

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

October 23, 2009

Fort Worth, Texas

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1.

A RESOLUTION
OF APPRECIATION TO THOSE
WHO CONTRIBUTED TO THE SUCCESS
OF THE 2009 TML ANNUAL CONFERENCE

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

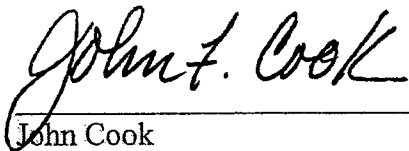
WHEREAS, the delegates to this conference wish to express their sincere appreciation to the city officials and citizens of the City of Fort Worth and to others who contributed to the success of our conference;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2009 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 Mike Moncrief, Mayor of the City of Fort Worth; members of the Fort Worth City Council; and other officials and employees of the host city, all of whom contributed to the success of the 2009 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.

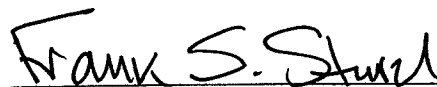
PASSED AND APPROVED by the membership of the Texas Municipal League this 23rd day of October, 2009, at Fort Worth, Texas.

APPROVED:



John Cook
President

ATTEST:



Frank Sturzl
Executive Director

A RESOLUTION
RELATING TO HOMEOWNERS' ASSOCIATIONS

WHEREAS, Texas cities have a large number of master-planned and deed-restricted communities; and

WHEREAS, these master planned communities, through their homeowners associations (HOAs), typically maintain higher property values, which translate to a lower property tax rate for municipalities and/or a higher revenue stream for local governments and school districts; and

WHEREAS, individuals choose to purchase in deed-restricted communities and always have the choice to live in an area that is not HOA-deed-restricted; and

WHEREAS, HOAs often provide services that would not be performed by a local government, or if performed by a city, would result in increased costs for the municipality; and

WHEREAS, examples of services often provided by the HOA include additional police patrol, right-of-way maintenance (landscaping and irrigation), parks, pools, street lighting, fencing, trash removal, and community events; and

WHEREAS, HOA board members are volunteers who are elected or appointed and are subject to removal by their neighbors in accordance with the HOA's articles of incorporation or bylaws; and

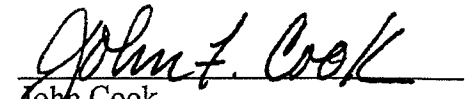
WHEREAS, cities are opposed to legislation that prevents or severely limits associations from carrying out the functions for which they were created to perform or unfairly increases administrative costs resulting in higher payments by the residents or a reduced level of service by the HOA; and

WHEREAS, the Texas Municipal League has the ability to represent the best interests of Texas municipalities before the Texas Legislature;

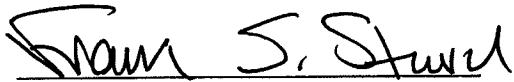
NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2009 Annual Conference of the Texas Municipal League that the League endorse the authority and role of homeowners associations, so long as municipal authority is not eroded, and oppose limitations on the functions homeowners associations were created to perform.

PASSED AND APPROVED by the membership of the Texas Municipal League this 23rd day of October, 2009, at Fort Worth, Texas.

APPROVED:


John Cook
President

ATTEST:


Frank Sturzl
Executive Director

A RESOLUTION
RELATING TO PENALTIES UNDER THE OPEN MEETINGS ACT

WHEREAS, Texas cities support the foundation of the Open Meetings Act as an important and critical measure to ensure that their appointed and elected officials exchange governmental information, deliberate public business, and take official action in an open and transparent manner; and

WHEREAS, many cities are leaders among governmental entities in providing access to meetings and information relating to councils, boards, and commissions through the use of multiple communications media, including SLtv 16, live streaming video, archived videos on-demand, and meeting notices posted on city Web sites; and

WHEREAS, although cities support enforcement mechanisms to curb officials from intentionally circumventing open meetings to conduct the public's business, the criminal prosecution provisions of the Open Meetings Act create an unreasonable and possibly unconstitutional constraint on the ability of officials to communicate with their colleagues regarding public matters outside of governmental meetings; and

WHEREAS, such threats of prosecution for any discussion of a public matter outside of a posted meeting effectively prohibit officials from communicating even the most benign information that is not intended to circumvent public deliberation or action; and

WHEREAS, the employment of less restrictive penalties would not only continue to preserve the integrity of the Texas Open Meetings Act but would also recognize the fundamental right of city officials to free speech; and


WHEREAS, an amendment to the Open Meetings Act to provide for less restrictive penalties would continue to impose greater restrictions on city officials than those imposed on Texas legislators who exempt themselves from the Open Meetings Act; and

WHEREAS, the Texas Municipal League has the ability to represent the best interests of Texas municipalities before the Texas Legislature;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2009 Annual Conference of the Texas Municipal League that the League actively facilitate and support the introduction and passage of legislation during the 82nd Legislature to amend the Open Meetings Act by replacing the criminal enforcement provisions with less restrictive penalties that balance the First Amendment right of governmental officials.

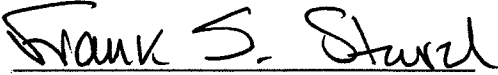
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APPROVED:



John Cook
President

ATTEST:



Frank Sturzl
Executive Director

A RESOLUTION RELATING TO A UNIFORM ELECTRICAL
CODE FOR STREET LIGHTING

WHEREAS, electric utilities, whose tariffs must be approved by the Texas Public Utility Commission (PUC), install utility-owned street lights on behalf of municipalities using the National Electric Safety Code (NESC); and

WHEREAS, the Texas Department of Transportation (TxDOT) requires all street lights that are placed in TxDOT rights-of-way to be installed using the National Electric Code (NEC); and

WHEREAS, TxDOT claims that the NEC is the safer of the two electric codes, and that is why it requires its use in the TxDOT rights-of-way; and

WHEREAS, the NEC vs. the NESC issue was before the PUC in 2008 (PUC Docket 33959), and the PUC ruled that TxDOT can set rules regarding street lighting in its rights-of-way (NEC) and the electric utilities can use the code provided for in their tariffs (NESC); and

WHEREAS, the dispute between TxDOT and the electric utilities, whose tariffs must be approved by the PUC, has caused delays and unnecessary expense to local taxpayers on numerous off-system state road construction projects; and

WHEREAS, the responsibility to provide public safety by means of an adequate lighting system on these off-system highways is defaulted to the local municipalities by the state; and

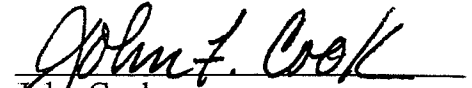
WHEREAS, the municipalities are trapped between the two state agencies that will not come to an agreement on a standard electrical code thus jeopardizing the public's safety on a state facility; and

WHEREAS, the Texas Municipal League has the ability to represent the best interests of Texas municipalities before the Texas Legislature;

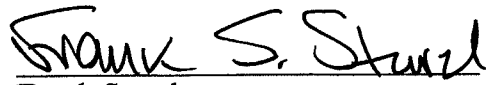
NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2009 Annual Conference of the Texas Municipal League that the League introduce legislation that would require the two state agencies (TxDOT and the PUC) that regulate street lighting in the rights-of-way of the highways of the State of Texas to adopt a uniform electrical code for street lighting in the rights-of-way of the highways of the State of Texas.

PASSED AND APPROVED by the membership of the Texas Municipal League this 23rd day of October, 2009, at Fort Worth, Texas.

APPROVED:


John Cook
President

ATTEST:


Frank Sturzl
Executive Director

A RESOLUTION RELATING TO THE SALES TAX
FOR STREET MAINTENANCE

WHEREAS, many Texas cities have 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 (4) years; and

WHEREAS, it would be beneficial to small cities for Chapter 327 to be amended to authorize a longer or indefinite term for continuation of such Municipal Sales and Use Tax for street maintenance;

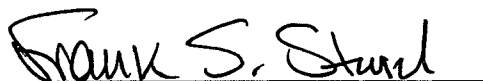
NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2009 Annual Conference of the Texas Municipal League that the League seek introduction and passage of legislation that would amend Chapter 327 of the Texas Tax Code to authorize the collection of Municipal Sales and Use Taxes for street maintenance for a longer or indefinite 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 a beneficial source of revenue.

