

By: Dutton

H.B. No. 3888

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Barrett Management District.

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 3930 to read as follows:

CHAPTER 3930. BARRETT MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3930.001. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Houston, Texas.

(3) "County" means Harris County, Texas.

(4) "Director" means a board member.

(5) "District" means the Barrett Management District.

Sec. 3930.002. CREATION AND NATURE OF DISTRICT. The district is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3930.003. PURPOSE; LEGISLATIVE FINDINGS. (a) 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. By creating the district and in authorizing the city, county, 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

1 Constitution.

2 (b) The creation of the district is necessary to promote,
3 develop, encourage, and maintain employment, commerce,
4 transportation, housing, tourism, recreation, the arts,
5 entertainment, economic development, safety, and the public
6 welfare in the district.

7 (c) This chapter and the creation of the district may not be
8 interpreted to relieve the city or county from providing the level
9 of services provided as of the effective date of the Act enacting
10 this chapter to the area in the district. The district is created
11 to supplement and not to supplant city and county services provided
12 in the district.

13 Sec. 3930.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
14 The district is created to serve a public use and benefit.

15 (b) All land and other property included in the district
16 will benefit from the improvements and services to be provided by
17 the district under powers conferred by Sections 52 and 52-a,
18 Article III, and Section 59, Article XVI, Texas Constitution, and
19 other powers granted under this chapter.

20 (c) The creation of the district is in the public interest
21 and is essential to further the public purposes of:

22 (1) developing and diversifying the economy of the
23 state;

24 (2) eliminating unemployment and underemployment; and

25 (3) developing or expanding transportation and
26 commerce.

27 (d) The district will:

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

4 (2) provide needed funding for the district to
5 preserve, maintain, and enhance the economic health and vitality of
6 the district territory as a community and business center; and

7 (3) promote the health, safety, welfare, and enjoyment
8 of the public by providing pedestrian ways and by landscaping and
9 developing certain areas in the district, which are necessary for
10 the restoration, preservation, and enhancement of scenic beauty.

11 (e) Pedestrian ways along or across a street, whether at
12 grade or above or below the surface, and street lighting, street
13 landscaping, and street art objects are parts of and necessary
14 components of a street and are considered to be a street or road
15 improvement.

16 (f) The district will not act as the agent or
17 instrumentality of any private interest even though the district
18 will benefit many private interests as well as the public.

19 Sec. 3930.005. DISTRICT TERRITORY. (a) The district is
20 composed of the territory described by Section 2 of the Act enacting
21 this chapter, as that territory may have been modified under
22 Section 3930.107 or other law.

23 (b) The boundaries and field notes of the district contained
24 in Section 2 of the Act enacting this chapter form a closure. A
25 mistake in the field notes of the district contained in Section 2 of
26 the Act enacting this chapter or in copying the field notes in the
27 legislative process does not in any way affect the district's:

1 (1) organization, existence, or validity; or

2 (2) legality or operation.

3 Sec. 3930.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

4 (a) All or any part of the area of the district is eligible to be
5 included in:

6 (1) a tax increment reinvestment zone created by the
7 city under Chapter 311, Tax Code;

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

10 (3) an enterprise zone created by the city under
11 Chapter 2303, Government Code.

12 (b) A tax increment reinvestment zone created by the city in
13 the district is not subject to the limitations provided by Section
14 311.006, Tax Code.

15 Sec. 3930.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
16 DISTRICTS LAW. Except as otherwise provided by this chapter,
17 Chapter 375, Local Government Code, applies to the district.

18 Sec. 3930.008. LIBERAL CONSTRUCTION OF CHAPTER. This
19 chapter shall be liberally construed in conformity with the
20 findings and purposes stated in this chapter.

21 SUBCHAPTER B. BOARD OF DIRECTORS

22 Sec. 3930.051. GOVERNING BODY; TERMS. The district is
23 governed by a board of nine directors who serve staggered terms of
24 three years, with three directors' terms expiring June 1 of each
25 year.

26 Sec. 3930.052. APPOINTMENT OF DIRECTORS. (a) The mayor and
27 members of the governing body of the city shall appoint directors

1 from persons recommended by the board. A person is appointed if a
2 majority of the members and the mayor vote to appoint that person.

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

6 Sec. 3930.053. EX OFFICIO DIRECTORS. (a) The following
7 persons serve as nonvoting ex officio directors:

8 (1) the directors of the parks and recreation,
9 planning and development, public works, and civic center
10 departments of the city;

11 (2) the chief of police of the city;

12 (3) the county's general manager of the Metropolitan
13 Transit Authority of Harris County, Texas; and

14 (4) the president of each institution of higher
15 learning located in the district.

