

By: Cortez, Bernal, Larson,  
Rodriguez of Bexar, Kuempel

H.B. No. 4349

Substitute the following for H.B. No. 4349:

By: Schubert

C.S.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.