PASSED AND APPROVED by the membership of the Texas Municipal League this 23rd day of October, 2009, at Fort Worth, Texas.

APPROVED:


John Cook
President

ATTEST:


Frank Sturzl
Executive Director

A RESOLUTION RELATING TO THE STATE TAX ON MOTOR
VEHICLE FUEL

WHEREAS, with each year that passes, Texas cities struggle more and more to fund the ever-increasing costs of motor fuels necessary to run vehicles and equipment vital to their respective communities; and

WHEREAS, these rising costs are creating undue hardships on public safety as well as public services; and

WHEREAS, there appears to be no end in sight to these exorbitant increases; and

WHEREAS, each and every city within the state is at the mercy of oil companies; and

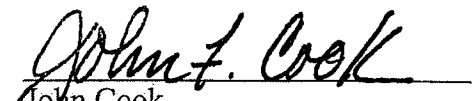
WHEREAS, in order to pay for the fuels necessary to operate and service their citizenry, cities must make drastic cuts in other areas to cover these rising costs; and

WHEREAS, one means of assistance in cutting the costs of fuels would be for the Texas Tax Code, Chapter 162 (§162.104) to be amended to exempt municipalities from motor fuel State taxes, just as the legislature did for the Federal government and school districts;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2009 Annual Conference of the Texas Municipal League that the League stand in support of this proposed tax exemption for Texas cities, and furthermore carry this proposition to the House and Senate of the great State of Texas.

PASSED AND APPROVED by the membership of the Texas Municipal League this 23rd day of October, 2009, at Fort Worth, Texas.

APPROVED:


John Cook
President

ATTEST:


Frank Sturzl
Executive Director

7.

A RESOLUTION RELATING TO HOTEL OCCUPANCY
TAX EXEMPTIONS

WHEREAS, with each year that passes, Texas cities struggle harder and harder to meet all of their budgetary needs; and

WHEREAS, while revenues seem to remain the same, or to actually decrease, expenses are rising at an alarming rate; and

WHEREAS, cities must be diligent in all ways possible to save money wherever and whenever possible; and

WHEREAS, city representatives must travel to different areas throughout the state to attend and participate in conferences, seminars, and other continuing education events; and

WHEREAS, the more educated employees and officials are, the more productive municipal front lines will become; and

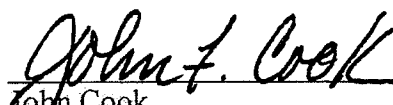
WHEREAS, each overnight trip can cost hundreds of dollars per person; and

WHEREAS, one means of significant savings would be to exempt municipalities from paying hotel/motel taxes when travelling on official business;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2009 Annual Conference of the Texas Municipal League that the League stand in support of this proposed tax exemption for Texas cities, and furthermore carry this proposition to the House and Senate of the great State of Texas.

PASSED AND APPROVED by the membership of the Texas Municipal League this 23rd day of October, 2009, at Fort Worth, Texas.

APPROVED:



John Cook
President

ATTEST:



Frank Sturzl
Executive Director

A RESOLUTION RELATING TO THE NATIONAL
REGISTRY OF HISTORIC PLACES

WHEREAS, Part 60 of Title 36 of the Code of Federal Regulations covers the process for nomination of property to be listed on the National Registry of Historic Places (the "National Registry"); and

WHEREAS, 36 CFR Section 60.6(g) provides that if the property being nominated for listing on the National Registry is private property, then such property may not be listed on the National Registry if the owner (or a majority of the owners) of the private property objects to the listing of the private property on the National Registry; and

WHEREAS, neither 36 CFR Section 60.6(g) nor any other section of Part 60 of Title 36 of the Code of Federal Regulations provide that if the property nominated to be listed on the National Registry is owned by a municipality or other public entity, then the objection of the municipal owner or the public entity owner is sufficient to prevent listing of the property on the National Registry; and


WHEREAS, the Texas Municipal League believes that municipalities and other public entity owners should have the same right as a private individual or private entity owner to prevent listing of property owned by such municipality or property owned by such other public entity on the National Registry by objecting to such listing;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2009 Annual Conference of the Texas Municipal League that the owner of public property should be entitled to have its objection to listing of its property on the National Registry of Public Places be sufficient to prevent listing of such property on the National Registry of Historic Places; and

BE IT FURTHER RESOLVED that the League take such further action as may be necessary or appropriate to seek modification of 36 CFR 60.6(g) or other sections of Part 60 of Title 36 of the Code of Federal Regulations to give municipalities and other public owners of property the same rights as private owners of property in regard to preventing listing of property on the National Registry of Historic Places by means of owner objection.

