

FY 2011  
FORT BEND COUNTY COMMISSIONERS COURT  
PUBLIC PARTICIPATION FORM

Instructions: Fill out ALL blanks – PLEASE PRINT

Name: CLIFTON H. ALDRICH Date: 3 May 2011

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Place of Employment: CITY of Westlake

Please provide the name, address and phone number of any group or organization you represent, if applicable:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Which agenda item do you wish to address?

NONE - HB 2902

In general, are you FOR ☐ AGAINST ☐ Agenda Item  
(Please check one)

I acknowledge that, if called to speak, I will only speak to the agenda item(s) noted above in accordance with Fort Bend County Rules for Procedure, Conduct and Decorum at County Commissioners Court Meetings, and that my comments will be limited to a maximum of three minutes.

Signature: Clifton H. Aldrich

NOTE: This Public Participation Form must be presented to the County Clerk prior to the time that the meeting is called to order. Any documentation you wish to provide to the Court should accompany this form when you present it to the County Clerk. This form becomes public record, along with any attachments, and is recorded with materials regarding Commissioners Court.

JUDGE HEBERT, DISTINGUISHED AND HONORABLE MEMBERS OF THE COMMISSIONERS COURT OF FORT BEND COUNTY. AS YOU KNOW I AM THE MAYOR PRO TEM OF THE CITY OF WESTON LAKES. I RISE TODAY TO BRING TO YOUR ATTENTION THE FACT THAT HB 2902, A BILL INTRODUCED BY REPRESENTATIVE JOHN ZERWAS, IS WORKING ITS WAY THROUGH THE TEXAS STATE LEGISLATURE. THIS BILL IS A "BRACKETED" BILL TARGETED AGAINST THE CITY OF WESTON LAKES AND INTENDED TO DENY THE CITY THE RIGHTS, PRIVILEGES, OBLIGATIONS AND RESPONSIBILITIES AS RELATED TO ITS ETJ. I ASK THAT THE COMMISSIONERS COURT AS A GROUP, THROUGH RESOLUTION, OR AS INDIVIDUALS, THROUGH COMMUNICATIONS WITH HOUSE AND SENATE REPRESENTATIVES. STRONGLY OPPOSE THIS BILL. I OFFER A COPY OF THE WESTON LAKES CITY COUNCIL RESOLUTION IN OPPOSITION TO THE BILL AS SUPPORTING DOCUMENTATION.

THE BILL WAS INTRODUCED ON 10 MARCH AND A TESTIMONY WAS TAKEN ON 4 APRIL WITHOUT THE KNOWLEDGE OF THE CITY OF WESTON LAKES. THE REPRESENTATIVE DID NOT INFORM THE CITY OF HIS CONCERN OR INTENT. IT WAS DISCOVERED BY HAPPENSTANCE AND THE CITY WOULD NOT KNOW TODAY IF IT WAS NOT FOR THE ACCIDENTAL FINDING. THE HEARING WAS HELD WITHOUT THE OPPORTUNITY FOR THE CITY TO RESPOND TO CORRECT THE FACTS AND ANALYSIS OF THE BILL WRITTEN BY THE REPRESENTATIVES STAFF.

THE BILL BY BEING BRACKETED IS PRESENTED AS A LOCAL ISSUE; HOWEVER, THE BILL HAS GREAT RAMIFICATIONS AS A PRECEDENT SETTING PIECE OF LEGISLATION. THERE HAS NEVER BEEN A BRACKETED BILL THAT TAKES ETJ FROM A CITY. IT HAS STATE WIDE IMPLICATIONS. THE TML IS OPPOSING IT ON THIS AND OTHER GROUNDS. CITIES IN FORT BEND COUNTY ARE PASSING RESOLUTIONS IN OPPOSITION, WITH RICHMOND DOING SO YESTERDAY. THE CITIES ARE LOOKING AT THIS BILL AND ASKING, "WILL WE BE NEXT". AGAIN I ASK FOR YOUR HELP IN DEFEATING THIS BILL. THANK YOU FOR THE OPPORTUNITY TO SPEAK.

## **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.**

\* \* \* \* \*

**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.