

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

October 29, 2010

Corpus Christi, Texas

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1.

A RESOLUTION
ADOPTING THE REPORT OF THE
2010 TML LEGISLATIVE POLICY COMMITTEE
ON MUNICIPAL REVENUE AND FINANCE

WHEREAS, the 2010 TML Legislative Policy Committee on Municipal Revenue and Finance was appointed by TML President Debra McCartt in early 2010; 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 2010 Annual Conference of the Texas Municipal League that the attached report of the TML Legislative Policy Committee on Municipal Revenue and Finance be accepted and adopted.

PASSED AND APPROVED by the membership of the Texas Municipal League this 29th day of October, 2010, at Corpus Christi, Texas.

APPROVED:



Debra McCartt
President

ATTEST:



Bennett Sandlin
Executive Director

TEXAS MUNICIPAL LEAGUE
LEGISLATIVE POLICY COMMITTEE ON
MUNICIPAL REVENUE AND FINANCE

Final Summary of Actions Taken
May 7 and August 6, 2010

The committee voted to **seek introduction and passage** of legislation that would:

1. 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 and impose a time limit of three years on the right of a claimant to request a refund.
2. authorize cities—in relation to annexation, planned annexation, voluntary annexation, or negotiated annexation—to replace some or all 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 **support** legislation that would:

1. 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.
2. clarify that the “Prop 2” pollution control property tax exemption isn't meant to apply to the environmental characteristics of end products.
3. amend Section 11.1825 of the Tax Code by adding a requirement that community housing development organizations (CHODOs) must receive an exemption from taxation from any affected municipality prior to receiving a tax exempt status from the local property tax appraisal district.
4. return appraisals of oil and gas properties to the pre-H.B. 2982 (2007) methodology.
5. create a new council-option city sales tax for property tax relief that may exceed the two-percent local cap.
6. automatically convert existing sales taxes for property tax relief to any newly-created sales tax for property tax relief that would not count against the two-percent local cap.
7. apply hotel occupancy taxes to RV parks, except for stays of longer than 30 days.

8. expand the sales tax base, but only if the city tax base fully benefits from the expansion.
9. increase future local parks funding.
10. permit cities to share tax proceeds with other cities as part of a voluntary Chapter 380 economic development agreement.
11. permit a city, by vote of the citizens, to withdraw from an ESD, provided the city will provide fire service inside the city's limits.
12. permit a municipal development district's (MDD) sales tax, notwithstanding a competing ESD sales tax, to apply in the ETJ, as current law allows, provided an ESD's existing sales tax debt is proportionately and reasonably provided for in some manner.
13. provide for the popular election of ESD boards of directors.
14. authorize the expenditure of hotel occupancy taxes on the costs of conducting audits of potentially delinquent taxpayers.
15. change the eight-percent statutory interest rate on property tax refunds under Tax Code Section 42.43 to the rate of the 3-month treasury bill, as referenced in other portions of that section, as of the date of settlement.

The committee voted to **endorse** legislation that would:

1. require mandatory disclosure of real estate sales prices.
2. modify the Super Freeport property tax exemption statute to match the related constitutional amendment.

The committee voted to **oppose** legislation that would:

1. mandate a reduction in the current ten-percent cap on annual appraisal growth.
2. erode the concept that appraisals must reflect the true market value of property.
3. 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, or exclusion of the new property adjustment in effective rate and rollback rate calculations.

4. require mailed notice of tax rates.
5. impose new property tax exemptions that substantially erode the tax base.
6. impose a property tax freeze that can be implemented by any mechanism other than council action.
7. remove the authority of a city to collect its own property taxes.
8. extend the "Prop 2" pollution control property tax exemption to processes, facilities, or end products.
9. impose new mandatory homestead exemptions or exemption increases.
10. impose any sales tax exemption that would substantially erode the sales tax base.
11. lengthen or broaden the scope of the current sales tax holiday.
12. impose a requirement that the adoption of a new sales tax for property tax relief shall result in a lower property tax rollback rate for the adopting city.
13. expand the sales tax base without fully benefitting the city tax base.
14. impose destination-based sales tax sourcing.
15. expand an ESD's sales tax authority within city limits.
16. limit the authority of 4A or 4B sales tax corporations.
17. expand election requirements for issuance of any city debt or that would impose a petition/election procedure where none currently exists.
18. prevent a city from applying hotel occupancy taxes on the final cost of the hotel room to the guest, or prohibit a city from suing any entity necessary to collect such hotel occupancy taxes.
19. cut state appropriations for future local parks grant funding.
20. divert sporting goods sales taxes away from use for parks.
21. create earmarks of local parks grant funds.

