RESOLUTIONS SUBMITTED

TO THE MEMBERSHIP OF THE

TEXAS MUNICIPAL LEAGUE

October 6, 2016

Austin, Texas

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A RESOLUTION ADOPTING THE REPORT OF THE 2016 TML LEGISLATIVE POLICY COMMITTEE ON ANNEXATION AND REGULATION OF DEVELOPMENT

WHEREAS, the 2016 TML Legislative Policy Committee on Annexation and Regulation of Development was appointed by TML President C.J. Wax in early 2016; and

WHEREAS, more than 50 municipal officials from cities of every size across the state served on the Committee; and

WHEREAS, the Committee studied numerous issues relating to annexation and regulation of development; and

WHEREAS, the Committee has completed its work and has drafted the attached report;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2016 Annual Conference of the Texas Municipal League that the attached report of the TML Legislative Policy Committee on Annexation and Regulation of Development be accepted and adopted.

PASSED AND APPROVED by the membership of the Texas Municipal League this 6th day of October, 2016, at Austin, Texas.

APPROVED:

_____
C.J. Wax,
President

ATTEST:

_____
Bennett Sandlin,
Executive Director

TEXAS MUNICIPAL LEAGUE
LEGISLATIVE POLICY COMMITTEE ON
ANNEXATION AND REGULATION OF DEVELOPMENT

Summary of Actions Taken
May 6, 2016

1. **Annexation**

The Committee voted to recommend that TML **oppose** legislation that would erode municipal annexation authority.

2. **Eminent Domain**

The Committee voted to recommend that TML **oppose** legislation that would further erode a city's ability to condemn property for a public use.

3. **Zoning**

The Committee voted to recommend that TML **oppose** legislation that would erode municipal comprehensive planning and zoning authority, or that would modify existing procedures in any detrimental way.

The Committee voted to recommend that TML **oppose** legislation that would restrict a city's ability to adopt or amend zoning regulations, or vest or otherwise create a property right in a zoning classification.

4. **Regulatory Takings**

The Committee voted to recommend that TML **oppose** legislation that would establish a standard or process for determining economic loss and related compensation resulting from a regulatory action.

5. **Religious Land Use**

The Committee voted to recommend that TML **oppose** legislation that would further erode a city's ability to regulate religious or charitable organizations.

6. **Permit Vesting**

The Committee voted to recommend that TML **oppose** legislation that would enact adverse amendments to the permit vesting statute (Chapter 245 of the Local Government Code).

The Committee voted to recommend that TML **support** legislation that would make beneficial changes to the permit vesting statute (Chapter 245 of the Local Government Code).

7. **Special Districts**

The Committee voted to recommend that TML **oppose** legislation that would allow special districts to form in a city or its extraterritorial jurisdiction without the city's permission, or that would impose additional requirements on cities relating to special districts.

8. **Development Exactions**

The Committee voted to recommend that TML **oppose** legislation that would reduce municipal authority to require exactions related to and required by new development, or that would erode the authority of cities to adopt and enforce minimum development standards.

9. **Uniform Building Codes and Building Permit Fees**

The Committee voted to recommend that TML **oppose** legislation that would erode a city's ability to make amendments to model building codes.

The Committee voted to recommend that TML **postpone** until the August 19, 2016, meeting of the General Government Committee a decision about whether the League should support legislation that would repeal the prohibition against mandatory residential fire sprinklers, and the Committee instructed staff to seek more information from the City of Tomball and the Texas Fire Chiefs Association.

The Committee voted to recommend that TML **oppose** legislation that would further restrict a city's ability to impose building fees.

10. **Extraterritorial Jurisdiction**

The Committee voted to recommend that TML **oppose** legislation that would erode municipal authority in the extraterritorial jurisdiction.

11. **Impact Fees**

The Committee voted to recommend that TML **oppose** legislation that erode municipal authority over impact fees or that would exempt any entity from paying municipal impact fees.

12. **Tree Preservation Ordinances**

The Committee voted to recommend that TML **oppose** legislation that would erode municipal authority in relation to tree preservation requirements.

13. **Oil and Gas Regulation**

The Committee voted to **oppose** legislation that would further erode municipal authority over oil and gas development.

14. **Other**

The Committee voted to **form a subcommittee** to study whether a position related to the expansion of general law city authority is appropriate at this time.

The Committee voted to **oppose** legislation that would erode the ability of a city to amortize nonconforming uses, including those in a flood plain.

A RESOLUTION ADOPTING THE REPORT OF
THE 2016 TML LEGISLATIVE POLICY COMMITTEE ON REVENUE AND FINANCE

WHEREAS, the 2016 TML Legislative Policy Committee on Revenue and Finance was appointed by TML President C.J. Wax in early 2016; and

WHEREAS, more than 50 municipal officials from cities of every size across the state served on the Committee; and

WHEREAS, the Committee studied numerous issues relating to revenue and finance; and

WHEREAS, the Committee has completed its work and has drafted the attached report;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2016 Annual Conference of the Texas Municipal League that the attached report of the TML Legislative Policy Committee on Revenue and Finance be accepted and adopted.

PASSED AND APPROVED by the membership of the Texas Municipal League this 6th day of October, 2016, at Austin, Texas.

APPROVED:

_____
C.J. Wax,
President

ATTEST:

_____
Bennett Sandlin,
Executive Director

TEXAS MUNICIPAL LEAGUE
LEGISLATIVE POLICY COMMITTEE ON
REVENUE AND FINANCE

Summary of Actions Taken
May 27, 2016

1. Appraisal Caps

The Committee voted to recommend that TML **oppose** legislation that would negatively expand appraisal caps.

The Committee voted to recommend that TML **oppose** legislation that would erode the concept that appraisals must reflect the true market value of property.

The Committee voted to recommend that TML **take no position** on legislation that would authorize a council-option reduction in the current ten-percent cap on annual appraisal growth.

2. Revenue, Tax, and Expenditure Caps

The Committee voted to recommend that TML **oppose** legislation that would impose a revenue cap of any type, including a reduced rollback rate, mandatory tax rate ratification elections, lowered rollback petition requirements, limitations on overall city expenditures, exclusion of the new property adjustment in effective rate and rollback rate calculations, or legislation that lowers the rollback rate and gives a city council the option to re-raise the rollback rate.

3. Effective and Rollback Rate "Reform"

The Committee voted to recommend that TML **support** legislation that would simplify the effective tax rate calculation for notice purposes only, provided the legislation would have no effect on the underlying effective tax rate and rollback tax rate calculations themselves, nor upon the hold harmless exemptions to those rates.

4. Property Tax Eemptions

The Committee voted to recommend that TML **oppose** legislation that would impose new property tax exemptions that substantially erode the tax base.

5. Tax Freezes

The Committee voted to recommend that TML **oppose** legislation that would impose a property tax freeze that can be implemented by any mechanism other than council action.

6. **Equity Appraisals**

The Committee voted to recommend that TML **support** legislation that would make beneficial amendments to the equity appraisal statute.

7. **Sales Price Disclosure**

The Committee voted to recommend that TML **support** legislation that would require mandatory disclosure of real estate sales prices.

8. **"Prop 2" Pollution Control Exemption**

The Committee voted to recommend that TML **oppose** legislation that would extend the "Prop 2" pollution control property tax exemption to processes, facilities, or end products.

9. **Homestead Property Tax Exemptions**

The Committee voted to recommend that TML **oppose** legislation that would impose new mandatory homestead exemptions or exemption increases.

The Committee voted to recommend that TML **support** legislation that would allow a council-option city homestead exemption, expressed as a percentage or flat-dollar amount.

10. **Retention of Mineral Rights at Tax Sale**

The Committee voted to recommend that TML **form a subcommittee** to study whether a position related to a city's retention of mineral rights for properties that are bid-off to the city after a tax sale is appropriate at this time.

11. **Sales Tax Exemptions**

The Committee voted to recommend that TML **oppose** legislation that would impose any sales tax exemption that would substantially erode the tax base.

The Committee voted to recommend that TML **oppose** legislation that would lengthen or broaden the scope of the current sales tax holiday.

12. **General and Dedicated Sales Tax Rates**

The Committee voted to recommend that TML **support** legislation that would authorize a city to adjust the general revenue sales tax rate or renew a dedicated sales tax using a combined ballot proposition.

13. **Expansion of Sales Tax Base**

The Committee voted to recommend that TML **support** legislation that would expand the sales tax base, but only if the city tax base fully benefits from the expansion.

The Committee voted to recommend that TML **oppose** legislation that would expand the sales tax base without fully benefitting the city tax base.

14. **Streamlined Sales Tax Project/Sales Tax Sourcing**

The Committee voted to recommend that TML **support** legislation that would convert the sales tax reallocation process from a ministerial process into a more formalized administrative process that would, at a minimum, require prior notice to all affected parties.

The Committee voted to recommend that TML **support** legislation that would toll the four-year "look-back provision" relating to collection of unpaid city sales tax, but only in the case of nonpayment by a business and not misallocation among cities.

The Committee voted to recommend that TML **oppose** legislation that would alter the city share or the calculation or sourcing of city sales taxes.

15. **Type A/Type B Economic Development Sales Tax**

The Committee voted to recommend that TML **take no position** on legislation that would broaden the authority of Type A or Type B sales tax corporations.

The Committee voted to recommend that TML **oppose** legislation that would limit the authority of Type A or Type B sales tax corporations statewide, but take no position on legislation that is regional in scope and that is supported by some cities in that region.

The Committee voted to recommend that TML **support** legislation that allows the collection of economic development sales tax so long as bonds, projects, and other obligations exist for the corporation.

16. **Emergency Services Districts (ESDs) and Sales Taxes**

The Committee voted to recommend that TML **support** legislation that would authorize cities—in relation to annexation, planned annexation, voluntary annexation, or negotiated annexation—

to replace some or all emergency services district (ESD) sales taxes in an area with city sales taxes, provided an ESD's existing sales tax debt is proportionately and reasonably provided for in some manner.

