

RESOLUTION NO. 11-4

Titled: Opposition to House Bill 2902

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF WESTON LAKES, TEXAS, OPPOSING PROPOSED HOUSE BILL 2902 AND ANY SIMILAR SENATE BILL, IF PROPOSED, AMENDING SECTION 42.0251 OF THE TEXAS LOCAL GOVERNMENT CODE, BY USING HIGHLY TARGETED CRITERIA AND CHARACTERISTICS (AKA “BRACKETED” LANGUAGE) AND COMPELLING A MUNICIPALITY TO RELEASE LAND LOCATED FROM THE EXTRATERRITORIAL JURISDICTION OF THE MUNICIPALITY UPON PRESENTATION OF A SIMPLE PETITION WITH SIGNATURES OF 80% OF THE RESIDENTS WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY.

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WHEREAS, the State of Texas authorizes a city in the State to establish and maintain an Extraterritorial Jurisdiction; and

WHEREAS, a city’s Extraterritorial Jurisdiction provides an area of natural protection for its citizens from a neighboring city’s growth; and

WHEREAS, a city’s Extraterritorial Jurisdiction allows for the natural potential future growth of a city; and

WHEREAS, a city’s Extraterritorial Jurisdiction is one of the only mechanisms provided by state law which allow for an area of protection and growth of cities with populations under 5000; and

WHEREAS, proposed House Bill 2902 (the “Bill”) will use highly targeted language to define a single city in the State of Texas to compel the city to release areas of its Extraterritorial Jurisdiction; and

WHEREAS, the proposed Bill will set a dangerous precedent for eroding and possibly eliminating the rights and ability for any city in Texas to maintain its Extraterritorial Jurisdiction; and

WHEREAS, the proposed Bill will diminish a city's ability to allow for and plan for its future growth; and

WHEREAS, the Board of Aldermen for a city targeted by this legislation has no right of redress; and

WHEREAS, the Citizens of the city targeted by this legislation have an expectation of protection provided by their city's Extraterritorial Jurisdiction; and

WHEREAS, residents within the Extraterritorial Jurisdiction of a city with a population of less than 5000 have no threat from annexation from the city; and

WHEREAS, residents within the Extraterritorial Jurisdiction of a city with a population of less than 5000 enjoy protection from a neighboring city with a population greater than 5000 from annexation; and

WHEREAS, the language of the Bill is so vaguely and loosely worded as to potentially eliminate the entire Extraterritorial Jurisdiction of a targeted city now, therefore,

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF WESTON LAKES, TEXAS:

Section 1. The facts and matters set forth in the preamble of this Resolution are hereby found to be true and correct.

Section 2. The Board of Aldermen of the City of Weston Lakes, Texas, opposes the passage of the Bill attached hereto as Exhibit "A," and hereby opposes its adoption.

Section 3. The Mayor is hereby authorized and directed to cause a certified copy of this Resolution to be served on all appropriate State Legislators and other government officials of the State of Texas.

PASSED, APPROVED, AND RESOLVED this 26th day of April 2011.

ATTEST:

Mary Rose Zdunkewicz, Mayor

S. Purcell, City Secretary

Exhibit "A"

82R13303 JTS-F

By: Zerwas

H.B. No. 2902

A BILL TO BE ENTITLED

AN ACT

relating to the release of extraterritorial jurisdiction by certain general-law municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 42, Local Government Code, is amended by adding Section 42.0251 to read as follows:

Sec. 42.0251. RELEASE OF EXTRATERRITORIAL JURISDICTION BY CERTAIN GENERAL-LAW MUNICIPALITIES. (a) This section applies only to a general-law municipality:

(1) that has a population of less than 2,500;

(2) that is located in a county with a population of more than 500,000 that is adjacent to a county with a population of more than four million; and

(3) in which at least two-thirds of the residents reside within a gated community.

(b) A municipality shall release an area from its extraterritorial jurisdiction not later than the 10th day after the date the municipality receives a petition requesting that the area be released

that is signed by at least 80 percent of the owners of real property located in the area requesting release.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.