

**RESOLUTIONS SUBMITTED
TO THE
TEXAS MUNICIPAL LEAGUE
RESOLUTIONS COMMITTEE**

October 3, 2017

Houston, Texas

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Texas Municipal League 2017 Resolutions Committee

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Clayton Perry, Councilmember, City of San Antonio
Toby Powell, Mayor, City of Conroe
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Mike Rodgers, Director of Finance, City of Webster
Becky Ross, Town Administrator, City of Crossroads
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Kathryn Wilemon, Councilmember, City of Arlington
Kasha Williams, Councilmember, City of Longview
Belinda Willis, Director, Communications & Marketing, City of Mansfield

2017
TML RESOLUTION COVER SHEET

Sponsoring Entity: City of Helotes

Brief Background: The City of Helotes requests that the Texas Municipal League seek introduction and passage of a bill that would eliminate reauthorization provisions for the collection and use of street maintenance sales and use tax contained within Tax Code, Title 3 Local Taxation, Subtitle C Local Sales and Use Tax for Street Maintenance.

What the Resolution is Intended to Accomplish: The resolution seeks to eliminate Section 327.007 of the Tax Code requiring reauthorization of the street maintenance sales and use tax every four, eight, or ten years (eight and ten year reauthorizations apply only to select municipalities) through a municipal election, thereby making the street maintenance sales and use tax permanent. Reauthorization is problematic for Texas municipalities because many cities adopt street maintenance cycles for existing streets on a seven or longer year rotating basis. The Texas Department of Transportation (TxDOT), for instance, maintains existing streets on the same rotation. In addition, the resolution seeks to authorize adopting municipalities to reimburse themselves from the sales and use tax for the cost of the initial election authorizing the same.

How the Resolution is City-Related/How it Addresses a Municipal Issue: [This portion was left blank by the submitting city.]

Statewide Importance: In the era of unfunded Federal and State mandates on municipalities across the State, the ability of a city to seek permanent authorization for the implementation of a street maintenance sales tax from its residents is significant – both in the ability of a municipality to equitably distribute the cost of the tax across vehicular users and in its ability to raise sufficient revenue to provide quality transportation services to its residents. American critic Paul Goldberger once stated that “infrastructure creates the form of a city and enables life to go on in a city in a certain way.” This resolution seeks to ensure that municipal transportation infrastructure continues to advance across the State.

Submitted By:

Name:	Thomas A. Schoolcraft and Rick Schroder
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City:	Helotes
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1.

A RESOLUTION RELATING TO THE ELIMINATION OF REAUTHORIZATION PROVISIONS FOR THE COLLECTION AND USE OF STREET MAINTENANCE SALES AND USE TAX

WHEREAS, Texas Tax Code, Title 3 *Local Taxation*, Subtitle C *Local Sales and Use Taxes*, Chapter 327 *Municipal Sales and Use Tax for Street Maintenance* authorizes a municipality to collect additional sales and use tax for street maintenance after an election authorizing tax implementation; and

WHEREAS, Section 327.007 of the Tax Code requires reauthorization of the tax on a four, eight (bracketed) or ten (bracketed) year basis; and

WHEREAS, reauthorization is problematic because many cities have adopted a maintenance cycle to maintain existing streets on a seven year, rotating basis, which is similar to the Texas Department of Transportation; and

WHEREAS, the Tax Code should be amended by eliminating reauthorizations entirely, thereby making the sales and use tax for street maintenance permanent, and authorizing municipalities to reimburse themselves from sales and use tax collections for actual election costs required for tax implementation.

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2017 Annual Conference of the Texas Municipal League that the League seek introduction and passage of a bill eliminating reauthorization provisions for the collection and use of street maintenance sales and use tax and authorizing municipalities to reimburse themselves from sales and use tax collections for actual election costs required for tax implementation..

PASSED AND APPROVED by the Resolutions Committee of the Texas Municipal League this 3rd day of October, 2017, at Houston, Texas.

APPROVED:

Mary M. Dennis,
President

ATTEST:

Bennett Sandlin,
Executive Director

2017
TML RESOLUTION COVER SHEET

Sponsoring Entity: City of Helotes

Brief Background: The City of Helotes requests that the Texas Municipal League seek introduction and passage of bills that would authorize any municipality, regardless of type, within the State of Texas to regulate and enforce commercial and residential building codes, permitting, plan reviews, inspections, and the collection of related fees within its extraterritorial jurisdiction (ETJ).

