[redacted]

Subject: FW: County Bond Orders

From: Brock, Leslie
Sent: Monday, June 17, 2013 2:47 PM
To: Collins, Rob
Cc: Leibe, Stephanie; Brock, Leslie
Subject: RE: County Bond Orders

Rob, please note that our response is limited to the county's meeting outside the county seat with respect to the proposed issuance of bonds, pursuant to section 402.044 of the Government Code. In our review of section 81.005 and 81.006, we believe that because the county must levy a tax at a regularly called session, and this session is being held during the regular term, the tax levy for the bonds must be adopted at the county seat at the courthouse pursuant to section 81.005(c)(1). The other exceptions in subsection (c) do not appear to apply; although the June 3rd meeting was held at another political subdivision's regular meeting place within the county, it was not held as a meeting with the governing body of that political subdivision per subsection (c)(3)(A). Moreover, the only other exceptions are for special terms under subsection (b) or in the interest of public safety under subsection (f). Therefore, we believe that for us to approve the bonds, the county must ratify and confirm the bond orders at a regular scheduled meeting at the county seat at the courthouse, which we understand will be Monday, June 24th.

Sincerely,

Leslie Ann Brock
Assistant Attorney General
Public Finance Division

From: Collins, Rob
Sent: Monday, June 17, 2013 12:16 PM
To: Brock, Leslie; Brock, Leslie
Subject: County Bond Orders

Leslie, as a follow-up to my voicemail this morning, attached are the following:

(1) 9-24-2012 Court Order No. 2012-711-09-24 which establishes FY2013 regular term meetings.
(2) Commissioners' Court Meeting Minutes – September 24, 2012
(3) Agenda Notice for June 3, 2013 "Regular Term" meeting in "Regular Session"

From my discussions with Stephanie on Friday, it is my understanding that your preference would be that the County ratify and confirm the bond orders and the levy of the taxes for each order at the next Commissioners Court meeting on June 24.

In looking at Section 81.006(b), the Local Government Code provides that: " A county tax may be levied at any regularly scheduled meeting of the court when at least four members of the court are present." In this case, four members of the court were in attendance on June 3 and each voted for the issuance of the bonds and the levying of a tax for each series of bonds. Moreover, the County believes that it has complied with the provisions of 81.006(b) in that the meeting was during a "regular term" in "regular session" and is consistent with Order No. 2012-711-09-24 which established the

FY2013 regular term. In addition, 81.006(b) uses the terminology "regularly scheduled meeting" as opposed to "regular term". Given that the legislature is presumed to know the meaning of the words it uses when passing legislation, there must be some difference between "regular term" and "regularly scheduled meeting" or the legislature could have simply used the phrase "regular term" in 81.006(b). "Regular term" is clearly used in other subsections of Chapter 81. Therefore, even if your office were to believe that the June 3 meeting was not a "regular term" despite the Court Order establishing the regular term, the fact that the meeting was clearly a "regularly scheduled meeting" should be sufficient for the bond orders.

Can you give me a call to discuss? We have time today to get items on the agenda for next Monday, June 24, but the County doesn't believe it is necessary.

I look forward to visiting with you.

Thanks

Rob

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