The Committee voted to recommend that TML **support** legislation that would permit a municipal development district's sales tax, notwithstanding a competing emergency services district (ESD) sales tax, to apply in the extraterritorial jurisdiction, as current law allows, provided an ESD's existing sales tax debt is proportionately and reasonably provided for in some manner.

The Committee voted to recommend that TML **support** legislation that would allow cities to remove themselves from an ESD if the city is capable of providing services to the area.

The Committee voted to recommend that TML **support** legislation that would require city council approval for an ESD to expand into a city's corporate limits or ETJ.

17. **Issuing City Debt**

The Committee voted to recommend that TML **oppose** legislation that would expand election requirements for issuance of any city debt, impose a petition/election procedure where none currently exists, or that would otherwise erode the ability of a city to issue debt in any way.

18. **Local Parks Funding**

The Committee voted to recommend that TML **support** legislation that would provide a fair and equitable distribution of the sporting good sales tax revenues for state and local parks.

The Committee voted to recommend that TML **oppose** legislation that would implement appropriation riders that set Texas Recreation and Parks Accounts (TRPA) funding No. 467 & Large County and Municipality Recreation and Parks Account No. 5007 funds for specific projects or locales.

The Committee voted to recommend that TML **support** legislation that would create a constitutional dedication of sporting goods sales tax revenues for use in state and local parks that would directly benefit parks, recreation, open space, trails and tourism.

The Committee voted to recommend that TML **support** legislation that would pass through federal dollars used for parks, recreation, open space, trails, and tourism from any of the following, but not limited to, the United States Department of the Interior Land and Water Conservation Fund (LWCF), the Sport Fish Restoration Boat Access program and the United States Department of Transportation Recreation Trails program.

The Committee voted to recommend that TML **support** legislation that would directly benefit parks, recreation, open space, trails, tourism, health and wellness (i.e. utility corridors and mobility).

The Committee voted to recommend that TML **oppose** legislation that would be detrimental to parks, recreation, open space, trails, and tourism (i.e. non-use of eminent domain for recreational purposes).

19. **Major Events Reimbursement Program**

The Committee voted to recommend that TML **oppose** legislation that would limit or eliminate the current flexibility of the Major Events Reimbursement Program as a tool for cities to attract or host major events and conventions.

20. **City Depository Services Agreements**

The Committee voted to recommend that TML **support** legislation that would either lengthen the total term of a city depository services agreement or that would allow cities the ability to renew their depository services agreements beyond the current five-year term.

21. **Public Funds Investment Act Training**

The Committee voted to recommend that TML **support** legislation that would clarify current law to exempt city officials in cities with little or no investments from the Public Fund Investment Act's continuing training requirement, pursuant to the intent of H.B. 1148 (2015).

22. **Medicaid Expansion**

The Committee voted to recommend that TML **take no position** on legislation that would expand Medicaid in Texas.

23. **Cost of Unfunded Mandates in Fiscal Notes**

The Committee voted to recommend that TML **support** legislation that would require the Legislative Budget Board to include in all fiscal notes attached to legislation the estimated cost of unfunded mandates for local governments.

3.

A RESOLUTION ADOPTING THE REPORT OF
THE 2014 TML LEGISLATIVE POLICY COMMITTEE ON UTILITIES AND TRANSPORTATION

WHEREAS, the 2016 TML Legislative Policy Committee on Utilities and Transportation was appointed by TML President C.J. Wax in early 2016; and

WHEREAS, more than 50 municipal officials from cities of every size across the state served on the Committee; and

WHEREAS, the Committee studied numerous issues relating to utilities and transportation; and

WHEREAS, the Committee has completed its work and has drafted the attached report;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2016 Annual Conference of the Texas Municipal League that the attached report of the TML Legislative Policy Committee on Utilities and Transportation be accepted and adopted.

PASSED AND APPROVED by the membership of the Texas Municipal League this 6th day of October, 2016, at Austin, Texas.

APPROVED:

_____
C.J. Wax,
President

ATTEST:

_____
Bennett Sandlin,
Executive Director

TEXAS MUNICIPAL LEAGUE
LEGISLATIVE POLICY COMMITTEE ON
UTILITIES AND TRANSPORTATION

Summary of Actions Taken
June 3, 2016

1. The Turnback Program

The Committee voted to recommend that TML **oppose** legislation, or state budget strategies, that would remove or negate the strictly voluntary nature of highway turnbacks.

2. Local and State Transportation Funding

The Committee voted to recommend that TML **support** legislation that would:

a. allow for greater flexibility by cities to fund local transportation projects; amend or otherwise modify state law to help cities fund transportation projects; or provide municipalities with additional funding options and resources to address transportation needs that the state and federal governments are unable or unwilling to address.
b. discontinue the diversion of transportation revenues to non-transportation purposes and appropriate all revenues from highway user fees and taxes to fund transportation.
c. provide additional funding to the Texas Department of Transportation for transportation projects that would benefit cities, so long as existing funding formulas are followed.
d. authorize a local option election to increase the local sales tax cap from 2 to 2.25 cents.
e. provide local, state, and federal transportation funding for rail as one component of transportation infrastructure.
f. provide additional funding for transportation mobility projects and increased local control over those projects.

