

- SUBJECT:** Preventing MUD annexation by city without single-member districts
- COMMITTEE:** Elections — committee substitute recommended
- VOTE:** 7 ayes — Berman, Bohac, England, Anchia, Burnam, Farias, C. Howard  
0 nays
- WITNESSES:** For — Rusty DeFoy, Westlaker Prof. Firefighters Association Terry Irion, Lost Creek MUD and Davenport Ranch Master HOA; Grant McCall, Lost Creek Neighborhood Association; Bob Moore, for Travis County Commissioner Gerald Daugherty; James P. Vonwolske, Lakeshore Drive Neighborhood Association; Jack Wilhelm, Lost Creek MUD; *(Registered, but did not testify: Tony Corbett; Preston Doege, Lost Creek MUD Board; Howard Falkenberg; Harry Savio, Home Builders Association of Greater Austin; Marcelo Tafoya, League of Latin American Citizens (LULAC) District 7/Director)*
- Against — Leslie Browder, City of Austin
- BACKGROUND:** Election Code, ch. 275 governs elections for officers of a city with a population of 200,000 or more.
- Local Government Code, sec. 43.052(a) defines a special district as a municipal utility district, water control and improvement district, or other district created under Art. 3, sec. 52 or Art. 16, sec. 59 of the Texas Constitution.
- DIGEST:** CSHB 2149 would prohibit annexation of an area that was located in a special district and that was included in a municipality's annexation plan unless at the time the area was to be annexed, the municipality elected the members of its governing body wholly or partly from single-member districts. The bill would apply only to a municipality with a population of more than 650,000.
- The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

**SUPPORTERS  
SAY:**

CSHB 2149 is needed to guarantee greater representation at the municipal level of government and would implement good public policy by providing direct representation in the form of a single-member district for a newly annexed area. For example, the bill is narrowly targeted to apply only to the city of Austin's plan to annex the Lost Creek municipal utility district, which is a fully developed community in the extra territorial jurisdiction (ETJ) of Austin. Residents do not vote in Austin elections and currently are represented by special district directors, and they do not have a say about the annexation. Even though the residents have a chance to voice their concerns at public hearings, the end result is that the annexation is going to proceed. Meaningful representation for a suburban area on the outskirts of a large city will only occur when there is a city council member elected from a single-member district, which would ensure that there is someone on the council that has a vested interest in the area.

Out of the five largest cities in Texas, Austin is the only one without single-member districts. At-large governments have little accountability for individual neighborhoods.

Annexation is a tool that a municipality has to expand its tax base and geographic boundaries. The city's needs are met, but the subdivision that is newly annexed does not get much in return. There are concerns that once a small community like Lost Creek is taken over by a city as large as Austin, the interests of the community will not be heard. Residents are concerned that their services will be diminished, including response time to fire and other emergencies. Lost Creek will not gain additional police or EMS services, but will lose deed restriction enforcement plus see an increase in taxes. Water and waste water costs will increase about \$1,800 a year per average resident. These concerns would get even less attention in a city in which all city council members were elected citywide.

**OPPONENTS  
SAY:**

CSHB 2149 would interfere with the city of Austin's plan to annex one area within its ETJ. Austin has followed all state laws for annexing the Lost Creek MUD. In 1990, Lost Creek agreed to be annexed in 1997, but the city of Austin provided an additional decade before initiating the annexation process and began the negotiating agreement for a proposed strategic partnership. Both the city council and the MUD board have agreed on the terms of the proposed partnership agreement. The residents still will have input at several scheduled public hearings before the partnership is finalized.

Voters in the city of Austin have rejected single-member districts for a variety of reasons, including that the at-large system allows voters in all parts of the city to elect every member of the council, which well reflects the racial and ethnic diversity of the city. Residents of newly annexed areas also would have a voice in electing the entire city council.

**NOTES:**

CSHB 2149 was recommended for the Local and Consent Calendars Committee, which transferred it to the Calendars Committee.