The committee voted to recommend that TML **take no position** on legislation that would:

1. authorize a council-option reduction in the current ten-percent cap on annual appraisal growth.
2. impose small property tax exemptions that serve some social good.
3. modify the Super Freeport property tax exemption (other than legislation that would match the statute to the constitutional amendment).
4. allow a council-option city homestead exemption of up to 30 percent.
5. expand or contract eligibility for the CHODO property tax exemption (other than legislation relating to municipal approval of CHODO exemptions).
6. broaden the authority of 4A or 4B sales tax corporations.
7. align Texas law with the national Streamlined Sales Tax Project (excepting more specific sales tax-related positions taken elsewhere in this legislative program).

In addition, the committee voted to recommend that TML **support** the adoption of the parks study called for by H.B. 12 (2007), thus binding future legislatures to full local parks funding.

2.

A RESOLUTION
ADOPTING THE REPORT OF THE
2010 TML LEGISLATIVE POLICY COMMITTEE
ON EMINENT DOMAIN/REGULATION OF DEVELOPMENT

WHEREAS, the 2010 TML Legislative Policy Committee on Eminent Domain/Regulation of Development was appointed by TML President Debra McCartt in early 2010; and

WHEREAS, more than 40 municipal officials from cities of every size across the state served on the Committee; and

WHEREAS, the Committee studied numerous issues relating to eminent domain 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 2010 Annual Conference of the Texas Municipal League that the attached report of the TML Legislative Policy Committee on Eminent Domain/Regulation of Development be accepted and adopted.


PASSED AND APPROVED by the membership of the Texas Municipal League this 29th day of October, 2010, at Corpus Christi, Texas.

APPROVED:



Debra McCartt
President

ATTEST:



Bennett Sandlin
Executive Director

TEXAS MUNICIPAL LEAGUE
LEGISLATIVE POLICY COMMITTEE ON
EMINENT DOMAIN AND REGULATION OF DEVELOPMENT

Final Summary of Actions Taken
May 21, 2010

The committee voted to **seek introduction and passage** of legislation that would allow a city to collect thoroughfare impact fees in the ETJ.

The committee voted to **support** legislation that would:

1. clarify that cities have authority to enforce building codes in the ETJ.
2. grant immunity from liability for certified municipal building inspectors for damages arising from services provided during an emergency.

The committee voted to **endorse** legislation that would grant counties additional land use authority, so long as municipal authority in the ETJ remains superior to that of the county.

The committee voted to **oppose** legislation that would:

1. further erode a city's ability to condemn property for a public purpose, specifically legislation that would: (a) place eminent domain restrictions on cities that are more burdensome than those placed on the state; (b) provide for retroactive application of any eminent domain provisions; (c) erode municipal authority to engage in urban renewal efforts; (d) provide an excessive amount of damages to a property owner whose property is acquired through eminent domain; (e) enact adverse amendments to current law relating to subsequent repurchase of land acquired through eminent domain; or (f) amend the definition of "public use" to include any restriction on traditional public projects.
2. erode current municipal authority to regulate manufactured or industrialized housing.
3. erode municipal annexation authority.
4. erode municipal zoning authority.
5. restrict a city's ability to adopt or amend zoning regulations, or vest or otherwise create a property right in a zoning classification.

6. establish a standard or process for determining economic loss and related compensation resulting from a regulatory action.
7. further erode a city's ability to regulate religious or charitable organizations.
8. enact adverse amendments to the permit vesting statute (Chapter 245 of the Local Government Code).
9. allow special districts to form in the ETJ without a city's permission, or that would impose additional requirements on cities relating to special districts.
10. 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.
11. erode a city's ability to make amendments to model building codes.
12. impose additional time restrictions on the issuance of building permits, or that would erode municipal authority regarding building permits in any way.
13. further restrict a city's ability to impose building fees.
14. erode municipal authority in the ETJ.
15. exempt any entity from paying municipal impact fees.
16. require a city to place a disclaimer of any type on a geospatial data product used by the city.
17. erode municipal authority to regulate renewable energy technology and green building initiatives.

