

***This City Desk article was written by Mr. Jerry Mullins who has served Hideaway on both Hideaway Lake Club Inc. and the City of Hideaway Board of Aldermen. I admire Jerry's commitment to serve our community and I ask that you read this article thoroughly.***

The City Council of Hideaway has been involved for the past 2 years in researching and exploring its role and responsibility as it pertains to On-Site Septic Systems Facilities (OSSF) and a future wastewater collection and treatment system. A task force was assigned the duty of providing information and recommendations to the City Council. That Task Force, under the leadership of former mayor Pat Bonds finished its work this past year and submitted its recommendations.

Council discussions have dealt with many aspects of this report. During the City Council meeting on Jan 7, 2022, it became apparent that further explanation is needed regarding the role of the City and the role of the Hideaway Club in this endeavor. This article is an attempt to clear up some of the questions that have been raised by citizens.

The City of Hideaway is a Class B General Law Municipality as defined in Chapter 7 of the Local Government Code. In its initial incorporation in 2001, the purpose of the City was very limited in scope, hence the term "do-nothing" city has been widely used. Over the past 20 years, as the demographics and complexity of the community evolved, discussions on the City Council started to examine the relevance of a "do-nothing" city in present day context.

There are substantial differences between the Club and the City with respect to what each can or cannot accomplish. The Club is a private Homeowners Association and a non-profit corporation. It is governed by a set of By-Laws, policies, and Rules and Regulations adopted by the membership and its Board of Directors. Section 209 of the Texas Government Code defines the legal requirements of the HOA. State Law always takes precedence over our HOA by-laws, rules, policies, and regulations. Our Club by-laws committee is currently updating new changes that were instituted in the 2021 Legislative Session.

The Club has no legal jurisdiction or authority to develop rules concerning either OSSF, or a future wastewater treatment and collection system. Smith County is currently responsible for inspections and issuing permits for new or upgraded OSSF in Hideaway. The City Council, acting on the recommendations of the Wastewater Task Force, recognizes that the county is limited in enforcement of septic system violations and has voted to apply to the Texas Commission on

Environmental Quality (TCEQ) to become the “Authorized Agent” (AA) for Hideaway. If approved, the City will assume the responsibility for inspections, issuing permits, and dealing with code violations. This will require our citizens to drop the term “do-nothing” city from their vocabulary.

Another important difference between the Club and the City is that the City can pass Ordinances which are local laws that can be enforced by local courts and authorities. If TCEQ approves our application to become the AA for Hideaway, the City Council will be required to pass ordinances that define the authority of the AA. Based on recommendations of the Wastewater Task Force, such ordinances will hopefully set a higher bar than the minimums set by the State. The Council will get appropriate guidance from experts, both legal and in the wastewater commercial industry, before enacting such ordinances.

It should be stated that the statutes and Constitution of Texas gives the municipality the legal authority for the “health and safety” of its citizens.

The implementation of the above process will require an increase in revenue for the city. The only current source of funding is from franchise fees of certain utilities. The city is limited in how it can spend funds within the city limits because the city limits are the same as the Club boundaries. Our roads are private roads. The Texas Constitution prohibits the use of public (city) funds for private corporations except for safety, health, or security purposes. We cannot use funding for improving parks, paving, or repairing streets, or other projects that are common to normal municipalities. Funding for OSSF or a future wastewater collection and treatment facility is allowed. We have used our limited funds in the past to purchase radios for Security. We used funds to provide COVID testing last year that allowed our medical advisor to gather information about the initial spread of COVID in our community. Our biggest contribution is to provide funding for fire protection. The City currently funds about 40% of the fire protection. The Club pays the remainder. Additional revenue would allow the City to fund the fire protection at 100%. An early warning siren system is currently under discussion.

To provide for additional funding, the city is debating the adoption of an “ad-valorem” (property) tax. Such a tax will be subject to limitations as stated in statutes for Class B General Law Municipalities. Senate Bill 2(SB2,) enacted in the 2021 Texas Legislative session also defined new rules and limits. Such a tax, if adopted, would not be due until 2023, and would have to be included in the 2023 City Budget. Approval from TCEQ for the City to become the AA is unlikely to occur until much later this year.

It is important for all citizens to know that State Law does not require voter approval of a property tax unless it exceeds certain limitations. The City Council is not discussing a tax rate that will exceed these limitations.

If this article has raised more questions, you are encouraged to attend city council meetings. The next regular meeting is scheduled for Feb 18, 2022, at 2pm in the Community Building of the Member Services Bldg. You can also contact any of the Aldermen or Mayor. Their contact information is listed on the city website [www.cityofhideaway.org](http://www.cityofhideaway.org)