

## **BILL ANALYSIS**

Senate Research Center  
77R9167 ATP-F

C.S.S.B. 1629  
By: Wentworth  
Intergovernmental Relations  
3/28/2001  
Committee Report (Substituted)

### **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. C.S.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, in addition to the authority granted to the district by the laws incorporated in this Act by reference, 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 Aquifer Protection Ordinance No. 81491, Underground Storage Tank Ban on the Edwards Aquifer Recharge Zone Ordinance No. 81147, and Underground Storage Tank Management Program Ordinance No. 83200 and any amendments to the city's ordinances. Requires the district to comply with 40 C.F.R. 122.26.

(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, including adopting, amending, and enforcing rules.

(e) Prohibits the district from employing peace officers. Authorizes the district to contract for off-duty peace officers for certain purposes.

(f) 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.

(g) Requires the district to prohibit underground storage tanks used to store any substance other than water inside the district's boundaries. Requires aboveground storage tanks to comply with applicable state regulations and to be approved by the San Antonio Water System.

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

(i) Authorizes the district to exercise the power of eminent domain inside of the district's boundaries and within three 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. DEVELOPMENT AGREEMENTS. Authorizes a development agreement to be amended at any time as the parties agree and circumstances change.

SECTION 14. ANNEXATION OR EXCLUSION OF LAND; DIVISION OF DISTRICT. Authorizes the district to add or exclude land under the terms and conditions of the development agreement in the manner provided by Chapter 49 and Chapter 51(O), Water Code. Authorizes the

district to divide into two or more districts, under the terms and conditions of the development agreement and in the manner provided by Chapter 51(O), Water Code. Requires the district to obtain the consent of the city before adding land.

SECTION 15. ANNEXATION BY THE CITY. (a) Authorizes city 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. Provides that, specifically, but without limitation, the arbitration, mediation, notices, and service level requirements imposed by Chapter 1167, 76th Legislature, Regular Session, 1999, do not apply to the annexation of property in the district. Provides that, notwithstanding any other provision of this section, Section 43.002 (Continuation of Land Use), Local Government Code, applies to the annexation of property in the district.

(b) Provides that, upon completion of the annexation of the territory in the district, the city automatically succeeds to the property of the district assumes all of the outstanding obligations of the district and the district ceases to exist and the taxes, assessments, and impact fees of the district cease to apply.

SECTION 16. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS. Presents findings relating to procedural requirements.

SECTION 17. EFFECTIVE DATE. Effective date: upon passage or September 1, 2001.

#### **SUMMARY OF COMMITTEE CHANGES**

Amends original As Filed S.B. 1629 as follows:

SECTION 1. No change.

SECTION 2. Redefines “development agreement.”

SECTION 3. Redefines the boundaries of the district.

SECTION 4. No change.

SECTION 5. No change.

SECTION 6. Makes nonsubstantive changes.

SECTION 7. No change.

SECTION 8. No change.

SECTION 9. Makes a nonsubstantive change.

SECTION 10. Requires the initial directors to draw lots to determine which two directors will serve two-year terms and which three directors will serve four-year terms.

SECTION 11. (a) Replaces the text “without limiting other authority granted to the district by laws incorporated by reference herein” with “in addition to the authority granted to the district by the laws incorporated in this Act by reference.” Makes nonsubstantive changes.

(b) Omits the text “but not limited to.” Replaces “UST” with “Underground Storage Tank.” Replaces “or any amendments thereto” with “and any amendments to the city

ordinances.” Omits the text “specifically” and “federal regulations governing stormwater discharges and NPDES program.”

(c) No changes.

(d) No changes.

(e) Redesignates original duplicate Subsection (d) as Subsection (e). Makes a nonsubstantive change in text.

(f) Redesignates original Subsection (e) as Subsection (f). No changes in text.

(g) Redesignates original Subsection (f) as Subsection (g). Makes nonsubstantive changes in text.

(h) Redesignates original Subsection (g) as Subsection (h). Makes nonsubstantive changes in text.

(i) Redesignates original Subsection (h) as Subsection (i). Makes nonsubstantive changes in text.

SECTION 12. Replaces “city” with “municipality.”

SECTION 13. Replaces the title “DIVISION OF DISTRICT” with “DEVELOPMENT AGREEMENTS.” Omits text from original SECTION 13. Authorizes a development agreement to be amended at any time as the parties agree and circumstances change.

SECTION 14. Replaces the title “ANNEXATION BY THE CITY” WITH “ANNEXATION OR EXCLUSION OF LAND; DIVISION OF DISTRICT.” Redesignates some text from original SECTION 13 and makes nonsubstantive changes to text.

SECTION 15. Replaces the title “FINDINGS RELATING TO PROCEDURAL REQUIREMENTS” with “ANNEXATION BY THE CITY.” Redesignates text from original SECTION 14 as SECTION 15. Makes nonsubstantive changes in text. Replaces “S.B. 89” with “Chapter 1167.” Provides that certain events occur on completion of the annexation of the territory in the district rather than requiring them to occur.

SECTION 16. Redesignates text from original SECTION 15 as SECTION 16. No changes in text.

SECTION 17. Redesignates text from original SECTION 16 as SECTION 17. No changes in text.