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Policy Committee Meeting

Travis County Building | Austin, TX

March 8, 2017

AGENDA

8:30 AM Convene.

1. Welcome, Introductions.
2. Administrative issues. [Ms. Robin Morris]
 - a. Next Meeting: Wednesday, April 5, 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	V						
Commissioner Tim Brown	Bell County	V	V	V	V	V	V						
Commissioner Kevin Wolff	Bexar County	P	P	V	P	P	V						
Judge Matt Sebesta	Brazoria County	V	V	V	E	V	V						
Commissioner Alex Dominguez	Cameron County			V	V	V	V						
Commissioner Chris Hill	Collin County	E	V	V	V	E	V						
Commissioner Theresa Daniel	Dallas County	V	V	V	V	V	V						
Commissioner Bobbie Mitchell	Denton County	V	E	E	V	V	V						
Judge Veronica Escobar	El Paso County	V	P	P	V	V	V						
Judge Robert Hebert	Fort Bend County	V	V	V	V	V	V						
Commissioner Ken Clark	Galveston County	V	V	V	V	V	V						
Judge Bill Magers	Grayson County	E	V	P	V	V	V						
Commissioner Joe Palacios	Hidalgo County	E	P	V	X	P	P						
Commissioner Eddie Arnold	Jefferson County	V	E	E	V	V	V						
Judge Bruce Wood	Kaufman County	V	V	V	V	V	V						
Commissioner Bill McCay	Lubbock County	E	V	E	V	V	V						
Judge Mike Bradford	Midland County	P	V	V	V	V	V						
Judge Craig Doyal	Montgomery County	E	V	V	P	V	V						
Judge Loyd Neal	Nueces County	V	V	V	E	V	E						
Judge Glen Whitley	Tarrant County	V	V	V	V	V	P						
Judge Sarah Eckhardt	Travis County					V	V						
Judge Dan Gattis	Williamson County	V	V	V	V	V	V						
Commissioner Kevin Burns	Wise County	V	V	V	V	V	V						

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

4. Consider the minutes from the February 8, 2017 meeting. [pg. 6]
5. Discuss proposals regarding agricultural and open space property. [Ms. Windy Johnson] [pg. 12]

6. Consider dark store theory valuations. [Mr. Donald Lee] [pg. 14]

Recommended Resolution:

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

Support, consistent with current court cases, prohibiting the use of the “dark store theory” in the appraisal of business real property.

7. Consider increasing the school homestead exemption. [Mr. Donald Lee] [pg. 15]

Recommended Resolution:

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

Support a significant increase in the school homestead exemption and ensure adjustments are made in state funding to schools to account for the exemption.

8. Discuss the proposal by House Ways & Means Chairman for revenue caps on cities and counties. [Mr. Donald Lee]

9. Consider increasing the exemption for income-producing tangible property. [Ms. Windy Johnson] [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:

Support increasing the taxable value of income-producing tangible personal property to qualify for an exemption.

10. Consider appointment of probate investigators. [Mr. John Dahill] [pg. 17]

Recommended Resolution:

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

Require that the creation of positions serving the judiciary in a county must be authorized by the county commissioners court.

11. Discuss the proposed Sandra Bland Act. [Mr. John Dahill]

12. Discuss mental health funding priorities. [Ms. Windy Johnson] [pg. 18]

13. Consider mental health legislation. [Ms. Windy Johnson] [pg. 19]

Recommended Resolution:

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 the following priorities of the Select Committee on Mental Health:

- a) Early intervention and prevention measures for school-aged children in order to prevent more severe mental health issues;
- b) Strengthening and expanding jail diversion programs;
- c) Addressing the mental health workforce shortages; and
- d) Encouraging approaches to health care that integrate both physical and mental care.

14. Discuss clean air priorities. [Ms. Windy Johnson] [pg. 21]
15. Consider the requirement of a referendum on the expenditure of county funds. [Mr. Donald Lee] [pg. 23]

Recommended Resolution:

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

Oppose any proposal that would require voter approval for the expenditure of general fund revenue and certificates of obligation by any county.

16. Consider zero-based budgeting. [Ms. Windy Johnson] [pg. 24]

Recommended Resolution:

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

Oppose mandated zero-based budget reports by counties that do not properly account for independent elected county officials, statutory and constitutional mandates for county funding, or would require significant expenditures to create the report.

17. Consider a prohibition of unfunded mandates. [Ms. Gabriela Villareal] [pg. 26]

Recommended Resolution:

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

Support a Constitutional Amendment prohibiting unfunded mandates on counties.

18. Consider increased requirements for election equipment. [Ms. Windy Johnson][pg. 28]

Recommended Resolution:

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

Oppose mandating that DRE election equipment must include printing of voter verifiable paper ballots.

19. Consider election of board members to an initial emergency services district. [Mr. Donald Lee] [pg. 30]

Recommended Resolution:

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

Support creating an option for commissioners court to have ESDs within their county transition from appointed to elected boards.

20. Discuss establishment of unified primary elections in Texas. [Ms. Gabriela Villareal] [pg. 31]

21. Consider district judge compensation for extrajudicial services. [Mr. Donald Lee] [pg. 32]

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:

Do not oppose provisions that permit the salary of a district judge to exceed the statutory salary cap by the amount of compensation paid for extrajudicial services so long as such provisions are permissive at the discretion of commissioners courts.

22. Discuss ethics legislation. [Mr. Donald Lee] [pg. 33]

23. Consider local enforcement of environmental laws. [Mr. John Dahill] [pg. 35]

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 current authority of local governments to bring actions to recover penalties from violators of environmental laws and regulations.

24. Consider expedited process for handling public information requests. [Mr. John Dahill] [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:

Support creation of expedited processes for responding to public information requests as an option for governmental bodies.

25. Consider allowing commissioners court to regulate sale and use of fireworks. [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:

Support allowing a county to regulate the sale or use of fireworks.

26. Consider increasing tipping fees. [Ms. Windy Johnson] [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:

Support an increase in municipal solid waste fees and an increased allocation to local projects.

27. Consider authorizing another person to transport a mental health detainee. [Ms. Windy Johnson] [pg. 39]

Recommended Resolution:

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

Support allowing a peace officer to transfer a mental health detainee to another person on the mental health transport list.

28. New Business.

29. Adjourn.

Policy Committee Meeting
Travis County | 700 Lavaca, Austin, TX 78701

February 8, 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 Chris Hill, Collin 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 Glen Whitley, Tarrant County (Proxy G. K. Maenius)
Judge Sarah Eckhardt, Travis County (also, Proxy Deece Eckstein)
Judge Dan Gattis, Williamson County
Commissioner Kevin Burns, Wise County

Others Present

Craig Pardue, Bedrock Strategy (Dallas County & Midland County)
Melissa Shannon, Bexar County
Charles Reed, Dallas County
Claudia Russell, El Paso County
Ann Werlein, Fort Bend County
Beth Wolf, Fort Bend County
Commissioner Jeff Whitmire, Grayson County
Donna Klaeger, GMJ
Natacha Pelaez-Wagner, GMJ
Joanye Henderson, Harris County
Donna Warndorf, Harris County
Carole Lamont, Harris County
Tyner Little, Nueces County
Mark Mendez, Tarrant 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
Gabriela Villareal, Texas Conference of Urban Counties
Charles Gray, Texas Conference of Urban Counties

Judge Emmett called the meeting to order at 9:30 AM

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

The Committee discussed agenda **item 3**, attendance record. On a motion by Commissioner Burns and a second by Commissioner Arnold the absence of Judge Neal from this meeting was excused.

The Committee considered agenda **item 4**, approval of the minutes of the January 11, 2017 meeting. On a motion by Commissioner Burns and a second by Judge Hebert the minutes were approved as presented.

The Committee discussed agenda **item 5**, Senate property tax reform legislation.

The Committee considered agenda **item 6**, proposals regarding agricultural and open space property. On a motion by Judge Doyal and a second by Commissioner Daniel, the following was approved as presented:

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.

The Committee considered agenda **item 7**, extending who may defer payment of property taxes. On a motion by Commissioner Arnold and a second by Judge Gattis the following was approved as amended.

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, and support establishing a reasonable indexed rate on deferral.

Agenda **item 8** was skipped at suggestion of John Dahill.

The Committee discussed agenda **item 9**, "Sanctuary Cities" Legislation.

The Committee considered agenda **item 10**, Governor's disapproval of conveyances of land to the federal government. On a motion by Judge Bradford and a second by Judge Hebert the following was approved as presented.

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.

The Committee considered agenda **item 11**, ability to meet in closed meeting to discuss economic development negotiations. On a motion by Judge Bradford and a second by Judge Hebert the following was approved as presented.

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.

The Committee considered agenda **item 12**, local control of court records. On a motion by Commissioner Clark and a second by Judge Hebert the following was approved as presented.

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.

The Committee discussed agenda **item 13**, appropriations priorities in the 85th session.

The Committee discussed agenda **item 14**, ethics bills. Commissioner Hill made a motion in support of ethics bills, there was not a second. There was no further action.

The Committee discussed agenda **item 15**, mandatory zero based budgeting.

The Committee discussed agenda **item 16**, efforts to increase the costs of acquiring property by governments and common carriers.

The Committee considered agenda **item 18**, use of venue taxes for parks and recreation. On a motion by Judge Eckhardt and a second by Judge Escobar 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:

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

The Committee considered agenda **item 19**, discretion over county welfare petty cash. On a motion by Judge Eckhardt and a second by Judge Magers 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:

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.*

The Committee considered agenda **item 20**, authority to appoint a supplemental civil service commission. On a motion by Commissioner Daniel 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:

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.*

The Committee considered agenda **item 21**, allowing commissioners court to prohibit the use of fireworks during hours specified in an order. On a motion by Judge Escobar 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:

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

The Committee considered agenda **item 22**, expanding where a county law library may be based. On a motion by Commissioner McCay and a second by Judge Gattis 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:

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.

The Committee considered agenda **item 23**, optional vehicle registration fee in Bexar County. On a motion by Commissioner Clark and a second by Judge Hebert 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:

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 regional mobility authority (RMA). *Bexar County.*

The Committee considered agenda **item 24**, authorization for county clerks to conduct marriage ceremonies. Following a motion by Commissioner Wolff, this item was deferred until the next meeting.

The Committee considered agenda **item 25**, the overseas military e-mail ballot program. On a motion by Commissioner Burns and a second by Commissioner Wolff 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:

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.*

The Committee considered agenda **item 26**, removing the requirement of obtaining approval on tax abatement agreements within Tax Increment Reinvestment Zone (TIRZ) by entities not participating in the zone. On a motion by Commissioner Wolff 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:

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*

The Committee considered agenda **item 27**, voting equipment certification. Following a motion by Commissioner Wolff, and a second by Commissioner Daniel, the resolution was not adopted.

