

The logo for the Texas Municipal League, featuring a green square with a white star in the center. The words "Texas", "Municipal", and "League" are stacked vertically in white text within the square.

Legislative UPDATE

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Number 18

This Is It: United We Stand, Divided We Fall

In previous editions, the League has reported on a list of critical action items for city officials. This week's message is even more refined: Focus on the two largest threats to cities this session. The time for letters and resolutions has passed. Personal conversations with your legislators are the best way to stop revenue cap and annexation prohibition legislation from passing. Those conversations should relate clear opposition to both issues, regardless of rumors that both bills might be amended to exclude cities of various sizes or budgets.

- **Revenue Caps:** call your House members right now and urge them to oppose S.B. 2 (Bettencourt). A call is even more important if your member serves on the House Ways and Means Committee. Here are the [talking points](#) and here are the Ways and Means Committee members:
 - [Dennis Bonnen](#)
 - [Yvonne Davis](#)
 - [Dwayne Bohac](#)
 - [Drew Darby](#)
 - [Eric Johnson](#)
 - [Jim Murphy](#)
 - [Andrew S. Murr](#)
 - [Richard Peña Raymond](#)
 - [Hugh Shine](#)
 - [Drew Springer](#)
 - [Phil Stephenson](#)

- **Annexation:** call your House members right now and urge them to oppose H.B. 424 (Huberty) and S.B. 715 (Campbell). Each of these bills would end city annexation by allowing a vote only of people being annexed, instead of the entire region. One of them could get to the House floor soon. Here are the [talking points](#), and [here is a study](#) showing the economic impact of restrictive annexation laws.

Executive Sessions and Videotape?

[House Bill 3203](#) by Pat Fallon (R – Frisco) goes too far in the name of “transparency.” The bill’s main purpose is to lower the population threshold for cities that must video and archive their open meetings (from 50,000 to 25,000). However, the bill goes much farther than that. It applies to the city council and any other board or commission that is subject to the Open Meetings Act, and it would:

1. Require every city over 25,000 population to keep BOTH minutes and a videotape of all open meetings. (Smaller cities can continue to do either minutes or an audio tape.)
2. Requires every city over 25,000 population to prepare a certified agenda AND a video of its executive sessions (except for consultation with an attorney) and keep that videotape forever.

That makes no sense. The purpose of the record of an executive session is to provide proof that the governmental body discussed only authorized topics in the session. It’s not meant to be a permanent record like the tape or minutes of an open session. Current law requires that the record of an executive session be kept for two years because that is the criminal statute of limitations for a violation of the Open Meetings Act. Once that time has passed, the record becomes useless for its intended purpose.

3. Create a Class C misdemeanor offense for every member of the governmental body who fails to ensure that a recording of an open meeting is made available and maintained on the Internet. In other words, if the person who is charged with making the recording messes up, a member can be criminally charged under the bill.

Openness and transparency are laudable goals that are fully supported by the League, but these provisions in H.B. 3203 just don’t make practical sense. The bill is currently pending in the [House Committee on Government Transparency and Operations](#). City officials with concerns about the bills above should contact their House members now, especially if they serve on the committee.

Revenue Caps Harmful to Credit Ratings

Senate Bill 2 (and H.B. 15) would impose a cap on city budgets. Either bill could be heard any day in the House Committee on Ways and Means. A revenue cap would seriously damage

public safety, economic development, and transportation. And, property taxes will continue to rise because school district taxes - the real cause of high property taxes in Texas - will continue to escalate.

According to S&P Global, a revenue cap on cities "could lead to unintended credit consequences" because it would limit the options local governments have to collect revenue. The *Austin Business Journal* reported that "S&P notes potential problems with revenue flexibility in the face of growing infrastructure demands..."

Cities build the lion's share of our state's infrastructure. Bonds are one tool they use to do so. Our state population continues to grow exponentially, and the S&P warning is just one more reason that revenue caps are a bad idea.

City Officials Testify

When the legislature is in session, nothing compares to the effectiveness of city officials testifying at the Capitol. City officials who take their time to travel to Austin to speak out on important city issues should be applauded by us all. The League extends its thanks to all those who have vigilantly represented cities during the legislative session.

- Anne Zadeh, Council Member, City of Fort Worth
- Anthony Groves, Mayor, City of Brady
- Brad Griggs, Assistant City Manager, City of Rockwall
- Brian England, Assistant City Attorney, City of Garland
- Chance Sparks, Assistant City Manager/Planning Director, City of Buda
- Charles Jessup, Mayor, City of Meadows Place
- Cobby Caputo, Councilmember, City of Cedar Park
- Curt Van De Walle, City Manager, City of Castle Hills
- Danielle Bartz, Mayor's Office, City of Houston
- David McCary, Director of Solid Waste Management, City of San Antonio
- Duane Ham, Councilmember, City of Conroe
- Dustin Deel, Asst. Director of Municipal Comm. Services, City of Weatherford
- Dustin Smart, Austin Police Department
- Dr. Hector F. Gonzalez, Health Department Director, City of Laredo
- Hilary Shine, Executive Director of Public Information, City of Killeen
- Holly McPherson, Mayor Pro Tem, City of Roanoke
- Horacio De Leon, Assistant City Manager, City of Laredo
- J.R. Trevino, Alderman, City of Castle Hills
- Jarrett Atkinson, City Manager, City of Lubbock
- Jason Dixon, Deputy Mayor Pro Tem, Town of Prosper
- Jim Briggs, General Manager of Utilities, City of Georgetown
- Jim Olk, Mayor, City of Lucas
- Jim Pruitt, Mayor, City of Rockwall
- Joe Zimmerman, Mayor, City of Sugar Land

- John Kroll, Councilmember, City of Dripping Springs
- Juan Adame, Fire and EMS Chief, City of Sugar Land
- Karla Cisneros, Councilmember, City of Houston
- Kevin Fowler, Councilmember, City of Rockwall
- Kyle Montgomery, Magnolia Police Department
- Richard Boyer, Mayor Pro Tem, City of The Colony
- Rob Franke, Mayor, City of Cedar Hill
- Robert Resendes, Health Director, City of El Paso
- Sarah Mason, Mayor's Office, City of Houston
- Steve Kosub, Senior Water Resource Attorney, San Antonio Water System
- Steven Miller, Director of Public Works, City of Brady
- Thomas Harris, Assistant City Secretary, City of Sugar Land
- William Randall, Austin Police Department

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