

1-1 By: Cortez, et al. (Senate Sponsor - Menéndez) H.B. No. 4349
 1-2 (In the Senate - Received from the House May 19, 2017;
 1-3 May 19, 2017, read first time and referred to Committee on
 1-4 Administration; May 23, 2017, reported favorably by the following
 1-5 vote: Yeas 5, Nays 1, 1 present not voting; May 23, 2017, sent to
 1-6 printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9				X
1-10		X		
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED
 1-17 AN ACT

1-18 relating to the creation of the Alamo Management District;
 1-19 providing authority to issue bonds.

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 3636 to read as follows:

1-23 CHAPTER 3636. ALAMO MANAGEMENT DISTRICT
 1-24 SUBCHAPTER A. GENERAL PROVISIONS

1-25 Sec. 3636.001. DEFINITIONS. In this chapter:

1-26 (1) "Board" means the district's board of directors.

1-27 (2) "City" means the City of San Antonio.

1-28 (3) "Commissioner" means the commissioner of the
 1-29 General Land Office.

1-30 (4) "County" means Bexar County.

1-31 (5) "Director" means a board member.

1-32 (6) "District" means the Alamo Management District.

1-33 Sec. 3636.002. CREATION AND NATURE OF DISTRICT. The
 1-34 district is a special district created under Section 59, Article
 1-35 XVI, Texas Constitution.

1-36 Sec. 3636.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The
 1-37 creation of the district is essential to accomplish the purposes of
 1-38 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
 1-39 Texas Constitution, and other public purposes stated in this
 1-40 chapter. By creating the district and in authorizing the city,
 1-41 county, and other political subdivisions to contract with the
 1-42 district, the legislature has established a program to accomplish
 1-43 the public purposes set out in Section 52-a, Article III, Texas
 1-44 Constitution.

1-45 (b) The creation of the district is necessary to protect and
 1-46 preserve the Alamo shrine and the area surrounding the Alamo
 1-47 shrine.

1-48 (c) The creation of the district is necessary to promote,
 1-49 develop, encourage, and maintain employment, commerce,
 1-50 transportation, tourism, recreation, the arts, entertainment,
 1-51 enjoyment of historic and cultural treasures, economic
 1-52 development, safety, health, and the public welfare in the
 1-53 district.

1-54 (d) This chapter and the creation of the district may not be
 1-55 interpreted to relieve the city or county from providing the level
 1-56 of services provided on November 1, 2016, to the area in the
 1-57 district. The district is created to supplement and not to supplant
 1-58 city and county services provided in the district or city and county
 1-59 zoning or site development ordinances or orders applicable to the
 1-60 territory in the district.

1-61 Sec. 3636.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)