3. Billboards

The Committee voted to recommend that TML **oppose** legislation that would erode municipal authority over billboards or that would place any unfunded mandate on cities relating to billboards.

The Committee voted to recommend that TML **support** legislation that would increase municipal authority over Texas Department of Transportation logo signs. (Note: the Committee directed staff to provide additional briefing materials related to this issue for the August 19 meeting of the Legislative Policy Committee on General Government.)

4. Transportation Network Companies

The Committee voted to recommend that TML **oppose** legislation that would preempt city regulations governing transportation network companies and licensing their drivers.

5. **Overweight/Oversize Vehicles**

The Committee voted to recommend that TML **oppose** legislation that would increase the permissible size or weight of vehicles under state law.

6. **Rights-of-Way**

The Committee voted to recommend that TML **oppose** legislation that would erode the authority of a city to be adequately compensated for the use of its rights-of-way.

The Committee voted to recommend that TML **oppose** legislation that would erode municipal authority over the management and control of rights-of-way.

The Committee voted to recommend that TML **oppose** legislation or rules that would erode the provisions of Chapter 66 of the Utilities Code, which relates to state-issued cable franchises.

7. **Utility Relocation**

The Committee voted to recommend that TML **oppose** legislation that would erode municipal authority to require utility companies to pay the costs of relocating their facilities in a timely manner as required by current law.

8. **Solid Waste Franchises**

The Committee voted to recommend that TML **oppose** legislation that would limit a city's authority to enter into a solid waste franchise.

9. **County Recycling Programs**

The Committee directed staff to provide further briefing materials on this issue for the August 19 meeting of the Legislative Policy Committee on General Government.

10. **Wastewater Reuse**

The Committee voted to recommend that TML **oppose** legislation that would erode local control or reduce municipal ownership and/or control over effluent and water reuse projects.

11. **Water Operators**

The Committee voted to direct staff to, in conjunction with the City of Alpine, move forward with efforts to find a solution to the scarcity of water/wastewater operators in the state.

12. **PUC Water Rate Jurisdiction**

The Committee voted to recommend that TML **oppose** legislation or state agency action authorizing any state agency to assert jurisdiction over the rates and services provided by a municipally owned utility inside the city limits.

13. **Speed Enforcement in School Zones**

The Committee voted to recommend that TML **support** legislation that would allow cities to use automated speed enforcement in school zones.

4.

A RESOLUTION ADOPTING THE REPORT OF
THE 2016 TML LEGISLATIVE POLICY COMMITTEE ON
GENERAL GOVERNMENT

WHEREAS, the 2016 TML Legislative Policy Committee on General Government was appointed by TML President C.J. Wax in early 2016; and

WHEREAS, more than 130 municipal officials from cities of every size across the state served on the Committee; and

WHEREAS, the Committee studied numerous issues relating to general government; and

WHEREAS, the Committee has completed its work and has drafted the attached report;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2016 Annual Conference of the Texas Municipal League that the attached report of the TML Legislative Policy Committee on General Government be accepted and adopted.

PASSED AND APPROVED by the membership of the Texas Municipal League this 6th day of October, 2016, at Austin, Texas.

APPROVED:

_____
C.J. Wax,
President

ATTEST:

_____
Bennett Sandlin,
Executive Director

REPORT OF THE TML LEGISLATIVE POLICY COMMITTEE ON GENERAL GOVERNMENT

A. **Seek Introduction and Passage** of legislation that would:

1. Add a tenth criteria of "location of an emergency services station" to the state criteria related to the proper placement of a traffic signal on a state highway.

2. Exempt a candidate forum from the definition of a "meeting" under the Texas Open Meetings Act.

3. Repeal the archaic requirement that an official city newspaper must be entered as second-class postal matter.

4. Allow charter amendment elections to occur in compliance with the two-year requirement of the Texas Constitution by construction of the uniform election dates in the Texas Election Code.

B. **Support** legislation that would:

1. Grant general law cities additional authority to annex areas wholly surrounded by cities.

2. Authorize a city council to opt-in to requiring residential fire sprinklers in newly constructed single-family dwellings.

3. Enact a statewide ban on texting while driving, so long as a city may impose more stringent requirements related to cell phone use while driving.

4. Clarify the authority of general law cities to enact sex offender residency restrictions.

5. Clarify the administration and execution of the licensed carry law, so long as such legislation does not erode current municipal authority.

6. Make beneficial, clarifying amendments to Government Code Section 2252.908 (the "contracts reporting" law).

7. Extend the deadline for cities to change the date of their general elections to a different uniform election date.

8. Allow a more equitable way of distributing court fines that would result in a higher percentage of fines being kept local, where the laws are enforced, the court is held, and the fines are collected.

9. Make confidential information related to animal adoptions.

10. Provide relief from vexatious Public Information Act requests.

11. Clarify Local Government Code Chapter 176's application to city employees and agents and other beneficial clarifying amendments.

