

1-1 By: Dutton (Senate Sponsor - Whitmire) H.B. No. 3888
 1-2 (In the Senate - Received from the House May 13, 2015;
 1-3 May 19, 2015, read first time and referred to Committee on
 1-4 Administration; May 24, 2015, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
 1-6 May 24, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Hancock	X			
1-9 Uresti	X			
1-10 Campbell			X	
1-11 Eltife			X	
1-12 Huffines	X			
1-13 Schwertner	X			
1-14 West			X	

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 3888 By: Schwertner

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the creation of the Barrett Management District.
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Subtitle C, Title 4, Special District Local Laws
 1-22 Code, is amended by adding Chapter 3930 to read as follows:
 1-23 CHAPTER 3930. BARRETT MANAGEMENT DISTRICT
 1-24 SUBCHAPTER A. GENERAL PROVISIONS
 1-25 Sec. 3930.001. DEFINITIONS. In this chapter:
 1-26 (1) "Board" means the district's board of directors.
 1-27 (2) "City" means the City of Houston, Texas.
 1-28 (3) "County" means Harris County, Texas.
 1-29 (4) "Director" means a board member.
 1-30 (5) "District" means the Barrett Management District.
 1-31 Sec. 3930.002. CREATION AND NATURE OF DISTRICT. The
 1-32 district is a special district created under Section 59, Article
 1-33 XVI, Texas Constitution.
 1-34 Sec. 3930.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The
 1-35 creation of the district is essential to accomplish the purposes of
 1-36 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
 1-37 Texas Constitution, and other public purposes stated in this
 1-38 chapter. By creating the district and in authorizing the city,
 1-39 county, and other political subdivisions to contract with the
 1-40 district, the legislature has established a program to accomplish
 1-41 the public purposes set out in Section 52-a, Article III, Texas
 1-42 Constitution.
 1-43 (b) The creation of the district is necessary to promote,
 1-44 develop, encourage, and maintain employment, commerce,
 1-45 transportation, housing, tourism, recreation, the arts,
 1-46 entertainment, economic development, safety, and the public
 1-47 welfare in the district.
 1-48 (c) This chapter and the creation of the district may not be
 1-49 interpreted to relieve the city or county from providing the level
 1-50 of services provided as of the effective date of the Act enacting
 1-51 this chapter to the area in the district. The district is created
 1-52 to supplement and not to supplant city and county services provided
 1-53 in the district.
 1-54 Sec. 3930.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
 1-55 The district is created to serve a public use and benefit.
 1-56 (b) All land and other property included in the district
 1-57 will benefit from the improvements and services to be provided by
 1-58 the district under powers conferred by Sections 52 and 52-a,
 1-59 Article III, and Section 59, Article XVI, Texas Constitution, and
 1-60 other powers granted under this chapter.

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

2-3 (1) developing and diversifying the economy of the
2-4 state;

2-5 (2) eliminating unemployment and underemployment; and

2-6 (3) developing or expanding transportation and
2-7 commerce.

2-8 (d) The district will:

2-9 (1) promote the health, safety, and general welfare of
2-10 residents, employers, employees, visitors, and consumers in the
2-11 district, and of the public;

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

2-15 (3) promote the health, safety, welfare, and enjoyment
2-16 of the public by providing pedestrian ways and by landscaping and
2-17 developing certain areas in the district, which are necessary for
2-18 the restoration, preservation, and enhancement of scenic beauty.

2-19 (e) Pedestrian ways along or across a street, whether at
2-20 grade or above or below the surface, and street lighting, street
2-21 landscaping, and street art objects are parts of and necessary
2-22 components of a street and are considered to be a street or road
2-23 improvement.

2-24 (f) The district will not act as the agent or
2-25 instrumentality of any private interest even though the district
2-26 will benefit many private interests as well as the public.

2-27 Sec. 3930.005. DISTRICT TERRITORY. (a) The district is
2-28 composed of the territory described by Section 2 of the Act enacting
2-29 this chapter, as that territory may have been modified under
2-30 Section 3930.107 or other law.

2-31 (b) The boundaries and field notes of the district contained
2-32 in Section 2 of the Act enacting this chapter form a closure. A
2-33 mistake in the field notes of the district contained in Section 2 of
2-34 the Act enacting this chapter or in copying the field notes in the
2-35 legislative process does not in any way affect the district's:

2-36 (1) organization, existence, or validity; or

2-37 (2) legality or operation.

