RESOLUTION NO. 2009-R-49

A RESOLUTION OF THE OF VILLAGE OF VOLENTE, TEXAS OPPOSING HB 4441 RELATING TO THE AUTHORITY OF THE RAILROAD COMMISSION OF TEXAS TO ESTABLISH STANDARDS REGARDING CERTAIN PIPELINES AND APPURTENANT FACILITIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village of Volente, Texas is a Type B general-law municipality located in Travis County, created in accordance with the provisions of Chapter 8 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, House Bill 4441, introduced in the 81st Legislature, seeks to entirely preempt the municipal regulation of natural gas, liquid hydrocarbon, hazardous materials, and gathering pipelines and all facilities appurtenant to those pipelines, including the regulation of aesthetics and the use of Village-owned rights-of-ways; and

WHEREAS, under the proposed legislation, the Texas Railroad Commission, and not the municipality, would maintain the right to establish the noise level, screening, landscaping, and other requirements relating to natural gas gathering pipelines and appurtenant facilities including compressor stations; and

WHEREAS, the Village Council is of the opinion that the Railroad Commission is ill suited to address such issues as local neighborhood compatibility and the use of Village-owned rights-of-way and that the citizens are better served through the local regulation of such pipelines and appurtenant facilities; and

WHEREAS, House Bill 4441 would relegate municipalities to a mere advisory role in this important determination process and as such would unreasonably interfere with the right of the public to participate through their locally elected officials to tailor policies to meet their local needs and demands; and

WHEREAS, as a result of the foregoing, the Village Council opposes the adoption of House Bill 4441, and believes that the proposed legislation does not promote the best interest interests of the citizens of the Village.

NOW, THEREFORE, BE IT RESOLVED BY VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS:

SECTION 1.

That the Village Council of the Village of Volente, Texas hereby opposes the adoption of House Bill 4441 relating to the authority of the Railroad Commission of Texas to establish standards regarding certain pipelines and appurtenant facilities.

SECTION 2.

The Village Secretary is authorized and directed to furnish a certified copy of this Resolution to the elected representatives of the Village and to other members of the Texas Legislature to give notice of the Village's opposition to House Bill 4441.

SECTION 3.

This resolution shall take effect immediately upon its adoption by the Village Council.

PASSED, APPROVED AND EFFECTIVE on this 21st day of April, 2009.

Jan Yenawine, MAYOR

ATTEST:

Jennifer Zufelt, City Secretary