What the Resolution is Intended to Accomplish: The resolution seeks to provide all Texas municipalities with the tools necessary to ensure that commercial and residential development, planning and zoning regulations, and health and safety practices adjacent to their communities are of similar type and comparable quality to those within their corporate limits. In 1963, the concept of ETJ was created by the Texas Legislature to “promote orderly growth of cities;” however, state law provides inadequate regulatory mechanisms for municipalities to enact regulations that affect development in their ETJs. Rather, many cities, particularly along their peripheries, are surrounded by poorly constructed residential and commercial structures, unplanned subdivision development, unmaintained properties, and illegal and hazardous waste disposal sites. All told, unregulated ETJs negatively impact municipalities across the state and become safety and liability concerns property values within and around municipalities.

Statewide Importance: There is no time like the present. The resolution addresses mounting municipal concerns over blight surrounding our communities, particularly in areas of the state that are experiencing exponential population growth. Suburban communities in Harris, Dallas, and Bexar Counties, for instance, are being impacted by large numbers of new residents living just outside of their corporate limits, emboldened by the promise of “No City Taxes” and the ability to do almost whatever they choose with their properties without regard to neighboring communities and residents.

Submitted By: **Name:** Thomas A. Schoolcraft and Rick Schroder
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2.

A RESOLUTION RELATING TO THE AUTHORIZATION OF A MUNICIPALITY TO
REGULATE AND ENFORCE BUILDING CODES, INCLUDING RELATED PERMITTING,
PLAN REVIEWS, INSPECTIONS, AND THE COLLECTION OF FEES FOR THE SAME,
WHITHIN ITS EXTRATERRITORIAL JURISDICTION

WHEREAS, the concept of extraterritorial jurisdiction (ETJ) was created by the Texas legislature in 1963 to promote orderly growth of cities; and

WHEREAS, ninety-one percent of Texans live in urban areas. Loosely translated, this means that [an estimated] 17 percent of Texans live in the areas just outside of cities. In other words, more than 4.5 million people live in those areas, which frequently include the ETJ of incorporated cities; and

WHEREAS, poorly constructed residential and commercial structures, illegal and hazardous waste dumping, and poorly maintained properties in a municipality's extraterritorial jurisdiction have a negative impact on the municipality and adjoining communities, become safety and liability concerns, and lower property values within and around municipalities; and

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2017 Annual Conference of the Texas Municipal League that the League seek introduction and passage of a bill expressly authorizing any municipality within the State of Texas to regulate and enforce building codes, including related permitting, plan reviews, inspections, and the collection of fees for theses and other necessary services, within its extraterritorial jurisdiction.

PASSED AND APPROVED by the Resolutions Committee of the Texas Municipal League this 3rd day of October, 2017, at Houston, Texas.

APPROVED:

Mary M. Dennis,
President

ATTEST:

Bennett Sandlin,
Executive Director

2017
TML RESOLUTION COVER SHEET

Sponsoring Entity: City of Helotes

Brief Background: The City of Helotes requests that the Texas Municipal League seek introduction and passage of bills that would expand the applicability of Texas Local Government Code Ch. 43 Municipal Annexation, Subchapter F Limited Purpose Annexation to all municipalities, regardless of type or size, within the State of Texas.

What the Resolutions are Intended to Accomplish: The resolution seeks to provide all Texas municipalities with the tools necessary to ensure that commercial and residential development, planning and zoning regulations, and health and safety practices adjacent to their communities are of similar type and comparable quality to those within their corporate limits. In 1963, the concept of ETJ was created by the Texas Legislature to “promote orderly growth of cities;” however, State Law provides inadequate regulatory mechanisms for municipalities to enact regulations that affect development in their ETJs. Rather, many cities, particularly along their peripheries, are surrounded by poorly constructed residential and commercial structures, unplanned subdivision development, unmaintained properties, and illegal and hazardous waste disposal sites. All told, unregulated ETJs negatively impact municipalities across the State and become safety and liability concerns property values within and around municipalities.

Statewide Importance: There is no time like the present. The resolution addresses mounting municipal concerns over blight surrounding our communities, particularly in areas of the State that are experiencing exponential population growth. Suburban communities in Harris, Dallas, and Bexar Counties, for instance, are being impacted by large numbers of new residents living just outside of their corporate limits, emboldened by the promise of “No City Taxes” and the ability to do almost whatever they choose with their properties without regard to neighboring communities and residents.

Submitted By:

Name:	Thomas A. Schoolcraft and Rick Schroder
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City:	Helotes
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3.

A RESOLUTION RELATING TO EXPANDING APPLICABILITY OF TEXAS LOCAL GOVERNMENT CODE CHAPTER 43 *MUNICIPAL ANNEXATION*, SUBCHAPTER F *LIMITED PURPOSE ANNEXATION* TO ALL MUNICIPALITIES WITHIN THE STATE OF TEXAS

WHEREAS, the Texas Local Government Code arbitrarily restricts limited purpose annexation to home-rule municipalities with more than 225,000 inhabitants; and

WHEREAS, limited purpose annexation authorizes applicable municipalities to apply planning, zoning, health, and safety ordinances, including those regulating building codes, permitting, and related fees, in the annexed area; and

WHEREAS, poorly constructed residential and commercial structures, illegal and hazardous waste dumping, and poorly maintained properties in a municipality's extraterritorial jurisdiction have a negative impact on the municipality and adjoining communities, become safety and liability concerns, and lower property values within and around municipalities, and

WHEREAS, the tremendous population growth in many municipalities throughout the State encourages development in rural areas and extraterritorial jurisdictions and, therefore, increases the need of municipalities to have the ability to protect their citizens and property values; and

WHEREAS, the expansion of limited purpose annexation to all municipalities would assist communities in combating blight, poor construction, and decreasing property values; and

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2017 Annual Conference of the Texas Municipal League that the League seeks introduction and passage of a bill expanding the applicability of Texas Local Government Code Chapter 43 Municipal Annexation, Subchapter F Limited Purpose Annexation to all municipalities within the State of Texas.

PASSED AND APPROVED by the Resolutions Committee of the Texas Municipal League this 3rd day of October, 2017, at Houston, Texas.

APPROVED:

Mary M. Dennis,
President

ATTEST:

Bennett Sandlin,
Executive Director

The following resolutions were submitted late by the City of San Marcos due to preparations for Hurricane Harvey.

2017
TML RESOLUTION COVER SHEET

Sponsoring Entity: City of San Marcos

Brief Background: Until 2005, cable and video franchises were issued by the cities. SB 5 created a new Chapter 66, Utilities Code, and entities seeking to provide cable or video services in Texas have to now file an application with the Public Utility Commission. Under Chapter 66, the holder of a state-issued certificate of franchise authority (SIFCA) must still comply with all of the city regulations regarding the use of the public rights-of-way, including the police powers of the city. The SIFCA must also make a quarterly payment to the city equal to 5% of gross revenues, earned by the franchise holder in the city, and, in lieu of the in-kind services and operational grants that were previously provided, the SIFCA must pay the city 1% of the provider's gross revenue for the operation of PEG channels (public, education, and government programming). All PEG funds must be held in a separate account and may only be used in accordance with the law for those channels.

What the Resolution is Intended to Accomplish: The City of San Marcos supports state or federal legislation that would expand the use of public, educational, and government (PEG) fees to include operational and related costs associated with PEG channels.

How the Resolution is City-Related/How it Addresses a Municipal Issue: The impetus for Chapter 66 was the changes in technology that allowed telecom companies to participate in video delivery. Technology continues to change helping cities to better deliver vital information to its citizens through multimedia platforms. We support the expansion of the use of PEG fees to allow the city to decide the most fiscally responsible manner for use of those fees for the delivery of information to its citizens.

Statewide Importance: All cities have cable and/or video providers within their city limits.

Submitted By: **Name:** Kristi Wyatt
 Title: Director of Intergovernmental Relations
 City: San Marcos
 Telephone: (512) 393-8105

2017
TML RESOLUTION COVER SHEET

Sponsoring Entity: City of San Marcos

Brief Background: Over 1.7 million Veterans live in Texas, the second highest population in the United States. About 605,000 of those served during the Vietnam War and over 450,000 of those served in Iraq and Afghanistan. The majority of post-9/11 veterans are exiting the service under the age of 45 and are looking for employment. Veterans and military spouses enter the workforce with many skills. Texas needs to continue working toward employment pathways for veterans that identify gaps in training and eliminate redundant training, and fully fund programs like the Texas Veterans Leadership Program, the College Credit for Heroes initiative and the recently established \$1 million program, Skills for Veterans, that dedicate funding to address training needs for post-9/11 veterans returning home and entering the Texas Workforce.

What the Resolution is Intended to Accomplish: The City of San Marcos supports additional appropriations for the Texas Workforce Commission Skills for Veterans initiative that dedicates funding to address the training needs of post-9/11 veterans returning home and entering the Texas Workforce.

How the Resolution is City-Related/How it Addresses a Municipal Issue: Programs that improve workforce training, reduce the unemployment rate and put individuals into the workforce in the shortest amount of time benefit cities.

Statewide Importance: With the second largest population of Veterans, Texas needs to be agile and responsive in training the veterans and helping them enter the Texas workforce.