2-38 Sec. 3930.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.
2-39 (a) All or any part of the area of the district is eligible to be
2-40 included in:

2-41 (1) a tax increment reinvestment zone created by the
2-42 city under Chapter 311, Tax Code;

2-43 (2) a tax abatement reinvestment zone created by the
2-44 city under Chapter 312, Tax Code; or

2-45 (3) an enterprise zone created by the city under
2-46 Chapter 2303, Government Code.

2-47 (b) A tax increment reinvestment zone created by the city in
2-48 the district is not subject to the limitations provided by Section
2-49 311.006, Tax Code.

2-50 Sec. 3930.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
2-51 DISTRICTS LAW. Except as otherwise provided by this chapter,
2-52 Chapter 375, Local Government Code, applies to the district.

2-53 Sec. 3930.008. LIBERAL CONSTRUCTION OF CHAPTER. This
2-54 chapter shall be liberally construed in conformity with the
2-55 findings and purposes stated in this chapter.

2-56 SUBCHAPTER B. BOARD OF DIRECTORS

2-57 Sec. 3930.051. GOVERNING BODY; TERMS. The district is
2-58 governed by a board of nine directors who serve staggered terms of
2-59 three years, with three directors' terms expiring June 1 of each
2-60 year.

2-61 Sec. 3930.052. APPOINTMENT OF DIRECTORS. (a) The mayor and
2-62 members of the governing body of the city shall appoint directors
2-63 from persons recommended by the board. A person is appointed if a
2-64 majority of the members and the mayor vote to appoint that person.

2-65 (b) A person may not be appointed to the board if the
2-66 appointment of that person would result in fewer than two-thirds of
2-67 the directors being residents of the city.

2-68 Sec. 3930.053. EX OFFICIO DIRECTORS. (a) The following
2-69 persons serve as nonvoting ex officio directors:

3-1 (1) the directors of the parks and recreation,
3-2 planning and development, public works, and civic center
3-3 departments of the city;

3-4 (2) the chief of police of the city;

3-5 (3) the county's general manager of the Metropolitan
3-6 Transit Authority of Harris County, Texas; and

3-7 (4) the president of each institution of higher
3-8 learning located in the district.

3-9 (b) If a department described by Subsection (a) is
3-10 consolidated, renamed, or changed, the board may appoint a director
3-11 of the consolidated, renamed, or changed department as a nonvoting
3-12 ex officio director. If a department described by Subsection (a) is
3-13 abolished, the board may appoint a representative of another
3-14 department of the city that performs duties comparable to those
3-15 performed by the abolished department.

3-16 (c) The board may appoint the presiding officer of a
3-17 nonprofit corporation that is actively involved in activities in
3-18 the district to serve as a nonvoting ex officio director.

3-19 Sec. 3930.054. CONFLICTS OF INTEREST. (a) Except as
3-20 provided by this section:

3-21 (1) a director may participate in all board votes and
3-22 decisions; and

3-23 (2) Chapter 171, Local Government Code, governs
3-24 conflicts of interest of board members.

3-25 (b) Section 171.004, Local Government Code, does not apply
3-26 to the district. A director who has a substantial interest in a
3-27 business or charitable entity that will receive a pecuniary benefit
3-28 from a board action shall file an affidavit with the board secretary
3-29 declaring the interest. Another affidavit is not required if the
3-30 director's interest changes.

3-31 (c) After the affidavit is filed, the director may
3-32 participate in a discussion or vote on that action if:

3-33 (1) a majority of the directors have a similar
3-34 interest in the same entity; or

3-35 (2) all other similar business or charitable entities
3-36 in the district will receive a similar pecuniary benefit.

3-37 (d) A director who is also an officer or employee of a public
3-38 entity may not participate in a discussion of or vote on a matter
3-39 regarding a contract with that same public entity.

3-40 (e) For purposes of this section, a director has a
3-41 substantial interest in a charitable entity in the same manner that
3-42 a person would have a substantial interest in a business entity
3-43 under Section 171.002, Local Government Code.

3-44 Sec. 3930.055. COMPENSATION. The district shall compensate
3-45 a director as provided by Section 49.060, Water Code.

