



**Chairman**  
Judge  
Veronica Escobar  
*El Paso County*

**Chair Elect**  
Judge  
Robert Hebert  
*Fort Bend County*

**Immediate Past Chair**  
Commissioner  
Bobbie Mitchell  
*Denton County*

**Vice-Chairmen**  
Comm. Tim Brown  
*Bell County*  
Judge Ed Emmett  
*Harris County*  
Judge Loyd Neal  
*Nueces County*

Judge Glen Whitley  
*Tarrant County*  
Judge Dan Gattis  
*Williamson County*  
Comm. Kevin Burns  
*Wise County*

**Executive Director**  
Donald Lee

**Member Counties**  
*Bell ~ Bexar*  
*Brazoria ~ Brazos*  
*Cameron ~ Chambers*  
*Collin ~ Comal*  
*Dallas ~ Denton*  
*Ector ~ El Paso*  
*Fort Bend ~ Galveston*  
*Grayson ~ Gregg*  
*Harris ~ Hays*  
*Hidalgo ~ Jefferson*  
*Johnson ~ Kaufman*  
*Lubbock ~ McLennan*  
*Midland ~ Montgomery*  
*Nueces ~ Potter*  
*Randall ~ Rockwall*  
*San Patricio ~ Smith*  
*Tarrant ~ Travis*  
*Webb ~ Williamson*  
*Wise*

500 West 13<sup>th</sup> Street  
Austin, TX 78701

Phone: 512.476.6174  
Fax: 512.476.5122  
www.cuc.org

## Policy Committee Meeting

Travis County Building | Austin, TX

**February 8, 2017**

### AGENDA

9:30 AM Convene.

1. Welcome, Introductions.
2. Administrative issues. [Ms. Robin Morris]
  - a. Next Meeting: Wednesday, March 8, 2017 at 9:30 AM.
3. Policy Committee Attendance Record 2016-2017.

		01/15/16	04/07/16	08/25/16	12/01/16	01/11/17	02/08/17	03/08/17	04/05/17	05/10/17	06/08/17	09/07/17	11/16/17
Policy Committee Members	County												
Judge Ed Emmett (Chair)	Harris County	V	V	V	V	V							
Commissioner Tim Brown	Bell County	V	V	V	V	V							
Commissioner Kevin Wolff	Bexar County	P	P	V	P	P							
Judge Matt Sebesta	Brazoria County	V	V	V	E	V							
Commissioner Alex Dominguez	Cameron County			V	V	V							
Commissioner Chris Hill	Collin County	E	V	V	V	E							
Commissioner Theresa Daniel	Dallas County	V	V	V	V	V							
Commissioner Bobbie Mitchell	Denton County	V	E	E	V	V							
Judge Veronica Escobar	El Paso County	V	P	P	V	V							
Judge Robert Hebert	Fort Bend County	V	V	V	V	V							
Commissioner Ken Clark	Galveston County	V	V	V	V	V							
Judge Bill Magers	Grayson County	E	V	P	V	V							
Commissioner Joe Palacios	Hidalgo County	E	P	V	X	P							
Commissioner Eddie Arnold	Jefferson County	V	E	E	V	V							
Judge Bruce Wood	Kaufman County	V	V	V	V	V							
Commissioner Bill McCay	Lubbock County	E	V	E	V	V							
Judge Mike Bradford	Midland County	P	V	V	V	V							
Judge Craig Doyal	Montgomery County	E	V	V	P	V							
Judge Loyd Neal	Nueces County	V	V	V	E	V							
Judge Glen Whitley	Tarrant County	V	V	V	V	V							
Judge Sarah Eckhardt	Travis County					V							
Judge Dan Gattis	Williamson County	V	V	V	V	V							
Commissioner Kevin Burns	Wise County	V	V	V	V	V							

V - Present | X - Absent | P - Present by Proxy | E - Excused Absence

4. Consider the minutes from the January 11, 2017 meeting. [pg. 7]

5. Discussion of senate property tax reform legislation. [Mr. Donald Lee] [pg. 12]
6. Consideration of proposals regarding agricultural and open space property. [Mr. Donald Lee]. [pg. 14]

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Taxation Policy Section of the Policy Platform is amended as follows:

Oppose reducing or eliminating agriculture and open-space rollback taxes, but support adjustment of the current 7% annual interest used to calculate rollback taxes.

7. Consideration of extending who may defer payment of property taxes. [Mr. Donald Lee] [pg. 16]

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Taxation section of the Policy Platform is amended as follows:

Oppose extending deferment of property taxes beyond the elderly and disabled.

8. Consideration of confining a defendant for failure to pay a fine or court costs for fine-only offense. [Mr. John Dahill] [pg. 17]

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Juvenile and Criminal Justice Section of the Policy Platform is amended as follows:

Support prohibiting a JP court from confining a defendant for failure to pay a fine or court costs for a fine-only offense.

9. Discussion of "Sanctuary Cities" Legislation. [Mr. Donald Lee] [pg. 18]
10. Consideration of Governor's disapproval of conveyances of land to the federal government. [Mr. John Dahill] [pg. 19]

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Revenue, Budget and Miscellaneous Policy Section of the Policy Platform is amended as follows:

Oppose new requirements that political subdivisions provide advance notice to the Governor before conveying land to the federal government, such conveyance being subject to disapproval by the Governor.

11. Consideration of ability to meet in closed meeting to discuss economic development negotiations. [Mr. John Dahill] [pg. 20]

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Revenue, Budget, and Miscellaneous section of the Policy Platform is amended as follows:

Support retaining the ability of governmental bodies to consider economic development information in closed meetings.

12. Consideration of local control of court records. [Mr. John Dahill] [pg. 21]

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Revenue, Budget, and Miscellaneous section of the Policy Platform is amended as follows:

Support local control of the records of county and district clerks.

13. Discussion of appropriations priorities in the 85<sup>th</sup> session. [Ms. Windy Johnson][pg. 22]  
14. Discussion of ethics bills. [Mr. Donald Lee]. [pg. 24]  
15. Discussion of mandatory zero based budgeting. [Mr. Donald Lee] [pg. 25]  
16. Discussion of efforts to increase the costs of acquiring property by governments and common carriers. [Mr. Donald Lee] [pg. 26]  
17. Discussion of straight party voting. [Mr. Donald Lee] [pg. 29]  
18. Consideration to use venue taxes for parks and recreation. [Mr. Donald Lee] [pg. 30]

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support section of the Policy Platform is amended as follows:

**Venue Taxes for Parks.** Support allowing counties to use venue taxes to fund projects in the parks and recreation system. *Travis County*

19. Consideration of discretion over county welfare petty cash. [Ms. Windy Johnson][pg. 31]

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support section of the Policy Platform is amended as follows:

**County Welfare.** Support removing the limit on the amount of petty cash a commissioners court may provide to a county welfare department in a county with a population greater than 1.3 million. *Harris County.*

20. Consideration of authority to appoint a supplemental civil service commission. [Ms. Windy Johnson]. [pg. 32]

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support section of the Policy Platform is amended as follows:

**Supplemental Civil Service Commissions.** Support optional authority of a commissioners court to appoint, and designate the responsibilities of, a supplemental civil service commission to assist the county civil service commission. *Dallas County.*

21. Consider allowing commissioners court to prohibit the use of fireworks during hours specified in an order. [Ms. Gabriela Villareal] [pg. 33]

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support section of the Policy Platform is amended as follows:

**Fireworks Authority.** Support allowing a county to prohibit the use of fireworks during hours determined by commissioners court.

22. Consideration of expanding where a county law library may be based. [Ms. Gabriela Villareal] [pg. 34]

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support section of the Policy Platform is amended as follows:

**Law Library.** Support allowing a county law library to be established anywhere in the county rather than only the county seat and allowing the county law library fund to be used to establish and maintain a self-help center to provide free legal resources to residents.

23. Consideration of optional vehicle registration fee in Bexar County. [Ms. Gabriela Villareal] [pg. 35]

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support Section of the Policy Platform is amended as follows:

**Bexar County Optional Vehicle Registration Fee.** Support allowing Bexar County to impose, if approved by a majority of qualified voters, an additional \$10 vehicle registration fee for transportation projects chosen by their local RMA. *Bexar County.*

24. Consideration of authorization for county clerks to conduct marriage ceremonies. [Ms. Gabriela Villareal] [pg. 36]

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support Section of the Policy Platform is amended as follows:

**Marriage Ceremony.** Support authorizing the Bexar County Clerk to conduct marriage ceremonies and collect a \$25 fee that the county must use to fund grants to non-profits related to domestic violence. *Bexar County.*

25. Consideration of the overseas military e-mail ballot program. [Ms. Gabriela Villareal] [pg. 37]

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support Section of the Policy Platform is amended as follows:

**Overseas Military E-Mail Ballot Program.** Support the repeal of the expiration date of the Overseas E-Mail Ballot Pilot Program and allow any county to participate in the program. *Bexar County.*

26. Consideration of removing the requirement of obtaining approval on tax abatement agreements within Tax Increment Reinvestment Zone by entities not participating in the zone. [Ms. Gabriela Villareal] [items 26-32: pg. 38]

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support Section of the Policy Platform is amended as follows:

**Tax Abatement Removal within a TIRZ.** Support removing the requirement for approval on tax abatements within TIRZ by entities not participating in the zone. *Bexar County*

27. Consideration of voting equipment certification. [Ms. Gabriela Villareal]

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support Section of the Policy Platform is amended as follows:

**Voting Equipment Certification.** Support the use of election equipment certified by the U.S. Election Assistance Commission to be used in the State of Texas without further certifications. *Bexar County*

28. Consideration to allow for funding of a pilot project that focuses on programming not currently available for chronically homeless serial inebriates to provide longer periods of treatment. [Ms. Gabriela Villareal]

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support Section of the Policy Platform is amended as follows:

**Super Utilizer Pilot Project.** Support State funding for a Super Utilizer Pilot Project in Bexar County. *Bexar County*

29. Consideration to allow county pretrial programs to collect supervision fees. [Ms. Gabriela Villareal]

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support Section of the Policy Platform is amended as follows:

**Pretrial Program Fee.** Support allowing county pretrial supervision programs, run outside CSCDs, to collect supervision fees. *Bexar County*

30. Consideration to allow urban Counties to adopt building regulations upon petition from residents and the passage of a proposition to authorize said regulations. [Ms. Gabriela Villareal]

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support Section of the Policy Platform is amended as follows:

**County Building Standards.** Support allowing urban counties to adopt building regulations upon petition from residents and passage of a proposition to authorize said regulations. *Bexar County*

31. Consideration to authorize Counties to require the provision of solid waste collection by landlords of two or more leased dwellings located in an unincorporated area. [Ms. Gabriela Villareal]

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support Section of the Policy Platform is amended as follows:

**Solid Waste Collection in Unincorporated Areas.** Support authorizing Counties to require the provision of solid waste collection by landlords of two or more leased dwellings located in an unincorporated area. *Bexar County*

32. Consideration to allow a county to retain unclaimed duplicate property tax payments. [Ms. Gabriela Villareal]

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support Section of the Policy Platform is amended as follows:

**Unclaimed Duplicate Tax Payment Retention.** Support allowing a county to retain unclaimed duplicate property tax payments. *Bexar County*