In addition, the committee voted to recommend that TML **support** legislation that would assist cities in providing for a greater quality of life and safe neighborhoods, and that TML **oppose** legislation that would unfairly benefit one property owner to the detriment of the citizens at-large.

3.

A RESOLUTION
ADOPTING THE REPORT OF THE
2010 TML LEGISLATIVE POLICY COMMITTEE
ON UTILITIES AND TRANSPORTATION

WHEREAS, the 2010 TML Legislative Policy Committee on Utilities and Transportation was appointed by TML President Debra McCartt in early 2010; 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 2010 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.

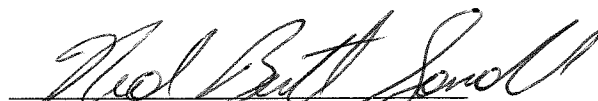
PASSED AND APPROVED by the membership of the Texas Municipal League this 29th day of October, 2010, at Corpus Christi, Texas.

APPROVED:



Debra McCartt
President

ATTEST:



Bennett Sandlin
Executive Director

TEXAS MUNICIPAL LEAGUE
LEGISLATIVE POLICY COMMITTEE ON
UTILITIES AND TRANSPORTATION

Final Summary of Actions Taken
May 14 and August 13, 2010

The committee voted to **seek introduction and passage** of legislation that would:

1. require accurate fiscal notes on rules proposed by state agencies.
2. require an investor-owned utility to refer to right-of-way rental (i.e., franchise) fees as a “fee” rather than a “tax.”

The committee voted to **support** legislation that would:

1. 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.
2. discontinue the diversion of transportation revenues to non-transportation purposes and appropriate all revenues from highway user fees and taxes to fund transportation.
3. provide additional funding to the Texas Department of Transportation for transportation projects that would benefit cities, so long as existing funding formulas are followed.
4. increase state authority over air emissions or water quality as those items relate to gas development, so long as municipal authority in those areas is not eroded.
5. grant cities or counties additional authority to regulate gas wells in a city’s extraterritorial jurisdiction (ETJ), so long as municipal authority in the ETJ remains superior to that of the county.
6. require the TCEQ to consider minimum standards for fire protection for new or amended CCN applications for water providers in a city’s ETJ.

The committee voted to **endorse** legislation that would:

1. allow municipal wastewater under a “no discharge” permit to be used for irrigation on land that is owned, leased, or otherwise controlled by the wastewater permittee, or upon

land belonging to another person who has agreed to accept and utilize the wastewater in a manner allowed by TCEQ regulations.

2. provide that all electric generators, regardless of size, should be explicitly barred from the unlawful exercise of market power.
3. provide that entities such as cities harmed by wholesale market abuse should be given explicit standing to participate in market power abuse enforcement actions brought by the PUC.
4. increase fines for market abuses in such a way that the PUC can order full restitution to the market, market participants, or parties injured by the violation.
5. prohibit activities defined as market abuse by the Federal Energy Regulatory Commission.
6. modify the statutory purpose of the PUC to require it to harmonize its pursuit of competition with the protection of consumers of electricity.
7. as a condition of conducting business within Texas, require competitive retail electric providers (REPs) to include among their offers one standard electricity package that has PUC-approved terms and conditions.
8. increase the number of consumer representatives on the ERCOT board from three members to six members.
9. assign a seat on the ERCOT board (and on appropriate budget oversight panels within ERCOT) to the state comptroller's office.
10. require the PUC to pre-approve all debt financing by ERCOT.

The committee voted to **oppose** legislation that would:

1. impose mandatory water conservation measures on cities.
2. impose on cities any additional mandates relating to irrigation/sprinklers.
3. impose state "tap fees" or any other type of state charge on municipal water systems.
4. expand the requirements of S.B. 361 (Eightieth Legislature), which relates to emergency water utility generators, to areas outside Harris County.
5. decrease the authority of a city to be adequately compensated for the use of its rights-of-way.