3-46 Sec. 3930.056. INITIAL DIRECTORS. (a) The initial board
3-47 consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Judy Armstrong</u>
<u>2</u>	<u>Fred Barrett</u>
<u>3</u>	<u>Rita Zarghami</u>
<u>4</u>	<u>Andrew Sonnier</u>
<u>5</u>	<u>Wilbert Eagleton</u>
<u>6</u>	<u>Melody Fontenot</u>
<u>7</u>	<u>Daryl Johnson</u>
<u>8</u>	<u>Dwight Judge</u>
<u>9</u>	<u>Jerry Bluit</u>

3-48 (b) Of the initial directors, the terms of directors serving
3-49 in positions 1, 2, and 3 expire June 1, 2017, the terms of directors
3-50 serving in positions 4, 5, and 6 expire June 1, 2018, and the terms
3-51 of directors serving in positions 7, 8, and 9 expire June 1, 2019.

3-52 (c) Section 3930.052 does not apply to the initial
3-53 directors.

3-54 (d) This section expires September 1, 2019.

3-55 SUBCHAPTER C. POWERS AND DUTIES

3-56 Sec. 3930.101. HOUSING FINANCE CORPORATION POWERS. (a)
3-57 The district has the powers of a housing finance corporation
3-58 created under Chapter 394, Local Government Code.

3-59 (b) The district may exercise the powers to provide housing

4-1 or residential development projects in the district.
4-2 Sec. 3930.102. DEVELOPMENT CORPORATION POWERS. The
4-3 district, using money available to the district, may exercise the
4-4 powers given to a development corporation under Chapter 505, Local
4-5 Government Code, including the power to own, operate, acquire,
4-6 construct, lease, improve, or maintain a project under that
4-7 chapter.
4-8 Sec. 3930.103. NONPROFIT CORPORATION. (a) The board by
4-9 resolution may authorize the creation of a nonprofit corporation to
4-10 assist and act for the district in implementing a project or
4-11 providing a service authorized by this chapter.
4-12 (b) The nonprofit corporation:
4-13 (1) has each power of and is considered to be a local
4-14 government corporation created under Subchapter D, Chapter 431,
4-15 Transportation Code; and
4-16 (2) may implement any project and provide any service
4-17 authorized by this chapter.
4-18 (c) The board shall appoint the board of directors of the
4-19 nonprofit corporation. The board of directors of the nonprofit
4-20 corporation shall serve in the same manner as the board of directors
4-21 of a local government corporation created under Subchapter D,
4-22 Chapter 431, Transportation Code, except that a board member is not
4-23 required to reside in the district.
4-24 Sec. 3930.104. AGREEMENTS; GRANTS. (a) As provided by
4-25 Chapter 375, Local Government Code, the district may make an
4-26 agreement with or accept a gift, grant, or loan from any person.
4-27 (b) The implementation of a project is a governmental
4-28 function or service for the purposes of Chapter 791, Government
4-29 Code.
4-30 Sec. 3930.105. LAW ENFORCEMENT SERVICES. To protect the
4-31 public interest, the district may contract with the county or the
4-32 city to provide law enforcement services in the district for a fee.
4-33 Sec. 3930.106. COMPETITIVE BIDDING. Section 375.221, Local
4-34 Government Code, does not apply to a district contract for \$25,000
4-35 or less.
4-36 Sec. 3930.107. ANNEXATION. In addition to the authority to
4-37 annex territory under Subchapter C, Chapter 375, Local Government
4-38 Code, the district has the authority to annex territory located in a
4-39 reinvestment zone created by the city under Chapter 311, Tax Code,
4-40 if the city's governing body consents to the annexation.
4-41 Sec. 3930.108. ECONOMIC DEVELOPMENT PROGRAM. (a) The
4-42 district may establish and provide for the administration of one or
4-43 more programs to promote economic development and to stimulate
4-44 business and commercial activity in the district, including
4-45 programs to secure loans and receive grants of public money.
4-46 (b) The district may:
4-47 (1) contract with the federal government, this state,
4-48 a political subdivision, a nonprofit organization, or any other
4-49 person for the administration of the program; and
4-50 (2) accept contributions, gifts, or other resources to
4-51 develop and administer the program.
4-52 Sec. 3930.109. STRATEGIC PARTNERSHIP AGREEMENT. The
4-53 district may negotiate and enter into a written strategic
4-54 partnership agreement with the city, the county, or the Crosby
4-55 Independent School District.
4-56 Sec. 3930.110. REAL PROPERTY. (a) The district may buy,
4-57 sell, own, or lease real property.
4-58 (b) The district may receive real property as a gift.
4-59 Sec. 3930.111. RECEIPT OF SURPLUS PROPERTY. The district
4-60 may receive surplus property from a school district that is located
4-61 in the district.
4-62 Sec. 3930.112. PROJECT FOR EDUCATIONAL OPPORTUNITY. The
4-63 district may own, lease, operate, or manage a project to improve
4-64 educational opportunities in the district.
4-65 Sec. 3930.113. NO EMINENT DOMAIN POWER. The district may
4-66 not exercise the power of eminent domain.
4-67 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
4-68 Sec. 3930.151. PETITION REQUIRED FOR FINANCING SERVICES AND
4-69 IMPROVEMENTS. (a) The board may not finance a service or an

5-1 improvement project under this chapter unless a written petition
5-2 requesting that service or improvement is filed with the board.

5-3 (b) The petition must be signed by:

5-4 (1) the owners of a majority of the assessed value of
5-5 real property in the district according to the most recent
5-6 certified tax appraisal roll for the county; or

5-7 (2) at least 25 owners of land in the district, if more
5-8 than 25 persons own property in the district according to the most
5-9 recent certified tax appraisal roll for the county.

5-10 Sec. 3930.152. DISBURSEMENTS AND TRANSFERS OF MONEY. The
5-11 board by resolution shall establish the number of directors'
5-12 signatures and the procedure required for a disbursement or
5-13 transfer of the district's money.

5-14 Sec. 3930.153. NO AD VALOREM TAX. The district may not
5-15 impose an ad valorem tax.

5-16 Sec. 3930.154. ASSESSMENTS NOT AUTHORIZED. (a) The
5-17 district may not impose an assessment.

5-18 (b) Subchapter F, Chapter 375, Local Government Code, does
5-19 not apply to the district.

5-20 Sec. 3930.155. NO IMPACT FEES. The district may not impose
5-21 an impact fee.

5-22 Sec. 3930.156. NO AUTHORITY TO ISSUE BONDS. The district
5-23 may not issue a bond to pay for any district purpose.

5-24 Sec. 3930.157. MUNICIPALITY NOT REQUIRED TO PAY DISTRICT
5-25 OBLIGATIONS. Except as provided by Section 375.263, Local
5-26 Government Code, a municipality is not required to pay an
5-27 obligation of the district.

5-28 SUBCHAPTER E. DISSOLUTION

5-29 Sec. 3930.201. EXCEPTION FOR DISSOLUTION OF DISTRICT WITH
5-30 OUTSTANDING DEBT. (a) The board may vote to dissolve a district
5-31 that has debt. If the vote is in favor of dissolution, the district
5-32 shall remain in existence solely for the limited purpose of
5-33 discharging its debts. The dissolution is effective when all debts
5-34 have been discharged.

5-35 (b) Section 375.264, Local Government Code, does not apply
5-36 to the district.

5-37 SECTION 2. BOUNDARIES. The Barrett Management District
5-38 initially includes all the territory contained in the following
5-39 area:

5-40 Lying wholly in Harris County, Texas, and being 1195.1475
5-41 acres, more or less, out of the Humphrey Jackson Survey, A-37, the
5-42 Thomas Toby Survey, A-784, and the Reuben white Survey, A-84, and
5-43 described by metes and bounds as follows:

5-44 Beginning at the northeast corner of the Reuben White Survey,
5-45 A-84, which is the most easterly northeast corner of the herein
5-46 described tract.

5-47 Thence S 89° 25' W 1669.735 feet along the north line of the
5-48 Reuben White Survey, A-84, and the south line of the Thomas Toby
5-49 Survey, A-784, for a corner in the center of the right of way of the
5-50 Crosby-Cedar Bayou Road.

5-51 Thence N 00° 35' W 3150.949 feet along the east line of Dream
5-52 Land Place, an unrecorded subdivision of Harris County, and the
5-53 east line of a 107.40-acre tract of land for a corner in the south
5-54 right-of-way line of Kennings Road, a county road.

5-55 Thence S 89° 25' W 2848.372 feet along the south right-of-way
5-56 line of Kennings Road to a corner at its intersection with the
5-57 southeast right-of-way line of U.S. Highway 90.

5-58 Thence S 27° 25' W 924.762 feet along the southeast
5-59 right-of-way line of U.S. Highway 90 to the P.C. of a 3° 00' circular
5-60 curve to the west having a central angle of 48° 20' and a radius of
5-61 1909.86 feet.