2-1 The district is created to serve a public use and benefit.
 2-2 (b) All land and other property included in the district
 2-3 will benefit from the improvements and services to be provided by
 2-4 the district under powers conferred by Sections 52 and 52-a,
 2-5 Article III, and Section 59, Article XVI, Texas Constitution, and
 2-6 other powers granted under this chapter.
 2-7 (c) The creation of the district is in the public interest
 2-8 and is essential to further the public purposes of:
 2-9 (1) developing and diversifying the economy of the
 2-10 state;
 2-11 (2) eliminating unemployment and underemployment; and
 2-12 (3) developing or expanding transportation and
 2-13 commerce.
 2-14 (d) The district will:
 2-15 (1) promote the health, safety, and general welfare of
 2-16 residents, employers, employees, visitors, and consumers in the
 2-17 district, and of the public;
 2-18 (2) provide needed funding for the district to
 2-19 protect, preserve, maintain, and enhance the economic health and
 2-20 vitality of the district territory as a community, business,
 2-21 historic, and cultural center; and
 2-22 (3) promote the health, safety, welfare, and enjoyment
 2-23 of the public by providing pedestrian ways and by landscaping and
 2-24 developing certain areas in the district, which are necessary for
 2-25 the restoration, preservation, and enhancement of scenic,
 2-26 cultural, and aesthetic beauty.
 2-27 (e) Pedestrian ways along or across a street, whether at
 2-28 grade or above or below the surface, and street lighting, street
 2-29 landscaping, and street art objects are parts of and necessary
 2-30 components of a street and are considered to be a street or road
 2-31 improvement. Parking facilities are considered to be a street or
 2-32 road improvement.
 2-33 (f) The district will not act as the agent or
 2-34 instrumentality of any private interest even though the district
 2-35 will benefit many private interests as well as the public.
 2-36 Sec. 3636.005. INITIAL DISTRICT TERRITORY. (a) The
 2-37 district is initially composed of the territory described by
 2-38 Section 2 of the Act enacting this chapter.
 2-39 (b) The boundaries and field notes of the district contained
 2-40 in Section 2 of the Act enacting this chapter form a closure. A
 2-41 mistake in the field notes of the district contained in Section 2 of
 2-42 the Act enacting this chapter or in copying the field notes in the
 2-43 legislative process does not in any way affect the district's:
 2-44 (1) organization, existence, or validity;
 2-45 (2) right to issue any type of bond or other obligation
 2-46 for a purpose for which the district is created or to pay the
 2-47 principal of and interest on a bond;
 2-48 (3) right to impose or collect an assessment; or
 2-49 (4) legality or operation.
 2-50 Sec. 3636.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.
 2-51 All or any part of the area of the district is eligible to be
 2-52 included in:
 2-53 (1) a tax increment reinvestment zone created under
 2-54 Chapter 311, Tax Code;
 2-55 (2) a tax abatement reinvestment zone created under
 2-56 Chapter 312, Tax Code;
 2-57 (3) an enterprise zone created under Chapter 2303,
 2-58 Government Code; or
 2-59 (4) a similar zone created for economic development
 2-60 purposes.
 2-61 Sec. 3636.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
 2-62 DISTRICTS LAW. Except as otherwise provided by this chapter,
 2-63 Chapter 375, Local Government Code, applies to the district.
 2-64 Sec. 3636.008. LIBERAL CONSTRUCTION OF CHAPTER. This
 2-65 chapter shall be liberally construed in conformity with the
 2-66 findings and purposes stated in this chapter.
 2-67 Sec. 3636.009. CONFLICT WITH RIVER AUTHORITY. If any
 2-68 authority or power granted to the district overlaps or conflicts
 2-69 with any authority or power granted to the San Antonio River

3-1 Authority, the authority or power granted to the San Antonio River
 3-2 Authority shall supersede and control over the authority or power
 3-3 granted to the district, unless the San Antonio River Authority
 3-4 consents to the exercise of the authority or power by the district.

3-5 Sec. 3636.010. CONFLICT WITH CITY. If any authority or
 3-6 power granted to the district overlaps or conflicts with any
 3-7 authority or power granted to the city, the authority or power
 3-8 granted to the city shall supersede and control over the authority
 3-9 or power granted to the district, unless the city consents to the
 3-10 exercise of the authority or power by the district.

3-11 SUBCHAPTER B. BOARD OF DIRECTORS

3-12 Sec. 3636.051. BOARD; TERMS. (a) The district is governed
 3-13 by a board of seven voting directors who serve staggered terms of
 3-14 four years, with three or four directors' terms expiring February 1
 3-15 of each odd-numbered year.

3-16 (b) The board by resolution may change the number of voting
 3-17 directors on the board if the board determines that the change is in
 3-18 the best interest of the district. The board may not consist of
 3-19 fewer than 7 or more than 15 voting directors.

3-20 Sec. 3636.052. APPOINTMENT AND REMOVAL OF DIRECTORS. (a)
 3-21 The commissioner serves as the presiding officer of the board.

3-22 (b) The mayor of the city shall serve as a director or
 3-23 appoint a person to serve on behalf of the mayor.

3-24 (c) The commissioner shall appoint the remaining members of
 3-25 the board as follows:

3-26 (1) a person with knowledge of Texas history;
 3-27 (2) a person with knowledge of preservation or
 3-28 operation of historic sites;

3-29 (3) a person with knowledge of fund-raising or state
 3-30 funding sources and procedures;

3-31 (4) a person with knowledge of municipal land use or
 3-32 site development regulation; and

3-33 (5) a person who owns a business in or near the
 3-34 district.

