

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 22, 2019

The Honorable Dan Patrick
Lieutenant Governor of Texas
Capitol Station
PO Box 12068
Austin, Texas 78711

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

Senate Bill (SB) 2553, as Filed by Senator Kirk Watson - Relating to the creation of the Save Historic Munny District; providing authority to issue bonds; providing authority to impose fees.

Dear Governor Patrick:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

Sincerely,


Cari-Michel La Caille, Director
Water Supply Division

cc: Honorable Eddie Lucio, Jr., Chairman, Senate Intergovernmental Relations Committee
Senator Kirk Watson, Texas Senate

Enclosure

**SB 2553, as Filed by Senator Kirk Watson
Texas Commission on Environmental Quality's Comments**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

This bill creates Save Historic Mundy District (District) with the powers and duties of a standard municipal management district under Local Government Code Chapter 375.

Comments on Powers/Duties Different from Similar Types of Districts:

The bill specifies that the District will provide for water, wastewater, drainage, road, and recreational facilities for the District; the bill specifies that the District is dissolved and this Chapter expires December 31, 2020, if no fees have been approved; the District may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using money available to the District, or contract with a governmental or private entity, an improvement project or service authorized under this Chapter or Chapter 375, Local Government Code; the District may enter into an agreement with the City of Austin (City) to allow the City to provide to the District revenue from fees collected by the City from municipally owned utility customers in the District in exchange for the District providing an improvement project or service that provides a public benefit to the City; the District may accept gifts, grants, or donations from any public or private source for the purpose of carrying out this Chapter; the District may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a District purpose; the District may not impose a fee unless it is approved at an election by a majority of the qualified voters of the District voting at an election called and held for that purpose; the District may acquire, lease, construct, develop, own, operate, and maintain parking facilities; and the District may not exercise the power of eminent domain.

Overlapping Services: TCEQ does not have mapping information for water and/or wastewater providers because this function was transferred from the TCEQ to the Public Utility Commission on September 1, 2014. As a result, TCEQ is unaware of possible overlapping service providers.

TCEQ's Supervision: As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

LETTER OF TRANSMITTAL
TEXAS SENATE
STATE OF TEXAS

SB 2553

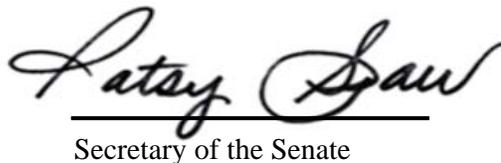
Bill Number

TO: The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

4/23/2019

Date transmitted to
Governor's Office



Secretary of the Senate

TO: Texas Commission on Environmental Quality
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.

April 24, 2019

Date transmitted to
Texas Commission on Environmental Quality



Governor

TO: The Honorable President of the Senate
The Honorable Speaker of the House of Representatives
The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.



Texas Commission on Environmental Quality

By: Watson

S.B. No. 2553

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Save Historic Munny District;
providing authority to issue bonds; providing authority to impose
fees.

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 3988 to read as follows:

CHAPTER 3988. SAVE HISTORIC MUNY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3988.0101. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Austin.

(3) "County" means Travis County.

(4) "Director" means a board member.

(5) "District" means the Save Historic Munny District.

Sec. 3988.0102. NATURE OF DISTRICT. The Save Historic Munny
District is a special district created under Section 59, Article
XVI, Texas Constitution.

Sec. 3988.0103. PURPOSE; DECLARATION OF INTENT. (a) The
primary purpose of the district is to preserve the land used for the
historic Lions Municipal Golf Course in Austin as a golf course,
publicly available parkland, or a combination of those uses.

(b) The creation of the district is essential to accomplish
the purposes of Sections 52 and 52-a, Article III, and Section 59,

1 Article XVI, Texas Constitution, and other public purposes stated
2 in this chapter.

3 (c) By creating the district and in authorizing the county,
4 the city, and other political subdivisions to contract with the
5 district, the legislature has established a program to accomplish
6 the public purposes set out in Section 52-a, Article III, Texas
7 Constitution.

8 (d) The creation of the district is necessary to promote,
9 develop, encourage, and maintain employment, commerce,
10 transportation, housing, tourism, recreation, the arts,
11 entertainment, economic development, safety, and the public
12 welfare in the district.

13 (e) This chapter and the creation of the district may not be
14 interpreted to relieve the county or the city from providing the
15 level of services provided as of the effective date of the Act
16 enacting this chapter to the area in the district. The district is
17 created to supplement and not to supplant county or city services
18 provided in the district.

