



November 6, 2002

To All Bond Counsel:

Re: Timing of December Issues, Water Districts, Reminders

1. Timing of December Issues. For conduit issues closing during the month of December, please submit the transcript at least 17 working days prior to the scheduled closing date. For traditional issues closing during December please submit transcripts at least 15 days prior to the scheduled closing. We again anticipate a very busy year-end, and the additional time will enable the attorneys to timely review transcripts and provide you with preliminary approval letters on a timely basis. We will try to accommodate those issues where it is not reasonably possible to submit on this schedule. Issues closing after December 31 may be submitted on the regular schedule of 12 and 10 working days for conduits and traditional issues respectively. For details regarding standard timing requirements, please see paragraph 1 of the All Bond Counsel Letter of January 26, 1994, and the attachment thereto, on the Attorney General's website.

2. Competitive Bidding of Water District Bonds. As we have discussed with most bond counsel practicing in the water district area, water districts covered by chapter 49 of the Water Code must sell their bonds at competitive bid as set out in, and to the extent required by, section 49.183. The specific provision of section 49.183 controls over the general provision of section 1201.022 of the Government Code.

3. Water District Bonds Approved by TCEQ. As we also have discussed with most bond counsel practicing in the water district area, we now require that 23 days pass from the date Texas Commission on Environmental Quality ("TCEQ") approval is mailed until our approval of the district's bonds and that a certification as to no motion to overturn having been filed during that time be submitted. This requirement stems from the TCEQ rule, 30 Tex. Admin. Code §50.139, allowing 23 days after mailing to file a motion to overturn the executive director's action on an application. *Additionally*, please also include in the general certificate or elsewhere a certification that the district has not been notified that the TCEQ or its general counsel has extended the period of time to file a motion to overturn. See 30 Tex. Admin. Code §50.139(e).

4. Faxing of Documents - Reminder. Please do not fax documents that are being sent to us by overnight delivery unless specifically requested to do so, or unless the reviewing attorney needs to see the documents before the next morning.

5. Application of Chapter 1371 of the Government Code - Reminder. It remains our position that chapter 1371 applies only to those tax obligations that have been voted. This includes the application of chapter 1371 to credit agreements relating to tax obligations. (See All Bond Counsel Letter of February 11, 1999, paragraph 5.)

6. Division Personnel. Benita Lee has now been with us for a year, while Bart Fowler and Stephanie Vincent both joined us last February. They replaced Bill Walker, Greg Shields and Cecilia Gonzalez. On the administrative staff, Herb Nance has also been with us since last February and Janice Kuwitzky recently joined us. Also, Laura Roberson is ably filling in as office manager until Lisa Love Bishop recovers and is able to rejoin us - probably several months away. Susan Colvin is now enjoying the retired life.

Yours truly,

A handwritten signature in black ink, appearing to read 'J. Thomassen', with a long horizontal flourish extending to the right.

James A. Thomassen
Assistant Attorney General
Chief, Public Finance Division