

2004-27-23

**A RESOLUTION**

**OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS, DESIGNATING AS A "VENUE PROJECT" UNDER CHAPTER 334 OF THE TEXAS LOCAL GOVERNMENT CODE, A PROJECT TO ACQUIRE PROPERTY FOR A CONSERVATION EASEMENT OR AN OPEN SPACE PRESERVATION PROGRAM INTENDED TO PROTECT WATER IN THE EDWARDS AQUIFER; AUTHORIZING THE PLANNING, ACQUISITION, ESTABLISHMENT, DEVELOPMENT, CONSTRUCTION, OR RENOVATION OF THIS VENUE PROJECT; DESIGNATING THE METHOD OF FINANCING TO BE USED TO FINANCE THIS VENUE PROJECT; CONTAINING OTHER PROVISIONS RELATED TO AUTHORIZING THIS VENUE PROJECT; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

\* \* \* \* \*

**WHEREAS**, the City Council of the City of San Antonio, Texas ("City Council") desires to provide for the planning, acquisition, establishment, development, construction or renovation of a venue project ("Venue Project") as authorized by, and defined in, Chapter 334, Texas Local Government Code, as amended ("Chapter 334"), which is described in Section 2 below; and

**WHEREAS**, if the Venue Project described herein is approved by the voters under Chapter 334, the City may use money received from the sales and use tax approved by the voters to reimburse or pay the costs of planning, acquiring, establishing, developing, constructing, or renovating such approved Venue Project, or pay the principal and interest on, and other costs relating to bonds or other obligations issued by the City to finance the Venue Project; and

**WHEREAS**, Chapter 334, Section 334.024, authorizes the City to order an election on the question of approving and implementing this Resolution and approving this Venue Project and the method of financing; and

**WHEREAS**, Chapter 334, Section 334.022, requires the City, before calling an election to send a copy of this Resolution to the State Comptroller, who shall before the 15<sup>th</sup> day after the date she receives a copy of this Resolution, (1) perform an analysis to determine if approval and implementation of this Resolution will have a significant negative fiscal impact on state revenue, and (2) provide the City written notice of the results of the analysis; and

**WHEREAS**, Chapter 334, Section 334.022, further provides that if the Comptroller determines that implementation of this Resolution will have a significant negative fiscal impact on state revenue, the written analysis required thereunder must include information on how to change this Resolution so that implementation will not have a significant negative fiscal impact on state revenue; and

**WHEREAS**, Chapter 334 provides that if the Comptroller determines that implementation of this Resolution will not have a significant negative impact on state revenue or if the

Comptroller has not provided the analysis by the 30<sup>th</sup> day, the City Council may order an election on the question of approving and implementing this Resolution; and

**WHEREAS**, the City Council further desires to authorize and direct the City Manager to forward a copy of this Resolution to the State Comptroller as required by Section 334.022 for her review and analysis as prescribed therein, prior to the City Council's consideration of an order calling an election under Chapter 334; and

**WHEREAS**, it is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code; **NOW THEREFORE:**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1. INTENTION TO PROVIDE FOR A VENUE PROJECT.** The City Council does hereby adopt this Resolution to provide for the planning, acquisition, establishment, development, construction, or renovation of a "Venue Project" as defined by Chapter 334, and as described herein, and to provide for the financing thereof by the imposition of a sales and use tax at the rate of one-eighth of one percent (1/8 of 1%), upon approval of the Venue Project, and the method of financing thereof, by the voters of the City at an election to be called by the City Council.

**SECTION 2. DESIGNATION OF THE VENUE PROJECT.** The City Council does hereby designate the following project authorized by Section 334.001(4)(F) of Chapter 334 as a "Venue Project" and hereby declares its intention to finance and to provide for the planning, acquisition, establishment, development, construction, or renovation thereof, all pursuant to authority granted by Chapter 334 (referred to herein as the Edwards Aquifer Protection Venue Project):

*The acquisition of property for a conservation easement or open-space preservation program intended to protect water in the Edwards Aquifer.*

**SECTION 3. DESIGNATION OF THE METHOD OF FINANCING FOR THE VENUE PROJECT.** The City Council does hereby designate and determine that the method of financing for the Edwards Aquifer Protection Venue Project, if approved by the voters, shall be through the imposition of a sales and use tax at the rate of one-eighth of one percent (1/8 of 1%).

**SECTION 4. AUTHORIZING AND DIRECTING CITY MANAGER TO SUBMIT RESOLUTION TO STATE COMPTROLLER.** The City Council does hereby authorize and direct the City Manager to submit a copy of this Resolution to the State Comptroller, as required by the provisions of Section 334.022 of the Code, for her review and analysis as required by the provisions of such Section. Upon receipt of notice from the Comptroller that she has determined that implementation of this Resolution will not have a significant negative impact on state revenue, the City Manager is authorized and directed to bring before the City Council for its consideration an ordinance calling an election pursuant to the authority and requirements of Chapter 334.

**SECTION 5. INCORPORATION OF RECITALS.** The City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the City Council hereby incorporates such recitals as a part of this Resolution.

**SECTION 6. SEVERABILITY.** If any provision of this Resolution or the application thereof to any circumstance shall be held to be invalid, the remainder of this Resolution and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Resolution would have been enacted without such invalid provision.

**SECTION 7. EFFECTIVE DATE.** This ordinance shall take effect immediately, upon passage by eight (8) affirmative votes.

PASSED AND APPROVED this 5<sup>th</sup> day of August, 2004.



M A Y O R  
EDWARD D. GARZA

ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney