

**A RESOLUTION**  
2001-36-39

ESTABLISHING A DEFENSE BASE DEVELOPMENT AUTHORITY FOR BROOKS AIR FORCE BASE (BROOKS AFB) AS PROVIDED IN SECTION 378.002 OF SUBTITLE A, TITLE 12, LOCAL GOVERNMENT CODE OF THE STATE OF TEXAS; SAID AUTHORITY TO BE KNOWN AS "BROOKS DEVELOPMENT AUTHORITY" ("BDA"); DESCRIBING THE BASE PROPERTY FOR SUCH AUTHORITY; ESTABLISHING CATEGORIES FOR BOARD MEMBERSHIP AS RECOMMENDED BY THE BROOKS ADVISORY BOARD ("BAB") FOR FUTURE APPOINTMENT BY CITY COUNCIL

\* \* \* \* \*

**WHEREAS**, the City of San Antonio is empowered to establish a defense base development authority pursuant to Section 378.002 of Subtitle A, Title 12 of the Local Government Code of Texas (the "Act"); and

**WHEREAS**, it is the determination of the City Council that it will serve the public interest to form such an Authority to accept title to Brooks AFB and engage in economic development of Brooks AFB, a military installation located within the City of San Antonio, which is being sold and transferred to the community by the Secretary of the Air Force pursuant to authority conferred by the Military Construction Act, Pub. L. No. 106-246, §136, 114 Stat. 511, 520-28 (2000); and

**WHEREAS**, planning activities have been in progress for the proposed operation and development of Brooks AFB in anticipation of sale and transfer of Brooks AFB; and

**WHEREAS**, Section 378.007 of the Act provides for the City Council to appoint eleven board members of the Authority, which Board is responsible for the management, operation, and control of the Authority; and

**WHEREAS**, although the Act does not set out categories of membership for the Board, it has been recommended by the Brooks Advisory Board ("BAB") that such appointments be comprised of 3 members representing technology and industry, 2 members representing academic institutions, 2 members representing the community at-large, 2 members representing the real estate industry, 1 member representing financial institutions, and 1 member from the City Manager's Office representing the City of San Antonio; **NOW THEREFORE:**

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

**SECTION 1.** A defense base authority to be known as the Brooks Development Authority ("BDA" or "Authority") is hereby established as a special district and political subdivision of the state for the development and redevelopment of Brooks AFB.

**SECTION 2.** Said Authority will have all the powers granted to it by Chapter 378 of Subtitle A, Title 12 of the Local Government Code of Texas and it will be subject to all such chapters' provisions.

**SECTION 3.** The legal description of the base property for which the Authority is established is attached to this Resolution as Exhibit "1."

**SECTION 4.** The Board of Directors of BDA will be comprised as follows: 3 members representing technology and industry; 2 members representing academic institutions; 2 members representing the community at-large; 2 members representing the real estate industry; 1 member representing financial institutions; and 1 member from the City Manager's Office representing the City of San Antonio.

**SECTION 5.** Appointments to the BDA shall be subject to future City Council action.

**SECTION 6.** The Board of Directors will have the powers, authority and duties provided under the Act.

**SECTION 7.** This Resolution shall take effect on the tenth day after passage hereof.

PASSED AND APPROVED this 27<sup>th</sup> day of September 2001.

M A Y O R

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
for City Attorney

01-36



MEETING OF THE CITY COUNCIL

|   |
|---|
| ALAMODOME                               |
| ASSET MANAGEMENT                        |
| AVIATION                                |
| CITY ATTORNEY                           |
| MUNICIPAL COURT                         |
| REAL ESTATE (FASSNIDGE)                 |
| REAL ESTATE (WOOD)                      |
| RISK MANAGEMENT                         |
| CITY MANAGER                            |
| SPECIAL PROJECTS                        |
| CITY PUBLIC SERVICE – GENERAL MANAGER   |
| CITY PUBLIC SERVICE – MAPS AND RECORDS  |
| CODE COMPLIANCE                         |
| COMMERCIAL RECORDER                     |
| COMMUNITY INITIATIVES                   |
| CONVENTION AND VISITORS BUREAU          |
| CONVENTION CENTER EXPANSION OFFICE      |
| CONVENTION FACILITIES                   |
| COUNCIL OFFICES                         |
| CULTURAL AFFAIRS                        |
| CUSTOMER SERVICE/311 SYSTEM             |
| DEVELOPMENT SERVICES                    |
| HOUSE NUMBERING                         |
| LAND DEVELOPMENT SERVICES               |
| TRAFFIC & DRAINAGE PLAN REVIEW          |
| 1 ECONOMIC DEVELOPMENT                  |
| ENVIRONMENTAL SERVICES                  |
| SOLID WASTE                             |
| EXTERNAL RELATIONS                      |
| PUBLIC INFORMATION OFFICE               |
| FINANCE - DIRECTOR                      |
| FINANCE – ASSESSOR                      |
| FINANCE – CONTROLLER                    |
| FINANCE – GRANTS                        |
| FINANCE – PUBLIC UTILITIES SUPERVISOR   |
| FINANCE- TREASURY                       |
| FIRE DEPARTMENT                         |
| HOUSING AND COMMUNITY DEVELOPMENT       |
| HUMAN RESOURCES (PERSONNEL)             |
| INFORMATION SERVICES                    |
| INTERGOVERNMENTAL RELATIONS             |
| INTERNAL REVIEW                         |
| INTERNATIONAL AFFAIRS                   |
| LIBRARY                                 |
| MANAGEMENT & BUDGET (OFFICE OF) OMB     |
| METROPOLITAN HEALTH DISTRICT            |
| MUNICIPAL CODE CORPORATION              |
| MUNICIPAL COURT                         |
| NEIGHBORHOOD ACTION                     |
| PARKS AND RECREATION                    |
| MARKET SQUARE                           |
| YOUTH INITIATIVES                       |
| PLANNING DEPARTMENT –NEIGHBORHOOD PLNG; |
| URBAN DESIGN/HISTORIC PRESERVATION      |
| DISABILITY ACCESS OFFICE                |
| POLICE DEPARTMENT                       |
| GROUND TRANSPORTATION                   |
| PUBLIC WORKS DIRECTOR                   |
| CAPITAL PROJECTS                        |
| CENTRAL MAPPING                         |
| ENGINEERING                             |
| PARKING DIVISION                        |
| REAL ESTATE DIVISION                    |
| TRAFFIC ENGINEERING                     |
| PURCHASING AND GENERAL SERVICES         |
| SAN ANTONIO WATER SYSTEMS (SAWS)        |
| VIA                                     |

