

RESOLUTION NUMBER 2001-087

A Resolution of the City Commission of the City of Brownsville, Texas, amending this Commission's September 24, 1996, and November 17, 1998, resolutions by designating the entity responsible for preparing/presenting the service/assessment plans for the Paseo de la Resaca Landscaping and Lighting Maintenance District and generally managing the affairs of the District; and dealing with related matters.

Be It Resolved by the City of Brownsville:

PART 1. That, except as set forth in Part 4 hereof, incorporated herein by reference are all provisions of the resolution (the "prior resolution") which was adopted on September 24, 1996, and which is entitled "A Resolution of the City Commission of the City of Brownsville, Texas, authorizing establishment of a public improvement district (PID) to be known as the 'Paseo de la Resaca Landscaping and Lighting Maintenance District'; and dealing with related matters." Paseo de la Resaca Landscaping and Lighting Maintenance District is hereinafter sometimes called "District."

PART 2. That the City Commission of the City of Brownsville has heretofore created an entity known as "Paseo de la Resaca LLMD Service Plan Board" ("Service Plan Board"). The five voting members shall be two person appointed by this Commission (with the two persons including at least one member of this Commission) and three persons appointed by Paseo de la Resaca II, Inc., a non-profit entity (Texas Charter Number 01391112-01 dated March 8, 1996). At least three of the voting members of the Service Plan Board shall be residents of the District. A member is subject to removal at any time by the entity that appointed the member. The City Manager of the City of Brownsville shall be entitled to be heard on any matter before the Board but shall not have a vote.

PART 3. That the City Commission of the City of Brownsville hereby reaffirms the assignment to the Service Plan Board the responsibilities under §§372.013 and 372.014(a) of the Texas Local Government Code to prepare an ongoing service plan (with each service plan covering a period of at least five years, defining proposed annual indebtedness, defining the projected costs for improvements, and including the proposed assessment plan) and to present such service plan annually to this Commission for review and approval, with the understanding that such assignment to the above entity may be reassigned to a different entity by this Commission if this Resolution is amended for such purpose and if 30 day's written notice is given.

PART 4. Part 1.D., Part 1.G., and Part 3 of the City Commission Resolution adopted September 24, 1996 authorizing establishment of a public improvement district to be known as "Paseo de la Resaca Landscaping and Lighting Maintenance District" are hereby repealed.

PART 5. In addition to the responsibilities set forth in Part 3 hereof, The Service Plan Board shall be the governing body of the District and have general charge of the

administration of the District, it being the intent of this resolution that the District function as if it were a body politic under the laws of the State of Texas but subject to the limitations of Chapter 372 of the Texas Local Government Code. Specifically, but only to the extent not inconsistent with Chapter 372 of the Texas Local Government Code, the District may contract in its own name, make expenditures from special assessments upon property within the District or funds specifically designated for the District (said special assessments and designated funds hereinafter called "District Funds"), borrow money on the credit of the District, employ professional persons and consultants, apply for and receive grants, and generally do those things necessary or appropriate to further the purposes of the District.

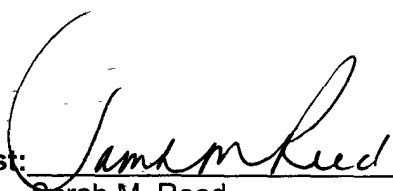
PART 6. Nothing in this resolution shall be construed as a delegation to the District of any part of the City's general police power, including the power to make rules or regulations other than internal operating procedures for the conduct of the District's affairs. Further, nothing in this resolution shall be construed as authorizing the District to encumber City funds or property other than District Funds. Persons contracting or otherwise dealing with the District must agree that their only recourse is District Funds.

PART 7. Any action of the Service Plan Board is subject to review by the City Commission on application of the City Manager or any member of the City Commission.

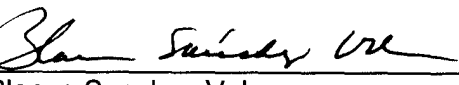
PART 8. That this Resolution shall become effective immediately.

ADOPTED by the City Commission of the City of Brownsville on December 11, 2001.

Attest:


Sarah M. Reed,
City Secretary

By:


Blanca Sanchez Vela,
Mayor