The Committee considered agenda **item 28**, 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. On a motion by Commissioner Wolff and a second by Judge Hebert 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:

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

The Committee considered agenda **item 29**, to allow county pretrial programs to collect supervision fees. On a motion by Commissioner Wolff 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:

Pretrial Program Fee. Support allowing county pretrial supervision programs, run outside Community Supervision and Corrections Departments (CSCDs), to collect supervision fees. *Bexar County*

The Committee considered agenda **item 30**, to allow urban Counties to adopt building regulations upon petition from residents and the passage of a proposition to authorize said regulations. On a motion by Commissioner Wolff and a second by Deece Eckstein 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:

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*

The Committee considered agenda **item 31**, to authorize Counties to require the provision of solid waste collection by landlords of two or more leased dwellings located in an unincorporated area. On a motion by Commissioner Wolff and a second by Deece Eckstein 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:

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*

The Committee considered agenda **item 32**, to allow a county to retain unclaimed duplicate property tax payments. Following a motion by Commissioner Wolff, this item was deferred until the next meeting.

The Committee discussed agenda **item 17**, straight party voting.

There was no new business.

The meeting adjourned at 11:40 AM

Vice Chairman of Policy
Judge Ed Emmett

Date



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February 8, 2017

To: Urban Counties Policy Committee

From: Windy Johnson, Program Manager

Re: **(5) Discuss Proposals Regarding Agricultural and Open Space Property**

Background:

There have been seven more bills filed that would impact taxes on agricultural and open space land. The Policy Committee previously adopted a position on this:

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

HB 950 by Rodriguez, expands the qualification for open space land exemption if the land is:

- A. currently devoted principally to agricultural use to the degree of intensity generally accepted in the area;
- B. principally for agricultural use or for the production of timber or forest products for the preceding year; and
- C. is owned or managed by a military veteran; or an individual who, at the time the owner filed an initial application for appraisal of the land, 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.

HB 1662 by Phelan, repeals the rollback tax assessed when a landowner changes the agricultural use of qualified open-space land to a nonagricultural use or changes land qualified for timberland appraisal to a non-qualifying use.

HB 1880 by Hefner, repeals the capture of prior year taxes when agricultural property changes status.

HB 2311 by Murphy, Repeals the interest due on land appraised as agricultural or open space if sold or diverted to another use. Does apply interest if the taxes are delinquent when the change occurs.

SB 175 by Nichols, entitles a member of the armed forces to retain their agricultural use property tax break during their deployment if they file a letter with the appraisal office informing them of their deployment and their intent to return to agricultural use when they are sent home.

SB 629 by Schwertner, repeals the interest due on land appraised as agricultural or open space if sold or diverted to another use. Does apply interest if the taxes are delinquent when the change occurs.

SB 700 by Zaffirini, adds production of fruits and vegetables as an activity under agricultural use to qualify for open-space land eligibility. Requires the Comptroller to develop guidelines for appraisal of land under 10 acres used for production of uncommon agricultural uses.

Previously reviewed bills are as follows:

- 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

None.



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March 8, 2017

To: Urban Counties Policy Committee

From: Windy Johnson, Program Manager

Re: **(6) Consider Dark Store Theory Valuations**

Background:

Lowe's home improvement store brought a lawsuit against Bexar County to try to cut its tax assessment by more than half. A Bexar County arbitration panel last fall rejected Lowe's argument that it should value some of its San Antonio stores as if they were empty, or "dark stores," rather than a profitable business worthy of taxation.

However, the judge's decision is non-binding, and Lowe's is likely to take the matter to court.

The "dark-store theory," being argued by retail-giants in ongoing legal battles, is that properties should be assessed based upon the value of the building at sale: meaning empty.

Opponents contend the business occurring in the building should count towards the market value of the property.

Nationwide, this issue is picking up momentum. Big box stores have prevailed in other states, and several other Texas Counties are seeing suits.

Because Texas has equal and uniform appeals if one big box store wins, it will pave the way for every big box store to follow suit and sue to cut its assessment.

Recommended Resolution:

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

Support, consistent with current court cases, prohibiting the use of the "dark store theory" in the appraisal of business real property.



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March 8, 2017

To: Urban Counties Policy Committee

From: Windy Johnson, Program Manager

Re: **(7) Consider Increasing the School Homestead Exemption**

Background

Texas currently exempts the first \$25,000 of the value of a homestead from school property taxes. Homeowners who are disabled or over-65 are entitled an additional \$10,000 exemption.

HB 2268/HJR 75, by Raymond would increase the current school homestead exemption to \$71,000 from \$25,000 for the 2018 taxes only. The over-65 or disabled homeowners are increased to \$46,000 from \$10,000.

This proposal would help ensure the tax break will keep pace as home values rise and reduce the reliance on local property taxes to fund the state's school system.

Under this proposal, the state would then adjust the taxable wealth of school districts, and adjustments made in state funding to schools to account for the additional exemption.

The constitutional amendment appropriates \$3.05 billion of the economic stabilization fund to the foundation school program to finance the temporary increase in the school homestead exemptions.

Recommended Resolution:

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

Support a significant increase in the school homestead exemption and ensure adjustments are made in state funding to schools to account for the exemption.



