



**Policy Platform: 82nd Legislature**

**Updated:**

**September 16, 2010**

## **Principles**

1. Urban Counties value responsive and accountable government.
2. Urban Counties believe that local government is more responsive and accountable to the citizens and communities and should be utilized for service delivery whenever practical.
3. Urban county citizens hold commissioners court responsible for all county business even though commissioners courts lack authority over many aspects and segments of county business. The disconnect between responsibility and authority damages accountability.
4. Urban Counties need greater authority and tools to deal with the problems of contemporary urban society.
5. Urban Counties believe that permissive authority is always good. Restrictions, proscriptions, and mandates are almost always harmful.
6. Urban counties believe that State funds for specific programs should be allocated to counties, regions, or other local areas based upon population, number of clients, or some other appropriate measure of the need for that program or service.

## **Projects**

*Items in this list are the legislative projects directly pursued by the Urban Counties staff and officers.*

1. Pass the County Efficiency Act.
  - a. Authorize district clerks to charge less than the mandated \$1 per page for certified copies provided electronically.
  - b. Give the county the authority to pass on a transaction fee for processing check payments electronically.
  - c. Allow a peace officer to testify before a grand jury via teleconference and allow a defendant to enter a plea or provide testimony via teleconference.
  - d. Allow an election administrator to be suspended with or without pay.

- e. Allow counties to sell or license software developed by the county at market price and permit a county to negotiate with a third party to develop and potentially market software created for the county.
  - f. Expand the current statute allowing a state inmate to plead guilty to a local felony charge in writing to include a plea on a misdemeanor charge.
  - g. Permit the county to impose a fee for the services of the Medical Examiner in issuing a certification to a funeral home authorizing a cremation.
2. Expand the Election Day Voting Centers program for all counties.

## **Priority Issues**

*Items in this list are the legislative priorities of the Urban Counties.*

### **① Taxation Policy**

1. Support the significant reduction of property tax rates by measures to reduce the cost of government and by replacing property tax revenue with revenue from other sources. Such measures to replace property tax revenue should also lower county and county hospital district tax rates by providing new revenue sources to counties.
2. Support working with the Legislature and the Governor's office to seek agreement on ways to reduce property taxes and provide essential services, and approve the designation of Chairman Mike Cantrell and Chair-Elect Sylvia Garcia as Urban Counties representatives to a task force of representatives from the Texas Association of Counties and the County Judges and Commissioners Association of Texas.
3. Support allowing counties to hold a local option election to impose a sales tax for property tax relief.
4. Support mandatory sales price disclosure on all real property transactions.
5. Pass sensible improvements to the property appraisal process:
  - i. Including sales price disclosure and
  - ii. Excluding arbitrary limits on local government:
    1. That are more restrictive than limits on state government, so long as:
    2. Commissioners Courts remain limited in their ability to manage county business and control county budgets; and
    3. There is no constitutional protection against unfunded mandates.

## **2 Juvenile & Criminal Justice**

1. Support expansion of the prison system or alternative measures that prevent prison overcrowding to avoid an increase in jail backlogs and/or early release of convicted felons.
2. Support adequate funding for probation and parole to provide meaningful supervision of appropriate criminals.
3. Support full state funding for all mandatory JJAEP placements in an amount adequate for year round programs.
4. Ask the State to manage the parole revocation process so that technical blue warrants in county jails do not exceed 3% of the county inmate population.
5. Support an increase in state funding for indigent defense purposes.
6. Support authority for counties to create independent assigned counsel programs provided that commissioners court approval is required and the court retains the authority to rescind the decision.
7. Support elimination of the requirement to issue an RFP before a county may create a public defenders office as a county department and preserve commissioners court oversight authority of the public defenders office.
8. Support allowing judges to authorize a cash deposit condition on personal bonds.