6. erode municipal original jurisdiction relating to the ratemaking authority of electric utilities.
7. negatively affect the provisions of Senate Bill 5 (Seventy-Ninth Legislature, Second Called Session), which relates to cable competition.
8. erode municipal authority to require utility companies to pay the costs of relocating their facilities in a timely manner as required by current law.
9. limit a city's authority to enter into a solid waste franchise.
10. exempt any entity from paying municipal drainage fees.
11. establish the date of payment of a municipal utility bill as a date other than the actual date of receipt of payment by the city.
12. limit current municipal authority relating to the Gas Reliability Infrastructure Program.
13. amend the Gas Reliability Infrastructure Program to allow the recovery of non-capital expenses by a gas utility.
14. apply the Prompt Payment Act to utility bills submitted to a city if the proposed legislation or rules would diminish a city's ability to dispute charges or recover any excess payments, including interest and the cost of recovery.
15. erode municipal authority over billboards or that would place any unfunded mandate on cities relating to billboards.
16. enact any provision of the TxDOT sunset legislation that would be harmful to cities.
17. require cities to act as collection agents for the state or a subdivision of the state, or that would allow the state or a subdivision of the state to usurp municipal revenue.
18. establish model rules relating to municipal regulation of gas wells, gas pipelines, or other gas-related equipment, unless the legislation or rules apply to only county regulation in the unincorporated area of the county.
19. weaken the ability of cities to regulate gas wells, gas pipelines, or other gas-related equipment.
20. with regard to state agency sunset or related legislation, adversely affect the interests of cities, including but not limited to their ability to intervene on matters before the a state commission or a court of law.

In addition, the committee voted to recommend that TML oppose any provision of the TCEQ sunset legislation that would be harmful to all cities, but take no position on provisions that would benefit some cities while harming others.

4.

A RESOLUTION
ADOPTING THE REPORT OF THE
2010 TML LEGISLATIVE POLICY COMMITTEE
ON GENERAL GOVERNMENT

WHEREAS, the 2010 TML Legislative Policy Committee on General Government was appointed by TML President Debra McCartt in early 2010; and

WHEREAS, more than 60 municipal officials from cities of every size across the state served on the Committee; and

WHEREAS, the Committee studied numerous general government issues; 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 2010 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 29th day of October, 2010, at Corpus Christi, Texas.

APPROVED:



Debra McCartt
President

ATTEST:



Bennett Sandlin
Executive Director

**REPORT OF THE TML LEGISLATIVE POLICY COMMITTEE
ON GENERAL GOVERNMENT**

I. **Seek introduction and passage** of legislation that would:

- A. Exempt as many cities as possible from any federal collective bargaining legislation that may become law in the future.
- B. Create additional, flexible cost-of-living adjustment (COLA) options under the Texas Municipal Retirement System that are not retroactive to a retiree's date of retirement, such options to possibly include one-time increases tied to increases in the consumer price index or flat percentage increases.
- C. Repeal the requirement in current law that a city must first offer to remove graffiti free of charge prior to requiring the property owner to remove it.
- D. Enable the use of electronic notice to the public of bid or proposal opportunities.

II. **Support** legislation that would:

- A. Clarify the authority of cities to use handheld radar/laser speed enforcement technology.
- B. Make beneficial amendments to the "Scofflaw Program" (Chapter 702, Texas Transportation Code), including removing the fine cap in current law; expanding the law to allow general law cities to participate; and requiring a county tax assessor-collector to refuse to register a motor vehicle if the assessor-collector or the Department of Motor Vehicles receives appropriate information from the city.
- C. Authorize sobriety checkpoints.
- D. Increase from \$25,000 to \$50,000 the dollar amount at which a city council may delegate contract change order approval to an administrative official.
- E. Allow a city to mandate that pharmacies located within the city participate in a pseudoephedrine reporting program.
- F. Permit local regulations to prohibit the ownership, possession, harboring, maintenance, transportation, or sales of specific breeds of dogs within a local municipality and/or support the repeal of state law that prohibits breed-specific regulations by home rule municipalities and local municipalities.
- G. Make the burglary of a motor vehicle a state jail felony with mandatory deferred sentencing for first time juvenile offenders and mandatory jail time for any offender with multiple offenses.

- H. Exempt a second-in-command police officer who attends any two-year block in the training program at the Bill Blackwood Law Enforcement Institute of Texas (LEMIT) from any line-level training required by the Texas Occupations Code in the same training block.
 - I. Combine the Texas Municipal Retirement System's Municipal Accumulation Fund (MAF), the Current Service Annuity Reserve Fund (CSARF), and the Employee Savings Fund (ESF).
 - J. Allow a city (for purposes of the Texas Municipal Retirement System (TMRS) return-to-work provision) to define "full time" as 1,000; 1,250; or 1,500 hours annually, so long as such a change would not endanger the federal tax status of TMRS.
 - K. Amend the Texas Public Information Act to except from disclosure an employee's or official's emergency contact information and any reference to the employee's or official's household.
 - L. Amend the Texas Public Information Act to except from disclosure out-of-state driver's license numbers.
 - M. Amend the Texas Public Information Act to except from disclosure a copy of an employee's identification badge.
 - N. Provide that the interest rate on public improvement district bonds is not limited by Section 373.023 of the Texas Local Government Code.
 - O. Authorize the state fire marshal to investigate all line-of-duty firefighter deaths, including those involving training incidents, fire-based emergency medical service, on-duty motor vehicle collisions, and hazardous materials incidents.
 - P. Clarify that peddlers who sell burglar alarm services are not exempt from municipal regulations governing that activity.
- III. **Endorse** legislation that would:
- A. Clarify the authority of general law cities to enact sex offender residency restrictions.
 - B. Make the sale of Salvia divinorum or K2 a state criminal offense.
 - C. Prospectively expand municipal authority relating to interlocal cooperation agreements, so long as such legislation is optional and would not otherwise be detrimental to cities.

D. Provide for a statewide, state-funded, electronic pseudoephedrine database program, so long as cities are not required to participate in the program.

IV. **Oppose** legislation that would:

- A. Erode municipal authority in any way, impose an unfunded mandate, or otherwise be detrimental to cities.
- B. Repeal or limit red light camera authority generally. (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.)
- C. Erode municipal authority to regulate or abate a nuisance in the city limits or ETJ.
- D. Further shift to cities the cost of transporting mental health patients who are under an emergency detention order.
- E. Erode existing municipal authority relating to sex offender residency restrictions, or create a state standard that preempts current or future municipal sex offender residency restrictions.
- F. Prohibit peace officers from making arrests for any offense.
- G. Erode the authority of cities to tow vehicles for no insurance or no driver's license, or exempt motorists from having to pay any vehicle impoundment fee.
- H. Mandate jail standards for city jails or mandate any form of certification for city detention officers.
- I. Eliminate any of the current uniform election dates.
- J. Impose additional state fees or costs on municipal court convictions or require municipal courts to collect fine revenue for the state.
- K. Permit the waiver of appearance at a municipal court trial.
- L. Give state fees and costs precedence over city fees and costs in municipal court.
- M. Substantively change or expand the scope of the current disease presumption law.
- N. Expand the current meet-and-confer law.
- O. Impose expanded collective bargaining rights.
- P. Enact detrimental amendments to the civil service law (Chapter 143 of the Texas Local Government Code).

- Q. Impose healthcare or prescription drug mandates or enhancements.
 - R. Mandate employment benefit enhancements.
 - S. Mandate city-paid leave for city employees for specific purposes.
 - T. Specify what and how cities may regulate with regard to cell phones.
 - U. Repeal existing municipal ordinances relating to cell phone bans or create a state standard that preempts more restrictive current or future municipal cell phone bans.
 - V. Make the sign-posting provisions of H.B. 55 (2009 – relating to prohibiting cell phone use in a school zone) mandatory for all cities.
 - W. Erode city sovereign immunity.
 - X. Restrict or limit indemnification clauses in construction contracts.
 - Y. Limit or prohibit the authority of city officials to use municipal funds to communicate with legislators.
 - Z. Limit or prohibit the authority of the Texas Municipal League to use any revenue, however derived, to communicate with legislators.
 - AA. Require the reporting of lobbying activities beyond the requirements in current law.
 - BB. Impose a statewide smoking ban that would preempt existing or future municipal smoking bans.
 - CC. Ban or limit the ability of cities to engage in proprietary functions.
 - DD. Impose unfunded mandates on cities or city officials related to immigration.
 - EE. Prohibit a city from following its own policies related to immigration.
- V. **Take no position** on legislation that would require a city to grant leave from work for municipal employees provided the leave meets each of the following criteria: (1) it is unpaid; (2) it must be used to address serious family or health issues; and (3) it is of a reasonably short duration.
- VI. **Other**
- A. The committee recommended that, should legislation be filed that would allow cities to adopt a two-tiered plan (one for current employees and retirees and one