16 (b) If a department described by Subsection (a) is
17 consolidated, renamed, or changed, the board may appoint a director
18 of the consolidated, renamed, or changed department as a nonvoting
19 ex officio director. If a department described by Subsection (a) is
20 abolished, the board may appoint a representative of another
21 department of the city that performs duties comparable to those
22 performed by the abolished department.

23 (c) The board may appoint the presiding officer of a
24 nonprofit corporation that is actively involved in activities in
25 the district to serve as a nonvoting ex officio director.

26 Sec. 3930.054. CONFLICTS OF INTEREST. (a) Except as
27 provided by this section:

1 (1) a director may participate in all board votes and
2 decisions; and

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

5 (b) Section 171.004, Local Government Code, does not apply
6 to the district. A director who has a substantial interest in a
7 business or charitable entity that will receive a pecuniary benefit
8 from a board action shall file an affidavit with the board secretary
9 declaring the interest. Another affidavit is not required if the
10 director's interest changes.

11 (c) After the affidavit is filed, the director may
12 participate in a discussion or vote on that action if:

13 (1) a majority of the directors have a similar
14 interest in the same entity; or

15 (2) all other similar business or charitable entities
16 in the district will receive a similar pecuniary benefit.

17 (d) A director who is also an officer or employee of a public
18 entity may not participate in a discussion of or vote on a matter
19 regarding a contract with that same public entity.

20 (e) For purposes of this section, a director has a
21 substantial interest in a charitable entity in the same manner that
22 a person would have a substantial interest in a business entity
23 under Section 171.002, Local Government Code.

24 Sec. 3930.055. COMPENSATION. The district shall compensate
25 a director as provided by Section 49.060, Water Code.

26 Sec. 3930.056. INITIAL DIRECTORS. (a) The initial board
27 consists of:

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

11 (b) Of the initial directors, the terms of directors serving
12 in positions 1, 2, and 3 expire June 1, 2017, the terms of directors
13 serving in positions 4, 5, and 6 expire June 1, 2018, and the terms
14 of directors serving in positions 7, 8, and 9 expire June 1, 2019.

15 (c) Section 3930.052 does not apply to the initial
16 directors.

17 (d) This section expires September 1, 2019.

18 SUBCHAPTER C. POWERS AND DUTIES

19 Sec. 3930.101. HOUSING FINANCE CORPORATION POWERS. (a)
20 The district has the powers of a housing finance corporation
21 created under Chapter 394, Local Government Code.

22 (b) The district may exercise the powers to provide housing
23 or residential development projects in the district.

24 Sec. 3930.102. DEVELOPMENT CORPORATION POWERS. The
25 district, using money available to the district, may exercise the
26 powers given to a development corporation under Chapter 505, Local
27 Government Code, including the power to own, operate, acquire,

1 construct, lease, improve, or maintain a project under that
2 chapter.

3 Sec. 3930.103. NONPROFIT CORPORATION. (a) The board by
4 resolution may authorize the creation of a nonprofit corporation to
5 assist and act for the district in implementing a project or
6 providing a service authorized by this chapter.

7 (b) The nonprofit corporation:

8 (1) has each power of and is considered to be a local
9 government corporation created under Subchapter D, Chapter 431,
10 Transportation Code; and

11 (2) may implement any project and provide any service
12 authorized by this chapter.

13 (c) The board shall appoint the board of directors of the
14 nonprofit corporation. The board of directors of the nonprofit
15 corporation shall serve in the same manner as the board of directors
16 of a local government corporation created under Subchapter D,
17 Chapter 431, Transportation Code, except that a board member is not
18 required to reside in the district.

19 Sec. 3930.104. AGREEMENTS; GRANTS. (a) As provided by
20 Chapter 375, Local Government Code, the district may make an
21 agreement with or accept a gift, grant, or loan from any person.

22 (b) The implementation of a project is a governmental
23 function or service for the purposes of Chapter 791, Government
24 Code.

25 Sec. 3930.105. LAW ENFORCEMENT SERVICES. To protect the
26 public interest, the district may contract with the county or the
27 city to provide law enforcement services in the district for a fee.

1 Sec. 3930.106. COMPETITIVE BIDDING. Section 375.221, Local
2 Government Code, does not apply to a district contract for \$25,000
3 or less.

4 Sec. 3930.107. ANNEXATION. In addition to the authority to
5 annex territory under Subchapter C, Chapter 375, Local Government
6 Code, the district has the authority to annex territory located in a
7 reinvestment zone created by the city under Chapter 311, Tax Code,
8 if the city's governing body consents to the annexation.

9 Sec. 3930.108. ECONOMIC DEVELOPMENT PROGRAM. (a) The
10 district may establish and provide for the administration of one or
11 more programs to promote economic development and to stimulate
12 business and commercial activity in the district, including
13 programs to secure loans and receive grants of public money.

