

**RESOLUTIONS APPROVED
BY THE
MEMBERSHIP OF
THE TEXAS MUNICIPAL LEAGUE**

October 14, 2011

Houston, Texas

1.

A RESOLUTION OF APPRECIATION TO THOSE WHO
CONTRIBUTED TO THE SUCCESS OF THE
2011 TML ANNUAL CONFERENCE

WHEREAS, the Texas Municipal League has concluded a conference that was highly informative and enjoyable; and

WHEREAS, the delegates to this conference wish to express their sincere appreciation to the city officials and citizens of the City of Houston and to others who contributed to the success of our conference;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2011 Annual Conference of the Texas Municipal League that the following officials and organizations be given particular thanks and appreciation for time and services rendered abundantly both prior to and during the conference:

1. The Honorable Annise D. Parker, Mayor of the City of Houston; members of the Houston City Council; and other officials and employees of the host city, all of whom contributed to the success of the 2011 TML Annual Conference.

2. Speakers and program participants who so ably addressed our various sessions and served as discussion leaders, the city officials who presided over sessions of the League and affiliate organizations, members of committees and the Board of Directors of the Texas Municipal League, members of the League staff, and all others who participated in the preparation of the conference program.

PASSED AND APPROVED by the membership of the Texas Municipal League this 14th day of October, 2011, at Houston, Texas.

APPROVED:



Robert Cluck
President

ATTEST:

A handwritten signature in cursive script, appearing to read "Bennett Sandlin", written over a horizontal line.

Bennett Sandlin
Executive Director

A RESOLUTION RELATING TO ELECTION PROCEDURES
AND PASSAGE OF S.B. 100

WHEREAS, the State Legislature approved Senate Bill 100 during the 2011 legislative session; and

WHEREAS, Senate Bill 100 was drafted and passed in response to the federal Military and Overseas Voter Empowerment Act; and

WHEREAS, Senate Bill 100 dramatically changes how municipal governments, school districts, and other quasi-governmental entities may conduct their annual elections on certain uniform election days; and

WHEREAS, Senate Bill 100 effectively gives County Election Administrators or their equivalent discretion as to providing election services to municipal governments, school districts, and other quasi-governmental entities on certain uniform election dates; and

WHEREAS, to deal with conflicts created by the requirements of Senate Bill 100, language was included in the bill that would give certain governmental bodies authority to amend their charter in regards to certain terms of office without normal required voter input or election; and

WHEREAS, many cities are adversely affected in even-numbered years by the changes to the Election Code approved by Senate Bill 100; and

WHEREAS, Senate Bill 100 currently allows for county election administrators to accommodate municipal, school district, and quasi-judicial elections on the May uniform election date;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2011 Annual Conference of the Texas Municipal League that the League seek introduction and passage of legislation that would amend Senate Bill 100 to include language that requires county election administrators, or their equivalents, to continue providing election services to municipal, school district, or other quasi-governmental entities they serve in all years, be it an even or odd-numbered year, whether coinciding with partisan primaries or not.

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APPROVED:



Robert Cluck
President

ATTEST:



Bennett Sandlin
Executive Director

A RESOLUTION RELATING TO INVESTOR-OWNED
WATER UTILITIES

WHEREAS, many Texas cities are growing at a rapid pace;

WHEREAS, cities are committed to ensuring safe, abundant, reliable, and affordable drinking water for cities' residents, businesses, and visitors; and

WHEREAS, many cities in Texas get their water from investor-owned utilities holding Certificates of Convenience and Necessity to provide drinking water within the city limits and extraterritorial jurisdiction;

WHEREAS, cities receive and continue to receive numerous complaints about the quality of the water and cost of service from these utilities; and

WHEREAS, cities have no ability or power to enforce or mandate service improvements and/or competitive rate structures from these utilities; and

WHEREAS, the presence of these utilities and the poor nature of their service, combined with the extremely expensive rate structure imposed by the utilities in an unregulated market, causes delays in economic development, poor fire safety, and endangerment to the public health; and

WHEREAS, without intervention in the form of State regulations preventing these types of abuses, cities in Texas will be unable to promise or provide safe, reliable, and affordable drinking water to the people of our communities;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2011 Annual Conference of the Texas Municipal League that the League support legislation to prevent the type of rate abuses currently experienced by millions of customers of private CCN holders and to require water system owners to follow model subdivision rules and local ordinances relating to inspection of new services and fire protection requirements.

