

RESOLUTION # 2005-01

**A RESOLUTION OF THE VILLAGE OF WEBBERVILLE
OPPOSING ANY LEGISLATION THAT ERODES MUNICIPAL
AUTHORITY TO PROTECT THE PUBLIC HEALTH, SAFETY
AND WELFARE; RESTRICTS MUNICIPAL POWER TO GUIDE
LAND DEVELOPMENT; OR CURTAILS MUNICIPAL ABILITY
TO PRESERVE CULTURAL AND ECOLOGICAL ASSETS**

- WHEREAS,** the Village of Webberville voters, business owners, and residents have decried that their locally-elected representatives pursue government policies and practices that protect citizens from nuisances and the ill-effects of unchecked growth and unregulated sprawl; and
- WHEREAS,** the Texas Legislature is currently considering many bills that would retract statutory powers that the Village of Webberville exercises in good faith to preserve land values, protect the citizenry, and maintain the quality of life in the Village of Webberville; and
- WHEREAS,** it is crucial that the Legislature be made aware of the adverse impacts the proposed legislation will have on the Village's efforts to responsibly facilitate growth and plan for the community's future; and
- WHEREAS,** the Village Council finds that current state and federal law are adequate to protect private property owners from illegitimate, unreasonable, or arbitrary and capricious over-regulation by local governments; and
- WHEREAS,** the Village has expended a tremendous amount of public funds, staff effort, and community resources to prepare local rules that addresses the needs of private property owners, developers, preservationists, residents, and local business owners; and
- WHEREAS,** the Village Council is concerned about the undue influence lobbyists for the development industry have on certain key members of the Legislature; and
- WHEREAS,** Legislative preemption and restriction of municipal land use and development authority constitutes poor public policy that is contrary to the economic interests of the state and localities; and
- WHEREAS,** the Legislature is ill-equipped to micro-manage the construction and development issues on a state-wide basis given the diversity of Texas in terms of geography, topography, economics, culture, climate, and hydrology; and

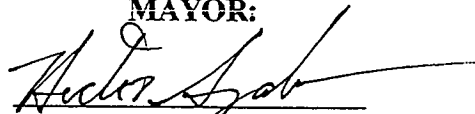
WHEREAS, it is in the best interest of the citizens of Webberville, its Village Limits and Extraterritorial Jurisdiction (ETJ), that the Village Council formally document its position as a duly-elected governing body, and make that position known to the members of the Legislature.

NOW THEREFORE, be it resolved by the Webberville Village Council that the Village *opposes* and respectfully requests that the 79th Texas Legislature *reject* all bills that attempt to do the following detrimental acts:


1. Restrict municipal Water Pollution Abatement and Prevention Programs to the standards enacted by the Texas Commission on Environmental Quality (TCEQ) or the County.
2. Expand the scope of the Vested Rights Statute, Chapter 245 of the Texas Local Government Code.
3. Mandate that local governments compensate property owners for mere down-zoning actions contrary to the weight of law across the United States.
4. Designate arbitrarily that any Impervious Cover limitation exceeding 45% is a *per se* Taking of private property that must be compensated by the municipality.
5. Limit the ability of municipalities to enact temporary, short-term moratoriums on development in an effort to conduct studies, perform comprehensive planning, obtain public input, and update the municipality's regulatory process.
6. Annex land so that those properties that are receiving the benefit of municipal programs and services share the full cost of municipal operations, particularly in those situation when the property owners request annexation.

PASSED AND APPROVED, this, the 3rd day of May, 2005.

MAYOR:


Hector Gonzales, Mayor

ATTEST:


Carol Goodrich, Village Clerk