## **3 Transportation**

1. Support a higher priority for transportation funding in the state's budget process and increased funding for the Texas Department of Transportation for state highways.
2. By constitutional amendment reduce or end the diversion of Fund 6 money to other agencies.
3. Support increasing the 2060 permit fee, increasing bonding requirements, enhancing enforcement measures, and increasing sanctions for overweight trucks.
4. Support new state funding for the Special County Road Assistance Program using the existing allocation formula of: 40% county population, 20% unincorporated population, 20% lineal road miles, and 20% paved and concrete lane miles.
5. Support increasing the allowable fee on vehicle registrations to provide funding for the county road and bridge fund.
6. Oppose any measure that would weaken the independence or authority of a county over its tollways or of a Regional Tollway Authority (RTA) or that would transfer the assets of a county or an RTA without its express approval.
7. Support the dedication of \$200 million from motor vehicle sales taxes to the rail relocation and improvement fund.

8. Support access rules that recognize the different needs of various regions of the state instead of a uniform, one-size fits all, access rule in Texas.
9. Support a constitutional amendment to immediately freeze diversions from fund 006 and reduce the amount diverted by 1/5 in each biennium where state revenues grow by more than three times the amount of the reduction.
10. Allow all counties in the state to establish county or regional tollway authority projects, while holding harmless existing toll project entities.
11. The legislature should direct TxDOT to segregate transportation funds that are received from federal sources and those that are not received from federal sources.
12. Support the statewide education campaign by the Transportation Advocates of Texas, Inc. to inform Texans of current and future transportation needs and urge the legislature to enact revenue measures to fund needed improvements to transportation infrastructure.

#### **4 Subdivision Regulation**

1. Support consideration by the legislature of local bills granting comprehensive planning and zoning authority to individual counties, on a county-by-county basis, as a consensus is formed within individual counties.
2. Provide counties with strong and effective enforcement authority for the building code permit program, allow counties to charge a nominal fee to cover the cost of administration, and allow counties to recover enforcement costs when appropriate (not from the home-owner).
3. Allow urban counties to require a buffer zone between industrial uses and sensitive uses, such as neighborhoods, schools, churches, nursing homes and military facilities.
4. Allow counties to enact noise regulations on industrial and commercial uses in the unincorporated area.
5. Authorize counties to develop limited-purpose comprehensive planning for growth in the county that would lay out transportation infrastructure, planned utility providers, planned emergency service providers, and designate industrial land use areas.
6. Allow counties to require special districts and other political subdivisions to file their boundary information with the county clerk for the purpose of establishing a countywide map of political subdivisions.
7. Provide counties with optional authority to adopt basic infrastructure standards for multiple-unit rental communities located in the unincorporated area.
8. Pursue options to provide funding for infrastructure improvements related to new development in order to minimize taxpayer subsidization of property development.

## **5 Health and Human Services**

1. Support efforts to appropriately and adequately fund the Texas Medicaid program. Any cut in state general revenue funding for the Medicaid program results in the loss of critical federal matching funds, and would further shift the burden of indigent healthcare costs to local taxpayers.
2. Oppose changes that would decrease funding to urban county hospital districts in Medicaid supplemental payments (i.e., disproportionate share and upper payment limit).
3. Ask the State to oppose all efforts by the Federal government to reduce the current Federal Medicaid reimbursement formula pertaining to upper payment limits (UPL) for governmental providers.
4. Support the restoration of UTMB Galveston to its historical role as a provider of indigent health care services in Texas and to the level of service provided prior to Hurricane Ike.
5. Support reasonable changes to improve collections under the Driver Responsibility Program while preserving the trauma care funding provided by the program.
6. Oppose Medicaid rate cuts for ambulance services.

## **6 Clean Air Act Compliance for Texas**

1. Support full funding for the next biennium for the Texas Emissions Reduction Plan and maintain the integrity of the TERP program.

## **7 Revenue, Budget, and Miscellaneous**

1. No diversion of county vehicle tag fees to cities.
2. No redirection of county revenue.
3. Confirm commissioners court authority over the county budget and contracting.
4. No unfunded mandates.
5. Support constitutionally based unfunded mandate protection for local governments that allows counties to opt out of a mandate until funding is provided.
6. Oppose collective bargaining for peace officers unless supported by the commissioners court of the counties affected by the legislation.
7. Oppose all new property tax exemptions, expansion of existing exemptions, or any other narrowing of tax base unless approved by the Urban Counties.
8. Oppose the imposition of election machine requirements under state laws that are more stringent than HAVA.