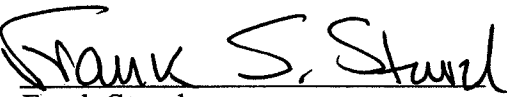
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APPROVED:



John Cook
President

ATTEST:



Frank Sturzl
Executive Director

A RESOLUTION RELATING TO MUNICIPAL STREET LIGHTS

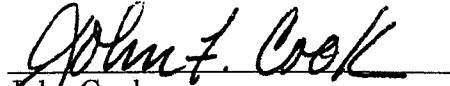
WHEREAS, cities support legislation that would change the rate mechanism and policies set by the Public Utility Commission for municipal street lights; and

WHEREAS, cities deem the matter in the public interest;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2009 Annual Conference of the Texas Municipal League that the League support legislation that would change the Public Utility Commission's rate setting formulas and policies related to municipal street lights to allow a city, under certain circumstances, to discontinue service to a street light.

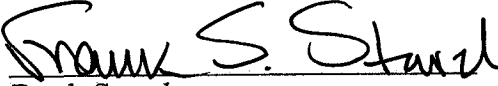
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APPROVED:



John Cook
President

ATTEST:



Frank Sturzl
Executive Director

A RESOLUTION RELATING TO TAX INCREMENT
REINVESTMENT ZONES

WHEREAS, cities support legislation that would allow cities to extend the life of their existing tax increment financing reinvestment zones; and

WHEREAS, cities deem the matter in the public interest;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2009 Annual Conference of the Texas Municipal League that the League support legislation that would allow Texas cities with tax increment financing reinvestment zones to extend the lives of their zones.

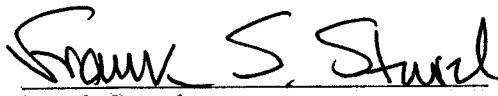
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APPROVED:



John Cook
President

ATTEST:



Frank Sturzl
Executive Director

A RESOLUTION RELATING TO A STUDY OF DUI
ENFORCEMENT TOOLS

WHEREAS, Texas leads the nation in alcohol-related traffic fatalities; and


WHEREAS, additional tools are needed, including sobriety check points, to combat and deter drinking and driving to protect the health and safety of the public; and

WHEREAS, further study of this important issue by the State Legislature would provide a variety of enforcement tool options that could be incorporated into the existing methods utilized by law enforcement;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2009 Annual Conference of the Texas Municipal League that the League ask the 81st Legislative Interim of the State of Texas to perform a study of the DUI enforcement tools currently available to local governments.

PASSED AND APPROVED by the membership of the Texas Municipal League this 23rd day of October, 2009, at Fort Worth, Texas.

APPROVED:


John Cook
President

ATTEST:


Frank Sturzl
Executive Director

A RESOLUTION RELATING TO AN INTERIM STUDY
OF LOCAL OPTIONS FOR TRANSPORTATION FUNDING

WHEREAS, cities believe that the ability of regions of the state to work cooperatively is essential to the viability of communities and regions; and

WHEREAS, a primary element of regional cooperation is a transportation system that seamlessly allows movement of people and goods throughout the area; and


WHEREAS, cities are committed to finding transportation solutions to facilitate movement to, from, and through cities and their surrounding areas; and

WHEREAS, as part of their efforts to advance this initiative, cities support an interim study by the State Legislature to explore options that could create a local funding option to fund regional transportation systems;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2009 Annual Conference of the Texas Municipal League that the League ask the 81st Legislative Interim of the State of Texas to perform an interim study to explore options that could create a local funding option to fund regional transportation systems.

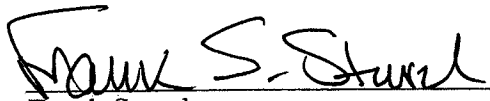
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