AGENDA ITEM NUMBER:

DATE:

MOTION:

ORDINANCE NUMBER:

RESOLUTION NUMBER:

ZONING CASE NUMBER:

TRAVEL AUTHORIZATION:

44  
SEP 27 2001

Martin

2001-36-39

| NAME                                | ROLL | AYE    | NAY |
|-------------------------------------|------|--------|-----|
| BOBBY PEREZ<br>District 1           |      | absent |     |
| JOHN H. SANDERS<br>District 2       |      | ✓      |     |
| TONI MOORHOUSE<br>District 3        |      | ✓      |     |
| ENRIQUE "KIKE" MARTIN<br>District 4 |      | ✓      |     |
| DAVID A. GARCIA<br>District 5       |      | ✓      |     |
| ENRIQUE M. BARRERA<br>District 6    |      | ✓      |     |
| JULIAN CASTRO<br>District 7         |      | ✓      |     |
| BONNIE CONNER<br>District 8         |      | ABSENT |     |
| CARROLL SCHUBERT<br>District 9      |      | ✓      |     |
| DAVID CARPENTER<br>District 10      |      | ✓      |     |
| ED GARZA<br>Mayor                   |      | absent |     |

File \*

01-36

1 - Brook City Ave



# ***Brooks Advisory Board***

## **RESOLUTION**

No. 00-10-02

**WHEREAS**, on September 12, 2000, the Brooks Advisory Board (BAB) established a Governance Committee to examine options and advise the BAB on the most appropriate governance structure for implementing the Base Efficiency Project at Brooks Air Force Base, Texas (Project); and

**WHEREAS**, the Governance Committee carefully and fully considered various governance structures for the Project; and

**WHEREAS**, on October 25, 2000, the Governance Committee advised the BAB to recommend the City seek an amendment to Texas Local Government Code Chapter 378 to authorize the City to establish a Defense Base Development Authority to own and effectively manage, develop, and implement the Project; establish an eleven member board of directors (with three members representing the technology and research industry, two members representing college and university institutions, two members representing the community, one member representing the Air Force, one member representing the real estate industry, one member representing financial institutions, and one member representing the City Manager's Office); and reevaluate the governance structure and board membership after two years in operations; and

**WHEREAS**, on October 25, 2000, the Governance Committee also advised the BAB to recommend the City staff immediately start the process to seek an amendment to Texas Local Government Code Chapter 378 to authorize the City to establish a Defense Base Development Authority for the Project; and

**WHEREAS**, on October 25, 2000, the BAB voted to adopt the recommendations of the Governance Committee; **NOW**



**THEREFORE, BE IT RESOLVED:**

The Brooks Advisory Board hereby expresses its recommendation and support for the City to seek an amendment to Texas Local Government Code Chapter 378 to authorize the City to establish a Defense Base Development Authority to own and effectively manage, develop, and implement the Project; establish an eleven member board of directors (with three members representing the technology and research industry, two members representing college and university institutions, two members representing the community, one member representing the Air Force, one member representing the real estate industry, one member representing financial institutions, and one member representing the City Manager's Office); reevaluate the governance structure and board membership after two years in operations; and for the City staff to immediately start the process to seek an amendment to Texas Local Government Code Chapter 378 to authorize the City to establish a Defense Base Development Authority for the Project.

PASSED AND APPROVED ON THIS 25<sup>th</sup> day of October 2000.

A handwritten signature in dark ink, appearing to read "Bob Sanchez", written over a horizontal line.

