

BILL ANALYSIS

S.B. 1821
By: Fraser
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Burnet County is experiencing substantial residential and commercial growth. Property owners located at the intersection of State Highway 71 and U.S. Highway 281 are facing the challenge of managing the growth to benefit the residents in both Burnet and Llano counties. The proposed project would cover approximately 1,000 acres and include mixed used development of both residential and commercial property. The issuance of bonds will facilitate this project by enabling the use of long-term financing.

As proposed, S.B. 1821 creates the Flatrock Springs Municipal Management District in order to promote and encourage economic growth and development in Burnet County.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Subtitle C, Title 4, Special District Local Laws Code, by adding Chapter 3818, as follows:

CHAPTER 3818. FLATROCK SPRINGS MUNICIPAL MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3818.001. DEFINITIONS. Defines "board" and "district."

Sec. 3818.002. FLATROCK SPRINGS MUNICIPAL MANAGEMENT DISTRICT. (a) Provides that the Flatrock Springs Municipal Management District (district) is created in Burnet County. Provides that the district is a political subdivision of the state, a governmental agency, and a body politic and corporate.

(b) Authorizes the name of the district to be changed by resolution of the board of directors of the district (board).

(c) Provides that the district is created under and is essential to accomplish certain purposes.

Sec. 3818.003. DISTRICT TERRITORY. (a) Provides that the district is composed of the territory described by Section 2 of the Act creating this chapter.

(b) Provides that the boundaries and field notes of the district contained in Section 2 of the Act creating this chapter form a closure. Provides that a mistake made in the field notes or in copying the field notes in the legislative process does not affect certain aspects of the district.

Sec. 3818.004. LEGISLATIVE DECLARATIONS AND FINDINGS OF PUBLIC BENEFIT. Sets forth legislative findings pertaining to the district.

Sec. 3818.005. CONSTRUCTION OF CHAPTER. Requires this chapter to be liberally construed in conformity with the findings and purposes stated in this chapter.

Sec. 3818.006. APPLICABILITY OF OTHER LAW. Provides that this chapter prevails over any provision of general law that is in conflict or inconsistent with this chapter. Provides that any general law which supplements the power and authority of the district, to the extent not in conflict or inconsistent with this chapter, is adopted and incorporated herein by reference.

Sec. 3818.007. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT. (a) Prohibits a municipality in whose extraterritorial jurisdiction the district is located from adopting an ordinance or resolution or taking any other action that impairs or limits certain abilities of the district.

(b) Authorizes the district and a municipality in whose extraterritorial jurisdiction the district is located to enter into development agreements under Subchapter G, Chapter 212 (Municipal Regulation of Subdivisions and Property Development), Local Government Code, concerning development of the property within the district and annexation of all or a portion of the district by the municipality.

[Reserves Sections 3818.008-3818.020 for expansion.]

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 3818.021. TEMPORARY DIRECTORS. (a) Provides that the temporary board consists of certain individuals.

(b) Requires the temporary directors who have qualified to appoint a person to fill the vacancy if a temporary director fails to qualify for office.

(c) Provides that temporary directors serve until initial directors are elected under Section 3818.022.

Sec. 3818.022. INITIAL DIRECTORS' ELECTION. Requires the temporary board of directors to call and hold an election to elect five initial directors in the manner provided by Section 49.102 (Confirmation and Director Election), Water Code.

Sec. 3818.023. INITIAL ELECTED DIRECTORS; TERMS. Requires the directors elected under Section 3818.022 to draw lots to determine which two are required to serve until the first regularly scheduled election of directors under Section 3818.052 and which three are required to serve until the second regularly scheduled election of directors.

Sec. 3818.024. EXPIRATION OF SUBCHAPTER. Provides that this subchapter expires September 1, 2010.

[Reserves Sections 3818.025-3818.050 for expansion.]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3818.051. BOARD OF DIRECTORS. Provides that the district is governed by a board of five directors who serve staggered four year terms. Sets forth requirements for the terms and qualifications of the directors.

Sec. 3818.052. ELECTION OF DIRECTORS. Requires the appropriate number of directors to be elected on the uniform election date, established by the Election Code, in May of each even-numbered year.

[Sections 3818.053-3818.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3818.101. GENERAL POWERS OF DISTRICT. (a) Provides that the district has certain rights, powers, privileges, authority, and functions.

(b) Provides that the powers incorporated by reference in Subsection (a) include the power to issue bonds or other obligations and to levy, assess, and collect ad valorem taxes, assessments, and impact fees and apply the proceeds of the taxes, assessments, or fees to the payment of debt, contract payments, or maintenance and operating expenses. Authorizes the district to exercise such powers.

(c) Provides that the district has all powers necessary or required to accomplish the purposes for which the district was created without limiting any of the powers referenced in this chapter.

Sec. 3818.102. IMPROVEMENT PROJECTS. (a) Authorizes the district to provide or enter into contracts with a governmental or private entity to provide improvement projects.

(b) Authorizes a district improvement project to include certain types of improvement projects or activities in support of or incidental to those projects, whether individual, intermittent, or continuing and whether located or conducted within or outside the district, for the planning, design, construction, acquisition, lease, rental, lease-purchase, installment purchase, improvement, provision of furnishings, equipment, rehabilitation, repair, reconstruction, relocation, use, management, operation, or maintenance of any works, improvements, or facilities or the provision, support, enhancement, improvement, extension, or expansion of services, whether provided to, for, by, or on behalf of the district, for the accomplishment of the public purposes of the district.

(c) Authorizes the district to undertake certain improvement projects separately or jointly with another person and to pay all or part of the costs of the improvement project.

(d) Authorizes the district to enter into a contract with any private or governmental entity to own, acquire, lease, lease-purchase, construct, operate, or maintain, jointly or otherwise, an improvement project, when applicable to a particular improvement project. Sets forth certain guidelines for the contract.

Sec. 3818.103. PUBLIC SAFETY. (a) Prohibits the district from employing peace officers, but authorizes the district to contract for off-duty peace officers to provide public safety and security services in connection with a special event, holiday, period with high traffic congestion, or similar circumstance.

(b) Authorizes the board by rule to regulate the private use of public roadways, open spaces, parks, sidewalks, and similar public areas. Authorizes the rules to provide for the safe and orderly use of public roadways, open spaces, parks, sidewalks, and similar public areas or facilities.

Sec. 3818.104. EMPLOYEES; COMPENSATION. Authorizes the board to employ and establish the terms of employment and compensation of an executive director, a general manager, and any other operating officer of the district the board considers necessary.

Sec. 3818.105. BORROWING MONEY. Authorizes the district to borrow money for the corporate purposes of the district.

Sec. 3818.106. CONTRACTS; GRANTS; DONATIONS. (a) Authorizes the district to contract with any person to accomplish the purposes of this chapter including contracting for the payment, repayment, or reimbursement, out of tax proceeds or any other specified source of funds, of costs, including carrying costs, incurred by the person on behalf of the district, including all or part of the costs of an improvement project.

(b) Authorizes the district to apply for and contract with a person to receive, administer, and perform the district's duties and obligations under any federal, state, local, or private gift, grant, loan, conveyance, transfer, bequest, donation, or other financial assistance arrangement relating to the investigation, planning, analysis, study, design, acquisition, construction, improvement, completion, implementation, or operation by the district or others of a proposed or existing improvement project.

(c) Authorizes the district to contract with the state or a state agency, city, county, other political subdivision, corporation, or other person to carry out the purposes of this chapter on such terms and conditions and for such period of time as the board may determine. Authorizes the state or a state agency, city, county, other political subdivision, corporation, individual, or other entity to contract with the district to carry out the purposes of this chapter without any further authorization, notwithstanding any other law or charter provision to the contrary.

Sec. 3818.107. RULES. Authorizes the district to adopt and enforce certain rules.

Sec. 3818.108. FEES; CHARGES. Authorizes the district to establish and collect certain fees and charges and to apply the proceeds from those fees or charges to certain types of projects.

Sec. 3818.109. PAYMENT OF EXPENSES. Authorizes the district to provide or secure the payment or repayment of the costs and expenses of the establishment, administration, and operation of the district and the district's costs or share of the costs on any improvement project, or the district's contractual obligation or indebtedness, by or through certain means.

[Reserves Sections 3818.110-3818.150 expansion.]

SUBCHAPTER D. DISSOLUTION

Sec. 3818.151. DISSOLUTION OF DISTRICT. (a) Authorizes the district to be dissolved as provided by Subchapter M (Dissolution), Chapter 375, Local Government Code.

(b) Requires the district to remain in existence solely for the limited purpose of discharging its bonds or other obligations according to their terms, if the district has debt and is dissolved.

SECTION 2. Sets forth the territory included in the Flatrock Springs Municipal Management District.

SECTION 3. (a) Provides that 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 the constitution and other laws of this state.

(b) Provides that 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 are fulfilled and accomplished.

SECTION 4. Effective date: September 1, 2005.

EFFECTIVE DATE

This Act takes effect September 1, 2005.