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El Paso County

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March 8, 2017

To: Urban Counties Policy Committee

From: Windy Johnson, Program Manager

Re: **(9) Consider Increasing the Exemption for Income-Producing Tangible Property**

Background:

SB 730, by Paul Bettencourt, would provide that a person is entitled to a property tax exemption for the tangible personal property with a taxable value of less than \$2,500 and that is held or used for the production of income.

Current law sets the value at less than \$500.

Recommended Resolution:

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

Support increasing the taxable value of income-producing tangible personal property to qualify for an exemption.



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March 8, 2017

To: Urban Counties Policy Committee

From: John B. Dahill, General Counsel

Re: **(10) Consider Appointment of Probate Investigators**

Background:

Current law permits a judge of a statutory probate court to appoint an investigator. One investigator shall serve all statutory probate courts in the county unless the commissioners court authorizes additional investigators. The salary of investigators is set by the commissioners court.

SB 1016 by Senator Creighton would authorize constitutional county judges handling probate matters and statutory county court judges authorized to exercise original probate jurisdiction to also appoint investigators without commissioners court approval. There is no requirement that one investigator serve all courts in the county handling probate matters. The commissioners court may authorize additional investigators, and the salary of investigators will be set by the commissioners court.

Recommended Resolution:

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

Require that the creation of new positions serving the judiciary in a county must be authorized by the county commissioners court.



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March 8, 2017

To: Urban Counties Policy Committee

From: Windy Johnson, Program Manager

Re: **(12) Mental Health Funding Priorities**

Background:

Mental health funding has been a high priority for Urban Counties for the last decade.

The committee has previously adopted support for both additional funding and the recommendations of the Joint Committee on Forensic Services to increase hospital bed capacity and improve service delivery for individuals at hospital and community-based levels of care.

While significant funds were appropriated last session, the number of beds relative to the population has decreased. As Texas population has grown, the per-capita psychiatric hospital capacity has fallen, from 11.3 to 10.5 beds per 100,000 people between 2013 and 2015. In addition, several beds in the state hospital system have been offline due to basic maintenance issues.

In addition, ensuring funds are appropriated for the wait list for mental health services to address population growth and to eliminate waiting lists for services, would help ensure access for those with behavioral health issues.

The following exceptional item requests are currently pending before both chambers:

1. \$63 million, in new funds, to address the mental health wait lists and current population growth.
2. \$96 million, in new funds, to implement recommendations for the House Select Committee on Mental Health related to jail diversion, local collaboratives and early intervention.
3. \$6 million, just to maintain crisis intervention specialist and crisis respite services at FY 2017 levels for people with intellectual disabilities who have co-occurring mental health conditions.
4. \$24 million, just to maintain FY 2017 capacity for community mental health beds. Failure to fund this item will result in a loss of 8,760 bed days in the next biennium.
5. \$124 million to maintain FY2017 state hospital bed capacity.

Recommended Resolution:

None.



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March 8, 2017

To: Urban Counties Policy Committee

From: Windy Johnson, Program Manager

Re: **(13) Mental Health Legislation**

Background:

Several bills have been filed in response to the findings of the Select Committee on Mental Health. The Select Committee focused on a few key areas for changing the state's mental health system:

- Early intervention and prevention measures for school-aged children in order to prevent more severe mental health issues;
- Strengthening and expanding jail diversion programs;
- Using education incentives to address mental health workforce shortages;
- Encouraging approaches to health care that integrate both physical and mental care.

The following bills have been filed to fulfill those goals:

1) Workforce

- A. SB 674 (Schwertner) would require the Texas Medical Board to create an expedited licensure process that would allow out-of-state psychiatrists to treat Texas patients in need of care. Currently, Texas is one of only eight states to offer no reciprocal licensure for out-of-state physicians.
- B. HB 1486 (Price) would establish training and certification requirements for peer specialists and authorize Medicaid reimbursement for their services. A peer specialist is an individual who has personal lived experience in recovery from a mental health or substance use condition and who has been trained and certified to support their peers in recovery.
- C. HB 2478 (Davis) creates psychiatry residency innovation grants.

2) Early Intervention

- A. HB 1600 (Thompson) and SB 817 (Watson) would require an adolescent mental health screening at an annual Texas Health Steps medical exam.

- B. SB 74 (Nelson) and HB 1758 (Price) would help create high-quality treatment capacity for high-needs children in the system, by simplifying credentialing for providers of targeted case management and rehabilitative services.

3) Insurance Parity

- A. HB 10 (Price) and SB 860 (Zaffirini), would expand authority for the Texas Department of Insurance (TDI) to regulate and enforce the requirements of the federal parity law and regulations and assist consumers who encounter mental health parity violations.
- B. HB 2094 (Price) and SB 861 (Nelson) would expand parity enforcement to PTSD, eating disorders, and SED for children. HB 2096 (Price) Combines A and B.

4) Criminal Justice Diversion

- A. SB 292, by Huffman, would fund partnerships with local governments to keep non-violent people with severe mental illnesses out of jail and help get those who end up in jail out, and into treatment, as fast as possible. (This proposal is already supported on the Urban Counties platform.)
- B. HB 562 and HB 637 (White) creates several committees by each Imha to reduce inmates with mental illness, recidivism and improving indigent defense for inmates with mental illness. The local committees will have representatives from various groups from the region including sheriffs and the Imha, with a county commissioner or judge serving as chair. HB 562 would focus on adults while HB 637 addresses adolescents.
- C. HB 1734 (Coleman), HB 337 (Coleman) and SB 235 (Menendez) would on local option of the Sheriff, allow the Sheriff to timely provide information to the State regarding persons booked into county jail resulting in suspension of the inmates' Medicaid benefits rather than termination, with benefits resuming upon discharge from incarceration

Recommended Resolution:

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 the following priorities of the Select Committee on Mental Health:

- a) Early intervention and prevention measures for school-aged children in order to prevent more severe mental health issues;
- b) Strengthening and expanding jail diversion programs;
- c) Addressing the mental health workforce shortages; and
- d) Encouraging approaches to health care that integrate both physical and mental care.



