

OTHER REVENUES
PUBLIC AND PRIVATE FACILITIES

CDH
(LEGAL)

**Public Facility
Corporations**

“Public facility” means any real, personal, or mixed property, or an interest in property devoted or to be devoted to public use, and authorized to be financed, refinanced, or provided by district obligations or bonds issued under the Public Facility Corporation Act (Local Government Code Chapter 303).

A district may create one or more nonmember, nonstock, nonprofit public facility corporations to:

1. Issue bonds under the Public Facility Corporation Act, including bonds to purchase district obligations;
2. Finance public facilities on behalf of the district; or
3. Loan the proceeds of the obligations to other entities to accomplish the purposes of the district.

A district may use the corporation to acquire, construct, rehabilitate, renovate, repair, equip, furnish, or place in service public facilities; or to issue bonds on the district’s behalf to finance the cost of the public facilities.

A board that determines that it is in the public interest and to the benefit of its residents and the citizens of this state that a corporation be created to finance, refinance, or provide the costs of district public facilities may by resolution stating that determination:

1. Authorize and approve the creation of a corporation to act on behalf of the district; and
2. Approve proposed articles of incorporation for the corporation.

Local Gov’t Code 303.003, .021, .023

**Public and Private
Facilities and
Infrastructure
Partnerships**

“Responsible governmental entity” means a governmental entity that has the power to develop or operate an applicable qualifying project.

“Governmental entity” means a political subdivision of this state that elects to operate under Government Code Chapter 2267 by the adoption of a resolution by the governing body of the political subdivision.

“Qualifying project” means any ferry, mass transit facility, vehicle parking facility, port facility, power generation facility, fuel supply facility, oil or gas pipeline, water supply facility, public work, waste treatment facility, hospital, school, medical or nursing care facility, recreational facility, public building, technology facility, or other similar facility currently available or to be made available to a governmental entity for public use, including any structure, parking area, appurtenance, and other property required to operate the structure

or facility and any technology infrastructure installed in the structure or facility that is essential to the project's purpose; or any improvements necessary or desirable to real property owned by a governmental entity.

Gov't Code 2267.001(5), (10), (11)

Before requesting or considering a proposal for a qualifying project, a responsible governmental entity must adopt and make publicly available guidelines that enable the governmental entity to comply with Chapter 2267. The guidelines must be reasonable, encourage competition, and guide the selection of projects under the purview of the responsible governmental entity, and must comply with the requirements of Government Code 2267.052. *Gov't Code 2267.052*

A responsible governmental entity may request proposals or invite bids from persons for the development or operation of a qualifying project. A responsible governmental entity shall evaluate proposals and approve a qualifying project in accordance with Government Code 2267.053. *Gov't Code 2267.053*