



CITY COUNCIL

AGENDA REQUEST

AGENDA OF: 10-02-12

AGENDA REQUEST NO: III-E

INITIATED BY: JENNIFER MAY *jm*
ASSISTANT TO THE CITY MANAGER

RESPONSIBLE DEPARTMENT: STRATEGIC PLANNING & IGR

PRESENTED BY: JENNIFER MAY
ASSISTANT TO THE CITY MANAGER

DIRECTOR: JENNIFER MAY *jm*
ASSISTANT TO THE CITY MANAGER

ADDITIONAL DIRECTORS (S): N/A

SUBJECT / PROCEEDING: 2013 STATE LEGISLATIVE AGENDA

EXHIBITS: RESOLUTION NO. 12-24 AND EXHIBIT A

CLEARANCES

APPROVAL

LEGAL: EUGENIA CANO
ASST. CITY ATTORNEY *EC*

ASSISTANT CITY MANAGER: N/A

PURCHASING: N/A

ASSISTANT CITY MANAGER: N/A

BUDGET: N/A

CITY MANAGER: ALLEN BOGARD *Allen Bogard*

BUDGET

EXPENDITURE REQUIRED: \$ N/A

CURRENT BUDGET: \$ N/A

ADDITIONAL FUNDING: \$ N/A

RECOMMENDED ACTION

Approve Resolution No. 12-24 adopting the 2013 State Legislative Agenda.

EXECUTIVE SUMMARY

As part of its established Intergovernmental Relations program, the City works to ensure its interests are protected and/or enhanced throughout the state legislative process. The primary focus of this activity is the development of a State Legislative Agenda for the biennial legislative sessions, which is reviewed by the City Council Intergovernmental Relations (IG) Committee and then approved by the City Council. Ultimately, this document directs the City to proactively seek the filing and passage of legislation where items are marked as being sought, while guiding the City to work with the Texas Municipal League, peer cities and other appropriate entities to jointly pursue the passage or defeat of such legislation listed as “supported” or “opposed.”

Accordingly, City staff recently reviewed the draft 2013 State Legislative Agenda – which was prepared with the help of the City’s legislative consultants, Focused Advocacy – with the City Council IG Committee, as well as with the full City Council at the September 25, 2012, workshop.

With the concurrence of the City Council, Resolution No. 12-24 and its related Exhibit A are attached and provide the City’s stated position(s) on a variety of issues with the potential to impact municipalities. As presented at the workshop, there will be a great deal of turn-over in the legislature in 2013, and major issues such as the State budget and school finance expected to be priorities; therefore, the City’s 2013 State Legislative Agenda is much less aggressive in comparison to recent years.

Staff recommends approval of Resolution No. 12-24 adopting the 2013 State Legislative Agenda. Once adopted by the City Council, staff will begin working with Focused Advocacy to share the City’s formal positions on the identified issues with the appropriate state representatives. Following the commencement of the 83rd Legislative Session in January 2013, staff will then provide regular updates to the IG Committee – and the full City Council as needed – on the status of the City’s State Legislative Agenda, including whether or not any amendments are needed due to the dynamic nature of the legislative process.

EXHIBITS

RESOLUTION NO. 12-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING A LEGISLATIVE AGENDA FOR THE 83rd SESSION OF THE TEXAS LEGISLATURE.

WHEREAS, local government is the most direct and frequent point of contact with its residents; and

WHEREAS, the process for local government is a public and participatory process whereby the actions of local governments are subject to the public scrutiny of the residents; and

WHEREAS, local government is responsible for providing basic and emergency services; and

WHEREAS, local governments are the first responders in local emergencies; and

WHEREAS, the ability of local government to provide those services is dependent on the ability to have the necessary resources and authority to carry out its responsibilities; and

WHEREAS, local government officials are elected by the residents they represent to provide a wide array of services; and

WHEREAS, state representatives and senators are charged with working in the best interest of the citizens they represent; and

WHEREAS, residents of the state of Texas expect elected government officials representing local governments to make every effort to be informed on the needs of the constituents and the local government to ensure that local governments have the necessary authorities and resources in which to fulfill the desired needs of the citizens who have elected them; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF SUGAR LAND, TEXAS:**

Section 1. That City Council members will meet with area state representatives and senators to discuss the City's legislative agenda and provide both information and assistance on all matters relating to bills and other legislative matters that come before the Legislature to ensure that they have the resources to call upon in making decisions that impact the lives of their constituents.