Submitted By: **Name:** Kristi Wyatt
 Title: Director of Intergovernmental Relations
 City: San Marcos
 Telephone: (512) 393-8105

2017
TML RESOLUTION COVER SHEET

Sponsoring Entity: City of San Marcos

Brief Background: Affordable and workforce housing is important to the economic vitality of San Marcos and all Texas cities to support the local work force and allow workers to live close to their jobs. Shorter commutes reduce traffic congestion, air pollution, and expenditures needed for road maintenance and construction. Affordable rent frees up income to pay for other living expenses, including food, travel costs to work or school, and medicine. Having an adequate housing supply provides secure and stable housing to a household, allowing the household members to focus on their jobs and school.

A recent annual study by the National Low Income Housing Coalition (NLIHC) found that there is a shortage of 595,231 rental housing units accessible to low income families in Texas. Seventy-eight percent of the state's Extremely Low Income households are severely cost-burdened, meaning they spend more than half of their monthly income on housing. For every 100 in-need renters in Texas, there are only 24 affordable units available for rent. A person is considered overburdened if they spend more than thirty percent of their monthly income on housing. The study found that the amount of federal dollars the state is expected to receive are significant, but do not come close to filling the state's affordable housing inventory. Affordable housing is generally defined to mean a low or moderate-income family can afford to buy or rent a decent quality dwelling without spending more than 30% of its income on shelter. In San Marcos a low income family earns 80% of the Median Family Income (MFI): \$38,786. Workforce housing for moderate-income workers in professions needed in all communities such as teachers, fire fighters, and nurses, is also in short supply. Most are overqualified for affordable housing yet cannot afford the average market-rate home. Costs for daily necessities continue to rise, but take home pay has not kept up with the costs for many families. A greater number of working class Texans need reasonably priced housing. Generally, workforce housing incentives are targeted to employees earning no more than 140% MFI; approximately \$67,875 in San Marcos.

What the Resolution is Intended to Accomplish: The City of San Marcos supports legislation and additional appropriations for affordable and workforce housing that allows for the expansion and preservation of diverse, affordable housing in cities.

How the Resolution is City-Related/How it Addresses a Municipal Issue: Without funding to assist with affordable and workforce housing families will continue to struggle with other necessities like food and medical care and have difficulty reaching long term stabilization, in turn hurting an area's and the state's economy.

Statewide Importance: This is a critical issue for urban and rural areas of Texas.

Submitted By: **Name:** Kristi Wyatt
 Title: Director of Intergovernmental Relations
 City: San Marcos
 Telephone: (512) 393-8105

2017
TML RESOLUTION COVER SHEET

Sponsoring Entity: City of San Marcos

Brief Background: Until 2005, cable and video franchises were issued by the cities. SB 5 created a new Chapter 66, Utilities Code, and entities seeking to provide cable or video services in Texas have to now file an application with the Public Utility Commission. Under Chapter 66, the holder of a state-issued certificate of franchise authority (SIFCA) must still comply with all of the city regulations regarding the use of the public rights-of-way, including the police powers of the city. The SIFCA must also make a quarterly payment to the city equal to 5% of gross revenues, earned by the franchise holder in the city, and, in lieu of the in-kind services and operational grants that were previously provided, the SIFCA must pay the city 1% of the provider's gross revenue for the operation of PEG channels (public, education, and government programming).

What the Resolution is Intended to Accomplish: The City of San Marcos opposes state or federal legislation or rules that would negatively affect the provisions of Chapter 66 of the Utilities Code, which relates to state-issued cable franchises.

How the Resolution is City-Related/How it Addresses a Municipal Issue: The impetus for Chapter 66 was the changes in technology that allowed telecom companies to participate in video delivery. Technology continues to change helping cities to better deliver vital information to its citizens through multimedia platforms. Anything that would add restrictions beyond those in current law would erode the ability of a city to regulate cable or video providers.

Statewide Importance: All cities have cable and/or video providers within their city limits.

Submitted By:

Name:	Kristi Wyatt
Title:	Director of Intergovernmental Relations
City:	San Marcos
Telephone:	(512) 393-8105

2017
TML RESOLUTION COVER SHEET

Sponsoring Entity: City of San Marcos

Brief Background: Every Texas community has features that are unique to the city. The City of San Marcos' uniqueness comes from being bordered by two rivers and three ephemeral creeks that run through the middle. With this great natural feature in our city comes flooding. We live in flash flood alley with storm event totals rivaling Bangladesh. In May and October 2015 our community experienced the devastation of historic floods that led to thousands of residents being forced to evacuate their homes, millions of dollars of damage, and most tragically, the loss of precious lives. During the Memorial Day flood the Blanco River crested at over 43 feet, flood stage is 13 feet. Put in perspective, the flow of the river that day was two and a half times the flow of Niagara Falls. We are not the only city that experiences flooding and no two cities will have identical flood control plans. This is why we have Flood Control ordinances that differ from many other communities in Texas. We now have the technology to model where the water will go when it leaves a proposed development with high percentage of impervious cover. Many of the items on the call for the 85th First Called Special Session would impede the city's ability to manage its long term planning, growth, and development to mitigate such events.

