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The Senate of the State of Texas

Jane Nelson
 Senate District 12

RECEIVED

SEP 10 2009

FILE # ML-46169-09
 I.D. # 46169

OPINION COMMITTEE

September 8, 2009

The Honorable Greg Abbott
 Attorney General
 Office of the Attorney General
 P.O. Box 12548
 Austin, Texas 78711-2548

RQ-0824-GA

Attention: Stacey Napier

RE: Whether a city is required to receive a petition signed by 20% of its qualified voters before holding an election to withdraw from a regional transportation authority

Dear General Abbott:

Please accept this letter as a request for an opinion from your office regarding the requirements for calling a municipal election for the purpose of a city withdrawing itself from a regional transportation authority.

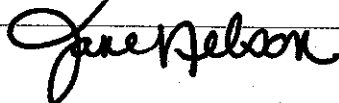
In 2004, the City of Richland Hills, a member city of the Fort Worth Transportation Authority (The T), sought to withdraw themselves from the Authority. The city attorney advised the city council that it could call an election without a petition from the voters. The election was held, and voters elected to remain a member the Authority.

Because the city council is considering another election, the mayor has contacted my office with a question about the process it must follow to call such an election. Subsection (a) of Section 452.651 states in part that "the governing body of a unit of election may order an election to withdraw the unit from an authority." This subsection does not end with an "and" or "or" as a precursor to subsection (b) which requires a governing body to hold an election if it receives a petition to do so from 20% of the qualified voters. It is unclear whether subsection (a) grants a governing body the authority to call an election on its own or if it serves as the preamble to and is contingent upon subsection (b).

On behalf of the City of Richland Hills, I respectfully request your office to answer the following question: Is the city required to receive a petition signed by 20% of its qualified voters before calling an election to withdraw from a regional transportation authority?

Thank you for your attention to this matter. Please do not hesitate to contact my office should you have any questions or need further information.

Very truly yours,



Senator Jane Nelson