

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  
purpose of the district is to preserve the 141.35 acres of land used  
for the historic Lions Municipal Golf Course in Austin as a public  
golf course, publicly available parkland, or a combination of those  
uses.

(b) This chapter does not preclude, and is not intended by  
any language contained herein to preclude, preservation of the  
historic Lions Municipal Golf Course in Austin in its current  
141.35 acre imprint as an 18-hole public golf course, practice  
facilities, and land related to the course.

(c) This chapter does not require a person to:

- (1) sell or otherwise convey real property to the  
district or the city; or
- (2) enter into an agreement with the district.

(d) 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.

(e) 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.

(f) 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 provide infrastructure necessary or desirable for the use of the land preserved in accordance with the purpose of the district.

(d) 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 a fee; 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.

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 executive director of the Texas State Preservation Board;
- (4) the mayor of the city;
- (5) the Texas director of the Nature Conservancy;
- (6) the executive director of Preservation Texas; and
- (7) the executive director of the Texas Golf Hall of Fame.

(b) The appointing committee shall solicit applications for initial board member positions from residents of the district and 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 initial directors shall draw lots to determine which directors serve four-year terms and which serve two-year terms.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3988.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purpose 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 a contract 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. **The district may not enter into a contract described by this subsection**

unless the district enters into an agreement before May 31, 2021, with the owner of the land used for the historic Lions Municipal Golf Course that provides for the purchase of the land or a method of preserving the land as a public golf course, publicly available parkland, or a combination of those uses.

Sec. 3988.0303. GIFTS, GRANTS, DONATIONS. The district may accept a gift, grant, or donation from a public or private source for the purposes of carrying out the district purpose under this chapter.

Sec. 3988.0304. 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 the district purpose.

Sec. 3988.0306. ELECTION TO APPROVE CONTRACT FEE. (a) The district may not enter into a contract with the city for the imposition of a fee, as described by Section 3988.0302(d), unless the imposition of the fee is approved at an election by a majority of the qualified voters of the district voting at an election called for that purpose.

(b) The resolution ordering the election and the notice of the election must describe the proposed project for which the fee revenue will be used. The description must include:

- (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 fee revenue anticipated 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 proposed 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 ballot proposition must also contain the information described by Subsections (b)(2), (3), and (4).

(d) If the ballot proposition is approved, the district may not exceed any limitations imposed on the project by the resolution ordering the election with respect to the area, nature, or amount of fee revenue 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 at the election do not approve the ballot proposition, the district may not call a subsequent election under this section on the imposition of a fee

for the same proposed project before the first anniversary of the date of the most recent election held under this section on the imposition of a fee for the same proposed project.

Sec. 3988.0307. OTHER CHARGES. (a) The district may charge rates, fares, charges, rents, or other fees or compensation for the use of the improvements constructed, operated, or maintained by the district only for the purpose of the district.

(b) The district may not impose an impact or standby fee.

Sec. 3988.0308. CERTAIN RESIDENTIAL PROPERTY. Section 375.161, Local Government Code, does not apply to the district.

Sec. 3988.0309. NO ASSESSMENTS OR TAXES. The district may not impose an assessment or tax.

Sec. 3988.0310. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

#### SUBCHAPTER I. DISSOLUTION

Sec. 3988.0901. DISSOLUTION. Except as limited by Section 375.264, Local Government Code, the board shall dissolve the district not later than **May 31, 2021**, unless, as of that date, the district has entered into an agreement with the owner of the land used for the historic Lions Municipal Golf Course that provides for the purchase of the land or a method of preserving the land as a public golf course, publicly available parkland, or a combination of those uses.

SECTION 2. The Save Historic Mundy 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 North 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 file 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.

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President of the Senate

Speaker of the House

I hereby certify that S.B. No. 2553 passed the Senate on May 8, 2019, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 25, 2019, by the following vote: Yeas 30, Nays 0.

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Secretary of the Senate

I hereby certify that S.B. No. 2553 passed the House, with amendment, on May 22, 2019, by the following vote: Yeas 104, Nays 38, two present not voting.

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Chief Clerk of the House

Approved \_\_\_\_\_ Date

\_\_\_\_\_  
Governor