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March 8, 2017

To: Urban Counties Policy Committee

From: Windy Johnson, Program Manager

Re: **(14) Discuss Clean Air Priorities**

Background:

The Texas Clean Air Working Group has been meeting regularly, under the leadership of Chairman Theresa Daniel, to discuss clean air initiatives including TERP, LIRAP and LIP programs.

The Texas Emissions Reduction Plan (TERP) programs which reduce emissions from trucks, non-road equipment, construction machinery, marine vessels and locomotives are critical to helping the state reach attainment with required federal standards.

TERP's success is wholly dependent on the appropriations of the dedicated funds that are collected for reducing air pollution. Currently more than \$400 million per biennium in revenue is collected while only \$236 million has been appropriated.

The Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP) is a successful program that reduces emissions from high emitting vehicles by offering financial assistance for qualified owners of vehicles that fail the emissions test or have vehicles that are at least ten years old. And finally, the Local Initiative Projects (LIP) funds programs that enhance mobility and fund law enforcement efforts to ensure the integrity of the emissions inspection program in Texas.

In addition to requesting full appropriations of all revenue for the TERP and LIRAP/LIP programs, the working group is recommending some modifications to the LIRAP and LIP program to maximize the effectiveness, including:

1. Modify registration provision for participating vehicles to require either current registration or registration for 12 of the past 15 months in a participating county;
2. Add a maximum repair assistance amount of at least \$800 while maintaining TCEQ regulatory authority to increase the amount;
3. Increase replacement assistance amounts to a minimum of \$4,000 for eligible cars and trucks and \$4,500 for cleaner vehicles, and give the Texas Commission on Environmental Quality the ability to establish future replacement assistance amounts to be consistent with the process established for repair assistance amounts;

4. Allow LIRAP/LIP revenues to be collected directly by counties;
5. Expand vehicle eligibility for the replacement program by one model year and change the odometer limit for replacement vehicles to 85,000 miles;
6. Add the definition of purchase as it relates to LIRAP to include a traditional vehicle purchase or a lease with a minimum 3-year term allowing at least 12,000 miles to be driven per year without penalty.
7. Allow any county in Texas to collect the LIRAP fee from registered vehicle owners and participate in the LIRAP replacement program;
8. Allow county oversight of LIP fund distribution, reserving a minimum 50% threshold of revenue for LIRAP;
9. Allow county oversight of LIP project selection, within program allowances as outlined in statute; and
10. Eliminate any LIP match requirements.

The platform currently has the following positions on clean air issues:

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.

Recommended Resolution:

None.



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March 8, 2017

To: Urban Counties Policy Committee

From: Windy Johnson, Program Manager

Re: **(15) Consider the Requirement of a Referendum on the Expenditure of County Funds**

Background:

SB 884 by Whitmire (D – Harris County), would require a referendum on a \$105 million plan to maintain the Astrodome even though no bonds would be sold for the project. The plan would use approximately \$35 million of county general revenue with the balance from parking revenue and hotel taxes. The bill proposes, for the first time, a county would be required to obtain voter approval to spend general revenue.

As filed it specifically prohibits county funds to be used for the improvement of a sports facility that is more than 50 years old, if the cost is \$10m or more, without voter approval.

Last September, Harris County Commissioners gave the green light to raise the Astrodome's bottom floor and install 1,400 parking spaces underneath it.

While this bill is limited to Harris County, limiting commissioners court authority to expend general revenue is a dangerous precedent to set.

Rep. Sergio Munoz (D-Hidalgo County) has filed HB 2309, which would require voter approval of all county public works projects funded by county revenue or debt and costing \$2.5 million or more.

Recommended Resolution:

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

Oppose any proposal that would require voter approval for the expenditure of general fund revenue and certificates of obligation by any county.



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March 8, 2017

To: Urban Counties Policy Committee

From: Windy Johnson, Program Manager

Re: **(16) Zero-Based Budgeting**

Background:

During the February 8, 2017 meeting, legislation that would mandate periodic zero based budgeting in local governments was discussed. The Policy Committee requested the item be brought back at the March 8th meeting, with a detailed analysis. Additionally, I have attached the bill for your review.

Last session, Urban Counties was opposed to new mandates on the county budget process. Counties currently have the authority to do everything that SB 641 would mandate.

SB 641 applies to a school district with an enrollment of 50k or more, a city with a population of 225,000 or more, and counties with a population of 225k or more.