What the Resolution is Intended to Accomplish: The City of San Marcos opposes any state pre-emption laws that impede the city's ability to manage long term planning, growth and development in a manner necessary to hinder or mitigate for potential flooding and to pay for city related costs, including pre-emption of annexation, tree removal, regulation of development projects, issuance of permits, and city spending.

How the Resolution is City-Related/How it Addresses a Municipal Issue: Decisions must be made at a local level that are specific to each city's needs, especially when they directly impact the protection and safety of the city's residents, visitors and first responders, as well as infrastructure.

Statewide Importance: The state cannot and will not be able to write laws that take into consideration all of the unique needs of cities for flood control, which will result in the inability of cities to provide for the safe growth and development of their areas.

Submitted By:

Name:	Kristi Wyatt
Title:	Director of Intergovernmental Relations
City:	San Marcos
Telephone:	(512) 393-8105

2017
TML RESOLUTION COVER SHEET

Sponsoring Entity: City of San Marcos

Brief Background: Cities have several incentive programs to choose from when crafting a proposal for the retention and expansion of existing retailers, restaurants, developers, commercial businesses and primary employers, as well as to attract new businesses. Almost all of the incentives are authorized by state law, even those applied at the local level. In recent years there have been several discussions at the Legislature on whether some incentives are equivalent to picking winners and losers, or equivalent to corporate welfare. Some legislators have made a concerted effort to repeal incentives.

Incentives include grants, financing tools, tax credits, tax refunds and tax discounts. Incentives play a critical part in a company's decision to remain, expand or locate in an area. While incentives are rarely the most significant consideration of a company, they help a city overcome an inequity with a competing geography, or encourage the location or expansion of a particular type of industry, or encourage new investment or the retention of an existing entity within the city. They can make the difference as to whether a facility locates in the city or even the state. Some examples of city incentives include Chapter 380 Development Agreements, Improvement Districts, Type A and Type B Economic Development Sales Tax, Municipal Development Districts, Neighborhood Empowerment Zones, Tourism Promotion, Reinvestment Zones, Tax abatements, and Tax Increment financing.

What the Resolution is Intended to Accomplish: The City of San Marcos opposes legislation that would limit the type of incentives available to the city or that would limit any use of incentives by a city.

How the Resolution is City-Related/How it Addresses a Municipal Issue: While these are incentives that are authorized for local use, many have their base of authority in state law. During a legislative session legislation could be passed that would restrict or repeal incentives that are critical to the economic development efforts of a city.

Statewide Importance: Incentives are an important tool that Texas and cities have used in an aggressive and favorable way to attract quality growth. Companies can choose where they locate and incentives are used to help guide a company's economic decisions.

Submitted By: **Name:** Kristi Wyatt
 Title: Director of Intergovernmental Relations
 City: San Marcos
 Telephone: (512) 393-8105

4.

A RESOLUTION RELATING TO CITY OF SAN MARCOS' POLICY
RECOMMENDATIONS

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2017 Annual Conference of the Texas Municipal League that the League:

1. Support state or federal legislation that would expand the use of public, educational, and government (PEG) fees to include operational and related costs associated with PEG channels.
2. Support additional appropriations for the Texas Workforce Commission Skills for Veterans initiative that dedicates funding to address the training needs of post-9/11 veterans returning home and entering the Texas Workforce.
3. Support legislations and additional appropriations for affordable and workforce housing that allows for the expansion and preservation of diverse, affordable homes in cities.
4. Oppose state or federal legislation or rules that would negatively affect the provisions of chapter 66 of the Utilities code, which relates to state-issued cable franchises
5. Oppose any state pre-emption laws that impede the city's ability to manage long term planning, growth and development in a manner necessary to hinder or mitigate for potential flooding and to pay for city related costs, including pre-emption of annexation, tree removal, regulation of development projects, issuance of permits, and city spending.
6. Oppose legislation that would limit the type of incentives available to the city or that would limit any use of incentives by a city.

PASSED AND APPROVED by the Resolutions Committee of the Texas Municipal League this 3rd day of October, 2017, at Houston, Texas.

APPROVED:

Mary M. Dennis,
President

ATTEST:

Bennett Sandlin,
Executive Director