

**RESOLUTIONS SUBMITTED  
TO THE  
MEMBERSHIP OF THE  
TEXAS MUNICIPAL LEAGUE**

**October 5, 2017**

**Houston, Texas**

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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 membership of the Texas Municipal League this 5<sup>th</sup> day of October, 2017, at Houston, Texas.

APPROVED:

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Mary M. Dennis,  
President

ATTEST:

\_\_\_\_\_  
Bennett Sandlin,  
Executive Director

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, WITHIN 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 support 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 these and other necessary services, within its extraterritorial jurisdiction.

PASSED AND APPROVED by the membership of the Texas Municipal League this 5<sup>th</sup> day of October, 2017, at Houston, Texas.

APPROVED:

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Mary M. Dennis,  
President

ATTEST:

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Bennett Sandlin,  
Executive Director

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 n Annual Conference of the Texas Municipal League that the League support 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 membership of the Texas Municipal League this 5<sup>th</sup> day of October, 2017, at Houston, Texas.

APPROVED:

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Mary M. Dennis,  
President

ATTEST:

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Bennett Sandlin,  
Executive Director

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 and that would allow a city to choose to not receive the PEG fees.
2. Support additional appropriations for the Texas Workforce Commission, Texas Veterans Commission, and any other state commission that dedicates funding to address the training needs of post-9/11 veterans returning home and entering the Texas Workforce.
3. 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
4. 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.
5. Oppose legislation that would limit the type of incentives available to the city or that would limit any use of incentives by a city.

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APPROVED:

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Mary M. Dennis,  
President

ATTEST:

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Bennett Sandlin,  
Executive Director

5.

A RESOLUTION RELATING TO THE TEXAS MUNICIPAL LEAGUE'S POSITION ON  
THE ELIMINATION OF THE FEDERAL INCOME TAX DEDUCTION FOR STATE AND  
LOCAL TAXES (THE "SALT" DEDUCTION)

WHEREAS, the federal income tax deduction for state and local taxes (the "SALT" deduction) allows taxpayers who itemize deductions on their federal income tax returns to deduct state and local real estate and personal property taxes, as well as either income taxes or general sales taxes; and

WHEREAS, various versions of the proposed federal budget would eliminate the SALT deduction; and

WHEREAS, the United States Conference of Mayors (USCM) is strongly opposed to the elimination of the SALT deduction; and

WHEREAS, USCM has contacted individual Texas cities and TML for support in that endeavor; and

WHEREAS, the adoption of a position by the TML membership on the issue will provide guidance to TML staff related to whether to engage in lobby efforts to save the SALT deduction.

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2017 Annual Conference of the Texas Municipal League that the League remain neutral on any federal efforts to eliminate the SALT deduction until a TML policy committee can further study the issue.

PASSED AND APPROVED by the membership of the Texas Municipal League this 5<sup>th</sup> day of October, 2017, at Houston, Texas.

APPROVED:

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Mary M. Dennis,  
President

ATTEST:

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Bennett Sandlin,  
Executive Director

6.

A RESOLUTION TO SEEK INTRODUCTION AND PASSAGE THAT WOULD ALLOW MUNICIPALITIES THE OPTION OF SELECTING AN OFFICIAL NEWSPAPER OR AN OFFICIAL WEBSITE FOR THE MUNICIPALITY'S PUBLICATION OF OFFICIAL NOTICES REQUIRED BY LAW

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

WHEREAS, the law requires municipalities to publish in the official newspaper, at a 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 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 municipalities 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 the 2017 Annual Conference of the Texas Municipal League that the League seek introduction and passage of legislation that would allow municipalities the option of selecting either an official newspaper or an official website for the municipality's publication of official notices by law.

PASSED AND APPROVED by the membership of the Texas Municipal League this 5<sup>th</sup> day of October, 2017, at Houston, Texas.

APPROVED:

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Mary M. Dennis,  
President

ATTEST:

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Bennett Sandlin  
Executive Director