3-35 (d) If the board increases the number of directors under
 3-36 Section 3636.051 to more than seven, the commissioner shall appoint
 3-37 the additional directors. The additional directors must be
 3-38 qualified to serve as a director under Section 375.063, Local
 3-39 Government Code.

3-40 (e) If a vacancy occurs on the board, the commissioner shall
 3-41 appoint a director for the remainder of the unexpired term only with
 3-42 the approval of a majority of the remaining directors.

3-43 (f) Each director appointed under Subsection (c) serves at
 3-44 the pleasure of the commissioner. The commissioner may remove a
 3-45 director at any time in a manner authorized by law.

3-46 Sec. 3636.053. NONVOTING DIRECTORS. The board may appoint
 3-47 nonvoting directors to serve at the pleasure of the voting
 3-48 directors.

3-49 Sec. 3636.054. QUORUM; BOARD ACTION. (a) Section 375.071,
 3-50 Local Government Code, does not apply to the board.

3-51 (b) For purposes of determining the requirements for a
 3-52 quorum of the board, the following are not counted:

3-53 (1) a board position vacant for any reason, including
 3-54 death, resignation, or disqualification;

3-55 (2) a director who is abstaining from participation in
 3-56 a vote because of a conflict of interest; or

3-57 (3) a nonvoting director.

3-58 (c) A concurrence of a majority of a quorum of directors is
 3-59 required for an official action of the district.

3-60 (d) Official actions of the district must be made by written
 3-61 resolution.

3-62 SUBCHAPTER C. POWERS AND DUTIES

3-63 Sec. 3636.101. GENERAL POWERS AND DUTIES. The district has
 3-64 the powers and duties necessary to accomplish the purposes for
 3-65 which the district is created.

3-66 Sec. 3636.102. MASTER PLAN. The district may participate
 3-67 with the city in the development and implementation of an Alamo
 3-68 Complex Master Plan.

3-69 Sec. 3636.103. AGREEMENTS; GRANTS. (a) As provided by

4-1 Chapter 375, Local Government Code, the district may make an
4-2 agreement with or accept a gift, grant, or loan from any person.

4-3 (b) The implementation of a project is a governmental
4-4 function or service for the purposes of Chapter 791, Government
4-5 Code.

4-6 Sec. 3636.104. CONTRACT WITH POLITICAL SUBDIVISION. The
4-7 county, the city, or another political subdivision of this state,
4-8 without further authorization, may contract with the district to
4-9 implement a project of the district or assist the district in
4-10 providing a service authorized under this chapter. A contract
4-11 under this section may:

4-12 (1) be for a period on which the parties agree;

4-13 (2) include terms on which the parties agree;

4-14 (3) be payable from any source of revenue that may be
4-15 available for that project or service; and

4-16 (4) provide terms under which revenue collected at a
4-17 district project or from a person using or purchasing a commodity or
4-18 service at a district project may be paid or rebated to the
4-19 district.

4-20 Sec. 3636.105. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
4-21 district may join and pay dues to a charitable or nonprofit
4-22 organization that performs a service or provides an activity
4-23 consistent with the furtherance of a district purpose.

4-24 Sec. 3636.106. NO ANNEXATION. The district may not annex
4-25 territory.

4-26 Sec. 3636.107. NO EMINENT DOMAIN POWER. The district may
4-27 not exercise the power of eminent domain.

4-28 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

4-29 Sec. 3636.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
4-30 board by resolution shall establish the number of directors'
4-31 signatures and the procedure required for a disbursement or
4-32 transfer of the district's money.

4-33 Sec. 3636.152. NO TAXES, ASSESSMENTS, OR FEES. The
4-34 district may not impose a tax, assessment, or fee.

4-35 Sec. 3636.153. BONDS AND OTHER OBLIGATIONS. (a) The
4-36 district may issue bonds, notes, or other obligations payable from
4-37 money available to the district in the manner provided by
4-38 Subchapter J, Chapter 375, Local Government Code.

