

How the League Implements Organizational Policy

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The Constitution of the Texas Municipal League provides that the purpose of the organization is to advance and sustain the interests of the cities of Texas and that the general policy of the League will be adopted by the Board of Directors. Service on the Board and participation in the legislative resolution process, regional meetings, affiliate organizations, and other TML activities gives member city officials the opportunity to witness the formulation of policy, but many do not have an opportunity to witness its implementation. The purpose of this article is to furnish a brief overview of that implementation process.

Although TML policy initiatives occasionally focus on federal issues, the bulk of the organization's efforts are directed toward state programs, particularly legislation, state agency rules, cases in state courts, contested agency cases, and similar activities of state government. A threshold question in all such matters is how best to maximize the time and efforts of TML's legislative, legal, and executive staff in order to devote limited available resources to issues of highest priority.

On a routine basis, the staff monitors dozens of periodicals, recent case decisions, proposed state agency rules and agency websites, attorney general opinions, and miscellaneous publications that contain information on current developments relevant to cities. Of particular interest is the Texas Register, which contains the proposed rules and schedules of open meetings of the roughly 50 state agencies that have jurisdiction over municipal issues. If the proposed rules of an agency are believed to have a negative impact on municipal interests, the TML legal staff will file comments with the agency and will alert affected cities and affiliated organizations that may also desire to comment. Conversely, when the impact of particular rules is uncertain or of a highly technical nature, appropriate municipal officials with expertise in the subject of the rules are contacted for guidance. Staff members may also give testimony at hearings on the adoption of proposed rules. Very rarely, when an issue is of sufficient importance to merit it, the Board of Directors will approve a special (usually voluntary) dues assessment on member cities to finance litigation and/or the hiring of consultants to advocate TML's position.

Selected state agency hearings, agenda meetings, policy briefings, and advisory committee meetings are attended when city issues are involved, and TML staff members are frequently asked to serve as members of particular advisory committees or task forces. Currently, for example, TML staff members represent the National League of Cities on the National Fire Protection Association committee that creates new fire standards; on the Texas Municipal Retirement Systems Advisory Committee, and are attending, participating in, or monitoring the meetings of many more agency committees. In addition, staff is monitoring the implementation of bills passed during the 84th Legislative Session.

Under the League's Legal Defense Program, the legal staff files numerous *amicus curiae* (friend of the court) briefs in cases involving significant municipal issues. To a lesser degree, the staff files *amicus* briefs in contested state agency cases. The decision to file a brief is based on the degree to which issues involved in the case will affect the majority of Texas cities or are contrary to adopted legislative policy. Similarly, the legal staff often receives notification from the attorney general's office that it has received a request for an

opinion on a municipal issue, and TML is given the opportunity, or is requested, to file a brief recommending a particular position in the opinion.

The period of heaviest activity and involvement in policy issues for TML occurs immediately preceding and throughout regular and special sessions of the Texas Legislature. As each bill is filed prior to a session, and as each is filed or amended during the session, it is reviewed by TML staff members. Those of interest to cities are identified, and with input from city officials, the executive director and staff make a determination of whether to oppose, support, or take no position on each bill. During the 2015 regular session, over 6,000 bills were filed, of which over 1,600 were of interest to and tracked by TML.

The TML staff also prepares, finds sponsors for, and works for the passage of those legislative initiatives advanced by the membership and adopted by the TML Board of Directors. Such "TML bills" are selected from those recommended by member cities and TML's legislative policy committees. The policy committees, which are made up of member city representatives appointed by the TML president, meet periodically in Austin preceding the annual conference. Their recommendations, as well as those of member cities, must be adopted by the TML Resolutions Committee at the annual conference prior to submission to the TML Board.

Legislative resolutions adopted by the Resolutions Committee and the TML membership are forwarded to the TML Board for prioritization. In order to develop a workable and meaningful legislative package, the TML Board may, under power granted by the TML Constitution, modify the priority of any given resolution.

A great amount of time and effort during a session is devoted to informing legislators and advocates of particular proposals of the effect of bills that are opposed by cities. If amendments can be identified that will remove municipal concerns, TML's position on a bill will be changed. In addition to lobbying efforts in support of and opposition to particular bills, TML staff members draft amendments, testify before legislative committees, monitor all sessions of the House and the Senate, and track the daily progress of each bill upon which TML has taken a position. City officials are frequently called upon during a legislative session to conduct analyses of bills, to provide testimony, or to contact their legislators concerning particular bills or amendments.

The staff is guided through the policy implementation process by the resolutions and votes of the Board of Directors, but the Executive Committee of the Board, consisting of the President, the President-Elect, the Past Presidents, and a representative from a city over 100,000 and a representative from a city under 100,000 is authorized to decide policy issues that require immediate TML action and which cannot be delayed until the next meeting of the Board.

While it is not possible for TML to influence every issue in state government in the manner most advantageous to city interests, the League's policy implementation process has been highly successful and is a major component of TML's constitutionally-stated goal of rendering to its member cities the "services which individual cities have neither the time, money or strength to do alone."