Bob Sanchez, Chair  
Brooks Advisory Board

**CITY OF SAN ANTONIO  
Brooks City-Base Office  
Interdepartmental Correspondence**

**TO:** Mayor & City Council

**THROUGH:** Terry M. Brechtel, City Manager

**FROM:** Tom Rumora, Director, Brooks City-Base Office

**COPIES:** Christopher J. Brady; Ramiro Cavazos; Manuel Longoria, Jr.; Frank Garza; Rebecca Waldman; Lou Lendman; Milo Nitschke; John Steinbauer; file

**SUBJECT:** Resolution Authorizing Establishment of the Brooks Development Authority

**DATE:** September 27, 2001

**SUMMARY AND RECOMMENDATIONS**

This resolution authorizes the creation of the Brooks Development Authority (BDA), an eleven-member board, which will oversee the Brooks Technology and Business Park in support of the Brooks City-Base Project.

Staff recommends approval.

**BACKGROUND INFORMATION**

The Council-appointed Brooks Advisory Board (BAB) approved a resolution on October 25, 2000, concerning the establishment of a Defense Base Development Authority. The resolution addressed two issues, which endorsed State legislation to allow existing defense base development authority laws to apply to Brooks and the issue of Board membership. The legislation allowing the City Council to establish the new BDA was approved during the last legislative session and became effective on September 1, 2001.

City Council has suggested in a prior "B" session to give careful consideration to the qualifications of candidates for the BDA. Staff recommends that resumes' of potential candidates be closely reviewed and professional recognition be given to specific categories. Staff will also work with the BAB to develop qualifications for those categories. The BAB has identified several individuals who have expressed interest in serving on the BDA. The most current resolution recommends the establishment of an eleven-member board of directors to be comprised as follows:

- 3 members representing technology and research industry
- 2 members representing academic institutions
- 2 representing the community at large
- 1 representing the Air Force (non-active duty)
- 1 member with a real-estate background



- 1 member from a financial institution
- 1 member from the City Manager's Office representing the City of San Antonio

The BAB will be meeting again on September 25, 2001 to provide a final recommendation for BDA and a final list of potential candidates who have expressed an interest in serving on the Authority.

At the September 13<sup>th</sup> meeting, the Council Military Affairs Committee supported the resolution of the BAB and recommended that the BDA be created on September 27<sup>th</sup>. In addition, the Committee suggested Council members draw lots to determine appointment categories with the BDA membership to be appointed at a subsequent Council session.

#### **POLICY ANALYSIS**

The establishment of the BDA will allow the transfer of Brooks AFB real property to the Authority. The Authority will then be responsible for the oversight and policy guidance for the Brooks Technology and Business Park.

#### **FINANCIAL IMPACT**

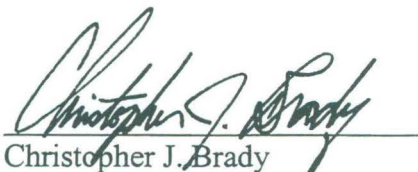
There is no financial impact associated with the creation of the BDA.

#### **COORDINATION**

This resolution has been coordinated with the City Attorney's Office, Economic Development, Asset Management, Management and Budget, Finance, Brooks AFB officials, and the Brooks Advisory Board.



Tom Rumora  
Director, Brooks City-Base Office

  
Christopher J. Brady  
Assistant City Manager

Approved:

  
Terry M. Brechtel  
City Manager

Attachments

**RULES FOR PROCEEDINGS OF THE  
BOARD OF DIRECTORS OF THE  
BROOKS DEVELOPMENT AUTHORITY**

**ARTICLE I  
PURPOSE and POWERS**

Section 1.1 Purpose. The Authority is established by the City of San Antonio (the "City") for the purposes set forth in Section 378.003 of the Texas Local Government Code (the "Act") as a duly constituted special district and political subdivision of the State of Texas.

Section 1.2 Powers. In fulfillment of its purpose, the Authority will be governed by the Act, and will have all the powers set forth and conferred in the Act, and in other applicable laws and responsibilities.

**ARTICLE II  
BOARD OF DIRECTORS**

Section 2.1 Powers, Number, Term of Office, Removal and Election

(A) The property and affairs of the Authority will be managed and controlled by a Board of Directors (the "Board"). Subject to the restrictions imposed by law, and these Rules, the Board will exercise all of the powers of the Authority.

(B) The Board will consist of eleven (11) directors, each of whom will be appointed by the City Council to a term not exceeding two years. A vacancy on the Board is filled in the same manner as the original appointment.

(C) The City Council may remove a board member by adopting a resolution.

(D) The Board will elect from its membership a president, vice president, secretary and treasurer. The Board by rule may provide for the election of other officers.

Section 2.2 Meetings of Directors.

(A) The directors may hold their meetings at such time and place as the Board may from time to time determine. The Authority will also conduct at least one annual regular meeting of the Authority in October of each year. In addition, regular meetings of the Board will be held with the necessary notice to directors at such times and places as will be designated from time to time by the Board. Special meetings of the Board will be held whenever called by the president or by a majority of the directors. All meetings will comply with the requirements of the Texas Open Meetings Act, as set out in Section 2.3.

(B) The secretary will give or cause to be given notice to each director of each special meeting in person or by mail, telephone, or telegraph, at least twenty-four (24) hours before the meeting. Unless otherwise indicated in the notice thereof, any and all matters pertaining to the purposes of the Authority may be considered and acted upon at a special meeting. At any meeting at which every director will be present, even though without any notice, any matter pertaining to the purpose of the Authority may be considered and acted upon consistent with applicable law.



(C) Whenever any notice is required to be given to the Board, such notice will be deemed to be sufficient if given by depositing the same in a post office box in a sealed postage paid wrapper addressed to the person entitled thereto at his or her post office address as it appears on the books of the Authority and such notice will be deemed to have been given on the day of such mailing. Attendance of a director at a meeting will constitute a waiver of notice of such meeting, except attendance of a director at a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called or convened. Neither the business to be transacted at nor the purpose of any regular or special meeting of the Board need be specified in the notice to directors or waiver of notice of such meeting, unless required by the Board. A waiver of notice in writing, signed by the person or persons entitled to said notice, whether before or after the time stated therein, will be deemed equivalent to the giving of such notice.

Section 2.3 Open Meetings Act. All meetings and deliberations of the Board will be called, convened, held, conducted, and notice will be given to the public, in accordance with the Texas Open Meetings Act, as amended, Chapter 551, Texas Government Code.

Section 2.4 Quorum. A majority of the entire membership of the Board will constitute a quorum to conduct official business of the Authority. The act of a majority of the Board of Directors present at a meeting at which a quorum is in attendance will constitute the act of the Board and of the Authority, unless the act of a greater number is required by law.

Section 2.5 Conduct of Business

(A) At the meetings of the Board, matters pertaining to the business of the Authority will be considered in accordance with rules of procedure as from time to time prescribed by the Board. Robert's Rules of Order, Revised will apply to all meetings unless otherwise determined by the Board.

(B) At all meetings of the Board, the president will preside as the chairman of the Board. In the absence of the president, the vice president will preside.

(C) The president will be a voting member of the Board.

(D) The secretary of the Authority will act as secretary of all meetings of the Board, but in the absence of the secretary, the presiding officer may appoint any person to act as secretary of the meeting. The executive director, treasurer, and any assistant secretary may, at the option of the Board, be employees of the City and each member of the Board with the exception of the president, vice President or secretary, may be appointed as assistant secretaries.

Section 2.6 Committees to the Board. The Board may designate two (2) or more directors to constitute an official committee of the Board to exercise such authority, as approved by resolution of the Board. It is provided, however, that all final, official actions of the Authority may be exercised only by the Board. Each committee so designated will keep regular minutes of the transactions of its meetings and will cause such minutes to be recorded in books kept for that purpose in the principal office of the Authority and any such meetings must be conducted in accordance with the provisions of the Texas Open Meetings Act, as amended, Chapter 551, Texas Government Code, if applicable.



Section 2.7 Compensation of Directors. Directors will not receive any salary or compensation for their services as directors; however, they will be reimbursed for their reasonable and necessary expenses incurred in the performance of their official duties as directors.

Section 2.8 Advisory Board(s) and Committees. The Board may appoint advisory board(s) or committees to advise the Board on the activities of the Authority. The number and identity of persons on such advisory board(s) or committees, the conditions of their appointments and termination as members, the segments of the community represented by the advisory board(s) and committees and all other matters relating to the advisory board(s) and committees will be determined by the Board.

### ARTICLE III OFFICERS

#### Section 3.1 Titles and Terms of Office.

(A) The officers of the Authority will be a president, a vice president, a secretary and a treasurer, and such other officers as the Board may from time to time elect. One person may hold more than one office, except that the president will not hold the office of secretary, and the president, vice president, or secretary will not hold the office of assistant secretary. Terms of the office will be for one (1) year, with the term of office expiring on December 31st of each year. Upon the expiration of a term, each officer will have the right to be re-elected.

(B) All officers will be subject to removal from office at any time by a vote of a majority of the Board.

Section 3.2 President and Chairman of the Board. The president will be the chairman of the Board and chief executive officer of the Authority. Subject to the authority of the Board, the president will be in general charge of the properties and affairs of the Authority and will execute all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes, and other instruments in the name of the Authority. The president will preside over the meetings of the Board.

Section 3.3 Vice President. The vice president will act as vice chairman of the Board and have such powers and duties as may be prescribed by the Board and will exercise the powers of the president during that officer's absence or inability to act. Any action taken by the vice president in the performance of the duties of the president will be conclusive evidence of the absence or inability to act of the president at the time such action was taken.

Section 3.4 Treasurer. The treasurer will be the chief fiscal officer of the Authority and will have the responsibility to see to the handling, custody, and security of all funds and securities of the Authority in accordance with these Rules. When necessary or proper, the treasurer may endorse and sign, on behalf of the Authority, for collection or issuance, checks, notes, and other obligations in or drawn upon such bank, banks, or depositories as will be designated by the Board consistent with these Rules. The treasurer will see to the entry in the books of the Authority full and accurate accounts of all money received and paid out on account of the Authority. The treasurer will, at the expense of the Authority, give such bond for the faithful discharge of his duties in such form and amount as the Board may require. All check writing authority will be established by resolution of the Board.

Section 3.5 Secretary. The secretary will keep the minutes of all meetings of the Board and books provided for that purpose, will give and serve all notices, may sign with the president in the



name of Authority, and/or attest the signature thereto, all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments of the Authority, will have charge of the corporate books, records, documents, and instruments, except the books of account and financial records and securities, and such other books and papers as the Board may direct, all of which will at all reasonable times be open to public inspection upon application at the office of the Authority during the business hours, and will in general perform all duties incident to the office of secretary subject to the control of the Board.

Section 3.6 Executive Director. The Board will appoint an executive director to be the chief operating officer of the Authority, and who will perform such other duties as are prescribed by the Board.

Section 3.7 Election. The president, vice president, and the secretary will be elected from among the members of the Board. The executive director, treasurer, and any assistant secretary need not be members of the Board and may, at the option of the Board, be employees of the Authority. The Board will elect all officers. The Board may retain legal counsel, financial advisors, and other consultants for the Authority.

Section 3.8 Compensation. Officers who are members of the Board will not receive any salary or compensation for their services, except that they will be reimbursed for the actual expenses incurred in the performance of their official duties as officers.

#### ARTICLE IV FUNCTIONAL AUTHORITY DUTIES AND REQUIREMENTS

##### Section 4.1 The Joint Development Plan.

(A) It will be the duty and obligation of the Board to implement the Joint Development Plan for the development of Brooks AFB presented to and approved by the City Council, as such Plan is modified from time to time by the Board in consultation with the City Council.

(B) In carrying out its obligations under subsection (A), the Authority will be authorized to exercise all rights and powers granted under the Act.

(C) Any and all agreements between the Authority and other parties will be authorized, executed, and approved, and delivered in accordance with applicable law.

Section 4.2 Annual Authority Budget. Prior to the commencement of each fiscal year of the Authority, the Board will adopt a proposed budget of expected revenues from sources set out in Section 4.5 of this Article and proposed expenditures for the next ensuing fiscal year.

##### Section 4.3 Books, Records, Audits.

(A) The Authority will keep and properly maintain in accordance with generally accepted accounting principles, complete books, records, accounts, and financial statements pertaining to its corporate funds, activities, and affairs.

(B) The Authority will cause its books, records, accounts and financial statements to be studied at least once each fiscal year by an outside, independent auditing and accounting firm selected by the Board. Such audit will be at the expense of the Authority.

Section 4.4 Deposit and Investment of Authority Funds.

(A) All proceeds from the issuance of bonds or other debt instruments issued by the Authority under Section 378.010 of the Act ("Obligations") will be deposited and invested as provided in the resolution, order, indenture or other documents authorizing or relating to their execution or issuance.

(B) Subject to the requirements of contracts, loan agreements, indentures or other agreements securing Obligations, all other money of the Authority, if any, will be deposited, secured and/or invested in the manner provided for the deposit, security and/or investment of funds as required by law and any investment policy adopted from time to time by the Board. The Board will designate the accounts and depositories to be created and designated for such purposes and the methods of withdrawal of funds therefrom for use by and for the purposes of the Authority upon the signature of its treasurer and such other persons as the Board designates. The accounts, reconciliation and investment of such funds and accounts will be performed by the executive director.

Section 4.5 Expenditure of Authority Money. The proceeds from the investment of funds of the Authority, the proceeds from the sale of property, revenues generated by any projects as defined in the Act and payable to the Authority or any other source of revenues that are payable to the Authority and the proceeds derived from the sale of Obligations may be expended by the Authority for any of the purposes authorized by the Act.

ARTICLE V  
MISCELLANEOUS PROVISIONS

Section 5.1 Principal Office.

(A) The principal office and the registered office of the Authority will be Building \_\_\_\_\_, Brooks AFB, San Antonio, Texas 782\_\_\_\_, or any other office designated by the Board in the future.

(B) The Authority will have and will continually designate a registered agent at its office, as required by the Act.

Section 5.2 Fiscal Year. The fiscal year of the Authority will be determined by the Board.

Section 5.3 Seal. The seal of the Authority will be determined by the Board.

Section 5.4 Resignations. Any director or officer may resign at any time. Such resignations will be made in writing and will take effect at the time specified therein or, if no time is specified, at the time of its receipt by the president or secretary. The acceptance of resignation will not be necessary to make it effective, unless expressly so provided in the resignation.



Section 5.5 Services of City Staff and Officers. To the extent appropriate, the Authority may, with the approval of the Board and the City Council, utilize the services and staff employees of the City. The Authority may pay reasonable compensation to the City for such services.

Section 5.6 Indemnification of Directors, Officers and Employees

- (A) As provided in the Act, the Authority is, for the purposes of the Texas Tort Claims Act (Subchapter A, Chapter 101, Texas Civil Practices and Remedies Code), a governmental unit and its actions are governmental functions.

(B) The Authority may indemnify an authority employee or board member or a former authority employee or board member to the fullest extent permitted by law, against any and all liability or expense, including attorneys fees, incurred by any such persons by reason of any actions or omissions that may arise out of the sanctions and activities of the Authority. The legal counsel for the Authority is authorized to provide a defense for members of the Board, officers and employees of the Authority.