9. Oppose restrictions and onerous reporting requirements on county government's authority to effectively communicate with the legislature or federal entities.
10. Oppose any changes to the prop. 2 program that would broaden the class of property eligible for determination by TCEQ as pollution control property.
11. Clarify that commissioners court has general authority to appoint a member of the court to a board, committee, or commission over which it has appointment authority unless such an appointment is specifically prohibited.
12. Amend the state conflicts disclosure requirement to give commissioners court the discretion to extend the disclosure requirements to county officials or employees that the court determines have a role in preparing, approving or influencing contracts on behalf of the county.
13. Oppose any new or increased restrictions on commissioners court authority to establish salaries of county officers and employees.
14. Oppose creation of a new fireworks season unless counties are given sufficient new authority over fireworks sales and use.
15. Oppose any effort that either mandates or prohibits the enforcement of federal immigration laws by local law enforcement agencies.
16. Oppose increased restrictions and prescriptions on county and sheriff's civil service system rules and operations.
17. Oppose changes to the long-standing practice of using the most recent decennial U.S. Census to determine population for statute and legislative purposes.
18. Oppose any new funding for the lateral road and bridge fund, but support additional funds for the county road assistance program.
19. Oppose requiring a person to have a law degree before they are eligible to be elected and serve as a Justice of the Peace.
20. Restore the traditional definition of a political contribution to clearly allow reimbursement of expenses for elected officials invited to speak at events in their official capacity.
21. Exempt from a 2009 adopted law that requires any county that accepts e-filing from a prosecutor to also accept e-filing from a defendant, those counties that use systems that provide for e-filing from the prosecutor only and the system was procured or used before the law was adopted.
22. Support allowing a county tax assessor/collector to refuse to register a motor vehicle if a fine, fee, or tax is owed to any county for more than sixty days, and maintain the current permissive authority to participate.
23. Support local control over compensation and benefits paid by the county.
24. Support changes in the administrative rules regarding the Prop. 2 program that will allow the subtraction of the value of marketable products in making partial determinations and explicitly deny eligibility for producing a good or service if the environmental benefit arises only from the use or characteristics of the good or service.

25. Support changing the interest rate on tax refunds (due to a district court appeal) to a floating interest rate that would track a published interest rate but would be capped at the current eight percent.
26. Support allowing all counties to recover costs and attorney's fees if they intervene in a rate case for water utilities.

### **Positions on other proposals before the 82nd Legislature**

*Items in this list are legislative positions regarding initiatives of member counties or other groups or organizations.*

1. **Federal Overweight Trucks.** Oppose any federal legislation that seeks to increase truck size or weight beyond the capacity of the road system which would put Texas highways, roads and bridges at risk of increased damage or deterioration. *Dallas County*
2. **Overweight Trucks.** Support an increase in the fines for overweight vehicles and other measures that will prevent or fund repair of road damage due to overweight trucks. *Jefferson County*
3. **Primary Election Funds.** Allow commissioners court to require primary election reimbursement funds to be sent by the Secretary of State's office to the county rather than to the parties. *Bexar County*
4. **Flight Program.** Support full funding to the NASA human space flight program. *Harris County*
5. **Food Stamp Program.** Support improvements in the enrollment components of the state food stamp program. *Travis County*
6. **Community Appraisal District.** Allow the county to require the appraisal district to change its name to a name that does not include the word county. *Midland County*
7. **Cell Phone Numbers.** Exempt personal cell phone numbers, Texas driver's license numbers, bank routing numbers, and email addresses of county officials and employees from Open Records requests. *Bexar County*
8. **Recycling.** Support creating a recycled beverage container deposit program in Texas to encourage recycling in the state. *Harris County*
9. **Service Firearms.** Allow commissioners court to implement a policy to allow an honorably retired peace officer to purchase their service firearm from the county. *Dallas County*