19 Sec. 3988.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

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

25 (b) The district is created to serve a public use and
26 benefit.

27 (c) The district will:

1 (1) promote the health, safety, and general welfare of
2 residents, employers, potential employees, employees, visitors,
3 and consumers in the district, and of the public;

4 (2) provide needed funding for the district to
5 preserve, maintain, and enhance the economic health and vitality of
6 the district territory as a community, business, and recreation
7 center;

8 (3) promote the health, safety, welfare, and enjoyment
9 of the public by providing pedestrian ways and by landscaping and
10 developing certain areas in the district, which are necessary for
11 the restoration, preservation, and enhancement of scenic beauty;
12 and

13 (4) provide for water, wastewater, drainage, road, and
14 recreational facilities for the district.

15 (d) Pedestrian ways along or across a street, whether at
16 grade or above or below the surface, and street lighting, street
17 landscaping, parking, and street art objects are parts of and
18 necessary components of a street and are considered to be a street
19 or road improvement.

20 (e) The district will not act as the agent or
21 instrumentality of any private interest even though the district
22 will benefit many private interests as well as the public.

23 Sec. 3988.0105. INITIAL DISTRICT TERRITORY. (a) The
24 district is initially composed of the territory described by
25 Section 2 of the Act enacting this chapter.

26 (b) The boundaries contained in Section 2 of the Act
27 enacting this chapter form a closure. A mistake in the boundaries

1 does not affect the district's:

2 (1) organization, existence, or validity;

3 (2) right to issue any type of bonds for the purposes
4 for which the district is created or to pay the principal of and
5 interest on the bonds;

6 (3) right to impose or collect an assessment or tax; or

7 (4) legality or operation.

8 Sec. 3988.0106. APPLICABILITY OF MUNICIPAL MANAGEMENT
9 DISTRICTS LAW. Except as otherwise provided by this chapter,
10 Chapter 375, Local Government Code, applies to the district.

11 Sec. 3988.0107. CONSTRUCTION OF CHAPTER. This chapter
12 shall be liberally construed in conformity with the findings and
13 purposes stated in this chapter.

14 Sec. 3988.0108. EXPIRATION OF CHAPTER. The district is
15 dissolved and this chapter expires December 31, 2020, if no fees
16 have been approved under Sec. 3988.0304.

17 SUBCHAPTER B. BOARD OF DIRECTORS

18 Sec. 3988.0201. GOVERNING BODY; TERMS. The district is
19 governed by a board of five directors who serve staggered terms of
20 four years.

21 Sec. 3988.0202. APPOINTMENT OF DIRECTORS. The governing
22 body of the city shall appoint directors from a list of names
23 recommended by the preceding board as provided by Section 375.064,
24 Local Government Code.

25 Sec. 3988.0203. APPOINTING COMMITTEE; INITIAL DIRECTORS.

26 (a) An appointing committee shall appoint directors to the initial
27 board. The appointing committee is composed of:

1 (1) the executive director of the Parks and Wildlife
2 Department;

3 (2) the executive director of the Texas Historical
4 Commission;

5 (3) the mayor of the city;

6 (4) the county judge of the county; and

7 (5) the Texas Director of The Nature Conservancy.

8 (b) The appointing committee shall appoint the initial
9 board not later than October 1, 2019.

10 (c) Three initial directors serve four-year terms and two
11 initial directors serve two-year terms. The appointing committee
12 shall designate the term of each initial director.

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. 3988.0301. GENERAL POWERS AND DUTIES. The district
15 has the powers and duties necessary to accomplish the purposes for
16 which the district is created.

17 Sec. 3988.0302. IMPROVEMENT PROJECTS AND SERVICES.

18 (a) The district, using any money available to the district for
19 the purpose, may provide, design, construct, acquire, improve,
20 relocate, operate, maintain, or finance an improvement project or
21 service authorized under this chapter or Chapter 375, Local
22 Government Code.

23 (b) The district may contract with a governmental or private
24 entity to carry out an action under Subsection (a).

25 (c) The implementation of a district project or service is a
26 governmental function or service for the purposes of Chapter 791,
27 Government Code.

1 (d) The district may enter into an agreement with the city
2 to allow the city to provide to the district revenue from fees
3 collected by the city from municipally owned utility customers in
4 the district in exchange for the district providing an improvement
5 project or service that provides a public benefit to the city.

6 (e) The district may accept gifts, grants, or donations from
7 any public or private source for the purpose of carrying out this
8 chapter. Notwithstanding Section 3988.0108, the district may
9 continue for the purpose of carrying out the intent of the donors of
10 any grants, gifts, or donations or may transfer the grants, gifts,
11 or donations to another entity that will fulfill the purpose of the
12 district.

13 Sec. 3988.0303. MEMBERSHIP IN CHARITABLE ORGANIZATIONS.
14 The district may join and pay dues to a charitable or nonprofit
15 organization that performs a service or provides an activity
16 consistent with the furtherance of a district purpose.

17 Sec. 3988.0304. ELECTIONS TO APPROVE FEES. (a) The
18 district may not impose a fee unless it is approved at an election
19 by a majority of the qualified voters of the district voting at an
20 election called and held for that purpose.

21 (b) The resolution ordering the election and the notice of
22 the election must contain:

23 (1) a complete legal description of the area included
24 in the proposed project;

25 (2) a statement of the nature of the proposed project;

26 (3) a statement of the total amount of local funds to
27 be spent on the proposed project; and

1 (4) the amount of the fee to be imposed.

2 (c) The ballot proposition at the election need not contain
3 a complete legal description of the area included in the project,
4 but the proposition must contain a general description of the area
5 that is sufficient to give notice to the voters of the location of
6 the proposed project. The proposition must also contain a
7 statement of the nature of the proposed project, the total amount of
8 local funds to be spent on the project, and the total amount of the
9 fee to be imposed.

10 (d) If the ballot proposition is approved, the district may
11 not exceed the limitations imposed on the project in the resolution
12 ordering the election with respect to the area, nature, or amount of
13 local funds spent on the project. If the district desires to expand
14 the project beyond those limitations, the proposed expansion must
15 be approved at an election in the manner provided for the original
16 project.

17 (e) If a majority of the voters voting on the issue do not
18 approve a fee at an election under this section, another election
19 concerning a fee may not be held before the first anniversary of the
20 date of the most recent election disapproving the fee.

21 Sec. 3988.0305. PARKING FACILITIES. (a) The district may
22 acquire, lease as lessor or lessee, construct, develop, own,
23 operate, and maintain parking facilities or a system of parking
24 facilities, including lots, garages, parking terminals, or other
25 structures or accommodations for parking motor vehicles off the
26 streets and related appurtenances.

27 (b) The district's parking facilities serve the public

1 purposes of the district and are owned, used, and held for a public
2 purpose even if leased or operated by a private entity for a term of
3 years.

4 (c) The district's parking facilities are parts of and
5 necessary components of a street and are considered to be a street
6 or road improvement.

7 (d) The development and operation of the district's parking
8 facilities may be considered an economic development program.

9 Sec. 3988.0306. NO EMINENT DOMAIN POWER. The district may
10 not exercise the power of eminent domain.

11 SECTION 2. The Save Historic Munny District initially
12 includes all territory contained in the following area:

13 In Austin, Texas, the territory enclosed by:

14 (1) West 35th Street between the Colorado River and
15 West 34th Street;

16 (2) West 34th Street between West 35th Street and
17 Lamar Boulevard;

18 (3) North Lamar Boulevard between West 34th Street and
19 South Lamar Boulevard;

20 (4) South Lamar Boulevard between North Lamar
21 Boulevard and the Colorado River; and

22 (5) the Colorado River between South Lamar Boulevard
23 and West 35th Street.

24 SECTION 3. (a) The legal notice of the intention to
25 introduce this Act, setting forth the general substance of this
26 Act, has been published as provided by law, and the notice and a
27 copy of this Act have been furnished to all persons, agencies,

1 officials, or entities to which they are required to be furnished
2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3 Government Code.

4 (b) The governor, one of the required recipients, has
5 submitted the notice and Act to the Texas Commission on
6 Environmental Quality.

7 (c) The Texas Commission on Environmental Quality has filed
8 its recommendations relating to this Act with the governor,
9 lieutenant governor, and speaker of the house of representatives
10 within the required time.

11 (d) All requirements of the constitution and laws of this
12 state and the rules and procedures of the legislature with respect
13 to the notice, introduction, and passage of this Act have been
14 fulfilled and accomplished.

15 SECTION 4. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2019.



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PROOF OF PUBLICATION STATE OF TEXAS

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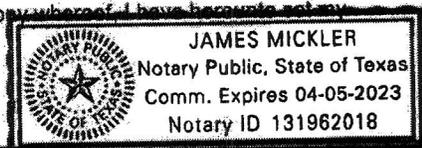
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Signed _____
(Notary)



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