(C) Indemnification will be accomplished by the passage of a resolution approved by the Board of Directors.

ARTICLE VI  
EFFECTIVE DATE, AMENDMENTS

Section 6.1 Effective Date. These amended Rules will become effective upon the adoption of the Rules by the Board.

Section 6.2 Amendments to Rules. These Rules may be amended upon 10 days notice at any regular or special meeting of the Board. Amendments must receive a majority vote of the Board membership.

VMZ/rr  
9/27/01  
Item #44

**EXHIBIT "1"**

**DESCRIPTION**

Excerpts for the Field Notes of the survey drawings of the Premises are attached. The parcel consists of 1,308.68 acres.



METES AND BOUNDS DESCRIPTION  
FOR BROOKS AIR FORCE BASE

A 1308.68 ACRES OF LAND SITUATED IN N.C.B. 10921, SAN ANTONIO, BEXAR COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FENCE POST SITUATED IN THE SOUTH RIGHT-OF-WAY LINE FOR S.E. MILITARY DRIVE, SAID POINT BEING THE NORTHWEST CORNER FOR BROOKS AIR FORCE BASE AND SAME BEING APPROXIMATELY 245 FEET AWAY FROM THE INTERSECTING POINT OF THE EAST RIGHT-OF-WAY LINE OF OLD CORPUS CHRISTI ROAD AND THE SOUTH RIGHT-OF-WAY LINE OF S.E. MILITARY DRIVE;

THENCE, ALONG THE SOUTH RIGHT-OF-WAY LINE OF S.E. MILITARY DRIVE:

S 89°58'52" E, 750.85 FEET FOR A CORNER;  
S 85°45'54" E, 467.30 FEET FOR A CORNER;  
N 89°46'48" E, 715.76 FEET FOR A CORNER;  
S 78°47'48" E, 102.13 FEET FOR A CORNER;  
S 89°55'17" E, 398.45 FEET FOR A CORNER;  
S 79°39'32" E, 106.23 FEET FOR A CORNER;  
S 89°57'00" E, 1895.87 FEET FOR A CORNER;  
S 85°26'22" E, 498.40 FEET FOR A CORNER;  
S 89°52'46" E, 1705.05 FEET FOR A CORNER;  
N 82°33'34" E, 302.70 FEET FOR A CORNER;  
N 89°47'44" E, 365.97 FEET FOR A CORNER;  
N 87°08'32" E, 599.98 FEET FOR A CORNER;  
N 89°49'05" E, 461.36 FEET FOR THE NORTHEAST CORNER OF BROOKS AIR FORCE BASE;

THENCE, LEAVING THE SOUTH RIGHT-OF-WAY LINE OF S.E. MILITARY DRIVE AND ALONG THE SOUTHWEST RIGHT-OF-WAY LINE OF GOLIAD ROAD:

S 28°04'05" E, 1081.40 FEET FOR A CORNER;  
S 28°24'40" E, 701.82 FEET FOR A CORNER;  
S 29°19'10" E, 1266.52 FEET FOR A CORNER;  
S 28°53'10" E, 1469.28 FEET FOR A CORNER;  
S 30°09'24" E, 684.58 FEET FOR A CORNER;  
S 14°28'35" E, 997.37 FEET FOR A COMMON CORNER BETWEEN THE BASE AND BROOKS PARK;

THENCE, TRAVERSING ALONG THE COMMON BOUNDARY LINE BETWEEN THE BASE AND THE PARK, S 39°04'33" W, 997.37 FEET FOR A CORNER;

THENCE, S 89°52'20" W, 2037.77 FEET FOR A CORNER;  
THENCE, S 05°37'51" W, 26.58 FEET FOR A CORNER;  
THENCE, S 44°23'48" W, 24.20 FEET FOR A CORNER;  
THENCE, N 89°54'54" W, 315.31 FEET FOR A CORNER;  
THENCE, N 89°53'56" W, 797.99 FEET FOR A CORNER;  
THENCE, N 00°05'23" W, 827.28 FEET FOR A CORNER;  
THENCE, N 89°49'11" W, 3773.29 FEET FOR A CORNER;  
THENCE, N 89°58'28" W, 1061.89 FEET FOR A CORNER;  
THENCE, N 15°03'40" W, 1857.13 FEET FOR A CORNER;

THENCE, N 88° 28'52" W, 468.25 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF OLD CORPUS CHRISTI ROAD;

THENCE, ALONG SAID RIGHT-OF-WAY LINE:

N 14°48'27" W, 289.03 FEET FOR A CORNER;  
N 21°43'42" W, 271.77 FEET FOR A CORNER;  
N 22°00'53" W, 404.85 FEET FOR A CORNER;  
N 12°27'50" W, 1160.31 FEET FOR A CORNER;

N 20°08'18" W, 2084.95 FEET FOR A CORNER;  
THENCE, LEAVING SAID RIGHT-OF-WAY LINE,  
N 89°48'55" E, 168.30 FEET FOR A CORNER;  
THENCE, N 00°54'07" E, 208.45 FEET TO THE  
POINT OF BEGINNING AND CONTAINING 1,308.68  
ACRES OF LAND, MORE OR LESS.

