

**SUBCHAPTER O : APPEAL OF DECISION REGARDING FACILITIES CONSTRUCTED FOR A  
MUNICIPAL UTILITY DISTRICT**

**§§293.180**

**Effective June 5, 1998**

**§293.180. Appeal of a Decision of the Board of Municipal Utility District Regarding Facilities  
Constructed for the District.**

(a) A person aggrieved by a decision of a board of directors of a Municipal Utility District operating under the Texas Water Code, Chapter 54 may appeal a decision that involves the cost, purchase, or use of improvements constructed by a developer for the district to the commission. Before such an appeal will be considered the following must be submitted:

(1) A petition signed by the present or former property owners affected by the decision of the district board of directors must be filed with the chief clerk seeking appropriate relief within 30 days after the date of the decision. The petition shall contain:

(A) a statement describing the nature of the dispute and how the board's decision affects the petitioner; and

(B) evidence that the decision involves the cost, purchase or use of improvements constructed by a developer for the district.

(2) an initial deposit in the amount of \$5,000 to be applied toward the commission's estimated costs to initiate the hearing on the appeal. An additional deposit in the amount of \$5,000 shall be submitted by petitioner prior to an evidentiary hearing.

(3) For appeals involving the cost or purchase of facilities, complete documentation of such cost and justification for the facilities.

(4) A certified copy of minutes of the board meeting(s) which include the decision being appealed.

(5) A cost summary itemizing any monetary claims by the aggrieved person.

(6) Documentation to support items included in the cost summary.

(7) Any other information as the executive director may require.

(8) copies of any agreements with the district or other documentation from the district authorizing the petitioner to construct the improvements or to enter into contracts for the improvements.

(9) copies of any reimbursements agreements executed by the district involving the improvements in question.

(b) Notice Actions and Requirements.

(1) The chief clerk of the commission shall set the petition for hearing, and issue notice thereof.

(2) The district shall issue notice by sending, not later than the 30th day before the date of the hearing, notice of the hearing to each owner of property within the district, as of the date of submitting the application with the executive director, unless good cause is shown why such notice should not be given. Property ownership shall be as reflected by the county tax rolls or the records of the appraisal district for the county, whichever is more current. The district shall file an affidavit certifying compliance with the requirements of this subsection at least one week prior to the commission hearing. Ownership of the property shall be certified by the county tax assessor/collector from the county tax rolls or by the appraisal district for the county, as applicable, as of the date of submitting the application to the executive director.

(c) Commission Actions.

(1) After notice and hearing, the commission shall render a written decision granting or denying the petition, in whole or in part.

(2) In rendering its decision, the commission shall consider:

- (A) the suitability of and necessity for the facilities;
- (B) the reasonableness of the cost of the facilities;
- (C) the economic viability of the district; and
- (D) any other relevant evidence.

(3) A record of actual cost for the commission to conduct preparations for and the hearing shall be maintained by the executive director and SOAH. An amount for indirect costs shall also be included. The commission may deduct its cost from the deposit. If the commission's cost exceeds the amount of the deposit, it may require payment of the additional amount from the petitioner prior to rendering its decision. If the commission's cost is less than the amount of the deposit, the surplus amount shall be returned to the petitioner.

(4) If the commission finds that the district erred in its decision, it may direct the district to reimburse the petitioner(s) all or part of the deposit which the petitioner paid.