

The Senate of The State of Texas

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By Opinion Committee at 12:11 pm, May 15, 2020

CHAIRMAN  
NATURAL RESOURCES &  
ECONOMIC DEVELOPMENT



FINANCE  
STATE AFFAIRS

**BRIAN BIRDWELL**

May 14, 2020

**RQ-0354-KP**

File# **ML-48800-20**

I.D.# **48800**

The Honorable Ken Paxton  
Office of the Attorney General  
Attention: Opinion Committee  
P.O. Box 12548  
Austin, Texas 78711-2548

RE: Request for Opinion

Dear General Paxton:

Pursuant to Texas Government Code § 402.042, I respectfully request an Attorney General Opinion with respect to the following questions:

May a local government home rule city enter into a contract with a Special Utility District that has the effect of prohibiting the city from petitioning for decertification of all or part of the Special Utility District's Certificate of Convenience and Necessity in the future?

Do the self-rule provisions found in Texas Local Government Code Sections 51.072 and 51.078, and Article 11, Section 5 of the Texas Constitution allow a city to enter into such a contract and be bound by it?

Thank you for your attention in this matter and for your service to Texas.

Sincerely,

A handwritten signature in blue ink that reads "Brian Birdwell".

Senator Brian Birdwell  
Chair, Senate Natural Resources and Economic Development Committee