9127101



Andrew S. Pi



VMZ/rr  
9/27/01  
Item #44

Item 44

**EXHIBIT "1"**

**DESCRIPTION**

Excerpts for the Field Notes of the survey drawings of the Premises are attached. The parcel consists of 1,308.68 acres.

**DRAFT**

## **A RESOLUTION**

ESTABLISHING A DEFENSE BASE DEVELOPMENT AUTHORITY FOR BROOKS AIR FORCE BASE (BROOKS AFB) AS PROVIDED IN SECTION 378.002 OF SUBTITLE A, TITLE 12, LOCAL GOVERNMENT CODE OF THE STATE OF TEXAS; SAID AUTHORITY TO BE KNOWN AS "BROOKS DEVELOPMENT AUTHORITY" ("BDA"); DESCRIBING THE BASE PROPERTY FOR SUCH AUTHORITY; ESTABLISHING CATEGORIES FOR BOARD MEMBERSHIP AS RECOMMENDED BY THE BROOKS ADVISORY BOARD ("BAB") FOR FUTURE APPOINTMENT BY CITY COUNCIL

\* \* \* \* \*

**WHEREAS**, the City of San Antonio is empowered to establish a defense base development authority pursuant to Section 378.002 of Subtitle A, Title 12 of the Local Government Code of Texas (the "Act"); and

**WHEREAS**, it is the determination of the City Council that it will serve the public interest to form such an Authority to accept title to Brooks AFB and engage in economic development of Brooks AFB, a military installation located within the City of San Antonio, which is being sold and transferred to the community by the Secretary of the Air Force pursuant to authority conferred by the Military Construction Act, Pub. L. No. 106-246, §136, 114 Stat. 511, 520-28 (2000); and

**WHEREAS**, planning activities have been in progress for the proposed operation and development of Brooks AFB in anticipation of sale and transfer of Brooks AFB; and

**WHEREAS**, Section 378.007 of the Act provides for the City Council to appoint eleven board members of the Authority, which Board is responsible for the management, operation, and control of the Authority; and

**WHEREAS**, although the Act does not set out categories of membership for the Board, it has been recommended by the Brooks Advisory Board ("BAB") that such appointments be comprised of 3 members representing technology and industry, 2 members representing academic institutions, 2 members representing the community at-large, 1 member representing the Air Force, 1 member representing the area of real estate, 1 member representing financial institutions, and 1 member from the City Manager's Office representing the City of San Antonio; **NOW THEREFORE:**

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

**SECTION 1.** A defense base authority to be known as the Brooks Development Authority ("BDA" or "Authority") is hereby established as a special district and political subdivision of the state for the development and redevelopment of Brooks AFB.

**SECTION 2.** Said Authority will have all the powers granted to it by Chapter 378 of Subtitle A, Title 12 of the Local Government Code of Texas and it will be subject to all such chapters' provisions.



**DRAFT**

**SECTION 3.** The legal description of the base property for which the Authority is established is attached to this Resolution as Exhibit "1."

**SECTION 4.** The Board of Directors of BDA will be comprised as follows: 3 members representing technology and industry; 2 members representing academic institutions; 2 members representing the community at-large; 1 member representing the Air Force; 1 member representing real estate; 1 member representing financial institutions; and 1 member from the City Manager's Office representing the City of San Antonio.

**SECTION 5.** Appointments to the BDA shall be subject to future City Council action.

**SECTION 6.** The Board of Directors will have the powers, authority and duties provided under the Act.

**SECTION 7.** This Resolution shall take effect on the tenth day after passage hereof.

PASSED AND APPROVED this 27<sup>th</sup> day of September 2001.

M A Y O R

ATTEST:

City Clerk

APPROVED AS TO FORM: \_\_\_\_\_

City Attorney

VMZ/rr  
9/27/01  
Item #6

DRAFT

EXHIBIT "1"