12. Prevent further exploitative payday and auto title lending practices.

13. Clarify the treatment of animal shelter veterinarians under the Veterinary Licensing Act.

14. Clarify the authority of a city to take ownership of a stray animal upon the expiration of a hold period.

C. **Oppose** legislation that would:

1. Erode municipal authority to regulate short-term rentals.

2. Erode municipal authority in any way, impose an unfunded mandate, or otherwise be detrimental to cities.

3. Repeal or limit school bus stop-arm camera authority.

4. Make participation in Government Code Chapter 2267 (the "public/private partnership" law) mandatory.

5. Further erode local control as it pertains to retirement issues.

6. Enact detrimental amendments to Local Government Code Chapter 143 (the "civil service" law).

7. Make meet and confer mandatory or expand the current meet and confer law.

8. Make collective bargaining mandatory or impose expanded collective bargaining rights.

9. Substantively change or expand the scope of the current disease presumption law.

10. Eliminate any of the current uniform election dates.

11. Increase state regulation of local ballot language or the initiative and referendum process.

12. Impose additional state fees or costs on municipal court convictions or require municipal courts to collect fine revenue for the state.

13. Limit the authority of municipal courts to assess appropriate sanctions, while protecting the rights of municipal court defendants.

14. Erode municipal governmental immunity.

15. Limit or prohibit the authority of city officials to use municipal funds to communicate with legislators.

16. Limit or prohibit the authority of the Texas Municipal League to use any revenue, however derived, to communicate with legislators.

17. Require the reporting of lobbying activities beyond the requirements in current law.

18. Preempt or prohibit the regulation of payday and auto title lenders by a city.

19. Impose a statewide smoking ban that would preempt existing or future municipal smoking bans.

20. Provide for state preemption of municipal authority in general.

D. **Take no position** on legislation that would:

1. Standardize red light photo enforcement systems, so long as the underlying authority is not eliminated. (Further, the committee recommends that TML defer to the Texas Red Light Coalition on more detailed matters relating to revisions to red light camera policy.)

E. **Other**

1. The Committee voted to recommend that – separate-and-apart from the 2017 legislative process – the TML Board of Directors consider reviewing the issue of general law city authority.

2. The Committee voted to recommend that, should legislation be filed that relates to immigration and that would affects cities, League staff should seek the guidance of the TML Executive Committee regarding the League's position on such legislation.

5.

A RESOLUTION TO SEEK INTRODUCTION AND PASSAGE OF LEGISLATION TO AMEND TEXAS PENAL CODE, SECTIONS 30.06 AND 30.07, TO AUTHORIZE PRIVATE LESSEES TO POST SIGNAGE PROHIBITING POSSESSION OF HANDGUNS ON PROPERTY LEASED FROM A GOVERNMENTAL ENTITY.

WHEREAS, Subsections 30.06(e) and 30.07(e) of the Texas Penal Code present exceptions to the Trespass By License Holder provisions for concealed and open carry, respectively, whereby notices prohibiting possession of handguns by licensed carriers may not be placed about premises owned or leased by a governmental entity; and

WHEREAS, the Legislature's stated focus in enacting Subsection 30.06(e) was on local governmental entities that were prohibiting concealed handguns from public places, and the same can be fairly implied in its adoption of Subsection 30.07(e); and

WHEREAS, as noted in Tex. Att'y Gen. Op. No. KP-0108 regarding Subsection 30.06(e), "[n]othing in the text of the statute itself nor in the legislative history suggests that the Legislature considered whether private entities that leased property from a governmental entity were required to allow the carrying of handguns on the property that they lease," and the same may be said for Subsection 30.07(e); and

WHEREAS, these exceptions operate to unreasonably restrict rights of private lessees of government-owned property, present significant implications for local governmental entities that lease government-owned properties to private lessees, and unnecessarily undermine local governmental entities' ability to freely lease public property for private use; and

WHEREAS, these exceptions should be amended to authorize private lessees to post signage prohibiting possession of handguns on property leased from a governmental entity; and

WHEREAS, this proposed amendment would preserve the Legislature's stated intent of preventing governmental entities from prohibiting concealed (and open) carry of handguns in public places while authorizing private lessees of government-owned property to freely operate the leased premises in their independent discretion, thus levelling the playing field for governmental entity lessors; and

WHEREAS, the Texas Municipal League Board of Directors finds that amending Texas Penal Code, Sections 30.06 and 30.07, to authorize private lessees to post signage prohibiting possession of handguns on property leased from a governmental entity will benefit municipal governmental bodies in general.

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2016 Annual Conference of the Texas Municipal League that the League seek introduction and passage of legislation to amend Texas Penal Code, Sections 30.06 and 30.07, to authorize private lessees to post signage prohibiting possession of handguns on property leased from a governmental entity.

PASSED AND APPROVED by the membership of the Texas Municipal League this 6th day of October, 2016, at Austin, Texas.

APPROVED:

_____
C.J. Wax,
President

ATTEST:

_____
Bennett Sandlin,
Executive Director

6.

A RESOLUTION TO SEEK INTRODUCTION AND PASSAGE OF LEGISLATION TO AUTHORIZE A COMBINED BALLOT PROPOSITION FOR REALLOCATION OF DEDICATED OR SPECIAL PURPOSE SALES TAX REVENUES TO THE GENERAL REVENUE SALES AND USE TAX FUND AND A LOCAL ELECTION TO INCREASE OR DECREASE THE TYPE B SALES AND USE TAX RATE WITHIN THE JURISDICTION.

WHEREAS, the 84th Legislature adopted H.B. 157 authoring municipalities to reallocate local sales and use tax revenues so long as the combined rate does not exceed the prescribed 2% maximum; and

WHEREAS, this legislation left unaddressed two (2) significant process impediments restraining local implementation of this authority: (a) Tax Code, Section 321.409, allows a combined ballot proposition for reallocation of dedicated or special purpose sales tax revenues to another dedicated or special purpose sales tax revenue fund, but not to the general revenue sales and use tax fund; and (b) there is no statutory authorization for a local election to increase or decrease the Type B sales and use tax rate within the jurisdiction, such as authorized for the Type A sales and use tax rate via Local Government Code, Section 504.258; and

WHEREAS, efficient local sales and use tax administration would be facilitated by authorizing a combined ballot proposition for reallocation of dedicated or special purpose sales tax revenues to the general revenue sales and use tax fund and a local election to increase or decrease the Type B sales and use tax rate within the jurisdiction; and

WHEREAS, the Texas Municipal League Board of Directors finds that authorizing a combined ballot proposition for reallocation of dedicated or special purpose sales tax revenues to the general revenue sales and use tax fund and a local election to increase or decrease the Type B sales and use tax rate within the jurisdiction will benefit municipal governmental bodies in general.

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2016 Annual Conference of the Texas Municipal League that the League seek introduction and passage of legislation to authorize a combined ballot proposition for reallocation of dedicated or special purpose sales tax revenues to the general revenue sales and use tax fund and a local election to increase or decrease the Type B sales and use tax rate within the jurisdiction.

PASSED AND APPROVED by the membership of the Texas Municipal League this 6th day of October, 2016, at Austin, Texas.

APPROVED:

_____

C.J. Wax,
President

ATTEST:

_____
Bennett Sandlin,
Executive Director

7.

A RESOLUTION RELATING TO THE TEXAS MUNICIPAL RETIREMENT SYSTEM; SUPPORTING ADDITIONAL FLEXIBILITY OR ALTERNATIVES IN REGARD TO COST OF LIVING ADJUSTMENTS FOR RETIREES

WHEREAS, local governments are subject to increasing economic stresses as they struggle to provide important municipal services while balancing their budgets with increasingly less money; and

WHEREAS, cities wish to support the dedicated public employees and retirees who have worked many years to service the citizens of these cities; and

WHEREAS, most Texas cities are members of the Texas Municipal Retirement System (TMRS); and

WHEREAS, current TMRS requirements provide that a City granting a cost of living adjustment (COLA) on a repeating basis must provide for that adjustment regularly, and that a City that opted out of such repeating COLAs is required to include all prior years in which the cost of living adjustment was not made before they can start a repeating COLA again (the "catch up" provision); and

WHEREAS, if a City was forced to cease the annual repeating COLA for economic reasons, the "catch up" provision are very difficult, if not impossible, to meet; and

WHEREAS, the Texas Municipal Retirement System has been better managed and funded than many other retirement systems and cities support the prudent fiscal management of the system; and

WHEREAS, cities also wish to maintain sound fiscal policies and the ability to provide an increase for retirees must be managed within the framework of sound fiscal policies; and

WHEREAS, several cities which were forced to stop the repeating COLA in recent years, including the City of Colleyville, desire to start the repeating COLA, but cannot do so under the required "catch up" provisions; and

WHEREAS, many cities request that alternatives, which would benefit the cities, their employees, and their retirees, to the current system be made through the passage of legislation where needed, including alternatives such as forgiveness provision for cities who stopped the regular repeating COLA payments prior to 2012, or the ability to make periodic percentage increase to retiree pension payments without reference to a cost of living index.

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2016 Annual Conference of the Texas Municipal League that the League take no position on legislation that amends the affected provisions of the Texas Government Code to allow for greater flexibility in

retiree pension increases and provide for a forgiveness provision for cities who stopped the regular repeating COLA payments without reference to a cost of living index.

PASSED AND APPROVED by the membership of the Texas Municipal League this 6th day of October, 2016, at Austin, Texas.

APPROVED:

_____
C.J. Wax,
President

ATTEST:

_____
Bennett Sandlin,
Executive Director

8.

A RESOLUTION RELATING TO THE APPROPRIATION OF $60 MILLION FOR THE FISCAL YEARS 2018-2019 BIENNIUM FOR THE STATE OF TEXAS TO THE DEFENSE ECONOMIC ADJUSTMENT ASSISTANCE GRANT (DEAAG) PROGRAM

WHEREAS, the 15 major Army, Navy, Air Force, and National Guard installations throughout Texas are vital to national security and the State of Texas; and

WHEREAS, the Texas Comptroller's recent study proved Texas 15 major military installations generate $136.4 billion in economic activity and $81.3 billion in gross domestic product each year, supporting more than 800,000 Texas jobs and $48 billion in personal income for our citizens; and

WHEREAS, Texas has unencumbered airspace, ground maneuver space, and open water for training of all branches of service with virtually every weapon system as well as some of the most diverse topography for excellent training scenarios, the weather provides for the ability to train year round and deployments from Texas installations are efficient due to airfields, road systems, and rail transportation to ports in the state and, finally, the cost of living at Texas installations are some of the lowest in the country; and

WHEREAS, these military installations are also part of the fabric of many communities and are a source of great pride, provide skilled workforce, add to population growth, and have significant economic impact; and

WHEREAS, the 84th Texas Legislature appropriated $30 million in Fiscal Years 2016-2017 to the Texas Military Preparedness Commission Defense Economic Adjustment Assistance Grant fund to assist defense communities that have been, or may potentially be, impacted by a past or future Base Realignment and Closure (or BRAC) action, to obtain economic assistance to mitigate or prevent or otherwise positively affect their local economy through funded projects; and

WHEREAS, the FY 16-17 appropriation was sufficiently to fund only nine projects in seven communities in the first two rounds of DEAAG awards, and the demand for funding far exceeded available funds with approximately 26 total applications valued at more than $72 million were submitted during the first two rounds.

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2016 Annual Conference of the Texas Municipal League that the League seek introduction and passage of the General Appropriations Act for FYs 2018-2019 that includes increased DEAAG funding.

PASSED AND APPROVED by the membership of the Texas Municipal League this 6th day of October, 2016, at Austin, Texas.

APPROVED:

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C.J. Wax,
President

ATTEST:

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Bennett Sandlin,
Executive Director

9.

A RESOLUTION RELATING TO CITY OF SAN MARCOS' POLICY RECOMMENDATIONS

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2016 Annual Conference of the Texas Municipal League that the League:

1. Support state or federal legislation that would expand the use of public, education, and government (PEG) fees to include operational and related costs associated with PEG channels.
2. Support additional appropriations for the Texas Workforce Commission Skills for Veterans initiative that dedicates funding to address the training needs of post-9/11 veterans returning home and entering the Texas Workforce.
3. Support legislations and additional appropriations for affordable and workforce housing that allows for the expansion and preservation of diverse, affordable homes in cities.
4. Oppose legislation that would erode a city's incentive options to enhance its economic development efforts to promote retention and expansion of existing retailers, restaurants, developers, commercial businesses and primary employers and to attract new business.
5. Oppose state or federal legislation or rules that would negatively affect the provisions of chapter 66 of the Utilities code, which relates to state-issued cable franchises.

PASSED AND APPROVED by the membership of the Texas Municipal League this 6th day of October, 2016, at Austin, Texas.

APPROVED:

_____
C.J. Wax,
President

ATTEST:

_____
Bennett Sandlin,
Executive Director

10.

A RESOLUTION IN SUPPORT OF LEGISLATION THAT WOULD EXTEND THE AUTHORIZED TERM FOR THE COLLECTION OF MUNICIPAL SALES AND USE TAXES FOR STREET MAINTENANCE

WHEREAS, the City of West Orange, Texas is a small city within the State of Texas who has adopted a Municipal Sales and Use Tax for street maintenance as authorized by Chapter 327 of the Texas Tax Code; and

WHEREAS, continuation of such, municipal Sales and Use Tax requires an election every four years; and

WHEREAS, it would be beneficial to all small cities who have adopted this tax for Chapter 327 to be amended to authorize an indefinite, or at least extended, term for the continuation of such Municipal Sales and Use Tax for street maintenance;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2016 Annual Conference of the Texas Municipal League that the League support legislation amending Chapter 327 of the Texas Tax Code to authorize the collection of Municipal Sales and Use Taxes for street maintenance for an indefinite, or at least extended, term instead of the four (4) years provided by current law, since such Municipal Sales and Use Taxes for street maintenance promote the health, safety, and welfare of the citizens of all small communities and should not require the expense and uncertainty of a new election every four (4) years to extend the term of such beneficial source of revenue.

PASSED AND APPROVED by the membership of the Texas Municipal League this 6th day of October, 2016, at Austin, Texas.

APPROVED:

_____
C.J. Wax,
President

ATTEST:

_____
Bennett Sandlin,
Executive Director

11.

A RESOLUTION IN SUPPORT OF LEGISLATION THAT WOULD WAIVE THE $30.00 ADMINISTRATIVE FEE FOR POLITICAL SUBDIVISIONS THAT PARTICIPATE IN THE FAILURE TO APPEAR PROGRAM IN CASES THAT ARE DISMISSED, A PERSON PERFORMS COMMUNITY SERVICE, SERVES TIME IN JAIL IN LIEU OF PAYMENT OF FINES OR FEES, OR ANY OTHER CASE WHEN NO COSTS OR FEES ARE COLLECTED

WHEREAS, during the 74th Legislative Session, S.B. 1504 was passed, authorizing the Texas Department of Public Safety (DPS) to contract with political subdivisions to deny renewal of the driver license for failure to appear on certain traffic violations (Failure to Appear Program) (FTA); and

WHEREAS, the bill also authorized the DPS to contract with a private vendor (currently referred to as "Omni Base") to implement the FTA Program; and