The bill would:

1. require the budget officer to prepare, in addition to the annual itemized budget, in plain language and in an easily readable and understandable format, a zero-based budget every 12th year that contains:
 - (a) a description of the discrete activities the entity conducts or performs with:
 - (i) a justification for each activity by reference to a statute, charter provision, ordinance, or other legal authority; and
 - (ii) an evaluation of the effectiveness and efficiency of the entities' policies, management, fiscal affairs, and operations in relation to each activity;
 - (b) for each activity identified, a quantitative estimate of any adverse effects that reasonably may be expected to result if the activity were discontinued, together with a description of the methods by which the adverse effects were estimated;
 - (c) for each activity identified, an itemized account of expenditures required to maintain the activity at any minimum level of service required by statute, charter provision, ordinance, or other legal authority, together with a concise statement of the quantity and quality of service required at that minimum level;

- (d) for each activity identified, an itemized account of expenditures required to maintain the activity at the current level of service or performance, together with a concise statement of the quantity and quality of service or performance provided at that level;
 - (e) a ranking of activities that illustrates the relative importance of each activity to the overall goals and purposes of the entity at current service levels; and
 - (f) recommendations to the governing body regarding whether the entity should continue funding each activity identified, and, if so, at what level;
2. provide that in preparing the zero-based budget, the budget officer may require any officer or board to provide information necessary for the budget officer to properly prepare the budget;
 3. require the budget officer to file a copy of the zero-based budget with the clerk on or before the date the proposed budget is filed;
 4. require a copy of the zero-based budget to be available for public inspection and require an entity that maintains an Internet website to ensure that the zero-based budget is posted on the website; and
 5. require the city council/ISD board/commissioners court to consider information presented in the zero-based budget in addition to the proposed budget at a public hearing held to adopt a budget.

Recommended Resolution:

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

Oppose mandated zero-based budget reports by counties that do not properly account for independent elected county officials, statutory and constitutional mandates for county funding, or would require significant expenditures to create the report.



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March 8, 2017

To: Urban Counties Policy Committee

From: Gabriela Villareal, Program Manager

Re: **(17) Consider a Prohibition of Unfunded Mandates**

Background:

HJR 73, by DeWayne Burns would prohibit unfunded mandates on counties.

Specifically, it would amend the Texas Constitution to provide that a law enacted by the legislature on or after January 1, 2018, that requires a city or county to establish, expand, or modify a duty or activity that requires the expenditure of funds is not effective unless the legislature appropriates funds for the payment or reimbursement of the costs incurred for complying with the requirement.

In addition, attached is a sample resolution of support that may be edited or used as a template for your court to approve to support the constitutional amendment.

Recommended Resolution:

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

Support a Constitutional Amendment prohibiting unfunded mandates on counties.

STATE OF TEXAS §
 §
COUNTY OF _____ §

Opposition to Unfunded Mandates

WHEREAS, Texas counties are responsible for the operation and management of many and various governmental programs as required or authorized by state law; and

WHEREAS, some county government programs are fully or partially supported with funds disbursed by the State of Texas pursuant to the state appropriations process; and

WHEREAS, the State of Texas, acting through the Texas Legislature or through a state agency or executive order, may enact laws or promulgate rules that have the effect of imposing mandatory financial obligations upon Texas counties; and

WHEREAS, the State of Texas, acting through the Texas Legislature or through a state agency or executive order, mandates that counties implement certain governmental programs or perform certain duties and obligations including financial commitments by a county to expend county funds in connection therewith; and

WHEREAS, during each regular session of the Texas Legislature, all state funds that support county programs are reviewed through the state appropriation process and by other budgetary review systems; and

WHEREAS, the aforementioned review process may result in a reduction, or cessation, of state financial support of county government programs causing an unforeseeable disruption and reduction of the county budget and operations; and

WHEREAS, Texas counties cannot achieve reliable financial planning and the necessary bond ratings sufficient to support county-related obligations when the state mandates a new program that is not fully funded or under conditions where the state reduces or fully withdraws prior funding and disbursement for county government programs;

NOW THEREFORE, the Commissioners Court of _____ County, Texas does hereby resolve that for the foregoing reasons, it is in the best interests of Texas counties and their taxpayers to support and favor the passage of legislation in the form of an amendment to the Constitution of the State of Texas that would expressly prohibit the imposition of a mandatory governmental program on Texas counties, whether by an act of the Texas Legislature or a state agency or by executive order, unless the State of Texas has fully funded and disbursed all necessary funds to enable Texas counties to operate said governmental program.

Adopted this _____ day of _____, 2017.

County Judge

ATTEST:

County Clerk



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March 8, 2017

To: Urban Counties Policy Committee

From: Windy Johnson, Program Manager

Re: **(18) Consider Increased Requirements for Election Equipment**

Background:

HB 1711, by Hefner would require voting equipment to provide a voter verifiable paper copy of ballots cast.

As filed it would:

1. Prohibit the use of an electronic voting machine in an election unless the machine:
 - a. Has been certified or approved by a nationally recognized test laboratory;
 - b. meet minimum requirements of Voting System Standards Volumes I, II or Federal Election Commission, Election Assistance Commission or National Institute of Standards and Technology; and
 - c. creates a contemporaneous auditable paper record copy of each electronic ballot that allows a voter to confirm the choices the voter made through both a visual and a non-visual method.
2. Require an election authority using electronic voting machines to submit:
 - a. at the request of the secretary of state, complete documentation relating to all hardware, software, and firmware components for the system, as well as all documents relating to the federal qualification process;
 - b. a physical security plan for the system to the secretary of state not later than 90 days before a system using electronic voting machines will be used in an election; and
 - c. a list of all changes and modifications to the system, a training plan, and a communication plan explaining how election officers at each polling place will communicate on election day to the secretary of state not later than 46 days before a system using electronic voting machines will be used in an election; and

3. Provide notice of the penalties for tampering with an electronic voting machine in each language used at a polling place at which an electronic voting machine is used for voting.

