

BILL ANALYSIS

H.B. 2549
By: Nixon
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Westchase District has a board of fifteen directors appointed by the City of Houston. The District has the authority, without obtaining City approval, to appoint a replacement to a director position that becomes vacant with such appointee to serve for the remainder of the unexpired term. The District appointed a director to a vacant position in February, 2004. Several months after the appointment, the City of Houston notified the Westchase District that the City had determined that the District's appointment of this director was not valid and that the District should have requested the City to appoint such director because the term for this position had expired. The City also stated that this situation was one of first impression for the City and asked the District to determine whether the District agreed with the City's analysis of the law regarding this issue.

After research, the District agreed with the City that the term has expired and asked that the City appoint this director retroactively. The City staff agreed to recommend such action (but has not taken the action before City Council), provided that the District have the appointment validated. This bill will validate the appointment of such director and assure that actions taken by the board since such appointment, especially those in which such director voted or made the quorum, are not subject to invalidation.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Validates all actions taken by the board of the Westchase District prior to the effective date of this bill, provided that such actions are not the subject of litigation nor have been held invalid by a final court judgment.

EFFECTIVE DATE

This Act takes effect immediately if it receives the necessary vote; otherwise the Act takes effect September 1, 2005.