for new hires) under the Texas Municipal Retirement System, TML staff seek the guidance of the TML Executive Committee regarding the League's position on such legislation.

- B. The committee recommended that the TML Board and staff carefully monitor any recommendations that may be generated by any legislative committee's study of the Texas Open Meetings Act and that the Board establish legislative positions as appropriate.

5.

A RESOLUTION
REGARDING 7 U.S.C. SECTION 1926(b)

WHEREAS, the City of Pflugerville and many other cities in Texas have experienced tremendous growth in the last decade and that growth has encroached into once rural areas with water service; and

WHEREAS, rural water supply corporations (WSC) have an exclusive certificate of convenience and necessity (CCN) to serve an area and are often unable to provide adequate fire flow or sufficient amounts of water to serve residential and commercial developments; and

WHEREAS, the inability of cities to serve the water needs of their constituents poses a life, health, and safety risk to our citizens; and

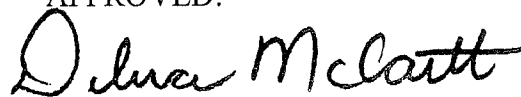
WHEREAS, the inability of cities to serve the water needs of their residential constituents inhibits economic development and job creation.

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2010 Annual Conference of the Texas Municipal League that the League adopt a resolution joining with the National League of Cities to amend 7 U.S.C. Section 1926(b) to allow municipalities to pay off the federally insured debt of rural water supply corporations so that they may exercise their constitutional powers of eminent domain when necessary for the life, health, safety and economic vitality of their citizens and city.

In addition, the City of Pflugerville requests that TML's resolution include a provision to support legislation that would allow landowners to opt out of a federally indebted rural water supply corporation's CCN when the WSC cannot provide adequate fire flow of at least 1,000 gallons per minute for single family residential developments with at least 50 lots and 2,500 gallons per minute for multifamily and commercial property.


PASSED AND APPROVED by the membership of the Texas Municipal League on this 29th day of October, 2010, at Corpus Christi, Texas.

APPROVED:



Debra McCartt
President

ATTEST:


Bennett Sandlin
Executive Director

A RESOLUTION
REGARDING THE PUBLIC INFORMATION ACT

WHEREAS, the Public Information Act has been a successful law in providing the public access to government records, and in promoting transparency and public confidence in government; and

WHEREAS, the law is broad and is liberally construed in favor of requestors seeking information, and, for the most part, the City of San Antonio and other governmental entities have developed procedures to receive and process these requests within the deadlines imposed by the Act.

WHEREAS, many requests are simple and can be responded to with relatively little expenditure of government resources, but some requests require substantial time to complete; and

WHEREAS, requests for entire email accounts or requests for emails on broad topics that reach many employees in multiple departments can be burdensome and require many employee hours to print and assemble; and

WHEREAS, the Public Information Act allows governmental entities to charge requestors for copy costs and employee time to make copies of email records, but if a requestor asks to view or inspect these same records, the government cannot charge for the printing costs or personnel time, even though preparing copies for release rather than inspection would require the same time and resources; and

WHEREAS, the City of San Antonio proposes to amend the Public Information Act to allow governmental bodies to charge for employee time needed to compile email records for “inspection-only” requests, still permitting requestors to seek any email records they wish, but allowing the government to impose costs which reflect the time required for their production; and

WHEREAS, when a request is anticipated to cost more than \$40, the government is required to provide the requestor with a written estimate of costs, and the requestor has 10 business days to accept the estimated cost, narrow his or her request to reduce the cost, or abandon the request by failing to respond; and

WHEREAS, if the government wishes to seek authority from the Attorney General to withhold any of the requested records, it must submit a request for ruling arguing the exceptions to disclosure, and providing copies of all the records at issue; and