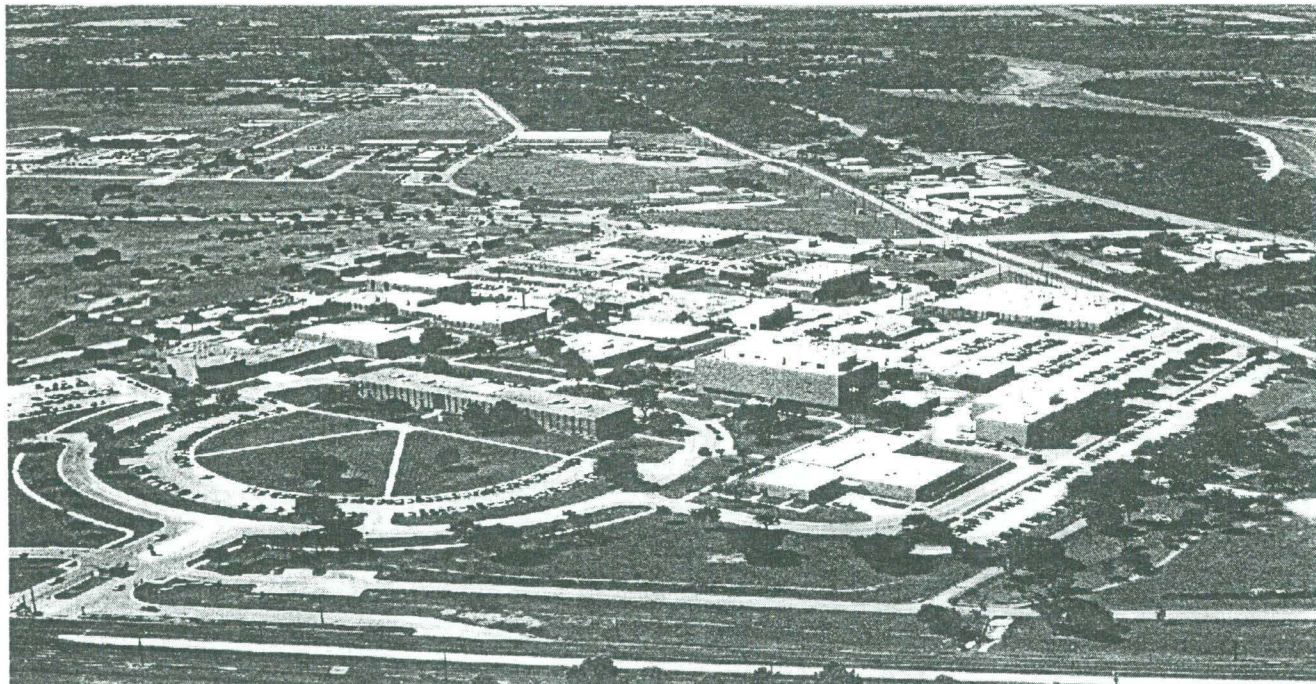
DESCRIPTION

Excerpts for the Field Notes of the survey drawings of the Premises are attached. The parcel consists of 1,308.68 acres.



# Agenda Item 44

## Brooks City-Base Office Brooks Development Authority September 27, 2001



# Brooks Advisory Board Resolution

- BAB passed a resolution in October 2000
  - recommending that the City seek amendment to the Texas Local Government Code which would:
    - authorize the City to establish a Defense Base Development Authority
    - own, manage, develop, and implement the City-Base Project; and
    - establish an eleven member board of directors



## BAB Resolution, October 2000

- Recommended a board composition, representing various industries:
  - 3 technology and research
  - 2 academic institutions
  - 2 community
  - 1 Air Force (non-active duty)
  - 1 real-estate
  - 1 financial institution,
  - 1 City Manager's Office
- Reevaluation of governance structure and board membership after two years

# Defense Base Authority Legislation

- City Council endorsed BAB resolution and state legislative package on December 14th, 2000
  - to establish Defense Base Authority Legislation
  - creation of Brooks Development Authority (BDA)
  - as part of the approved State legislative action for 2001



# Defense Base Authority Legislation

- Approved and effective September 1
- Allows City Council to establish Brooks Development Authority and appoint members
  - vacancies to be filled in the same manner
  - two year terms
  - eleven member board with no specific categories
  - BDA would appoint President, Vice-President, Secretary, and Treasurer from board membership

# Brooks Development Authority

- Special district and political subdivision of the State
  - would accept title to Brooks AFB property
  - responsible for the development of the Brooks Technology and Business Park; and
  - the management, operation, and control of the Authority
- Prior Council “B” Session
  - Council suggested careful consideration be given to qualifications and professional recognition to specific categories
  - City staff to work with BAB to develop criteria



# Council Military Affairs Committee

## ■ September 13<sup>th</sup> meeting

- Supported the BAB resolution
- Recommended that the BDA be created on Sep 27th based on recommended categories
- Suggested Council members draw lots to determine categories
- Agreed with BAB proposing slate of potential candidates

# Brooks Advisory Board (BAB)

- September 25th meeting
  - Approved slate of potential BDA candidates for Council consideration
    - Will continue to identify candidates
- Amended October 2000 resolution
  - Air Force requested elimination of AF representative BDA member category
  - Air Force desires liaison representation
  - Expanded the real-estate industry category by one to achieve eleven member board requirement



# Brooks Advisory Board Amended Resolution

- Revised recommended board composition:
  - 3 technology and research industry
  - 2 academic institutions
  - 2 community
  - 2 real-estate
  - 1 financial institution,
  - 1 City Manager's Office

# City-Base Project Coordination

## ■ The creation of the Brooks Development Authority has been coordinated by the Brooks City-Base Office with:

- Council Military Affairs Committee
- Economic Development
- Asset Management
- Finance
- Budget
- City Attorney
- External Relations
- Brooks Advisory Board
- Brooks AFB Officials

## ■ Staff recommends approval

## Next Steps

### ■ Oct /Nov

- BAB and City staff will work to validate recommended BDA slate of candidates
- Council appoints BDA membership
- Transfer of utilities negotiated with SAWS, CPS, and AF
- CoSA and AF negotiate the final agreement
- BDA approves transaction

### ■ Feb 1, 2002 - Anticipated date of conveyance



**The City of San Antonio:**  
*Partnering to Plan the Future*  
*of*  
*Brooks AFB*  
*City-Base Website*

<http://www.sanantonio.gov/edd/brooks>