33. New Business.

34. Adjourn.

**Policy Committee Meeting**  
Hilton Austin Airport Hotel | 9515 Hotel Dr, Austin, TX 78719  
**January 11, 2017**

**Minutes**

**Members Present**

Judge Ed Emmett (Chair), Harris County  
Commissioner Tim Brown, Bell County  
Commissioner Kevin Wolff, Bexar County (Proxy Melissa Shannon)  
Judge Matt Sebesta, Brazoria County  
Commissioner Alex Dominguez, Cameron County  
Commissioner Theresa Daniel, Dallas County  
Commissioner Bobbie Mitchell, Denton County  
Judge Veronica Escobar, El Paso County  
Judge Robert Hebert, Fort Bend County  
Commissioner Ken Clark, Galveston County  
Judge Bill Magers, Grayson County  
Commissioner Joe Palacios, Hidalgo County (Proxy Jose Caso)  
Commissioner Eddie Arnold, Jefferson County  
Judge Bruce Wood, Kaufman County  
Commissioner Bill McCay, Lubbock County  
Judge Mike Bradford, Midland County  
Judge Craig Doyal, Montgomery County  
Judge Loyd Neal, Nueces County  
Judge Glen Whitley, Tarrant County  
Judge Sarah Eckhardt, Travis County  
Judge Dan Gattis, Williamson County  
Commissioner Kevin Burns, Wise County

**Others Present**

Craig Pardue, Bedrock Strategy (Dallas County & Midland County)  
Charles Reed, Dallas County  
Ruben Vogt, El Paso County  
Claudia Russell, El Paso County  
Ann Werlein, Fort Bend County  
Commissioner Darryl Primo, Gregg County  
Joanye Henderson, Harris County  
Mark Mendez, Tarrant County  
Commissioner Gerald Daugherty, Travis County  
Commissioner Margaret Gomez, Travis County  
Deece Eckstein, Travis County  
Julie Wheeler, Travis County  
Peter Einhorn Travis County  
John Dahill, Texas Conference of Urban Counties  
Donald Lee, Texas Conference of Urban Counties  
Robin Morris, Texas Conference of Urban Counties  
Windy Johnson, Texas Conference of Urban Counties

Judge Emmett called the meeting to order at 9:32 AM

The Committee discussed agenda **item 2**, administrative issues.

The Committee discussed agenda **item 3**, attendance record.

The Committee considered agenda **item 4**, approval of the minutes of the December 1, 2016 meeting. On a motion by Judge Whitley and a second by Commissioner Burns the minutes were approved as presented.

The Committee discussed agenda **item 5**, property tax exemptions.

The Committee considered agenda **item 6**, property tax installment payments. On a motion by Judge Doyal and a second by Judge Bradford, the following was approved as presented:

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Taxation section of the Policy Platform is amended as follows:

Oppose expansion to all taxpayers the right to pay property taxes in installments over the year.

The Committee considered agenda **item 7**, fees for expunctions. On a motion by Commissioner McCay and a second by Commissioner Arnold, the following was approved as presented:

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Juvenile & Criminal Justice section of the Policy Platform is amended as follows:

Oppose efforts to permit a defendant placed on deferred adjudication probation to obtain an expunction without payment of court costs unless the defendant is indigent.

The Committee discussed agenda **item 8**, driver responsibility program legislation.

The Committee discussed agenda **item 9**, ridesharing regulations.

The Committee discussed agenda **item 10**, 1115 Medicaid Waiver update.

The Committee discussed agenda **item 11**, county boards regarding CPS services.

The Committee considered agenda **item 12**, mental illness community collaborative grant programs. On a motion by Commissioner Daniel and a second by Judge Eckhardt, the following was approved as modified:

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Health and Human Services section of the Policy Platform is amended as follows:

Support expansion to additional counties of the Harris County mental health jail diversion pilot program model to reduce recidivism, arrest, and incarceration of individuals with mental illness.



The Committee considered agenda **item 13**, mandated reporting of receipt and use of Federal funds by counties. On a motion by Commissioner Dominguez and a second by Judge Bradford, the following was approved as presented:

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Miscellaneous section of the Policy Platform is amended as follows:

Oppose new mandated reporting of receipt and use of Federal funds by counties.

The Committee considered agenda **item 14**, authority for appraisal district to sell property. On a motion by Judge Eckhardt and a second by Commissioner Arnold, the following was approved as presented:

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Miscellaneous section of the Policy Platform is amended as follows:

Support commissioners court optional authority to allow blanket approval to a county appraisal district board the authority to lease or convey property.

The Committee discussed agenda **item 15**, special election for a candidate after a primary.

The Committee considered agenda **item 16**, expanding countywide polling places. On a motion by Commissioner Brown and a second by Judge Gattis, the following was approved as presented:

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Miscellaneous section of the Policy Platform is amended as follows:

Support removing the limitations on the number of counties that may choose, with Secretary of State authorization, to transition into the Countywide Polling Places program.

The Committee considered agenda **item 17**, eminent domain legislation. On a motion by Judge Eckhardt and a second by Commissioner McCay, the following was approved as presented:

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Miscellaneous section of the Policy Platform is amended as follows:

Oppose injecting commissioners courts as decision makers in condemnation actions not involving their respective counties.

Support the current permissive authority of governmental entities to sell property for less than fair market value.

The Committee considered agenda **item 18**, whistleblower status legislation. On a motion by Commissioner Daniel and a second by Judge Wood, the following was approved as presented:

RESOLVED by the Urban Counties Policy Committee that the Revenue, Budget, and Miscellaneous section of the Policy Platform is amended as follows:

Oppose granting whistleblower status to employees unless they report illegal conduct to a person designated by the employing governmental entity to receive such reports, the attorney general, or an appropriate law enforcement authority.

The Committee discussed agenda **item 19**, E-filing.

The Committee discussed agenda **item 20**, legislation reducing the early voting period. On a motion by Judge Hebert and a second by Judge Gattis, the following was approved as presented:

RESOLVED by the Urban Counties Policy Committee that the Revenue, Budget, and Miscellaneous section of the Policy Platform is amended as follows:

Oppose shortening the early voting period.

The Committee considered agenda **item 21**, alternate collections for dishonored checks. On a motion by Commissioner Mitchell and a second by Judge Bradford, the following was approved as presented:

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support section of the Policy Platform is amended as follows:

**Dishonored Checks.** Support an option to allow a county to contract with an outside collections firm to collect dishonored checks and credit card invoices.  
*Dallas County*

The Committee considered agenda **item 22**, an electronic jury summons questionnaire. On a motion by Judge Eckhardt and a second by Commissioner Daniel, the following was approved as presented:

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support section of the Policy Platform is amended as follows:

**Jury Summons.** Support allowing counties to include a link to a jury summons questionnaire with the jury summons in lieu of a hardcopy. *Dallas County*

The Committee considered agenda **item 23**, an expanding electronic monitoring program to probationers. On a motion by Judge Doyal and a second by Commissioner Clark, the following was approved as presented:

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support section of the Policy Platform is amended as follows:

**Electronic Monitoring.** Support allowing individuals placed on probation to participate in a County run electronic monitoring program in lieu of jail time.  
*Dallas County*

The Committee considered agenda **item 24**, authorizing counties to utilize a broker for leasing county owned space. On a motion by Judge Eckhardt and a second by Commissioner Arnold, the following was approved as presented:

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support section of the Policy Platform is amended as follows:

**Leasing Property.** Support allowing a county commissioners court to utilize a broker for leasing of county owned space. *Dallas County*

The Committee considered agenda **item 26**, prohibiting drones over correctional facilities. On a motion by Judge Hebert and a second by Commissioner Burns, the following was approved as presented:

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support section of the Policy Platform is amended as follows:

**Drones.** Support prohibiting the operation of a drone over secure penal or correctional facilities. *Travis County*

The Committee considered agenda **item 27**, El Paso support item – absentee mail ballot.

There was no new business.

The meeting adjourned at 11:35 AM

---

Vice Chairman of Policy  
Judge Ed Emmett

---

Date



**Chairman**

Judge  
Veronica Escobar  
*El Paso County*

**Chair Elect**

Judge  
Robert Hebert  
*Fort Bend County*

**Immediate Past Chair**

Commissioner  
Bobbie Mitchell  
*Denton County*

**Vice-Chairmen**

Comm. Tim Brown  
*Bell County*

Judge Ed Emmett  
*Harris County*

Judge Loyd Neal  
*Nueces County*

Judge Glen Whitley  
*Tarrant County*

Judge Dan Gattis  
*Williamson County*

Comm. Kevin Burns  
*Wise County*

**Executive Director**

Donald Lee

**Member Counties**

*Bell ~ Bexar*

*Brazoria ~ Brazos*

*Cameron ~ Chambers*

*Collin ~ Comal*

*Dallas ~ Denton*

*Ector ~ El Paso*

*Fort Bend ~ Galveston*

*Grayson ~ Gregg*

*Harris ~ Hays*

*Hidalgo ~ Jefferson*

*Johnson ~ Kaufman*

*Lubbock ~ McLennan*

*Midland ~ Montgomery*

*Nueces ~ Potter*

*Randall ~ Rockwall*

*San Patricio ~ Smith*

*Tarrant ~ Travis*

*Webb ~ Williamson*

*Wise*

500 West 13<sup>th</sup> Street  
Austin, TX 78701

Phone: 512.476.6174

Fax: 512.476.5122

[www.cuc.org](http://www.cuc.org)

February 8, 2017

To: Urban Counties Policy Committee

From: Donald Lee, Executive Director

Re: **(5) Discussion of Senate Property Tax Reform  
Legislation**

**Background:**

SB 2, by Paul Bettencourt, is the Senate proposal to reform and reduce property taxes. The bill:

- Lowers the 8% rollback rate to 4%. Allows an increase back to 8% if the area is declared a disaster in the current tax year. Requires a mandatory election if a taxing unit exceeds the rollback rate.
- Adjusts the deadline dates for submitting rendition forms, certifying taxable values, and sending or publishing the effective tax rate. If a governing body adopts a tax rate exceeding the rollback rate, it must do so before August 15 and must seek approval from voters in November.
- Repeals a current provision allowing a taxing unit to challenge the level of appraisals of any category of property.
- Requires all members of the board of directors for an appraisal district to be an elected official of the county or a political subdivision in the county.
- Requires the appraisal district board in a county of 120,000 or more to increase the size of the appraisal review board (ARB) to a number sufficient to staff the three-person special panels created by the ARB to separately handle protest hearings of: 1) commercial property; 2) utility property; 3) industrial property; and 4) multifamily residential property. The chairman of the ARB may establish additional special panels if needed.
- Requires the comptroller to appoint a six-member property tax administration advisory board to assist the comptroller with recommendations regarding state administration of property taxation and oversight of appraisal districts and local tax offices. An elected official may not serve on the advisory board.

- Requires an appraisal district to appraise property in accordance with appraisal manuals prepared by the comptroller. Each appraisal district will be reviewed by the comptroller for compliance with said appraisal manuals. A general audit by the comptroller will include the district's level of compliance with the appraisal manuals.
- Increases the property tax exemption for tangible personal property used in the production of income from \$500 to \$2,500.
- Increases the property value limit on the right to appeal an appraisal through binding arbitration from \$3 million to \$5 million.

The Texas Conference of Urban Counties Policy Committee approved the following position in the Taxation Policy section of the Policy Platform:

Oppose arbitrary limits on local government that are more restrictive than limits on state government, so long as:

- a. Commissioners Courts remain limited in their ability to manage county business and control county budgets; and
- b. There is no constitutional protection against unfunded mandates.

**Recommended Resolution:**

None.