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Robert Cluck
President

ATTEST:


Bennett Sandlin
Executive Director

A RESOLUTION RELATING TO REAL PROPERTY
SALES PRICE DISCLOSURE

WHEREAS, substantial variances exist between the values assigned by appraisal districts for purposes of taxation and the appraised values determined by independent appraisers; and

WHEREAS, legislators have introduced measures seeking to foster equitable taxation but have not succeeded; and

WHEREAS, the establishment of fair and equitable valuation for purposes of ad valorem taxation is of vital interest to municipalities across the state; and

WHEREAS, sales price disclosure would permit cities across the state to verify that the values assigned by appraisal districts are fair and equitable;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2011 Annual Conference of the Texas Municipal League that the State Legislature conduct a study regarding the impact of requiring disclosure of the sales price of real property on the property tax system, property tax revenues, and the allocation of property tax burdens among taxpayers.

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Robert Cluck
President

ATTEST:



Bennett Sandlin
Executive Director

5.

A RESOLUTION RELATING TO ADDED FEES ON
MUNICIPAL TRAFFIC TICKETS

WHEREAS, numerous bills were filed during 2011 to increase the state fees and fines on municipal court traffic tickets from \$82 to \$107 and higher; and

WHEREAS, Texas city officials anecdotally suggest that added state fees would negatively impact collection rates and other collection issues; and

WHEREAS, Texas cities currently lack hard evidence to support those assertions;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2011 Annual Conference of the Texas Municipal League that the State Legislature conduct a study regarding the impact of additional state ticket fines and fees on municipal court collection rates and on other municipal court performance measures.

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ATTEST:



Bennett Sandlin
Executive Director

A RESOLUTION RELATING TO THE SPECIAL 911 TAX ASSESSMENT

WHEREAS, the Texas Legislature recognized the importance of 911 PSAP systems for the safety and well being of the citizens of Texas; and

WHEREAS, the Texas Legislature established a special tax on cell phone and land line customers in order to fund the critical 911 PSAP systems; and

WHEREAS, the funds collected due to this tax have historically been directed to the various Councils of Government throughout Texas in order to support and provide regional 911 PSAP systems; and

WHEREAS, the current budget for the 2012 and 2013 biennium approved by the Texas Legislature calls for the redirection of 25% of the special tax from its intended purposes in order to support other State financial purposes; and

WHEREAS, the subsequent reduction in funding to the Councils of Government caused by the redirection of the special tax revenues will negatively affect the ability to provide 911 PSAP services in portions of the State; and

WHEREAS, the redirection of funding from the 911 PSAP services to other purposes will result in many citizens paying the special tax but not receiving the services for which the tax was intended; and

WHEREAS, the redirection of the special tax funds by the State for any purposes other than the funding of 911 services would be contrary to the commitments and claims professed when the tax was enacted;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2011 Annual Conference of the Texas Municipal League that the League seek introduction and passage of legislation to stop the redirection of the tax on cell phone and land line customers for any purpose other than 911 PSAP services.

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ATTEST:



Bennett Sandlin
Executive Director

7.

A RESOLUTION RELATING TO THE DEPARTMENT OF PUBLIC SAFETY WORKING
FATALITY TRAFFIC ACCIDENTS IN SMALL CITIES

WHEREAS, the Texas Department of Public Safety (DPS) has elected to not work fatality accidents in small cities; and

WHEREAS, local funding is limited; and

WHEREAS, the State of Texas takes the lion's share of city traffic fines with little, if any, service in return; and

WHEREAS, working fatality accidents removes limited police officers off the streets for many hours; and

WHEREAS, small cities do not have the volume of accidents (<1%) as large cities with dedicated traffic details; and

WHEREAS, small cities do not have the required training (as much as three weeks) necessary to properly staff and execute traffic duty personnel; and

WHEREAS, cities cannot always count on sheriff's offices to support being in a very populated county;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2011 Annual Conference of the Texas Municipal League that the League support legislation to require DPS to work fatality accidents in small cities.