(Companion bill is S.B. 829 by Hughes.)

Some counties have indicated the requirement to be able to allow the voter to see their printed choices prior to casting their vote only exist with one vendor. This requirement would render every DRE being used in the state obsolete. A number of counties have just recently purchased new systems which have been certified to the last EAC standards, they would all have to be replaced under this new requirement.

Additionally, elections officials have indicated this legislation is unnecessary as DRE voting machines are the most secure voting system ever used and every one in Texas is capable of producing a ballot image log that can then be used for manual recounts. The recommended machines would simply produce a paper print out that would be filed, and the legislation does not state where that printout would be stored, nor does it indicate what would be the official record of vote, the printout or the electronic record.

Finally, replacing voting equipment to meet these mandates would have a significant local fiscal note. Dallas indicated, at a minimum, the cost would be \$5m, Galveston \$2.5m and Grayson County \$2m.

Currently voting machines in Texas are federally certified and state certified which is a very lengthy and thorough process.

Recommended Resolution:

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

Oppose mandating that DRE election equipment must include printing of voter verifiable paper ballots.



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March 8, 2017

To: Urban Counties Policy Committee

From: Donald Lee, Executive Director

Re: **(19) Election of Board Members to an Initial Emergency Services District**

Background:

HB 1509, by Jason Isaac, would create a process for electing an initial emergency services district board after a district is established. The bill:

- Requires a county judge to establish a date for an election to elect commissioners to an initial emergency services district board.
- Requires a county voter registrar to appoint an election judge to certify the results of the initial board election.
- Requires election costs to be reimbursed by the board to the county.
- Applies to a district located in county with a population of more than 200,000.

Recommended Resolution:

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

Support creating an option for commissioners court to have ESDs within their county transition from appointed to elected boards.



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March 8, 2017

To: Urban Counties Policy Committee

From: Gabriela Villareal, Program Manager

Re: **(20) Establishment of Unified Primary Elections in Texas**

Background:

HB 1996, by Rafael Anchia, would establish one combined primary election rather than the current two primaries by party. The proposal would permit a voter to choose candidates, regardless of political party alignment, during the primary election.

This is similar to the primary system used in Louisiana.

The bill provides:

- Rather than the current system, hold one nonpartisan primary election for offices of state and county government and U.S. Congress where all candidates regardless of party run on the same ballot; and
- The top two candidates with the highest number of votes in the primary election are the candidates for the general election.

The Current Texas Election Code requires voters to cast a ballot for candidates for federal, state, and county offices from one political party during a primary election. The winning candidate of a primary election will represent each political party in the general election.

Recommended Resolution

None.



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March 8, 2017

To: Urban Counties Policy Committee

From: Donald Lee, Executive Director

Re: **(21) District Judge Compensation for Extrajudicial Services**

Background:

HB 1765 by Capriglione and SB 824 by Burton seek to address the compensation of district judges in counties of 750,000 or more. The bills provide that compensation for extrajudicial services is not to be considered for purposes of the statutory salary cap for district judges (i.e., an amount that is not more than \$5,000 less the salary provided for a justice on a court of appeals).

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:

Do not oppose provisions that permit the salary of a district judge to exceed the statutory salary cap by the amount of compensation paid for extrajudicial services so long as such provisions are permissive at the discretion of commissioners courts.



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March 8, 2017

To: Urban Counties Policy Committee

From: Donald Lee, Executive Director

Re: **(22) Discussion of Ethics Legislation**

Background:

During the February 8, 2017 meeting, SB 14 regarding changes to ethics statutes was discussed. The Policy Committee requested the item be brought back at the March 8th meeting, with a detailed analysis.

The bill does the following:

1. A person who is a member in a public retirement system wholly or partly because the person held an elected office would be ineligible to receive a service retirement annuity if the member is convicted of a qualifying felony committed while in office and arising directly from the official duties of that elected office.
 - The official is entitled to a refund of all personal contributions and interest earned on those contributions.
 - A court may award half of the service retirement annuity to an innocent spouse in the interest of justice.
2. Personal financial statements must include disclosure of contracts between governmental entities and the filer, the filer's spouse, or the filer's dependent child, or an entity in which one of those persons has at least a 50% ownership interest. This disclosure requirement applies to contracts for the sale of goods or services in the amount of \$2,500 or more, but only if the aggregate cost of goods or services sold under one or more contracts exceed \$10k in the year.
3. A person who is required to be a registered lobbyist is not eligible to be a candidate for an elected or appointed public office. Excepted from that prohibition are:
 - an office of a political subdivision with a population of 150,000 or less, other than the office of presiding officer, provided that the officeholder does not receive a salary or wage for that office; and
 - the office of the presiding officer of the governing body of a political subdivision with a population of 50,000 or less, provided that the presiding officer does not receive a salary or wage for that office.
4. Registered lobbyists who are former elected officials or candidates may not make political expenditures using campaign funds before the 2nd anniversary of the date the last term in office ends.

The individual components of SB 14 are filed as separate bills and are found in SB 500 – 505.
Rep. Geren has filed HB 1283, which is identical to SB 14.

Rep. Sarah Davis has filed a number of bills impacting local government officials. They are:

HB 1377 - In personal financial statements, the current requirement to report the number of shares of stock held will be limited to nonpublic companies. For public companies, the stock symbol must be reported but not the number of shares owned. This applies to county officials.