**Chairman**

Judge  
Veronica Escobar  
*El Paso County*

**Chair Elect**

Judge  
Robert Hebert  
*Fort Bend County*

**Immediate Past Chair**

Commissioner  
Bobbie Mitchell  
*Denton County*

**Vice-Chairmen**

Comm. Tim Brown  
*Bell County*

Judge Ed Emmett  
*Harris County*

Judge Loyd Neal  
*Nueces County*

Judge Glen Whitley  
*Tarrant County*

Judge Dan Gattis  
*Williamson County*

Comm. Kevin Burns  
*Wise County*

**Executive Director**

Donald Lee

**Member Counties**

*Bell ~ Bexar  
Brazoria ~ Brazos  
Cameron ~ Chambers  
Collin ~ Comal  
Dallas ~ Denton  
Ector ~ El Paso  
Fort Bend ~ Galveston  
Grayson ~ Gregg  
Harris ~ Hays  
Hidalgo ~ Jefferson  
Johnson ~ Kaufman  
Lubbock ~ McLennan  
Midland ~ Montgomery  
Nueces ~ Potter  
Randall ~ Rockwall  
San Patricio ~ Smith  
Tarrant ~ Travis  
Webb ~ Williamson  
Wise*

500 West 13<sup>th</sup> Street  
Austin, TX 78701

Phone: 512.476.6174

Fax: 512.476.5122

[www.cuc.org](http://www.cuc.org)

February 8, 2017

To: Urban Counties Policy Committee

From: Windy Johnson, Program Manager

Re: **(6) Consideration of Proposals Regarding Agricultural and Open Space Property**

**Background:**

Several bills have been filed that would impact taxes on agricultural and open space land.

- HB 231 by Rodriguez, adds guidelines for uncommon agricultural uses, particularly for small-scale producers on land under 10 acres. The chief appraiser shall distinguish between the degree of intensity required for various agricultural methods, including organic, sustainable, pastured poultry, rotational grazing and other uncommon methods. Producing fruits and vegetables is added to the definition of agricultural use. Land under 10 acres that qualifies under these guidelines may not subsequently qualify for wildlife management use.
- HB 320 by Canales, changes the period of the rollback tax assessed when an agricultural or qualified open-space exemption is lost from the preceding five years to the preceding two years.
- HB 777 by Phillips/SB 175 by Nichols, entitle a member of the armed forces to retain their agricultural use property tax break during any out-of-state deployment or assignment if they file a letter with the appraisal office stating their intent to return the property to agricultural use when they arrive home.
- HB 801 by Murphy, repeals the 5-year rollback tax assessed when an agricultural or qualified open-space exemption is lost.
- HB 1211 by Phillips, lowers the interest rate imposed on the 5-year rollback tax from 7% to 5%.
- SB 330 by Rodriguez/HB 950 by Rodriguez, provide that land qualifies as open-space if currently devoted principally to agriculture to the degree of intensity generally accepted in the area, was devoted to agricultural use or timber production in the preceding year, and is owned or managed by a veteran of the U.S. armed services or by an individual who was less than 35 years of age and had not served as the principal operator of a farm or ranch for any period of more than 10 consecutive years.

- SB 629 by Schwertner, removes the interest the interest rate imposed on the 5-year rollback tax. For an agriculture rollback tax bill that goes delinquent, penalty and interest is added.

**Recommended Resolution**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Taxation Policy Section of the Policy Platform is amended as follows:

Oppose reducing or eliminating agriculture and open-space rollback taxes, but support adjustment of the current 7% annual interest used to calculate rollback taxes.



**Chairman**

Judge  
Veronica Escobar  
*El Paso County*

**Chair Elect**

Judge  
Robert Hebert  
*Fort Bend County*

**Immediate Past Chair**

Commissioner  
Bobbie Mitchell  
*Denton County*

**Vice-Chairmen**

Comm. Tim Brown  
*Bell County*

Judge Ed Emmett  
*Harris County*

Judge Loyd Neal  
*Nueces County*

Judge Glen Whitley  
*Tarrant County*

Judge Dan Gattis  
*Williamson County*

Comm. Kevin Burns  
*Wise County*

**Executive Director**

Donald Lee

**Member Counties**

*Bell ~ Bexar*  
*Brazoria ~ Brazos*  
*Cameron ~ Chambers*  
*Collin ~ Comal*  
*Dallas ~ Denton*  
*Ector ~ El Paso*  
*Fort Bend ~ Galveston*  
*Grayson ~ Gregg*  
*Harris ~ Hays*  
*Hidalgo ~ Jefferson*  
*Johnson ~ Kaufman*  
*Lubbock ~ McLennan*  
*Midland ~ Montgomery*  
*Nueces ~ Potter*  
*Randall ~ Rockwall*  
*San Patricio ~ Smith*  
*Tarrant ~ Travis*  
*Webb ~ Williamson*  
*Wise*

500 West 13<sup>th</sup> Street  
Austin, TX 78701

Phone: 512.476.6174

Fax: 512.476.5122

[www.cuc.org](http://www.cuc.org)

February 8, 2017

To: Urban Counties Policy Committee

From: Windy Johnson, Program Manager

Re: **(7) Consideration of Extending who May Defer Payment of Property Taxes**

**Background:**

HB 969 by Metcalf would:

- Reduce the interest rate on elderly or disabled homestead deferred taxes from 8% to 2%;
- Allow deferral of property taxes for any homestead where the owner has 10% equity with an 8% interest rate; or 2% rate if equity is greater than 50%; and
- Allow deferral of property taxes for at 8% interest rate if owner has at least 50% equity and has owned the property for 100 years.

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Tax section of the Policy Platform is amended as follows:

Oppose extending deferment of property taxes beyond the elderly and disabled.





**Chairman**

Judge  
Veronica Escobar  
*El Paso County*

**Chair Elect**

Judge  
Robert Hebert  
*Fort Bend County*

**Immediate Past Chair**

Commissioner  
Bobbie Mitchell  
*Denton County*

**Vice-Chairmen**

Comm. Tim Brown  
*Bell County*

Judge Ed Emmett  
*Harris County*

Judge Loyd Neal  
*Nueces County*

Judge Glen Whitley  
*Tarrant County*

Judge Dan Gattis  
*Williamson County*

Comm. Kevin Burns  
*Wise County*

**Executive Director**

Donald Lee

**Member Counties**

*Bell ~ Bexar*

*Brazoria ~ Brazos*

*Cameron ~ Chambers*

*Collin ~ Comal*

*Dallas ~ Denton*

*Ector ~ El Paso*

*Fort Bend ~ Galveston*

*Grayson ~ Gregg*

*Harris ~ Hays*

*Hidalgo ~ Jefferson*

*Johnson ~ Kaufman*

*Lubbock ~ McLennan*

*Midland ~ Montgomery*

*Nueces ~ Potter*

*Randall ~ Rockwall*

*San Patricio ~ Smith*

*Tarrant ~ Travis*

*Webb ~ Williamson*

*Wise*

500 West 13<sup>th</sup> Street  
Austin, TX 78701

Phone: 512.476.6174

Fax: 512.476.5122

[www.cuc.org](http://www.cuc.org)

February 8, 2017

To: Urban Counties Policy Committee

From: John B. Dahill, General Counsel

Re: **(8) Consideration of Confining a Defendant for Failure to Pay a Fine or Court Costs for Fine-Only Offense**

**Background:**

HB 1125, by White, prohibits a JP or municipal court from jailing a defendant for failure to pay fine and costs for an offense punishable by fine only, without regard to whether the defendant is indigent.

If a defendant does not pay as ordered in a Class C case, a JP may not issue a capias pro fine, but may instead order the defendant to appear for a hearing. If indigent, the defendant may be ordered to perform community service. If the defendant is not indigent, a JP may not order the defendant to be jailed for contempt. A current statute does permit execution on a defendant's property for failure to pay a fine and court costs in JP court, and statutes permit blocking both vehicle registration and driver's license renewal for a person with outstanding fines and court costs.

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Juvenile and Criminal Justice Section of the Policy Platform is amended as follows:

Support prohibiting a JP court from confining a defendant for failure to pay a fine or court costs for a fine-only offense.



**Chairman**

Judge  
Veronica Escobar  
*El Paso County*

**Chair Elect**

Judge  
Robert Hebert  
*Fort Bend County*

**Immediate Past Chair**

Commissioner  
Bobbie Mitchell  
*Denton County*

**Vice-Chairmen**

Comm. Tim Brown  
*Bell County*

Judge Ed Emmett  
*Harris County*

Judge Loyd Neal  
*Nueces County*

Judge Glen Whitley  
*Tarrant County*

Judge Dan Gattis  
*Williamson County*

Comm. Kevin Burns  
*Wise County*

**Executive Director**

Donald Lee

**Member Counties**

*Bell ~ Bexar*

*Brazoria ~ Brazos*

*Cameron ~ Chambers*

*Collin ~ Comal*

*Dallas ~ Denton*

*Ector ~ El Paso*

*Fort Bend ~ Galveston*

*Grayson ~ Gregg*

*Harris ~ Hays*

*Hidalgo ~ Jefferson*

*Johnson ~ Kaufman*

*Lubbock ~ McLennan*

*Midland ~ Montgomery*

*Nueces ~ Potter*

*Randall ~ Rockwall*

*San Patricio ~ Smith*

*Tarrant ~ Travis*

*Webb ~ Williamson*

*Wise*

500 West 13<sup>th</sup> Street  
Austin, TX 78701

Phone: 512.476.6174

Fax: 512.476.5122

[www.cuc.org](http://www.cuc.org)

February 8, 2017

To: Urban Counties Policy Committee

From: John Dahill, General Counsel

Re: **(9) Discussion of "Sanctuary Cities" Legislation**

**Background:**

SB 4, by Senator Perry was filed to address "sanctuary cities." The content of the bill as filed include:

- A requirement to investigate the immigration status of an arrested person if the arrestee is unable to provide proof of lawful presence in the U.S.;
- A requirement to honor all ICE detainer requests;
- A prohibition on any policy or practice that discourages enforcement of federal immigration laws, and a loss of eligibility for state grant funds for violations.

SB 4 was heard in Senate State Affairs last week. A substitute was introduced which contained the following new provisions:

- Waiver of governmental immunity and liability for any damages resulting from a felony committed by a person within 10 years following release if the person had a prior Class B misdemeanor or higher conviction and the county or city did not honor an ICE detainer request for the person;
- Ineligibility for state grant funds applies to an offending entity and each entity "under the jurisdiction of" the offending entity. The loss of state grant funds is a one-year minimum.

The Policy Platform currently contains the following position:

Oppose financial penalties imposed on local governments by the state for failure to comply with state mandates to enforce or to not enforce federal laws.

**Recommended Resolution:**

None.



**Chairman**

Judge  
Veronica Escobar  
*El Paso County*

**Chair Elect**

Judge  
Robert Hebert  
*Fort Bend County*

**Immediate Past Chair**

Commissioner  
Bobbie Mitchell  
*Denton County*

**Vice-Chairmen**

Comm. Tim Brown  
*Bell County*

Judge Ed Emmett  
*Harris County*

Judge Loyd Neal  
*Nueces County*

Judge Glen Whitley  
*Tarrant County*

Judge Dan Gattis  
*Williamson County*

Comm. Kevin Burns  
*Wise County*

**Executive Director**

Donald Lee

**Member Counties**

*Bell ~ Bexar*

*Brazoria ~ Brazos*

*Cameron ~ Chambers*

*Collin ~ Comal*

*Dallas ~ Denton*

*Ector ~ El Paso*

*Fort Bend ~ Galveston*

*Grayson ~ Gregg*

*Harris ~ Hays*

*Hidalgo ~ Jefferson*

*Johnson ~ Kaufman*

*Lubbock ~ McLennan*

*Midland ~ Montgomery*

*Nueces ~ Potter*

*Randall ~ Rockwall*

*San Patricio ~ Smith*

*Tarrant ~ Travis*

*Webb ~ Williamson*

*Wise*

500 West 13<sup>th</sup> Street  
Austin, TX 78701

Phone: 512.476.6174

Fax: 512.476.5122

[www.cuc.org](http://www.cuc.org)

February 8, 2017

To: Urban Counties Policy Committee

From: John B. Dahill, General Counsel

Re: **(10) Consideration of Governor's Disapproval of  
Conveyances of Land to the Federal Government**

**Background:**

HB 997, by Capriglione, would require political subdivisions to notify the Governor of a proposed conveyance of land to the US government. The Governor could disapprove any proposed conveyance within 30 days, with the exception of conveyances for post offices.

