolution shall establish the number of directors'

1 signatures and the procedure required for a disbursement or
2 transfer of the district's money.

3 Sec. 3636.152. NO TAXES, ASSESSMENTS, OR FEES. The
4 district may not impose a tax, assessment, or fee.

5 Sec. 3636.153. BONDS AND OTHER OBLIGATIONS. (a) The
6 district may issue bonds, notes, or other obligations payable from
7 money available to the district in the manner provided by
8 Subchapter J, Chapter 375, Local Government Code.

9 (b) In exercising the district's borrowing power, the
10 district may issue a bond or other obligation in the form of a bond,
11 note, certificate of participation or other instrument evidencing a
12 proportionate interest in payments to be made by the district, or
13 other type of obligation.

14 Sec. 3636.154. REQUIREMENTS FOR BOND ISSUE. The district
15 may not issue bonds until the district submits to the Texas
16 Commission on Environmental Quality:

17 (1) an engineer's report describing the project for
18 which the bonds will provide funding, including data, profiles,
19 maps, plans, and specifications related to the project; and

20 (2) a cash flow analysis to determine the projected
21 bond payoff schedule, which includes the following assumptions:

22 (A) each ending balance for debt service in the
23 analysis is not less than 25 percent of the following year's debt
24 service requirement; and

25 (B) interest income is only shown on the ending
26 balance for debt service for the first two years.

1 SUBCHAPTER E. DISSOLUTION BY BOARD

2 Sec. 3636.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING
3 DEBT. (a) The board may dissolve the district regardless of
4 whether the district has debt. Section 375.264, Local Government
5 Code, does not apply to the district.

6 (b) If the district has debt when it is dissolved, the
7 district shall remain in existence solely for the purpose of
8 discharging its debts. The dissolution is effective when all debts
9 have been discharged.

10 SECTION 2. The Alamo Management District initially includes
11 all the territory contained in the following area:

12 From the midpoint of the intersection of W Market Street and N
13 Presa Street; Northward along N Presa Street, to the intersection
14 of E Houston Street and N Presa Street; Eastward along E Houston
15 Street to the intersection of E Houston Street and Jefferson;
16 Northward along Jefferson to the intersection of Jefferson and E
17 Travis Street; Eastward along E Travis Street, to the intersection
18 of N Alamo Street and E Travis Street; Northeastward along N Alamo
19 Street to the intersection of 4th Street and N Alamo Street;
20 Southeastward along 4th Street to the intersection of Bonham Street
21 and 4th Street; Northeastward along Bonham Street to the
22 intersection of Elm Street and Bonham Street; Southward along Elm
23 Street to the intersection of E Houston Street and Elm Street;
24 Eastward along E Houston Street to IH-37; Southeastward along the
25 south-bound lanes of IH-37, to the intersection of IH-37 and E
26 Market Street; West-northwestward along E Market Street to the
27 point of origin, the intersection of W Market Street and N Presa

1 Street.

2 SECTION 3. (a) The legal notice of the intention to
3 introduce this Act, setting forth the general substance of this
4 Act, has been published as provided by law, and the notice and a
5 copy of this Act have been furnished to all persons, agencies,
6 officials, or entities to which they are required to be furnished
7 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
8 Government Code.

9 (b) The governor, one of the required recipients, has
10 submitted the notice and Act to the Texas Commission on
11 Environmental Quality.

12 (c) The Texas Commission on Environmental Quality has filed
13 its recommendations relating to this Act with the governor,
14 lieutenant governor, and speaker of the house of representatives
15 within the required time.

16 (d) The general law relating to consent by political
17 subdivisions to the creation of districts with conservation,
18 reclamation, and road powers and the inclusion of land in those
19 districts has been complied with.

20 (e) All requirements of the constitution and laws of this
21 state and the rules and procedures of the legislature with respect
22 to the notice, introduction, and passage of this Act have been
23 fulfilled and accomplished.

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2017.