

BILL ANALYSIS

Senate Research Center
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S.B. 1629
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DIGEST AND PURPOSE

Currently, developers within the land of the proposed Cibolo Canyon Conservation and Improvement District No. 1 are planning the development of a PGA golf course for instructional and recreational purposes, a resort hotel, and limited commercial and residential development. As proposed, S.B. 1629 creates the Cibolo Canyon Conservation and Improvement District No. 1, grants the district authority for taxation and bonds and the power of eminent domain, and allows for the purchasing and preservation of certain tracts of land to be utilized as open space and wildlife habitat.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the board of directors of the Cibolo Canyon Conservation and Improvement District No. 1 in SECTION 11 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. CREATION. Creates the Cibolo Canyon Conservation and Improvement District No. 1, subject to approval at a confirmation election under Section 9 of this Act. Provides findings of purpose.

SECTION 2. DEFINITIONS. Defines “board,” “city,” “commission,” “development agreement,” “district,” and “improvement project.”

SECTION 3. BOUNDARIES. Sets forth the boundaries of the district.

SECTION 4. FINDINGS RELATED TO BOUNDARIES. Presents legislative findings related to boundaries.

SECTION 5. FINDING OF BENEFIT. Provides findings of benefit.

SECTION 6. GENERAL POWERS. Sets forth guidelines regarding the general powers and duties of the district. Requires this Act to be liberally construed in conformity with the legislative findings and purposes set forth in this act. Provides that if any provision of the general law is in conflict or inconsistent with this Act, this Act prevails. Provides that any general law which supplements the power and authority of the district, to the extent not in conflict or inconsistent with the Act, is adopted and incorporated by reference.

SECTION 7. BOARD OF DIRECTORS. Sets forth guidelines concerning the board of directors governing the district.

SECTION 8. TEMPORARY DIRECTORS. Sets forth guidelines concerning the temporary board of directors.

SECTION 9. CONFIRMATION AND INITIAL DIRECTOR’S ELECTION. Sets forth guidelines concerning an election held to confirm establishment of the district and to elect five initial directors.

SECTION 10. ELECTION OF DIRECTORS. Sets forth guidelines concerning the election of directors.

SECTION 11. SPECIFIC POWERS AND LIMITATIONS. (a) Authorizes the district, without limiting other authority granted to the district by laws incorporated by reference herein, to conduct or authorize certain specific improvement projects.

(b) Requires the district to abide by, comply with, and enforce the city's ordinances regarding drainage, floodplain regulation, and aquifer protection within the boundaries of the district, including but not limited to Aquifer Protection Ordinance No. 81491, UST Ban on the Edwards Aquifer Recharge Zone Ordinance No. 81147, and UST Management Program Ordinance No. 83200 or any amendments thereto. Requires the district specifically to comply with 40 CFR 122.26 federal regulations governing stormwater discharges and NPDES program.

(c) Provides that only the rights, powers, privileges, authority, functions, and duties of the district with respect to the retail provision of water or sewer services are subject to the continuing right of supervision of the state to be exercised by and through the Texas Natural Resource Commission (commission).

(d) Authorizes the district to perform certain functions.

(d) Prohibits the district from employing peace officers, but authorizes the district to contract for off-duty peace officers for certain purposes.

(e) Authorizes the board by rule to regulate the private use of public roadways, open spaces, parks, sidewalks, and similar public areas. Provides that, to the extent the rules of the district conflict with a rule, order, ordinance, or regulation of a county or municipality with jurisdiction in the district's territory, the rule, order, ordinance, or regulation of the county or municipality controls. Authorizes the rules to provide for the safe and orderly use of public roadways, open spaces, parks, sidewalks, and similar public areas or facilities.

(f) Prohibits the district from allowing underground storage tanks for any substance except water within its boundaries. Requires aboveground storage tanks to comply with the state rules and regulations and to be approved by the San Antonio Water System.

(g) Requires all water and sewer infrastructure inside the district to be dedicated to the San Antonio Water System to own and operate as soon as the lines are acquired or constructed by the district and approved by San Antonio Water System inspectors.

(h) Requires the district to have the power of eminent domain within the district and within three (3) miles of the district's boundaries.

SECTION 12. CONTRACTS WITH DISTRICT. Authorizes the district to contract with certain parties for certain purposes for certain periods of time. Authorizes certain parties, notwithstanding any other law or charter provision, to contract with the district to carry out the purposes of this Act without any further authorization.

SECTION 13. DIVISION OF DISTRICT. Authorizes the district to add or exclude land or divide into two or more districts, in the manner provided by Chapter 49 and Subchapter O Chapter 51, Water Code, under the terms and conditions of a development agreement. Requires the district to obtain the consent of the city before adding land.

SECTION 14. ANNEXATION BY THE CITY. (a) Requires the city to have the power to annex all of the territory within the district at one time at the time and under the conditions specified in the

development agreement. Requires any annexation of the property within the district to be under Chapter 43 (Municipal Annexation), Local Government Code as that Chapter existed prior to May 1, 1999. Prohibits specifically, but without limitation, the arbitration, mediation, notices, and service level requirements imposed by SB 89, 76th Legislature, Regular Session, 1999, from applying to such annexation; provided, however, that Section 43.002 (Continuation of Land Use), Local Government Code, is required to apply to such annexation.

(b) Requires the city, once annexation is complete, to automatically succeed to the property of the district and to assume all of the outstanding obligations of the district. Requires the district, at such time, to cease to exist and provides that the taxes, assessments, and impact fees of the district will no longer be applicable.

SECTION 15. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS. (a) Provides that the proper and legal notice of the intention to introduce this Act, setting for 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 by the constitution and other laws of this state, including the governor, who has submitted the notice and the Act to the commission.

(b) Provides that the commission has filed its recommendations relating to the Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(c) 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 16. EFFECTIVE DATE. Effective date: upon passage or September 1, 2001.