The bill further requires all political subdivisions to provide information to the General Land Office regarding conveyances of land to the US government. GLO is to post that information on its website.

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Revenue, Budget and Miscellaneous Policy Section of the Policy Platform is amended as follows:

Oppose new requirements that political subdivisions provide advance notice to the Governor before conveying land to the federal government, such conveyance being subject to disapproval by the Governor.



**Chairman**

Judge  
Veronica Escobar  
*El Paso County*

**Chair Elect**

Judge  
Robert Hebert  
*Fort Bend County*

**Immediate Past Chair**

Commissioner  
Bobbie Mitchell  
*Denton County*

**Vice-Chairmen**

Comm. Tim Brown  
*Bell County*

Judge Ed Emmett  
*Harris County*

Judge Loyd Neal  
*Nueces County*

Judge Glen Whitley  
*Tarrant County*

Judge Dan Gattis  
*Williamson County*

Comm. Kevin Burns  
*Wise County*

**Executive Director**

Donald Lee

**Member Counties**

*Bell ~ Bexar  
Brazoria ~ Brazos  
Cameron ~ Chambers  
Collin ~ Comal  
Dallas ~ Denton  
Ector ~ El Paso  
Fort Bend ~ Galveston  
Grayson ~ Gregg  
Harris ~ Hays  
Hidalgo ~ Jefferson  
Johnson ~ Kaufman  
Lubbock ~ McLennan  
Midland ~ Montgomery  
Nueces ~ Potter  
Randall ~ Rockwall  
San Patricio ~ Smith  
Tarrant ~ Travis  
Webb ~ Williamson  
Wise*

500 West 13<sup>th</sup> Street  
Austin, TX 78701

Phone: 512.476.6174

Fax: 512.476.5122

[www.cuc.org](http://www.cuc.org)

February 8, 2017

To: Urban Counties Policy Committee

From: John B. Dahill, General Counsel

Re: **(11) Consideration of Ability to Meet in Closed Meeting to Discuss Economic Development Negotiations**

**Background:**

Currently, a governing body may meet in a closed meeting to discuss commercial and financial information received from business prospects and to deliberate offers of financial and other incentives to locate, stay, or expand those businesses in or near the territory of the governmental body.

SB 388, by Konnie Burton, would repeal the provision in the Texas Open Meetings Act that permits these closed meetings.

**Recommended Resolution**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Revenue, Budget, and Miscellaneous section of the Policy Platform is amended as follows:

Support retaining the ability of governmental bodies to consider economic development information in closed meetings.



February 8, 2017

**Chairman**

Judge  
Veronica Escobar  
*El Paso County*

**Chair Elect**

Judge  
Robert Hebert  
*Fort Bend County*

**Immediate Past Chair**

Commissioner  
Bobbie Mitchell  
*Denton County*

**Vice-Chairmen**

Comm. Tim Brown  
*Bell County*

Judge Ed Emmett  
*Harris County*

Judge Loyd Neal  
*Nueces County*

Judge Glen Whitley  
*Tarrant County*

Judge Dan Gattis  
*Williamson County*

Comm. Kevin Burns  
*Wise County*

**Executive Director**

Donald Lee

**Member Counties**

*Bell ~ Bexar  
Brazoria ~ Brazos  
Cameron ~ Chambers  
Collin ~ Comal  
Dallas ~ Denton  
Ector ~ El Paso  
Fort Bend ~ Galveston  
Grayson ~ Gregg  
Harris ~ Hays  
Hidalgo ~ Jefferson  
Johnson ~ Kaufman  
Lubbock ~ McLennan  
Midland ~ Montgomery  
Nueces ~ Potter  
Randall ~ Rockwall  
San Patricio ~ Smith  
Tarrant ~ Travis  
Webb ~ Williamson  
Wise*

500 West 13<sup>th</sup> Street  
Austin, TX 78701

Phone: 512.476.6174

Fax: 512.476.5122

[www.cuc.org](http://www.cuc.org)

To: Urban Counties Policy Committee

From: John B. Dahill, General Counsel

Re: **(12) Consideration of Local Control of Court Records**

**Background:**

Bills have been filed which prohibit Efile Texas from selling court records. HB 1058, by Justine Holland, permits only a court clerk to sell court records. HB 1258, by Travis Clardy, permits an entity to provide public access to court records only with the written agreement of the court clerk and the commissioners court of the county in which the court is located.

The Supreme Court previously mandated the centralized electronic filing of all civil cases through a portal established by Office of Court Administration (OCA) through a contract with a vendor. The OCA now has announced plans to permit the vendor to make records available to the public for a fee.

The clerks believe this public access infringes on their roles as custodians, and will result in a severe reduction in the revenues they receive for making copies of records. For example, Tarrant County foresees a potential loss of over \$500,000.

Many commissioners courts have adopted resolutions supporting the court clerks.

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Revenue, Budget, and Miscellaneous section of the Policy Platform is amended as follows:

Support local control of the records of county and district clerks.



**Chairman**

Judge  
Veronica Escobar  
*El Paso County*

**Chair Elect**

Judge  
Robert Hebert  
*Fort Bend County*

**Immediate Past Chair**

Commissioner  
Bobbie Mitchell  
*Denton County*

**Vice-Chairmen**

Comm. Tim Brown  
*Bell County*

Judge Ed Emmett  
*Harris County*

Judge Loyd Neal  
*Nueces County*

Judge Glen Whitley  
*Tarrant County*

Judge Dan Gattis  
*Williamson County*

Comm. Kevin Burns  
*Wise County*

**Executive Director**

Donald Lee

**Member Counties**

*Bell ~ Bexar*

*Brazoria ~ Brazos*

*Cameron ~ Chambers*

*Collin ~ Comal*

*Dallas ~ Denton*

*Ector ~ El Paso*

*Fort Bend ~ Galveston*

*Grayson ~ Gregg*

*Harris ~ Hays*

*Hidalgo ~ Jefferson*

*Johnson ~ Kaufman*

*Lubbock ~ McLennan*

*Midland ~ Montgomery*

*Nueces ~ Potter*

*Randall ~ Rockwall*

*San Patricio ~ Smith*

*Tarrant ~ Travis*

*Webb ~ Williamson*

*Wise*

500 West 13<sup>th</sup> Street  
Austin, TX 78701

Phone: 512.476.6174

Fax: 512.476.5122

[www.cuc.org](http://www.cuc.org)

February 8, 2017

To: Urban Counties Policy Committee

From: Windy Johnson, Program Manager

**Re: (13) Discuss Appropriations Priorities in the 85<sup>th</sup> Session**

Earlier this year the Comptroller provided a revenue estimate indicating how much legislators have to spend in the 85<sup>th</sup> Legislative budget.

The report indicated legislators will have about \$1 billion less to work with than what was budgeted last year of \$105.7 billion.

Both the Senate and the House have filed their base budgets. Below is a summary of priorities for urban counties.

- **Courthouse Grants – House \$1.1m, Senate \$6.1m – Current \$21m**

Courthouse renovation grants were decreased considerably from the previous session of \$21m in both versions of the budget.

- **CPS Delivery Staff – House \$1.42b, Senate \$1.47b – Current \$1.1b**

Both houses increased funding approximately 30% for CPS staff services.

- **Mental Health – Unclear**

Due to the reorganization of the health and human services programs, analyzing the budget has posed a challenge to compare to previous years. A more detailed update will be provided on mental health financing at a later date.

Mental Health funding continues to be a priority in both houses. Addressing state and community hospital facility needs, the waitlist for community mental health services and continuing crisis intervention needs to continue being funded at an increased level.

The Senate base budget provides for an additional \$63m to address the waitlist for community mental health services for adults and children. In addition, SB 1 includes a contingency rider which includes \$95.5m in bonds for repair and renovation of the state hospital system.

In a press release, Speaker Straus indicated the House base bill includes \$163m additional funding to eliminate wait lists for mental health services and implement recommendations of the House Select Committee on Mental Health, including early identification efforts, jail diversion programs and local collaborations to expand capacity of mental health treatment facilities. It's unclear in the budget where exactly those funds are.

- **Indigent Defense – House/Senate \$66m- Current \$71m**

The base budget has funded Indigent Defense 7% less than in the previous biennium. Currently the State only covers about 12% of the costs through grants to counties. The Indigent Defense Commission has requested full funding, of \$212.2m via a stepped up approach over a six-year period.

- **Adult Probation – House/Senate \$622m – Current \$625m**

Adult probation funding remains at relatively the same level as FY 2016/17.

- **Jail Standards – House - \$1.8m, Senate \$1.3m – Current \$1.3m**

The House version of the bill provides an additional \$500k for jail inspections and mental health training for jail staff.

- **Juvenile Justice – House/Senate \$326m – Current \$321m**

Both houses increased juvenile justice funding by 2% for Community Juvenile Justice and 3% overall for the Juvenile Justice Department.

**Recommended Resolutions:**

None.



February 8, 2017

**Chairman**

Judge  
Veronica Escobar  
*El Paso County*

**Chair Elect**

Judge  
Robert Hebert  
*Fort Bend County*

**Immediate Past Chair**

Commissioner  
Bobbie Mitchell  
*Denton County*

**Vice-Chairmen**

Comm. Tim Brown  
*Bell County*

Judge Ed Emmett  
*Harris County*

Judge Loyd Neal  
*Nueces County*

Judge Glen Whitley  
*Tarrant County*

Judge Dan Gattis  
*Williamson County*

Comm. Kevin Burns  
*Wise County*

**Executive Director**

Donald Lee

**Member Counties**

*Bell ~ Bexar  
Brazoria ~ Brazos  
Cameron ~ Chambers  
Collin ~ Comal  
Dallas ~ Denton  
Ector ~ El Paso  
Fort Bend ~ Galveston  
Grayson ~ Gregg  
Harris ~ Hays  
Hidalgo ~ Jefferson  
Johnson ~ Kaufman  
Lubbock ~ McLennan  
Midland ~ Montgomery  
Nueces ~ Potter  
Randall ~ Rockwall  
San Patricio ~ Smith  
Tarrant ~ Travis  
Webb ~ Williamson  
Wise*

500 West 13<sup>th</sup> Street  
Austin, TX 78701

Phone: 512.476.6174  
Fax: 512.476.5122

[www.cuc.org](http://www.cuc.org)

To: Urban Counties Policy Committee

From: Donald Lee, Executive Director

Re: **(14) Discussion of Ethics Bills**

**Background:**

Sen. Van Taylor and Rep. Charlie Geren introduced a package of ethics bills to address financial disclosures and penalize criminal lawmakers. SB 14 is an omnibus bill containing standalone bills 500 – 505 in both House and Senate.

Provisions of interest to county officials are:

- SB 14, SB 500, HB 500 strips elected officials of their public pensions if convicted of felonies committed while in office and arising directly from the official duties of that elected office.
- SB 14, SB 501, HB 501 requires elected officials to disclose contracts with a government entity on financial disclosure statements. Any contract for goods and services with a governmental entity of \$2,500 or more if the costs of goods or services in a single year under one or more contracts will exceed \$10,000 must be disclosed. The requirement applies to contracts involving an elected official, spouse, and dependent child, and any entity in which one of those persons has at least a 50% ownership interest.
- SB 14, SB 503, HB 503 provides that a registered state lobbyist is ineligible for elected office except for those of small entities where the position is unpaid.
- SB 14, SB 505, HB 505 prohibits a registered lobbyist from using campaign funds previously received as a candidate or officeholder for lobby expenditures.