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Executive Director

8.

A RESOLUTION RELATING TO THE REQUIREMENT TO MAIL COPIES OF THE ANNUAL DRINKING WATER QUALITY REPORT (CONSUMER CONFIDENCE REPORT) TO ALL UTILITY CUSTOMERS

WHEREAS, the Texas Commission on Environmental Quality requires all cities to mail copies of the Annual Drinking Water Quality Report (Consumer Confidence Report) to all utility customers; and

WHEREAS, the present method of mailing those reports translates to a waste of time and natural resources; and

WHEREAS, these reports can easily be provided upon request and posted on the city's Web site for those person interested in the information;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2011 Annual Conference of the Texas Municipal League that the League ask the governor's office to exempt small water systems from the requirement to mail copies of the Annual Drinking Water Quality Report (Consumer Confidence Report) to all utility customers.

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ATTEST:



Bennett Sandlin
Executive Director

A RESOLUTION RELATING TO REVISION OF THE CURRENT INTERPRETATION OF
THE TEXAS ADMINISTRATIVE CODE RELATING TO MORTGAGE LOAN
ORIGINATORS

WHEREAS, the Texas SAFE Act was passed on June 19, 2009, for the stated purposes of ensuring compliance with the Federal SAFE Act by those considered “mortgage loan originators” in the State of Texas; and

WHEREAS, the Texas Department of Savings and Mortgage Lending (TX SML) was given the responsibility of setting up training, testing, and licensing procedures for “mortgage loan originators” doing business in the State; and

WHEREAS, it was determined by the TX SML that local government and non-profit housing organization employees that assisted in providing homebuyer assistance and residential rehabilitation loans with federal and state grants funding were to be considered “mortgage loan originators” and required these individuals to be licensed to carry out this function; and

WHEREAS, Title 7, Part 4, Chapter 80, of the Texas Administrative Code requires employees of government agencies or housing finance agencies who act as “mortgage loan originators” in accordance with their duties as employees of such agencies to abide by the licensing and registration requirements of the Texas SAFE Act; and

WHEREAS, the “mortgage loan originators” training and testing required by TX SML is not applicable to the type of housing assistance provided by cities and non-profits and thus wasteful of limited staff time and funds spend on unnecessary training and testing; and

WHEREAS, a recent HOME Final Rule issued by the U.S. Department of Housing and Urban Development (HUD) on June 30, 2011, stated that employees of governments and housing finance agencies are not subject to the licensing and registration requirements of the Federal SAFE Act;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2011 Annual Conference of the Texas Municipal League that the League support the passage of legislation during the 83rd State Legislative Session that will revise the current interpretation of the Texas Administrative Code, such that staff of municipal governments and non-profit housing organizations are not designated as mortgage loan originators and are therefore not required to meet state licensing requirements.

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Executive Director

A RESOLUTION RELATING TO WEBSITE POSTING

WHEREAS, Local Government Code, Section 52.004, requires the selection each year of an official newspaper for the municipality; and

WHEREAS, the law requires municipalities to publish in the official newspaper, at significant expense, many required published notices, for certain meetings, hearings, ordinances, tax disclosures, public bid, and other required messages; and

WHEREAS, many municipalities have invested substantial sums in developing the municipality's own official website; and

WHEREAS, posting all of the same required notices for the official newspaper on the official website would provide a more efficient, less expensive, and well organized means of publication of all required notices; and

WHEREAS, positing on the municipality's official website allows the notices to be organized, and archived, for both current and historical information with electronic ease; and

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2011 Annual Conference of the Texas Municipal League that the League seek introduction and passage of legislation that would allow municipalities the option of selecting either an official newspaper, or an official website, for the municipalities' publication of official notices required by law.

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