14 (b) The district may:

15 (1) contract with the federal government, this state,
16 a political subdivision, a nonprofit organization, or any other
17 person for the administration of the program; and

18 (2) accept contributions, gifts, or other resources to
19 develop and administer the program.

20 Sec. 3930.109. STRATEGIC PARTNERSHIP AGREEMENT. The
21 district may negotiate and enter into a written strategic
22 partnership agreement with the city, the county, or the Houston
23 Independent School District.

24 Sec. 3930.110. REAL PROPERTY. (a) The district may buy,
25 sell, own, or lease real property.

26 (b) The district may receive real property as a gift.

27 Sec. 3930.111. RECEIPT OF SURPLUS PROPERTY. The district

1 may receive surplus property from a school district that is located
2 in the district.

3 Sec. 3930.112. PROJECT FOR EDUCATIONAL OPPORTUNITY. The
4 district may own, lease, operate, or manage a project to improve
5 educational opportunities in the district.

6 Sec. 3930.113. NO EMINENT DOMAIN POWER. The district may
7 not exercise the power of eminent domain.

8 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

9 Sec. 3930.151. PETITION REQUIRED FOR FINANCING SERVICES AND
10 IMPROVEMENTS. (a) The board may not finance a service or an
11 improvement project under this chapter unless a written petition
12 requesting that service or improvement is filed with the board.

13 (b) The petition must be signed by:

14 (1) the owners of a majority of the assessed value of
15 real property in the district according to the most recent
16 certified tax appraisal roll for the county; or

17 (2) at least 25 owners of land in the district, if more
18 than 25 persons own property in the district according to the most
19 recent certified tax appraisal roll for the county.

20 Sec. 3930.152. DISBURSEMENTS AND TRANSFERS OF MONEY. The
21 board by resolution shall establish the number of directors'
22 signatures and the procedure required for a disbursement or
23 transfer of the district's money.

24 Sec. 3930.153. NO AD VALOREM TAX. The district may not
25 impose an ad valorem tax.

26 Sec. 3930.154. ASSESSMENTS NOT AUTHORIZED. (a) The
27 district may not impose an assessment.

1 (b) Subchapter F, Chapter 375, Local Government Code, does
2 not apply to the district.

3 Sec. 3930.155. NO IMPACT FEES. The district may not impose
4 an impact fee.

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

7 Sec. 3930.157. MUNICIPALITY NOT REQUIRED TO PAY DISTRICT
8 OBLIGATIONS. Except as provided by Section 375.263, Local
9 Government Code, a municipality is not required to pay an
10 obligation of the district.

11 SUBCHAPTER E. DISSOLUTION

12 Sec. 3930.201. EXCEPTION FOR DISSOLUTION OF DISTRICT WITH
13 OUTSTANDING DEBT. (a) The board may vote to dissolve a district
14 that has debt. If the vote is in favor of dissolution, the district
15 shall remain in existence solely for the limited purpose of
16 discharging its debts. The dissolution is effective when all debts
17 have been discharged.

18 (b) Section 375.264, Local Government Code, does not apply
19 to the district.

20 SECTION 2. BOUNDARIES. The Barrett Management District
21 initially includes all the territory contained in the following
22 area:

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

27 Beginning at the northeast corner of the Reuben White Survey,

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A-84, which is the most easterly northeast corner of the herein described tract.

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

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

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

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

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

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

Thence S 15° 15' E 993.853 feet along the west line of said 43.592-acre tract to a corner in the north line of the Reuben White Survey, A-84.

Thence S 89° 25' W 589.318 feet along the north line of the

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1 Reuben White Survey, A-84, to a corner, being the northeast corner
2 of a 102-acre tract.

3 Thence S 10° 35' E 3410.926 feet along the east line of said
4 102-acre tract to a corner.

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

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

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

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

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

26 Thence N 89° 25' E 1547.06 feet along the south line of
27 Arcadian Gardens Subdivision, Section 4, to corner in the east

1 right-of-way line of Farm Market Road 2100.

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

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

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

10 Containing 1195.1475 acres, more or less.

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

18 (b) The governor, one of the required recipients, has
19 submitted the notice and Act to the Texas Commission on
20 Environmental Quality.

21 (c) The Texas Commission on Environmental Quality has filed
22 its recommendations relating to this Act with the governor,
23 lieutenant governor, and speaker of the house of representatives
24 within the required time.

25 (d) The general law relating to consent by political
26 subdivisions to the creation of districts with conservation,
27 reclamation, and road powers and the inclusion of land in those

1 districts has been complied with.

2 (e) All requirements of the constitution and laws of this
3 state and the rules and procedures of the legislature with respect
4 to the notice, introduction, and passage of this Act have been
5 fulfilled and accomplished.

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