



State of Texas
House of Representatives
Austin

ID# 15020
mBJ

D.R. "Tom" Uher
Chairman.
Redistricting Committee

Member.
Higher Education
Judiciary

RQ-326

FAX #(409) 245-9093

February 14, 1992

Ms. Madelene Johnson
Opinions Committee
Attorney General's Office
P. O. Box 12548
Austin, Texas 78711-2548

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OFFICE OF THE ATTORNEY GENERAL

Dear Ms. Johnson:

Please provide my office with an official opinion on the following:

Preamble:

The 61st Legislature by HB 273 created the West Brazoria County Drainage District, a copy of which is enclosed. The 1967 Legislature by SB 21 amended the foregoing local bill; I am also enclosing a copy of said Senate Bill for you. In 1969, the voters in the affected area voted for the creation of said drainage district but turned down all taxing authority. No authority to impose ad valorem taxes has ever been approved by the voters. The 1981 legislation called for election of drainage commissioners from single member districts; Section 6 of said legislation provided for the Board of said district (being the county commissioners) to establish single member districts and call an election on the first Saturday in April, 1982 to elect the five drainage commissioners. No action was ever taken by the Commissioners' Court to comply with Section 6.

Question: What is the status of SB 21 as same impacts HB 273?

Question: Is the Commissioners' Court the legally authorized body to act for said drainage district?

Question: Can the Commissioners' Court establish a tax rate for said drainage district and call an election for its approval?

Question: May the Commissioners' Court establish single member

ACCOMPANIED BY ENCLOSURES -

FILED SEPARATELY

districts for the election of drainage commissioners
without further legislation being passed?

Should you have any questions, please call.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Tom Uher".

D. R. "Tom" Uher

DRU/tb