The other provisions of these ethics bills are expected to have negligible effects on county officials.

In his State of the State address to the 85<sup>th</sup> Legislature, Governor Abbott indicated ethics reform would be an emergency item. Emergency items may be considered and voted on by the legislature before the 60<sup>th</sup> day of the session.

**Recommended Resolution:** None.





**Chairman**

Judge  
Veronica Escobar  
*El Paso County*

**Chair Elect**

Judge  
Robert Hebert  
*Fort Bend County*

**Immediate Past Chair**

Commissioner  
Bobbie Mitchell  
*Denton County*

**Vice-Chairmen**

Comm. Tim Brown  
*Bell County*

Judge Ed Emmett  
*Harris County*

Judge Loyd Neal  
*Nueces County*

Judge Glen Whitley  
*Tarrant County*

Judge Dan Gattis  
*Williamson County*

Comm. Kevin Burns  
*Wise County*

**Executive Director**

Donald Lee

**Member Counties**

*Bell ~ Bexar  
Brazoria ~ Brazos  
Cameron ~ Chambers  
Collin ~ Comal  
Dallas ~ Denton  
Ector ~ El Paso  
Fort Bend ~ Galveston  
Grayson ~ Gregg  
Harris ~ Hays  
Hidalgo ~ Jefferson  
Johnson ~ Kaufman  
Lubbock ~ McLennan  
Midland ~ Montgomery  
Nueces ~ Potter  
Randall ~ Rockwall  
San Patricio ~ Smith  
Tarrant ~ Travis  
Webb ~ Williamson  
Wise*

500 West 13<sup>th</sup> Street  
Austin, TX 78701

Phone: 512.476.6174

Fax: 512.476.5122

[www.cuc.org](http://www.cuc.org)

February 8, 2017

To: Urban Counties Policy Committee

From: Donald Lee, Executive Director

Re: **(15) Discussion of Mandatory Zero Based Budgeting**

**Background:**

S.B. 641, by Bettencourt would require school districts with 50,000 or more students, and cities or counties with a population of 225,000 or more, to conduct a full review of their respective budget every twelve years.

Starting with the 2019 budget cycle, in conjunction with an annual itemized budget, a budget must be prepared that outlays all activities the entity conducts or performs and a justification of each activity.

The political subdivisions would be required to post the information on a website if applicable and the budget would be required to be available for public inspection. At a public hearing held to adopt a budget for the political subdivision, the zero-based budget would be required to consider information present in the zero based budget in addition to the proposed budget.

**Recommended Resolution**

None.



February 8, 2017

**Chairman**

Judge  
Veronica Escobar  
*El Paso County*

**Chair Elect**

Judge  
Robert Hebert  
*Fort Bend County*

**Immediate Past Chair**

Commissioner  
Bobbie Mitchell  
*Denton County*

**Vice-Chairmen**

Comm. Tim Brown  
*Bell County*

Judge Ed Emmett  
*Harris County*

Judge Loyd Neal  
*Nueces County*

Judge Glen Whitley  
*Tarrant County*

Judge Dan Gattis  
*Williamson County*

Comm. Kevin Burns  
*Wise County*

**Executive Director**

Donald Lee

**Member Counties**

*Bell ~ Bexar*

*Brazoria ~ Brazos*

*Cameron ~ Chambers*

*Collin ~ Comal*

*Dallas ~ Denton*

*Ector ~ El Paso*

*Fort Bend ~ Galveston*

*Grayson ~ Gregg*

*Harris ~ Hays*

*Hidalgo ~ Jefferson*

*Johnson ~ Kaufman*

*Lubbock ~ McLennan*

*Midland ~ Montgomery*

*Nueces ~ Potter*

*Randall ~ Rockwall*

*San Patricio ~ Smith*

*Tarrant ~ Travis*

*Webb ~ Williamson*

*Wise*

500 West 13<sup>th</sup> Street  
Austin, TX 78701

Phone: 512.476.6174

Fax: 512.476.5122

[www.cuc.org](http://www.cuc.org)

To: Urban Counties Policy Committee

From: Donald Lee, Executive Director

Re: **(16) Discussion of Efforts to Increase the Costs of  
Acquiring Property by Governments and Common Carriers**

**Background:**

Urban Counties has been working with a coalition to look at eminent domain legislation. The coalition has formed in response to a coalition of interests that wish to significantly increase the costs of acquiring property by governments and common carriers. That coalition is Texans for Property Rights.

In addition to proposals from Texans for Property Rights there are numerous bills filed designed to increase the costs to cities and counties.

- HJR 40 by Schofield. Constitutional amendment- changes a "may" to a "shall" to require a governmental entity to offer to sell property acquired through eminent domain to the original owner (or heirs) at the same price if the public use for which the property was acquired is cancelled, no progress is made toward the public use during a prescribed time period, or the property is no longer needed.
- SB 243 by Burton. Allows an owner of a residence homestead to petition for a hearing by commissioners court if their property is subject to condemnation by a private entity or by a public entity if the property is located outside the public entity's boundaries. The entity may not initiate condemnation proceedings unless a majority of the commissioners court approves.
- HB 528 by Schofield / SB 628 by Schwertner. Property acquired by eminent domain is subject to repurchase if the government cannot show "actual progress" on the public use of the land within 10 years of acquisition. The bills would make showings of "actual progress" more difficult. Instead of showing compliance with at least 2 of 7 factors, the government would have to show compliance with at least 3 of 5 factors. The 2 repealed factors are arguably the easiest to meet.

- SB 555 by Kolkhorst. Creates a State Jail felony for a person to enter the property of another under the guise of eminent domain authority when the entity the person represents does not have eminent domain authority.
- SB 626 by Schwertner. Requires an authority that is acquiring property for a public purpose utilizing eminent domain authority make a separate offer for property that is not necessary to complete the public purpose and to provide a statement that it is NOT subject to eminent domain acquisition.
- SB 627 by Schwertner. Adds additional language to the statement provided to a property owner when surveying a property for potential eminent domain authority purposes. Including the right to refuse to grant permission to enter, the entity has the right to sue to enter the property, the owner has the right to negotiate the terms of the survey and the entity is responsible for any damages while surveying.

The following is the legislative agenda of Texans for Property Rights:

#### REIMBURSEMENT OF LANDOWNER COSTS AND EXPENSES

- Due to attorney's fees and other legal costs, landowners who challenge in courts for just compensation are often never made whole when their property is taken.
- Condemnors should be required to pay the costs and fees incurred by property owners in eminent domain proceedings if final damages awarded are greater than 125 percent of the entity's offer.

#### PROPERTY RIGHTS PROTECTION IN BONA FIDE OFFER

- Although current law requires a bona fide offer, it is important to better specify in statute what exactly this should include.
- A true bona fide offer should require the condemning entity to provide minimum property rights protection and delineate all uses or restrictions for the condemned property. Terms to ensure the condemning entity will maintain the surface of the property throughout the life of the easement should also be required.

#### VALUATION OF EASEMENTS

- As the basis for assessing damages to a landowner from a condemnation, evidence of sales of freely negotiated comparable easements are usually not admissible in condemnation proceedings.
- The court should admit evidence on the price paid for pipeline or powerline rights of way in privately negotiated transactions made in the absence of condemnation authority.

## BOND REQUIREMENT

- Some condemnors have refused to purchase a bond and then claimed bankruptcy or insolvency to avoid payment to the landowner for just compensation.
- A condemning entity should be required to either pay the jury award or secure a bond in the amount of the jury award in order to guarantee payment to a prevailing landowner at the conclusion of the legal proceedings.

## ROYALTY PAYMENTS

- Often landowners are not aware that they have the ability to request rental payments as an option in negotiating payment.
- Statute should state condemning entities and landowners can agree to rental payments. This option should be permissive but noticeably available to landowners.

## POSSESSION AND USE AGREEMENTS / PROPERTY TAXES

- There are instances where landowners give possession of their property to a condemning entity through a possession and use agreement. Any written agreement made between the condemning authority and the property owner during a condemnation case should be enforceable.
- When landowners transfer possession of their property to condemning entities under possession and use agreements they still have to pay taxes on the condemned property. Dispossessed property owners should not have to pay taxes on condemned land.

## APPRAISALS

- Some condemning entities are taking advantage of a loophole in the law regarding appraisals. Although entities will make an appraisal available at the time of initial and final offer, they are being allowed to present a new or updated appraisal immediately before a commissioner's hearing. Meanwhile landowners are required to provide appraisals no later than 3 business days prior to a hearing.
- Appraisals or opinions of property value, and damages caused by the condemnation, should be made available to the landowner at the time of the initial and final offer, no less than 3 business days prior to the special commissioner's hearing.

### **Recommended Resolution:**

None.



**Chairman**

Judge  
Veronica Escobar  
*El Paso County*

**Chair Elect**

Judge  
Robert Hebert  
*Fort Bend County*

**Immediate Past Chair**

Commissioner  
Bobbie Mitchell  
*Denton County*

**Vice-Chairmen**

Comm. Tim Brown  
*Bell County*

Judge Ed Emmett  
*Harris County*

Judge Loyd Neal  
*Nueces County*

Judge Glen Whitley  
*Tarrant County*

Judge Dan Gattis  
*Williamson County*

Comm. Kevin Burns  
*Wise County*

**Executive Director**

Donald Lee

**Member Counties**

*Bell ~ Bexar*

*Brazoria ~ Brazos*

*Cameron ~ Chambers*

*Collin ~ Comal*

*Dallas ~ Denton*

*Ector ~ El Paso*

*Fort Bend ~ Galveston*

*Grayson ~ Gregg*

*Harris ~ Hays*

*Hidalgo ~ Jefferson*

*Johnson ~ Kaufman*

*Lubbock ~ McLennan*

*Midland ~ Montgomery*

*Nueces ~ Potter*

*Randall ~ Rockwall*

*San Patricio ~ Smith*

*Tarrant ~ Travis*

*Webb ~ Williamson*

*Wise*

500 West 13<sup>th</sup> Street  
Austin, TX 78701

Phone: 512.476.6174

Fax: 512.476.5122

[www.cuc.org](http://www.cuc.org)

February 8, 2017

To: Urban Counties Policy Committee

From: Donald Lee, Executive Director

Re: **(17) Discussion of Straight Party Voting**

**Background:**

Last week, in his State of the Judiciary address to the 85<sup>th</sup> Legislature, Texas Supreme Court Chief Justice Nathan Hecht suggested ending straight ticket voting in judicial elections. In a statement following the State of the Judiciary speech, Texas House Speaker Joe Straus called for an end to straight-ticket voting in all elections. Speaker Straus specifically mentioned the effects of straight-ticket voting on down ballot races.

**Recommended Resolution:**

None.



