

'FRIENDSWOOD FIVE'



A newly formed citizens action group known as the Friendswood Five in a meeting to organize efforts opposing city council's proposed plans to buy park land in Alvin and issue \$11.6 million in certificate of obligation bonds. From left are Janis Lowe, Kathy Rogers, Mel Austin, Leslie Roque and Deborah Winters Chaney.

Group forms to oppose bonds

KRISTI NIX
Reporter News Staff

A group calling itself the Friendswood Five is at the center of a growing controversy over a city proposal to issue \$11.6 million in bonds not approved by voters.

The money is designated for use in part to buy 60 acres of park land in Alvin.

"The city charter says we vote for debt. They cannot take away that right," said Mel Austin, a member of the Friendswood Five. "If they choose to not uphold the charter, they need to step down."

"Both issues together have exposed bigger prob-

lems," said member Janis Lowe. "The Council and the Mayor's responses since June 1 have shown us the issue is not parks or certificates of obligations, the real issue we are dealing with is a council and mayor that think it is OK to run roughshod over the citizens."

A major thorn in the situation for both Lowe and Austin is a question involving the city charter, which was officially amended in 1997 to prohibit city council from issuing any debt it could not pay for from current revenue streams without voter approval, except in emergency situations. And, as they are both former council members who helped with the 1997 charter

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amendment process, they are angered by what they perceive to be the current council's intention to bypass the city's self written laws.

"It is not about just the park anymore," said member Leslie Roque. "It is about the law. How appropriate that as we approach the July 4th Holiday that we have to remind our elected leaders to maintain our freedom to vote? How to follow state law? How to follow our own city charter?"

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As a group, the members of the Friendswood Five came together in an Austin courtroom. On June 15, each appeared at a hearing where city officials were seeking the court's approval of the council's proposed plans. At the hearing, Lowe and Austin and three other Friendswood residents, Kathy Rogers, Leslie Roque and Deborah Winters Chaney, came forward to speak in opposition. To allow the group some time to organize their documents, the court rescheduled the hearing to July 13.

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If they receive approval from the judge in July, city council could move forward with the issuance of approximately \$11.8 million in Certificate of Obligation bonds, representing debt that does not require voter approval as long as it does not affect the city's tax rates.

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City officials say that roughly \$2.5 million of the bond money will be used to purchase 60 acres of land for sports parks in Alvin, just outside the city limits. They plan to use the remaining funds to pay for street repairs, drainage improvements on FM 518, a new records retention facility and a new animal shelter

In Austin, the office of the Attorney General issued an opinion on the city's case shortly after the initial hearing. It addressed the matter of the certificates of obligation, saying that unless a petition is filed the city is legally allowed to issue the bonds. Court officials say such a petition would need the signatures of at least 5 percent of the city's qualified voters.

The Friendswood Five and their supporters say that if it becomes necessary, they intend to circulate a petition to block the proposed certificates of obligation. Regarding the park purchase, the Attorney General's opinion stated city officials can purchase land outside city and county limits as long as they demonstrate in court that their actions are authorized by the city charter.

City council members say their lawyers assured them they can prove the language in the charter does allow the park purchase. As

the earnest money contract for the park purchase contains a large cancelation fee, it could be an expensive and complicated outcome if the court decides against the city's plans. And, facing the possibility of expensive delays in court, city attorneys filed a motion requiring the Friendswood Five to post a bond to cover any damages they could face, damages city officials say could cost the city hundreds of thousands of dollars if not more. However, Mayor David Smith asked the motion to be withdrawn shortly thereafter, saying that the situation had become an issue of the public's trust being questioned.

"Regardless of the potential legal costs, we don't want to circumvent our citizen's ability to speak with us or voice their opinions," Smith said.

Lowe said the possibility of being asked to post a bond could be brought up again at the rescheduled hearing. And even though the bond motion had been dropped, the members of the Friendswood Five say they have hired an attorney to appear with them at the July 13 hearing, adding they would be paying his fee from their own pockets.

At Monday's city council meeting, Councilman Andy Rivera said he had been surprised by the community's reaction to the proposed capital improvements projects the council had brought forward.

"What's happened is we decided we were going to tackle a lot of projects that have not been done for a long time, and then we had to figure out how to get those things done and make a significant impact quickly," Rivera said. "Unfortunately, the impact was not what we expected."

Councilman Jim Hill said he had seen all along that not giving voters a say in issuing bonds was a mistake.

"I think sometimes we have dug our own hole. And, maybe it's time to quit digging and just start stepping up," Hill said. "Let the voters say what they want to do. Put it out there. If they want to do it, that's good. If they don't, let them drive on bad streets."

Last week, the Friendswood Five held a meeting that drew about 50 residents.

"Ideally, we would never have to pay money and hire attorneys to defend our values and the City Charter from a suit filed by our own city," Kathy Rogers said. "Council has put the City in a difficult situation, but there are options."

The city's day in court is set for Monday, July 13, at 9 a.m. in the Austin courtroom of the 419th Judicial District Court.