Requires persons filing financial statements to create and maintain for 3 years a record of information that is necessary for filing the financial statement. As filed this does not apply to county officials.

HB 2471 - An officer or employee of a political subdivision may not spend public funds to make a political contribution or expenditure, nor directly or indirectly employ a person to use public funds to make an unlawful political contribution or expenditure. Violations are Class A misdemeanors.

HB 2473 - Local government officers and vendors currently are required to disclose gifts from vendors and relationships involving vendors and local officers and their family members. The bill removes gift reporting from local officers and separates gift reporting and relationship reporting for vendors. The threshold for reporting gifts is changed from \$100 / 12 months to \$100 / calendar quarter. Gifts exclude food and beverage accepted as a guest. Vendors must submit quarterly gift reports versus one-time relationship reports.

Each local government must produce and keep current a list of all officers, provide the list to all vendors (including those seeking to do business with the local government), and post the list to government's website. Class C misdemeanor for knowingly failing to file gift disclosure.

A local government officer may not solicit from a vendor a gift on behalf of the local government officer, a family member, or another person, including a local governmental entity or a nonprofit charitable organization. The prohibition does not apply to campaign contributions.

Recommended Resolution:

None.



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March 8, 2017

To: Urban Counties Policy Committee

From: John B. Dahill, General Counsel

Re: **(23) Local Enforcement of Environmental Laws**

Background:

In 2015, local governments retained authority under the Water Code to bring actions for civil penalties against polluters. However, the formula for splitting penalties between a local government and the state was adjusted in the state's favor.

Rep. Geren has filed HB 2533, which substantially limits the ability of local governments to bring these lawsuits. The bill would require local governments and affected persons to notify TCEQ and the AG of alleged violations for which they are authorized under Water Code to seek civil penalties. Local governments and affected persons would be permitted to sue the violator unless, before 90th day after notice is sent to TCEQ and the AG, either (1) the AG has commenced suit concerning at least one of the alleged violations; or (2) the AG or TCEQ Executive Director issues a writing denying authorization for the local government or the affected person to sue.

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 current authority of local governments to bring actions to recover penalties from violators of environmental laws and regulations.



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March 8, 2017

To: Urban Counties Policy Committee

From: John B. Dahill, General Counsel

Re: **(24) Consider an Expedited Process for Handling Public Information Requests**

Background:

Under the Public Information Act, a governmental body must request a decision from the Attorney General before withholding information from a requestor.

HB 2328 by Eddie Lucio, III, sets out an optional process designed by the AG's office in the hopes of (1) expediting provision of information to requestors, while (2) permitting governmental bodies to withhold information that is legally permitted to be withheld; and (3) reducing the number of decision requests handled by the AG's office.

The proposed process would permit a governmental body that has had at least one person complete a 4-hour training course covering the Public Information Act to redact information that the Act permits to be withheld when responding to a requestor. The requestor must be told the type of information withheld and the provision in the Act permitting it to be withheld. If the requestor disputes the withholding, the requestor is to notify the governmental body and the current process – i.e., an AG opinion is required – kicks in.

Recommended Resolution:

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

Support creation of expedited processes for responding to public information requests as an option for governmental bodies.



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March 8, 2017

To: Urban Counties Policy Committee

From: Gabriela Villareal, Program Manager

Re: **(25) Consider Allowing Commissioners Court to
Regulate Sale and Use of Fireworks**

Background:

SB 760, by Jose Menendez, would allow commissioners court to prohibit the sale or use of fireworks in the unincorporated area of the county.

Currently, counties are authorized to restrict or ban the use of aerial fireworks during drought conditions. In the face of a local disaster, a county judge may ban the sale or use of fireworks 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:

Support allowing a county to regulate the sale or use of fireworks.



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March 8, 2017

To: Urban Counties Policy Committee

From: Windy Johnson, Program Manager

Re: **(26) Consider Increasing Tipping Fees**

Background:

The Regional Solid Waste Grants Program provides crucial funding for projects that protect the environment and safeguard health, general welfare, and physical property.

The program is funded by revenues collected through municipal solid waste fees, or "tipping fees" paid at landfills and appropriated by the legislature.

HB 2046, by Walle would increase the municipal solid waste landfill fee and increase the percentage allocated to regional projects.

HB 2045 would:

- Increase waste measured by weight from .94 cents to \$1.25;
- Increase waste measured by volume from .30 cents to .40 cents;
- Increase Uncompacted waste by cubic yard from .19 cents to .25 cents; and
- Increases the percentage of funds allocated to local projects from 30% to 50%.

The TCEQ is directed by the Legislature to dedicate one-third of the revenue generated by state fees on MSW disposed of at landfills to grants for regional and local MSW projects.

The TCEQ allocates the funds to the state's 24 councils of governments (COGs) based on a formula that takes into account population, area, solid waste fee generation, and public health needs. The COGs use the funds to develop and maintain an inventory of closed MSW landfills, conduct regional coordination and planning activities, maintain a regional solid waste management plan, and administer pass-through grant programs to provide funding for regional and local MSW projects.

During Fiscal Year 2014/2015, the 24 regional COGs funded 226 projects totaling \$5,304,949.61.

Recommended Resolution:

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

Support an increase in municipal solid waste fees and an increased allocation to local projects.



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March 8, 2017

To: Urban Counties Policy Committee

From: Windy Johnson, Program Manager

Re: **(27) