By:  Watson S.B. No. 2553

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Save Historic Muny 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 Muny District.

Sec. 3988.0102.  NATURE OF DISTRICT. The Save Historic Muny 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, Article XVI, Texas Constitution, and other public purposes stated in this chapter.

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

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

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

Sec. 3988.0104.  FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)  All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

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

(c)  The district will:

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

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

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

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

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

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

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

(b)  The boundaries contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the boundaries does not affect the district's:

(1)  organization, existence, or validity;

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

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

(4)  legality or operation.

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

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

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

SUBCHAPTER B. BOARD OF DIRECTORS

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

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

Sec. 3988.0203.  APPOINTING COMMITTEE; INITIAL DIRECTORS. (a)  An appointing committee shall appoint directors to the initial board. The appointing committee is composed of:

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

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

(3)  the mayor of the city;

(4)  the county judge of the county; and

(5)  the Texas Director of The Nature Conservancy.

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

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

SUBCHAPTER C. POWERS AND DUTIES

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

Sec. 3988.0302.  IMPROVEMENT PROJECTS AND SERVICES. (a)  The district, using any money available to the district for the purpose, may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

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

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

(d)  The district may enter into an agreement with the 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.

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

Sec. 3988.0303.  MEMBERSHIP IN CHARITABLE ORGANIZATIONS. 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.

Sec. 3988.0304.  ELECTIONS TO APPROVE FEES. (a)  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.

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

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

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

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

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

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

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

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

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

(b)  The district's parking facilities serve the public purposes of the district and are owned, used, and held for a public purpose even if leased or operated by a private entity for a term of years.

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

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

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

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

In Austin, Texas, the territory enclosed by:

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

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

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

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

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

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

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

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

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

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