WHEREAS, the request for ruling must be submitted no later than the 10th business day after the request is made, and if the deadline is missed, the exceptions are waived and the information must be released unless there is a federal or state law that mandates confidentiality of the records; and

WHEREAS, for large requests, the interplay of the cost estimate process and the deadline to submit a request for ruling can compel the government to conduct a search for records before the time to respond to the cost estimate has expired; and

WHEREAS, while the government is working to meet the 10-day deadline to submit a request for ruling, the requestor may choose to narrow the request or abandon the request entirely by failing to respond. In these instances, the government may expend resources to locate and copy information that is ultimately not sought by the requestor; and

WHEREAS, the City of San Antonio proposes an amendment to the Public Information Act that would toll the deadline to submit a request for ruling until the time for the cost estimate process has elapsed, allowing the government to know the final scope of a request before staff begins compiling records for release to the requestor or review by the Attorney General;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2010 Annual Conference of the Texas Municipal League:


Section 1. The League should support legislation which would amend the Public Information Act to allow governmental bodies to recoup costs of responding to "inspection-only" requests for emails that require a significant amount of public employee time and resources and allow for tolling of the 10-day period to seek Attorney General Request for Ruling while the Requestor responds to cost estimate.

Section 2. City staff is directed to take all necessary steps to obtain the support of the Texas Municipal League (TML) and the inclusion of this matter on TML's legislative agenda.

Section 3. This Resolution shall be effective on and after the tenth day after passage.


PASSED AND APPROVED by the membership of the Texas Municipal League this 29th day of October, 2010, at Corpus Christi, Texas.

APPROVED:



Debra McCartt
President

ATTEST:



Bennett Sandlin
Executive Director

A RESOLUTION
REGARDING MUNICIPAL RIGHTS-OF-WAY

WHEREAS, under Chapter 283 of the Texas Local Government Code, cities are entitled to receive compensation for the use of municipal rights-of-way by providers of voice communications in the form of “access line” fees; and

WHEREAS, voice communications providers, including the telecommunications and cable companies, have historically mischaracterized compensation for use of municipal ROW is a “tax” and favor a compensation methodology based on the cost of maintaining the ROW; and

WHEREAS, the Texas Supreme Court has ruled that municipal compensation for the use of municipal rights-of-way are not taxes, but rental fees for the use of public property; and

WHEREAS, a compensation methodology based on the cost of maintaining rights-of-way would short-changes cities by only reimbursing the administrative cost of managing providers’ activities in the rights-of-way and the damage caused by providers to the rights-of-way, ignoring any rental value of the public property in strict violation of the anti-gift provisions of the Texas Constitution.

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2010 Annual Conference of the Texas Municipal League:

Section 1. City Council opposes legislation that would reduce the amount of compensation it receives from voice communications providers for the use of public rights-of-way or that erode municipal authority over the management and control of its rights-of-way.

Section 2. City staff is directed to take all necessary steps to obtain the support of the Texas Municipal League (TML) and the inclusion of this matter on TML's legislative agenda.

Section 3. This Resolution shall be effective on and after the tenth day after passage.

PASSED AND APPROVED by the membership of the Texas Municipal League this 29th day of October, 2010, at Corpus Christi, Texas.

APPROVED:



Debra McCart
President

ATTEST:



Bennett Sandlin
Executive Director

A RESOLUTION
OF APPRECIATION TO THOSE
WHO CONTRIBUTED TO THE SUCCESS
OF THE 2010 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 Corpus Christi and to others who contributed to the success of our conference;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2010 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 Joe Adame, Mayor of the City of Corpus Christi; members of the Corpus Christi City Council; and other officials and employees of the host city, all of whom contributed to the success of the 2010 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 29th day of October, 2010, at Corpus Christi, Texas.

APPROVED:



Debra McCartt
President

ATTEST:



Bennett Sandlin
Executive Director

A RESOLUTION REGARDING 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 bids, 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, posting on the municipality's official website allows the notices to be organized, and archived, for both current and historical information with electronic ease;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2010 Annual Conference of the Texas Municipal League:

Section 1. The City of Parker, by and through its duly elected city council, respectfully requests the Texas Municipal League to support legislation that would allow municipalities the option of selecting either an official newspaper, or an official website, for the municipality's publication of official notices required by law.