**Chairman**

Judge  
Veronica Escobar  
*El Paso County*

**Chair Elect**

Judge  
Robert Hebert  
*Fort Bend County*

**Immediate Past Chair**

Commissioner  
Bobbie Mitchell  
*Denton County*

**Vice-Chairmen**

Comm. Tim Brown  
*Bell County*

Judge Ed Emmett  
*Harris County*

Judge Loyd Neal  
*Nueces County*

Judge Glen Whitley  
*Tarrant County*

Judge Dan Gattis  
*Williamson County*

Comm. Kevin Burns  
*Wise County*

**Executive Director**

Donald Lee

**Member Counties**

*Bell ~ Bexar*  
*Brazoria ~ Brazos*  
*Cameron ~ Chambers*  
*Collin ~ Comal*  
*Dallas ~ Denton*  
*Ector ~ El Paso*  
*Fort Bend ~ Galveston*  
*Grayson ~ Gregg*  
*Harris ~ Hays*  
*Hidalgo ~ Jefferson*  
*Johnson ~ Kaufman*  
*Lubbock ~ McLennan*  
*Midland ~ Montgomery*  
*Nueces ~ Potter*  
*Randall ~ Rockwall*  
*San Patricio ~ Smith*  
*Tarrant ~ Travis*  
*Webb ~ Williamson*  
*Wise*

500 West 13<sup>th</sup> Street  
Austin, TX 78701

Phone: 512.476.6174

Fax: 512.476.5122

[www.cuc.org](http://www.cuc.org)

February 8, 2017

To: Urban Counties Policy Committee

From: Donald Lee, Executive Director

Re: **(18) Consideration to Use Venue Taxes for Parks and Recreation**

**Background:**

Currently cities and counties are authorized to levy, with voter approval, additional taxes and fees to finance "venue projects".

These include projects that provide opportunities for recreational, athletic, and civic enrichment that enhance the quality of civilian life and attract tourism. In addition, cities have the option to use these fees for municipal parks and recreation systems.

Legislation has been proposed that would expand authority to counties to also use the venue tax on parks and recreational projects, including: parks, trails, open spaces, conservation easement, and watershed protection projects.

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support section of the Policy Platform is amended as follows:

**Venue Taxes for Parks.** Support allowing counties to use venue taxes to fund projects in the parks and recreation system. *Travis County*



**Chairman**

Judge  
Veronica Escobar  
*El Paso County*

**Chair Elect**

Judge  
Robert Hebert  
*Fort Bend County*

**Immediate Past Chair**

Commissioner  
Bobbie Mitchell  
*Denton County*

**Vice-Chairmen**

Comm. Tim Brown  
*Bell County*

Judge Ed Emmett  
*Harris County*

Judge Loyd Neal  
*Nueces County*

Judge Glen Whitley  
*Tarrant County*

Judge Dan Gattis  
*Williamson County*

Comm. Kevin Burns  
*Wise County*

**Executive Director**

Donald Lee

**Member Counties**

*Bell ~ Bexar*

*Brazoria ~ Brazos*

*Cameron ~ Chambers*

*Collin ~ Comal*

*Dallas ~ Denton*

*Ector ~ El Paso*

*Fort Bend ~ Galveston*

*Grayson ~ Gregg*

*Harris ~ Hays*

*Hidalgo ~ Jefferson*

*Johnson ~ Kaufman*

*Lubbock ~ McLennan*

*Midland ~ Montgomery*

*Nueces ~ Potter*

*Randall ~ Rockwall*

*San Patricio ~ Smith*

*Tarrant ~ Travis*

*Webb ~ Williamson*

*Wise*

500 West 13<sup>th</sup> Street  
Austin, TX 78701

Phone: 512.476.6174

Fax: 512.476.5122

[www.cuc.org](http://www.cuc.org)

February 8, 2017

To: Urban Counties Policy Committee

From: Windy Johnson, Program Manager

Re: **(19) Consideration of Discretion Over County Welfare  
Petty Cash**

**Background:**

Currently the commissioners court of a county with a population of 1.3 million or more may authorize the disbursement of an amount not to exceed \$2,500 to the head of the county welfare department for use as a petty cash fund in order that cash is immediately available for transportation and other expenses of the paupers.

Legislation has been filed that removes the dollar max amount a county can give to a county welfare department for petty cash and gives the commissioners court discretion over the amount.

This would apply to Bexar, Tarrant, Dallas and Harris County.

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Miscellaneous, Revenue and Support section of the Policy Platform is amended as follows:

**County Welfare.** Support removing the limit on the amount of petty cash a commissioners court may provide to a county welfare department in a county with a population greater than 1.3 million. Harris County.



**Chairman**

Judge  
Veronica Escobar  
*El Paso County*

**Chair Elect**

Judge  
Robert Hebert  
*Fort Bend County*

**Immediate Past Chair**

Commissioner  
Bobbie Mitchell  
*Denton County*

**Vice-Chairmen**

Comm. Tim Brown  
*Bell County*

Judge Ed Emmett  
*Harris County*

Judge Loyd Neal  
*Nueces County*

Judge Glen Whitley  
*Tarrant County*

Judge Dan Gattis  
*Williamson County*

Comm. Kevin Burns  
*Wise County*

**Executive Director**

Donald Lee

**Member Counties**

*Bell ~ Bexar*

*Brazoria ~ Brazos*

*Cameron ~ Chambers*

*Collin ~ Comal*

*Dallas ~ Denton*

*Ector ~ El Paso*

*Fort Bend ~ Galveston*

*Grayson ~ Gregg*

*Harris ~ Hays*

*Hidalgo ~ Jefferson*

*Johnson ~ Kaufman*

*Lubbock ~ McLennan*

*Midland ~ Montgomery*

*Nueces ~ Potter*

*Randall ~ Rockwall*

*San Patricio ~ Smith*

*Tarrant ~ Travis*

*Webb ~ Williamson*

*Wise*

500 West 13<sup>th</sup> Street  
Austin, TX 78701

Phone: 512.476.6174

Fax: 512.476.5122

[www.cuc.org](http://www.cuc.org)

February 8, 2017

To: Urban Counties Policy Committee

From: Windy Johnson, Program Manager

Re: **(20) Consideration of Authority to Appoint a Supplemental Civil Service Commission**

**Background:**

Chapter 158 of the Local Government Code allows, in counties with a population of 190,000 or more, for the creation of a county civil service commission to adopt, publish, and enforce rules regarding county employment related issues.

In Dallas, the requirements of a civil service commission have become increasingly more cumbersome for the three-member commission. The creation of supplemental commissions would allow commissioners court the ability to spread out the workload among specialized supplemental commissions.

SB 470, by West, permits a county commissioners court in a county with a civil service system to appoint a supplemental civil service commission to assist the county civil service commission. The commissioners court would then designate what the supplemental commission has the authority to work on.

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support section of the Policy Platform is amended as follows:

**Supplemental Civil Service Commissions.** Support optional authority of a commissioners court to appoint, and designate the responsibilities of, a supplemental civil service commission to assist the county civil service commission. *Dallas County.*





**Chairman**

Judge  
Veronica Escobar  
*El Paso County*

**Chair Elect**

Judge  
Robert Hebert  
*Fort Bend County*

**Immediate Past Chair**

Commissioner  
Bobbie Mitchell  
*Denton County*

**Vice-Chairmen**

Comm. Tim Brown  
*Bell County*

Judge Ed Emmett  
*Harris County*

Judge Loyd Neal  
*Nueces County*

Judge Glen Whitley  
*Tarrant County*

Judge Dan Gattis  
*Williamson County*

Comm. Kevin Burns  
*Wise County*

**Executive Director**

Donald Lee

**Member Counties**

*Bell ~ Bexar*

*Brazoria ~ Brazos*

*Cameron ~ Chambers*

*Collin ~ Comal*

*Dallas ~ Denton*

*Ector ~ El Paso*

*Fort Bend ~ Galveston*

*Grayson ~ Gregg*

*Harris ~ Hays*

*Hidalgo ~ Jefferson*

*Johnson ~ Kaufman*

*Lubbock ~ McLennan*

*Midland ~ Montgomery*

*Nueces ~ Potter*

*Randall ~ Rockwall*

*San Patricio ~ Smith*

*Tarrant ~ Travis*

*Webb ~ Williamson*

*Wise*

500 West 13<sup>th</sup> Street  
Austin, TX 78701

Phone: 512.476.6174

Fax: 512.476.5122

[www.cuc.org](http://www.cuc.org)

February 8, 2017

To: Urban Counties Policy Committee

From: Gabriela Villareal, Program Manager

Re: **(21) Consider Allowing Commissioners Court to Prohibit the Use of Fireworks During Hours Specified in an Order**

**Background:**

House Bill 1183, by Kevin Roberts, would allow commissioners court to prohibit the use of fireworks in the unincorporated area during hours specified in an order. The bill creates a Class C misdemeanor for any person who intentionally or knowingly violates the prohibition.

Currently, counties are authorized to restrict or ban the use of fireworks during drought conditions and when included in a local disaster declaration.

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support section of the Policy Platform is amended as follows:

**Fireworks Authority.** Support allowing a county to prohibit the use of fireworks during hours determined by commissioners court.



**Chairman**

Judge  
Veronica Escobar  
*El Paso County*

**Chair Elect**

Judge  
Robert Hebert  
*Fort Bend County*

**Immediate Past Chair**

Commissioner  
Bobbie Mitchell  
*Denton County*

**Vice-Chairmen**

Comm. Tim Brown  
*Bell County*

Judge Ed Emmett  
*Harris County*

Judge Loyd Neal  
*Nueces County*

Judge Glen Whitley  
*Tarrant County*

Judge Dan Gattis  
*Williamson County*

Comm. Kevin Burns  
*Wise County*

**Executive Director**

Donald Lee

**Member Counties**

*Bell ~ Bexar*

*Brazoria ~ Brazos*

*Cameron ~ Chambers*

*Collin ~ Comal*

*Dallas ~ Denton*

*Ector ~ El Paso*

*Fort Bend ~ Galveston*

*Grayson ~ Gregg*

*Harris ~ Hays*

*Hidalgo ~ Jefferson*

*Johnson ~ Kaufman*

*Lubbock ~ McLennan*

*Midland ~ Montgomery*

*Nueces ~ Potter*

*Randall ~ Rockwall*

*San Patricio ~ Smith*

*Tarrant ~ Travis*

*Webb ~ Williamson*

*Wise*

500 West 13<sup>th</sup> Street  
Austin, TX 78701

Phone: 512.476.6174

Fax: 512.476.5122

[www.cuc.org](http://www.cuc.org)

February 8, 2017

To: Urban Counties Policy Committee

From: Gabriela Villareal, Program Manager

Re: **(22) Consideration of Expanding Where a County Law Library May be Based.**

**Background:**

HB 1021, by John Smithee, repeals the restriction of a county law library be established at the county seat. The bill would also allow a county to establish a joint free law library in cooperation with other counties.

Currently, a county law library fund may only be used to establish and maintain the library and purchase or lease library materials. This new legislation would permit the use of a county law library fund to establish and maintain a self-help center to provide free legal resources to residents.

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support section of the Policy Platform is amended as follow:

**Law Library.** Support allowing a county law library to be established anywhere in the county rather than only the county seat and allowing the county law library fund to be used to establish and maintain a self-help center to provide free legal resources to residents.



**Chairman**

Judge  
Veronica Escobar  
*El Paso County*

**Chair Elect**

Judge  
Robert Hebert  
*Fort Bend County*

**Immediate Past Chair**

Commissioner  
Bobbie Mitchell  
*Denton County*

**Vice-Chairmen**

Comm. Tim Brown  
*Bell County*

Judge Ed Emmett  
*Harris County*

Judge Loyd Neal  
*Nueces County*

Judge Glen Whitley  
*Tarrant County*

Judge Dan Gattis  
*Williamson County*

Comm. Kevin Burns  
*Wise County*

**Executive Director**

Donald Lee

**Member Counties**

*Bell ~ Bexar*

*Brazoria ~ Brazos*

*Cameron ~ Chambers*

*Collin ~ Comal*

*Dallas ~ Denton*

*Ector ~ El Paso*

*Fort Bend ~ Galveston*

*Grayson ~ Gregg*

*Harris ~ Hays*

*Hidalgo ~ Jefferson*

*Johnson ~ Kaufman*

*Lubbock ~ McLennan*

*Midland ~ Montgomery*

*Nueces ~ Potter*

*Randall ~ Rockwall*

*San Patricio ~ Smith*

*Tarrant ~ Travis*

*Webb ~ Williamson*

*Wise*

500 West 13<sup>th</sup> Street  
Austin, TX 78701

Phone: 512.476.6174

Fax: 512.476.5122

[www.cuc.org](http://www.cuc.org)

February 8, 2017

To: Urban Counties Policy Committee

From: Gabriela Villareal, Program Manager

Re: **(23) Consideration of Optional Vehicle Registration Fee in Bexar County**

**Background:**

HB 901, by Ina Minjarez, would allow Bexar County to impose an expanded optional vehicle registration fee for transportation projects if approved by a majority of qualified voters.

Bexar County Commissioners recently authorized an additional optional fee for use by its regional mobility authority as allowed by HB 1573 from the 83<sup>rd</sup> Legislature.

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support Section of the Policy Platform is amended as follows:

**Bexar County Optional Vehicle Registration Fee. Support allowing Bexar County to impose, if approved by a majority of qualified voters, an additional \$10 vehicle registration fee for transportation projects chosen by their local RMA. Bexar County.**



**Chairman**

Judge  
Veronica Escobar  
*El Paso County*

**Chair Elect**

Judge  
Robert Hebert  
*Fort Bend County*

**Immediate Past Chair**

Commissioner  
Bobbie Mitchell  
*Denton County*

**Vice-Chairmen**

Comm. Tim Brown  
*Bell County*

Judge Ed Emmett  
*Harris County*

Judge Loyd Neal  
*Nueces County*

Judge Glen Whitley  
*Tarrant County*

Judge Dan Gattis  
*Williamson County*

Comm. Kevin Burns  
*Wise County*

**Executive Director**

Donald Lee

**Member Counties**

*Bell ~ Bexar*

*Brazoria ~ Brazos*

*Cameron ~ Chambers*

*Collin ~ Comal*

*Dallas ~ Denton*

*Ector ~ El Paso*

*Fort Bend ~ Galveston*

*Grayson ~ Gregg*

*Harris ~ Hays*

*Hidalgo ~ Jefferson*

*Johnson ~ Kaufman*

*Lubbock ~ McLennan*

*Midland ~ Montgomery*

*Nueces ~ Potter*

*Randall ~ Rockwall*

*San Patricio ~ Smith*

*Tarrant ~ Travis*

*Webb ~ Williamson*

*Wise*

500 West 13<sup>th</sup> Street  
Austin, TX 78701

Phone: 512.476.6174

Fax: 512.476.5122

[www.cuc.org](http://www.cuc.org)

February 8, 2017

To: Urban Counties Policy Committee

From: Gabriela Villareal, Program Manager

Re: **(24) Consideration of Authorization for County Clerks to Conduct Marriage Ceremonies**

**Background:**

HB 818, by Philip Cortez, would authorize the county clerk to conduct marriage ceremonies and collect a related fee of \$25.

The bill would apply to a county with a population of at least 1.7 million that contains a municipality in which at least 75% of the county's population resides.

The fees would fund charitable organizations that assist victims of family violence, child abuse or neglect or provide family violence prevention services.

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support Section of the Policy Platform is amended as follows:

**Marriage Ceremony.** Support authorizing the Bexar County Clerk to conduct marriage ceremonies and collect a \$25 fee that the county must use to fund grants to non-profits related to domestic violence. Bexar County.



**Chairman**

Judge  
Veronica Escobar  
*El Paso County*

**Chair Elect**

Judge  
Robert Hebert  
*Fort Bend County*

**Immediate Past Chair**

Commissioner  
Bobbie Mitchell  
*Denton County*

**Vice-Chairmen**

Comm. Tim Brown  
*Bell County*

Judge Ed Emmett  
*Harris County*

Judge Loyd Neal  
*Nueces County*

Judge Glen Whitley  
*Tarrant County*

Judge Dan Gattis  
*Williamson County*

Comm. Kevin Burns  
*Wise County*

**Executive Director**

Donald Lee

**Member Counties**

*Bell ~ Bexar*  
*Brazoria ~ Brazos*  
*Cameron ~ Chambers*  
*Collin ~ Comal*  
*Dallas ~ Denton*  
*Ector ~ El Paso*  
*Fort Bend ~ Galveston*  
*Grayson ~ Gregg*  
*Harris ~ Hays*  
*Hidalgo ~ Jefferson*  
*Johnson ~ Kaufman*  
*Lubbock ~ McLennan*  
*Midland ~ Montgomery*  
*Nueces ~ Potter*  
*Randall ~ Rockwall*  
*San Patricio ~ Smith*  
*Tarrant ~ Travis*  
*Webb ~ Williamson*  
*Wise*

500 West 13<sup>th</sup> Street  
Austin, TX 78701

Phone: 512.476.6174

Fax: 512.476.5122

[www.cuc.org](http://www.cuc.org)

February 8, 2017

To: Urban Counties Policy Committee

From: Gabriela Villareal, Program Manager

Re: **(25) Consideration of the Overseas Military E-Mail Ballot Program**

**Background:**

HB 1413, by Diana Arevalo, and HB 1414, by Philip Cortez, repeal the expiration date of the Overseas Military E-Mail Ballot Pilot Program. The bills allow any county to participate in the program if it has the appropriate technological capabilities.

HB 1129 from the 83rd Legislature enacted a pilot program enabling overseas, active duty military voters to electronically cast an early ballot. SB 1115 from the 84<sup>th</sup> Legislature expanded the pilot program to more counties if their technological capabilities were deemed sufficient by the Texas Secretary of State, and set the pilot program to expire in September 2017.

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support Section of the Policy Platform is amended as follows:

**Overseas Military E-Mail Ballot Program.** Support the repeal of the expiration date of the Overseas E-Mail Ballot Pilot Program and allow any county to participate in the program. *Bexar County.*



**Chairman**

Judge  
Veronica Escobar  
*El Paso County*

**Chair Elect**

Judge  
Robert Hebert  
*Fort Bend County*

**Immediate Past Chair**

Commissioner  
Bobbie Mitchell  
*Denton County*

**Vice-Chairmen**

Comm. Tim Brown  
*Bell County*

Judge Ed Emmett  
*Harris County*

Judge Loyd Neal  
*Nueces County*

Judge Glen Whitley  
*Tarrant County*

Judge Dan Gattis  
*Williamson County*

Comm. Kevin Burns  
*Wise County*

**Executive Director**

Donald Lee

**Member Counties**

*Bell ~ Bexar  
Brazoria ~ Brazos  
Cameron ~ Chambers  
Collin ~ Comal  
Dallas ~ Denton  
Ector ~ El Paso  
Fort Bend ~ Galveston  
Grayson ~ Gregg  
Harris ~ Hays  
Hidalgo ~ Jefferson  
Johnson ~ Kaufman  
Lubbock ~ McLennan  
Midland ~ Montgomery  
Nueces ~ Potter  
Randall ~ Rockwall  
San Patricio ~ Smith  
Tarrant ~ Travis  
Webb ~ Williamson  
Wise*

500 West 13<sup>th</sup> Street  
Austin, TX 78701

Phone: 512.476.6174  
Fax: 512.476.5122

[www.cuc.org](http://www.cuc.org)

February 8, 2017

To: Urban Counties Policy Committee

From: Gabriela Villareal, Program Manager

Re: **(26-32) Consideration of Bexar County Legislative Platform**

Below are proposals that will be pursued by Bexar County in this legislative session. Bexar has is requesting support of the association for these proposals.

26. Remove the requirement of obtaining approval on tax abatement agreements within Tax Increment Reinvestment Zone (TIRZ) by entities not participating in the Zone.

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support Section of the Policy Platform is amended as follows:

**Tax Abatement Removal within a TIRZ.** Support removing the requirement for approval on tax abatements within TIRZ by entities not participating in the zone. Bexar County

27. Voting Equipment Certification. Allow election equipment certified by the U.S. Election Assistance Commission to be used in the State of Texas without further certifications.

**Background:** Bexar County's electronic voting equipment is certified by the U.S. Election Assistance Commission and is suitable for use in elections.

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support Section of the Policy Platform is amended as follows:

**Voting Equipment Certification.** Support the use of election equipment certified by the U.S. Election Assistance Commission to be used in the State of Texas without further certifications. Bexar County

28. Allow for funding of a pilot project that focuses on programming not currently available for chronically homeless serial inebriates to provide longer periods of treatment.

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support Section of the Policy Platform is amended as follows:

**Super Utilizer Pilot Project.** Support State funding for a Super Utilizer Pilot Project in Bexar County. *Bexar County*

29. Allow county pretrial programs to collect supervision fees. Currently, Bexar County's Pretrial Supervision Offices are unable to charge fees for pretrial intervention programs under the Texas Code of Criminal Procedure. The Legislature has given the State's Community Supervision and Corrections Department (CSCD) the authority to collect a supervision fee for pretrial intervention programs. A similar authority for counties would improve oversight to defendants.

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support Section of the Policy Platform is amended as follows:

**Pretrial Program Fee.** Support allowing county pretrial supervision programs, run outside CSCDs, to collect supervision fees. *Bexar County*

30. Allow urban Counties to adopt building regulations upon petition from residents and the passage of a proposition to authorize said regulations.

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support Section of the Policy Platform is amended as follows:

**County Building Standards.** Support allowing urban counties to adopt building regulations upon petition from residents and passage of a proposition to authorize said regulations. *Bexar County*

31. Authorize Counties to require the provision of solid waste collection by landlords of two or more leased dwellings located in an unincorporated area.

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support Section of the Policy Platform is amended as follows:

**Solid Waste Collection in Unincorporated Areas.** Support authorizing Counties to require the provision of solid waste collection by landlords of two or more leased dwellings located in an unincorporated area. *Bexar County*

32. Allow a county to retain unclaimed duplicate property tax payments.

**Recommended Resolution:**

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support Section of the Policy Platform is amended as follows:

**Unclaimed Duplicate Tax Payment Retention.** Support allowing a county to retain unclaimed duplicate property tax payments. *Bexar County*



## **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. There is a disconnect between responsibility and authority. This weakens 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.
7. Urban Counties believes that funds collected for a purpose should be used for that purpose and supports ending the reliance and utilization of dedicated revenues to balance the State budget.

## **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.
2. Require sales price disclosure on transfer of real property.
3. Oppose any expansion of the pollution control property tax exemption that would include property used to produce goods or services.
4. Oppose expansion of tax exemptions for property owned by a taxpayer to include leased property other than property leased to a charter school for one or more grades from kindergarten through grade 12.

5. Oppose arbitrary limits on local government that are more restrictive than limits on state government, so long as:
  - a. Commissioners Courts remain limited in their ability to manage county business and control county budgets; and
  - b. There is no constitutional protection against unfunded mandates.
6. Clarify the scope of the tax exemption for nonprofit community business organizations to prevent expansion of the exemption to other entities.
7. Support allowing local taxing units to set a residence homestead exemption as a percentage, a flat-dollar level, or a percentage with a minimum or maximum individual value.
8. Support reforms to process for equity appeals of appraisals.
9. Repeal the loophole allowing leased heavy equipment to be valued for property taxes as 1/12<sup>th</sup> of annual leased revenue rather than market value.
10. Oppose the repeal of the penalty when land that was previously appraised as agricultural property is converted to another use.
11. Oppose all new property tax exemptions, expansion of existing exemptions, or any other narrowing of tax base unless approved by the Urban Counties.
12. Oppose expansion to all taxpayers the right to pay property taxes in installments over the year.
13. Oppose reducing or eliminating agriculture and open-space rollback taxes, but support adjustment of the current 7% annual interest used to calculate rollback taxes.
14. Oppose extending deferment of property taxes beyond the elderly and disabled.