Section 2. The City of Sugar Land shall proactively seek the filing and passage of any legislation identified as being sought in Exhibit A.

Section 3. The City Council IG Committee and the City's representative on the Texas Municipal League (TML) Resolutions Committee shall work with TML, peer cities in the State and other appropriate entities to jointly pursue the passage or defeat of legislation that is listed as "supported" or "opposed" by the City of Sugar Land in Exhibit A.

Section 4. The City Manager and his staff shall:

- a. Take all necessary actions to inform Sugar Land residents of the City's legislative agenda;

- b. Encourage residents to make every effort to be aware of the local and state governing and legislative process and expect their elected representatives from all levels to seek a proactive and positive relationship that does not pass a burden from the State to the County or City without providing the tools and resources to undertake the added responsibility.

Section 5. That it believes it is incumbent of all legislators to work in consort with City and County government to ensure that the entire governing process is as effective as possible and, to that end, seek input and advice from the local level of government on issues that have a direct impact on their ability to undertake their responsibilities.

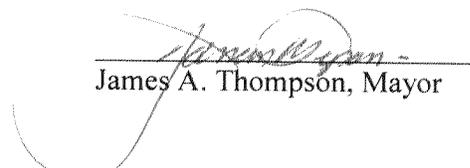
Section 6. That it expects elected representatives of state government to fully understand the implications of legislation they act upon to ensure there are no negative impacts on the community and to strongly support and take all actions necessary in furtherance of the attached legislation agenda, as it may be amended from time to time.

Section 7. That it believes the state legislative body should not exempt its members any regulation that they impose upon any other member of a political subdivision unless it can clearly be shown that there is a clear and compelling need to do so.

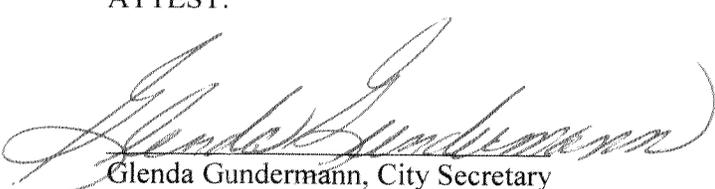
Section 8. That it adopts the 2013 Legislative Agenda as shown on Exhibit A, attached to and incorporated into this resolution by reference.

Section 9. That Resolution No. 10-50 is repealed.

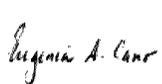
APPROVED on October 02, 2012.


James A. Thompson, Mayor

ATTEST:


Glenda Gundermann, City Secretary

Reviewed for Legal Compliance:



Attachment: Exhibit A- 2013 Legislative Agenda

EXHIBIT A

THE CITY OF SUGAR LAND 2013 LEGISLATIVE AGENDA *Position Statements*

Un-Funded Mandates

1. *Oppose legislation that would require expenditures by the City without a source of revenue provided by the State.*
2. *Oppose legislation that would impose a presumption that first responders incurred illnesses or injuries in the line of duty.*

Municipal Powers

- a. *Oppose legislation that erodes the authority of city government or is detrimental to cities.*
- b. *Support legislation that is beneficial to the City's interest.*

Municipal Revenue

1. *Oppose changes to the current property and sales tax systems as well as other income producing structures that would cause the City to lose revenue or the ability to raise revenue.*
2. *Support simplifying 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.*
3. *Support legislation that accurately notifies and explains to taxpayers the actual impacts of the effective tax rate while deleting parts of the notification and adoption process that causes confusion and is inconsistent with the goal of providing a transparent budget and tax rate setting process.*
4. *Support an initiative to restore funding from the Sporting Goods Sales Tax, dedicated to Local Park Fund Grants and State Parks.*
5. *Support legislation that would enable municipalities to raise the fee amounts for the City portion of municipal court fees collected by cities.*

Collective Bargaining

1. *Oppose legislation that would impose expanded collective bargaining rights.*
2. *Oppose legislation that would expand the current meet and confer law.*

Land-Use Regulation and Annexation

1. *Oppose legislation that would restrict the zoning authority of cities.*
2. *Monitor the creation or modification of special districts within the City and its ETJ, and support or oppose them as necessary.*
3. *Oppose legislation that erodes the authority of cities to annex.*
4. *Oppose any legislation that would limit the City's ability to enact building code requirements or assess building inspection fees.*
5. *Support legislation to modify language in state law under Local Government Code Chapter 212 in order to eliminate the public hearing requirement for residential re-plats which must be approved per state law if all code requirements are met or to revise the required public notice to include a statement that says, "If the plat meets all codes, it must be approved."*

Economic Development

1. *Oppose attempts to restrict the ability of cities to use Type A (4A) and Type B (4B) funds.*
2. *Support the ability of cities to hold a single election to eliminate one special use tax and to adopt another.*
3. *Oppose attempts to restrict the use of economic development tools such as tax abatement, tax increment reinvestment zones and Chapter 380 agreements.*
4. *Support continuation of adequate funding for the Texas Enterprise Fund.*
5. *Support continuation of adequate funding for the Emerging Technology Fund.*
6. *Support continuation of adequate funding for the Skills Development Fund.*
7. *Support renewal of the Texas Enterprise Zone Program.*

Transportation

1. *Support state-funded and local-option funding choices to be utilized for transportation purposes.*
2. *Support legislation that would discontinue the diversion of transportation revenues to non-transportation purposes and appropriate all revenues from highway user fees and taxes to fund transportation projects.*
3. *Support funding of the voter-approved Texas Rail Relocation & Improvement Fund.*

Right-of-Way and Utilities

1. *Oppose legislation that would negatively impact the City's authority over its right-of-way.*
2. *Oppose legislation that would limit the current ability of the City to receive fair market compensation for use of its public rights-of-way.*
3. *Support resolution of dispute between the Texas Department of Transportation and investor-owned utilities relative to the national code under which street lighting in State right-of way is installed.*
4. *Oppose legislation that would impose on cities: mandatory water conservation measures; "tap fees" or other types of state charge on municipal water systems; or any other onerous regulations as it relates to utilities provided by a city.*
5. *Support legislation to enable the City to build and operate recreational facilities in utility easements, including power line easements, for the purposes of walking and biking trails and other recreational uses/facilities, while also reducing any liability for those utility owner/operators.*
6. *Support legislation that provides funding for State Water Plan projects that increase the State's water resources or further establishes long-term planning efforts for an affordable and reliable water supply for the Fort Bend and Houston areas – provided that the investments already made by the City are reflected in any proposed financing mechanisms.*

Open Meetings/Open Records

1. *Oppose any attempt that would make the current open meetings and public information laws more restrictive and ambiguous.*
2. *Support uniform application of the public information and open meetings laws at every level of government including State legislative and executive branches.*
3. *Support clarifications to public information and open meetings laws so that elected officials, including State legislative and executive officials, can better communicate with their constituents.*
4. *Support an amendment to the Texas Open Meetings Act replacing the criminal enforcement provisions with less restrictive penalties that balance the First Amendment rights of governmental officials.*

5. *Support expansion of the ability to charge for costs related to reproduction of public information, including costs of materials, labor, overhead, electronic copies, and for viewing of documents.*
6. *Support changes to the Public Information Act that would clarify that the addresses and telephone numbers of persons receiving citations for Class C misdemeanors are excepted from the requirements of section 552.021 and are not considered to be judicial records.*
7. *Support removal of the \$30 Attorney General online filing fee.*

Homeowners Associations (HOA)

1. *Support the authority and role of Homeowners Associations and to oppose limitation of functions HOA's were created to perform.*

Public Advertising

1. *Support legislation that would enable the use of electronic notice for all public notices.*

Texas Municipal Retirement System

1. *Support legislation that would protect the City's previous and future investments in the TMRS system.*

Purchasing

1. *Support legislation to clarify change orders for Public Works projects as it relates to previous changes to Chapters 252, 271, and 2267 of the Texas Local Government Code.*
2. *Support continuation of alternative project delivery methods that allow municipalities to select contractors based on both price and qualifications.*

University of Houston Sugar Land

1. *Support legislation that would remove the higher education land-use restriction on the property within the University of Houston Sugar Land campus boundaries.*

Public Safety

1. *Support legislation that would continue funding the Law Enforcement Officer Standards and Education (LEOSE) Fund for peace officer education and training and reauthorize the disbursement of funds to local law enforcement agencies.*

Redevelopment of Central Prison Unit

1. *Support the Texas General Land Office in efforts to redevelop the Central Prison Unit as a business park in partnership with the development community and seek the acquisition of a small portion of the eastern most property or an access easement for the Sugar Land Regional Airport.*