Section 2. The City of Parker respectfully submits to the Texas Municipal League that adoption of changes to the statute will provide a savings to the tax payers of significant newspaper publication fees, increased speed of publication, a single centralized source for all of the municipality's required notices, and less expensive and swifter access to such notices by not only the residents of the municipality, but anyone with internet access. The result is a far greater availability of the official notice of the municipality than a newspaper can provide.

PASSED AND APPROVED by the membership of the Texas Municipal League this 29th day of October, 2010, at Corpus Christi, Texas.

APPROVED:

Debra McCartt

Debra McCartt
President

ATTEST:

Bennett Sandlin

Bennett Sandlin
Executive Director

A RESOLUTION RELATING TO

SEEKING REPEAL OR BENEFICIAL AMENDMENTS TO SECTION 130.01.551(E) OF THE TEXAS OCCUPATIONS CODE, WHICH PROHIBITS A CITY FROM ENACTING AN ORDINANCE, BYLAW, ORDER, BUILDING CODE, OR RULE REQUIRING THE INSTALLATION OF A MULTIPURPOSE RESIDENTIAL FIRE PROTECTION SPRINKLER SYSTEM OR ANY OTHER FIRE SPRINKLER PROTECTION SYSTEM IN A NEW OR EXISTING ONE- OR TWO-FAMILY DWELLING.

WHEREAS, by appendix to the 2009 version of the International Residential Code (IRC), the International Code Council (ICC) adopted code provisions that allow cities to require the installation of residential fire sprinkler systems in residential dwellings; and

WHEREAS, the 2012 version of the IRC will include a requirement that residential fire sprinkler systems be installed in residential dwellings; and

WHEREAS, in spite of the broad government and industry input that led to the ICC's inclusion of the residential sprinkler provisions of the IRC, the Texas Legislature passed legislation in 2009 (S.B. 1410) that prohibits the enforcement of any such provision; and

WHEREAS, the legislative prohibition was added as an amendment in the final days of the 2009 legislative session; and

WHEREAS, a number of cities asked the governor to veto the legislation, all to no avail; and

WHEREAS, residential fire sprinklers have a proven history of saving lives and make conditions safer for firefighters.

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2010 Annual Conference of the Texas Municipal League that the League support legislation that would repeal or provide beneficial amendments, relating to local control of residential fire sprinklers, to Section 1301.551(e) of the Texas Occupations Code.

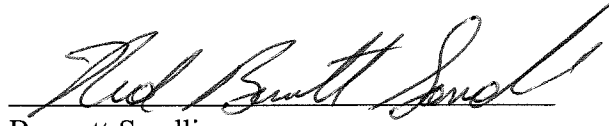
PASSED AND APPROVED by the membership of the Texas Municipal League this 29th day of October, 2010, at Corpus Christi, Texas.

APPROVED:

A handwritten signature in cursive script that reads "Debra McCartt".

Debra McCartt
President

ATTEST:

A handwritten signature in cursive script that reads "Bennett Sandlin".

Bennett Sandlin
Executive Director

A RESOLUTION REGARDING BURGLAR ALARMS FINES

WHEREAS, the City of Georgetown incurs costs in responding to numerous false alarm calls; and

WHEREAS, Section 214.197 limits the amount that municipalities can charge in false alarm penalties; and

WHEREAS, amending Section 214.197 to allow municipalities to increase the false alarm penalties would help municipalities cover the costs incurred in responding to a large number of false alarm calls; and

WHEREAS, the citizens of the City of Georgetown are represented in the Texas State Senate by Senator Steve Ogden and in the Texas State House by Representatives Diana Maldonado and Dan Gattis; and

WHEREAS, the Texas Municipal League has also assisted Texas municipalities before the Texas Legislature;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2010 Annual Conference of the Texas Municipal League that the City of Georgetown respectfully requests that the Texas Municipal League support legislation making beneficial amendments to Section 214.197 relating to false burglar alarm penalties.

PASSED AND APPROVED by the membership of the Texas Municipal League this 29th day of October, 2010, at Corpus Christi, Texas.

APPROVED:



Debra McCartt
President

ATTEST:

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

Bennett Sandlin
Executive Director