## **② Juvenile & Criminal Justice**

1. Support full state funding for all mandatory JJAEP placements in an amount adequate for year round programs.
2. Support an increase in state funding for indigent defense purposes.
3. Authorize county jails to take necessary actions that result in the suspension of SSI & Medicaid benefits and their re-instatement on release, rather than termination of those benefits.
4. Support additional state funding for juvenile probation departments if the age of criminal responsibility is raised to 18.
5. Support grandfather provisions for all jails that were not designed for face-to-face visitation but for video visitation in full compliance with existing State law and jail standards.
6. Support sufficient State funding for local juvenile probation departments to pay for the full costs of keeping in local programs, or in regional detention facilities, all children diverted from State facilities through a restructuring of the State Juvenile Justice Department.
7. Support state payment to counties for costs of detaining in county jails technical parole violators and new-offense violators held solely for parole

revocation purposes.

8. Oppose changes in court costs in criminal cases that are expected to have a negative fiscal impact to counties.
9. Support changes to pre-trial release to require the use of locally verified evaluation tools to determine a criminal defendant's risk of flight or danger to the community. Promote: (1) establishing pretrial risk assessments; (2) the elimination of bond schedules; (3) greater discretion for magistrates regarding pre-trial release; and (4) rebuttable presumptions in favor of personal bond.
10. Support additional funding for DPS crime labs provided it does not negatively impact existing local crime labs.
11. Oppose efforts to permit a defendant placed on deferred adjudication probation to obtain an expunction without payment of court costs unless the defendant is indigent.
12. Support prohibiting a JP court from confining a defendant for failure to pay a fine or court costs for a fine-only offense.

### **③ Transportation**

1. Oppose eliminating tolling options unless state funding for highways is increased sufficiently to replace lost toll revenue.
2. Support enhanced funding for freight transportation infrastructure projects to address economic growth and an ever increasing population.
3. Support changes to the administrative fees retained by counties to register vehicles only if the new fees are reasonably expected to recoup county costs for providing those services.
4. Oppose the establishment of uniform limits on the fees charged by authorized private deputies for title services.
5. Request and support including counties in any proposed statutory changes for TxDOT intended to mitigate increased and unnecessary road building costs due to delays in utility relocation.

### **④ Health and Human Services**

1. Support increased funding for mental health and substance abuse services state-wide.
2. Expand capacity of both forensic and civil beds in the state hospital system.
3. Support the continuation of the 1115 Medicaid Transformation Waiver.
4. Support state action related to state participation in the funding of indigent health care to maximize access to available federal funds.
5. Not oppose the repeal of the Drivers Responsibility Program. If repealed, seek replacement funding for trauma care.
6. Support a dual approach of state funding for jailer mental health training, increase inpatient capacity, and support diversion at the earliest possible point

utilizing the Expanded Sequential Intercept Model.

7. Support continued federal funding to local communities for refugee healthcare.
8. Support expansion to additional counties of the Harris County mental health jail diversion pilot program model to reduce recidivism, arrest, and incarceration of individuals with mental illness.

## **⑤ Clean Air Act**

1. Support full funding for the next biennium for the Texas Emissions Reduction Plan, LIRAP, and LIP programs and maintain the integrity of the TERP, LIRAP, and LIP programs.
2. Support local administration of the LIRAP and LIP programs to ensure funds collected in the county are used in the county.
3. Use the TERP funds only for programs that will assist nonattainment and near nonattainment areas in meeting EPA Ozone standards.

## **⑥ Water**

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

1. Confirm commissioners court authority over the county budget and contracting.
2. No unfunded mandates.
3. Oppose collective bargaining for peace officers unless supported by the commissioners court of the counties affected by the legislation.
4. Support local control over compensation and benefits paid by the county.
5. Establish that any increase in the fees to be paid to attorneys appointed to represent indigent criminal defendants may not take effect until the adoption of the next county budget and require at least 90 day notice of the proposed increase to be provided to the commissioners court.
6. Protect county authority to restrict or ban the sale and use of fireworks during drought conditions and when included in a local disaster declaration.
7. Support the creation of an online voter registration system.
8. Support full state funding for representation of indigent parties in child welfare cases.
9. Support legislation that permits counties to post public notices electronically in lieu of print publication.
10. Oppose financial penalties imposed on local governments by the state for failure to comply with state mandates to enforce or to not enforce federal laws.
11. Support the longstanding constitutional principle that governmental entities must justify substantial burdens on the exercise of religious rights by showing the furtherance of a compelling governmental interest by the least restrictive means.
12. Oppose requirements to include on bond propositions information other than the

total amount of bonds to be issued if approved and the proposed uses of the bonds.

13. Support giving all counties the option to adopt a fire code and rules necessary to administer and enforce the fire code.
14. Oppose creation of a new fireworks season unless commissioners courts are granted discretion over the sale of fireworks in that county for the new season.
15. Support the current role of local emergency management authorities and the county judge in responding to potential and actual emergencies and disasters.
16. Oppose prohibiting the use of eminent domain for recreation purposes.
17. Support allowing any county to regulate game rooms.
18. Retain the current option to hold bond elections in May.
19. Require telephone/telegraph facilities to follow the same procedures as other utilities in locating their facilities in the county Right-of-Way.
20. Oppose restrictions on the ability of local governments to effectively and efficiently communicate with the legislature and other state and federal entities.
21. Support financial transparency requirements that permit the use of existing reports and other documents and that minimize the need to express the same information in different manners or formats.
22. Oppose mandates to produce financial reports that are duplicative of reports already required of counties.
23. Support proposals to permit public access to public information on the personal devices of public officers and employees that include reasonable provisions to guard against frivolous and abusive lawsuits against public officers and employees.
24. In the absence of market value transparency, oppose efforts to require local governments to pay an opposing party's attorney fees and court costs in eminent domain proceedings.
25. Support efforts to maintain the long-established prohibition of guns in any portion of a building used by court participants.
26. Establish that the earliest effective date for any increase in salary budgets outside the control of commissioners court shall be the first day of the next county fiscal year following 90 days notice of the proposed increase to be provided to the commissioners court.
27. Oppose changes to the criteria governments must meet to show "actual progress" on projects to prevent real property acquired through eminent domain to be subject to repurchase if the changes would require significant expenditures for development labor and materials to show actual progress.
28. Support continued federal funding for local communities to help cover operational costs for holding undocumented criminal aliens in the criminal justice system and the costs to house them.
29. Support changes to the mandated disclosure of interested parties by vendors to:
  - exempt small contracts and contracts awarded to low bidders, through cooperative purchasing programs, or through interlocal agreements;

- clarify the mandate applies only to written contracts for goods and services;
  - clarify that contracts remain valid if a vendor fails to accurately make a mandated disclosure; and
  - clarify that a “controlling interest” is an ownership or participating interest in an entity that exceeds 50%.
30. Oppose new mandated reporting of receipt and use of Federal funds by counties.
  31. Support commissioners court optional authority to allow blanket approval to a county appraisal district board the authority to lease or convey property.
  32. Support removing the limitations on the number of counties that may choose, with Secretary of State authorization, to transition into the Countywide Polling Places program.
  33. Oppose injecting commissioners courts as decision makers in condemnation actions not involving their respective counties.
  34. Support the current permissive authority of governmental entities to sell property for less than fair market value.
  35. Oppose granting whistleblower status to employees unless they report in writing illegal conduct to a person designated by the employing governmental entity to receive such reports, the attorney general, or an appropriate law enforcement authority.
  36. Oppose shortening the early voting period.
  37. Oppose new requirements that political subdivisions provide advance notice to the Governor before conveying land to the federal government, such conveyance being subject to disapproval by the Governor.
  38. Support retaining the ability of governmental bodies to consider economic development information in closed meetings.
  39. Support local control of the records of county and district clerks.

### **Positions on other proposals before the 85<sup>th</sup> Legislature**

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

1. **Tax Rate Notice.** Clarify that a county or municipality that opts to use the simplified public notice for proposed tax rates is not also required to comply with additional notice requirements for those tax rates. *Travis County*
2. **Texas Highway Beautification Act.** Support Scenic Texas and other entities asking for a rehearing on the Texas Highway Beautification Act. *Scenic Texas*
3. **Jail Standards Exam.** Support creation of a comprehensive exam for jail commanders on the current rules and standards established by the Texas Commission on Jail Standards. *Mr. Craig Pardue*
4. **EDAP Water Funding.** Support increased funding for the Texas Water Development Board’s Economically Distressed Areas Program. *El Paso County.*
5. **Dishonored Checks.** Support an option to allow a county to contract with an outside collections firm to collect dishonored checks and credit card invoices. *Dallas County*

6. **Jury Summons.** Support allowing counties to include a link to a jury summons questionnaire with the jury summons in lieu of a hardcopy. *Dallas County*
7. **Electronic Monitoring.** Support allowing individuals placed on probation to participate in a County run electronic monitoring program in lieu of jail time. *Dallas County*
8. **Leasing Property.** Support consideration of authorizing counties to utilize a broker for leasing county owned space. *Dallas County*
9. **Drones.** Support prohibiting the operation of a drone over secure penal or correctional facilities. *Travis County*
10. **County Welfare.** Support removing the limit on the amount of petty cash a commissioners court may provide to a county welfare department in a county with a population greater than 1.3 million. *Harris County*
11. **Supplemental Civil Service Commissions.** Support optional authority of a commissioners court to appoint, and designate the responsibilities of, a supplemental civil service commission to assist the county civil service commission. *Dallas County.*
12. **Firework Authority.** Support allowing a county to prohibit the use of fireworks during hours determined by commissioners court.
13. **Law Library.** Support allowing a county law library to be established anywhere in the county rather than only the county seat and allowing the county law library fund to be used to establish and maintain a self-help center to provide free legal resources to residents.
14. **Bexar County Optional Vehicle Registration Fee.** Support allowing Bexar County to impose, if approved by a majority of qualified voters, an additional \$10 vehicle registration fee for transportation projects chosen by their local RMA. *Bexar County*
15. **Marriage Ceremony.** Support authorizing the Bexar County Clerk to conduct marriage ceremonies and collect a \$25 fee that the county must use to fund grants to non-profits related to domestic violence. *Bexar County.*
16. **Overseas Military E-Mail Ballot Program.** Support the repeal of the expiration date of the Overseas E-Mail Ballot Pilot Program and allow any county to participate in the program. *Bexar County.*
17. **Tax Abatement Removal within a TIRZ.** Support removing the requirement for approval on tax abatements within TIRZ by entities not participating in the zone. *Bexar County*
18. **Voting Equipment Certification.** Support the use of election equipment certified by the U.S. Election Assistance Commission to be used in the State of Texas without further certifications. *Bexar County*
19. **Super Utilizer Pilot Project.** Support State funding for a Super Utilizer Pilot Project in Bexar County. *Bexar County*
20. **Pretrial Program Fee.** Support allowing county pretrial supervision programs, run outside CSCDs, to collect supervision fees. *Bexar County*
21. **County Building Standards.** Support allowing urban counties to adopt building regulations upon petition from residents and passage of a proposition to authorize said regulations. *Bexar County*

22. **Solid Waste Collection in Unincorporated Areas.** Support authorizing Counties to require the provision of solid waste collection by landlords of two or more leased dwellings located in an unincorporated area. *Bexar County*
23. **Unclaimed Duplicate Tax Payment Retention.** Support allowing a county to retain unclaimed duplicate property tax payments. *Bexar County*