5-62 Thence around said curve along said southeast right-of-way
5-63 line of U.S. Highway 90 to the P.T. of said curve a distance of
5-64 1611.112 feet.

5-65 Thence S 75° 45' W 1843.438 feet along said southeast
5-66 right-of-way line of U.S. Highway 90 for a corner in the Northwest
5-67 corner of a 43.592-acre tract.

5-68 Thence S 15° 15' E 993.853 feet along the west line of said
5-69 43.592-acre tract to a corner in the north line of the Reuben White

6-1 Survey, A-84.

6-2 Thence S 89° 25' W 589.318 feet along the north line of the
6-3 Reuben White Survey, A-84, to a corner, being the northeast corner
6-4 of a 102-acre tract.

6-5 Thence S 10° 35' E 3410.926 feet along the east line of said
6-6 102-acre tract to a corner.

6-7 Thence S 0° 35' E 406.131 feet for a corner, being the
6-8 southwest corner of the D.C. Hautier 5.11-acre tract.

6-9 Thence S 89° 25' W 137.508 feet for a corner, being the most
6-10 westerly northeast corner of Harris County Fresh Water Supply
6-11 District No. 46.

6-12 Thence South 320 feet along the most northerly east line of
6-13 Harris County Fresh Water Supply District No. 46 to a corner in the
6-14 west line of Arcadian Gardens Subdivision, Section 3, as recorded
6-15 in Volume 22, Page 58, of the Harris County Map Records, being the
6-16 northwest corner of Lot 109 and the southwest corner of Lot 38 of
6-17 said subdivision.

6-18 Thence N 89° 30' E 1650 feet along the most southerly north
6-19 line of Harris County Fresh Water Supply District No. 46 for a
6-20 corner in the east right-of-way line of Locust Street, being a
6-21 northeast corner of Harris County Fresh Water Supply District No.
6-22 46, and northwest corner of Lot 80 of said Arcadian Gardens
6-23 Subdivision, Section 3.

6-24 Thence S 02° 55' E 1080 feet along east right-of-way line of
6-25 Locust Street to the southeast corner of Harris County Fresh Water
6-26 Supply District No. 46 for the most southerly southwest corner of
6-27 the herein described tract.

6-28 Thence N 89° 25' E 1547.06 feet along the south line of
6-29 Arcadian Gardens Subdivision, Section 4, to corner in the east
6-30 right-of-way line of Farm Market Road 2100.

6-31 Thence N 03° 25' W 354.172 feet along the east right-of-way
6-32 line of Farm Market Road 2100 for a corner at the southwest corner
6-33 of St. Charles Place Subdivision.

6-34 Thence N 89° 25' E 4641.181 feet along south line St. Charles
6-35 Place for a corner in east line of Reuben White Survey, A-84.

6-36 Thence N 00° 35' W 4834.738 feet along said east line of the
6-37 Reuben White Survey, A-84 and west line of the HT&BRR Survey,
6-38 A-1619, to the place of beginning.

6-39 Containing 1195.1475 acres, more or less.

6-40 SECTION 3. (a) The legal notice of the intention to
6-41 introduce this Act, setting forth the general substance of this
6-42 Act, has been published as provided by law, and the notice and a
6-43 copy of this Act have been furnished to all persons, agencies,
6-44 officials, or entities to which they are required to be furnished
6-45 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-46 Government Code.

6-47 (b) The governor, one of the required recipients, has
6-48 submitted the notice and Act to the Texas Commission on
6-49 Environmental Quality.

6-50 (c) The Texas Commission on Environmental Quality has filed
6-51 its recommendations relating to this Act with the governor,
6-52 lieutenant governor, and speaker of the house of representatives
6-53 within the required time.

6-54 (d) The general law relating to consent by political
6-55 subdivisions to the creation of districts with conservation,
6-56 reclamation, and road powers and the inclusion of land in those
6-57 districts has been complied with.

6-58 (e) All requirements of the constitution and laws of this
6-59 state and the rules and procedures of the legislature with respect
6-60 to the notice, introduction, and passage of this Act have been
6-61 fulfilled and accomplished.

6-62 SECTION 4. This Act takes effect immediately if it receives
6-63 a vote of two-thirds of all the members elected to each house, as
6-64 provided by Section 39, Article III, Texas Constitution. If this
6-65 Act does not receive the vote necessary for immediate effect, this
6-66 Act takes effect September 1, 2015.

6-67

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