4-39 (b) In exercising the district's borrowing power, the
4-40 district may issue a bond or other obligation in the form of a bond,
4-41 note, certificate of participation or other instrument evidencing a
4-42 proportionate interest in payments to be made by the district, or
4-43 other type of obligation.

4-44 Sec. 3636.154. REQUIREMENTS FOR BOND ISSUE. The district
4-45 may not issue bonds until the district submits to the Texas
4-46 Commission on Environmental Quality:

4-47 (1) an engineer's report describing the project for
4-48 which the bonds will provide funding, including data, profiles,
4-49 maps, plans, and specifications related to the project; and

4-50 (2) a cash flow analysis to determine the projected
4-51 bond payoff schedule, which includes the following assumptions:

4-52 (A) each ending balance for debt service in the
4-53 analysis is not less than 25 percent of the following year's debt
4-54 service requirement; and

4-55 (B) interest income is only shown on the ending
4-56 balance for debt service for the first two years.

4-57 SUBCHAPTER E. DISSOLUTION BY BOARD

4-58 Sec. 3636.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING
4-59 DEBT. (a) The board may dissolve the district regardless of
4-60 whether the district has debt. Section 375.264, Local Government
4-61 Code, does not apply to the district.

4-62 (b) If the district has debt when it is dissolved, the
4-63 district shall remain in existence solely for the purpose of
4-64 discharging its debts. The dissolution is effective when all debts
4-65 have been discharged.

4-66 SECTION 2. The Alamo Management District initially includes
4-67 all the territory contained in the following area:

4-68 From the midpoint of the intersection of W Market Street and N
4-69 Presa Street; Northward along N Presa Street, to the intersection

5-1 of E Houston Street and N Presa Street; Eastward along E Houston
5-2 Street to the intersection of E Houston Street and Jefferson;
5-3 Northward along Jefferson to the intersection of Jefferson and E
5-4 Travis Street; Eastward along E Travis Street, to the intersection
5-5 of N Alamo Street and E Travis Street; Northeastward along N Alamo
5-6 Street to the intersection of 4th Street and N Alamo Street;
5-7 Southeastward along 4th Street to the intersection of Bonham Street
5-8 and 4th Street; Northeastward along Bonham Street to the
5-9 intersection of Elm Street and Bonham Street; Southward along Elm
5-10 Street to the intersection of E Houston Street and Elm Street;
5-11 Eastward along E Houston Street to IH-37; Southeastward along the
5-12 south-bound lanes of IH-37, to the intersection of IH-37 and E
5-13 Market Street; West-northwestward along E Market Street to the
5-14 point of origin, the intersection of W Market Street and N Presa
5-15 Street.

5-16 SECTION 3. (a) The legal notice of the intention to
5-17 introduce this Act, setting forth the general substance of this
5-18 Act, has been published as provided by law, and the notice and a
5-19 copy of this Act have been furnished to all persons, agencies,
5-20 officials, or entities to which they are required to be furnished
5-21 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-22 Government Code.

5-23 (b) The governor, one of the required recipients, has
5-24 submitted the notice and Act to the Texas Commission on
5-25 Environmental Quality.

5-26 (c) The Texas Commission on Environmental Quality has filed
5-27 its recommendations relating to this Act with the governor,
5-28 lieutenant governor, and speaker of the house of representatives
5-29 within the required time.

5-30 (d) The general law relating to consent by political
5-31 subdivisions to the creation of districts with conservation,
5-32 reclamation, and road powers and the inclusion of land in those
5-33 districts has been complied with.

5-34 (e) All requirements of the constitution and laws of this
5-35 state and the rules and procedures of the legislature with respect
5-36 to the notice, introduction, and passage of this Act have been
5-37 fulfilled and accomplished.

5-38 SECTION 4. This Act takes effect immediately if it receives
5-39 a vote of two-thirds of all the members elected to each house, as
5-40 provided by Section 39, Article III, Texas Constitution. If this
5-41 Act does not receive the vote necessary for immediate effect, this
5-42 Act takes effect September 1, 2017.

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