WHEREAS, any political subdivision participating in said program is required to pay an administrative fee of $30.00 for each underlying traffic violation, of which $20.00 is to be submitted to the state comptroller, $6.00 to Omni Base and $4.00 retained by the political subdivision; and

WHEREAS, the bill originally waived the administrative fee to both the comptroller and Omni Base in the event that court costs, fines and fees were not received by the local political subdivision, such as in cases where the defendant was deemed indigent by the court, the case was dismissed, the defendant died, or the defendant performed community service or served jail time in lieu of payment of any fees or costs; and

WHEREAS, Omni Base and DPS are now attempting to collect the $30.00 administrative fee, (pursuant to the Texas Administrative Code Title 37 Art. 1 Chap. 15 Subchapter G Rule Sec. 15.119) even if the case was dismissed or the defendant performed community service or served jail time in lieu of payment of any fees or costs; and

WHEREAS, this places an undue hardship on a political subdivision to make payments to Omni Base and the state comptroller in cases where they are not receiving the administrative fees from the defendants; and

WHEREAS, many political subdivisions will be required to cease participating in the FTA Program due to this undue burden unless there is legislation to support the waiver of the $30.00 administrative fee in the above cited examples as was originally intended.

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2016 Annual Conference of the Texas Municipal League that the League support legislation amending the Texas Administrative Code Title 37 Art. 1 Chap. 15 Subchapter G Rule Sec. 15.119 (and any other applicable legislation) to waive the $30.00 administrative fee in the event that court costs, fines and fees are not received by the local political subdivisions (e.g. the case was dismissed,

the defendant performs community service or serves jail time in lieu of court costs, fines and fees).

PASSED AND APPROVED by the membership of the Texas Municipal League this 6th day of October, 2016, at Austin, Texas.

APPROVED:

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C.J. Wax,
President

ATTEST:

_____
Bennett Sandlin,
Executive Director

12.

IN SUPPORT OF TEXAS ASSOCIATION OF BLACK CITY COUNCIL MEMBERS 30 YEARS OF SERVICE WITH THE TEXAS MUNICIPAL LEAGUE

WHEREAS, in 1986 the Texas Association of Black City Council Members (TABCCM) was established to assist and empower black local elected officials and their constituents. Today, members of TABCCM continue their excellence by fulfilling its purpose through opportunities for the advancement of economic growth, education, and exchange of better practices, ideas and knowledge; and

WHEREAS, TABCCM is a pillar of strength and representation of and for the community through fifteen regions, and municipalities across the great State of Texas. TABCCM serves as an official clearinghouse for access to information about public policy and legislative issues affecting its membership and Texas cities; and, serve as a vital resource for capacity building in local neighborhoods for revitalization and preservation; advocate for increased voter participation and education in the political process; and

WHEREAS, TABCCM's mentorship for "rising" leadership fosters relationships in support of the development and education of strong future leaders through mentoring its students to attend historically black universities and colleges. The mentorship program encourages youth to participate in civic engagement with local elected officials, attend new council members' orientation while promoting voter education which maintains the enhancement of a student's overall success; and

WHEREAS, for the past decade, TABCCM presented over 40 African-American high school graduates and college undergraduates with more than $45K in scholarships through the support of the Eugene McCray Scholarship Committee (EMSC) and the T.J. Patterson Sr. Annual Golf Tournament which is the association's largest educational fundraiser; and

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2016 Annual Conference of the Texas Municipal League that the League celebrates TABCCM thirty years of excellence as an official affiliate with Texas Municipal League and is recognized as a trailblazer for equity and inclusion for its members and respective communities.

PASSED AND APPROVED by the membership of the Texas Municipal League this 6th day of October, 2016, at Austin, Texas.

APPROVED:

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C.J. Wax,
President

ATTEST:

Bennett Sandlin,
Executive Director

13.

A RESOLUTION INCREASING TML MEMBER CITIES' SERVICE FEES

WHEREAS, TML member city service fees were last increased in 2013; and

WHEREAS, in June 2015, the TML Board adopted a "Reserve Zones Policy" to determine what actions should be taken when adopting each year's budget; and

WHEREAS, pursuant to that policy, the current reserve is at approximately 48.8 percent of annual operating costs; and

WHEREAS, that level is consistent with "Zone 2" of the policy, which calls for regular, modest fee increases and deficit budgeting in legislative years only; and

WHEREAS, even with a five percent service fee increase, roughly one-half of the League's member cities will pay less then $47 per month in service fees and an additional 40 percent will pay no more than $301 per month; and

WHEREAS, the cost of providing the League's services continues to climb; and

WHEREAS, the TML Board has unanimously determined that it is in the best interest of the League to raise its member cities' service fees.

NOW, THEREFORE, BE IT RESOLVED that TML member city service fees shall be increased by five percent; and

BE IT FURTHER RESOLVED that this increase shall be effective for all TML member city service fees payable on or after January 1, 2017.

PASSED AND APPROVED by the membership of the Texas Municipal League this 6th day of October, 2016, at Austin, Texas.

APPROVED:

_____
C.J. Wax
President

ATTEST:

_____
Bennett Sandlin
Executive Director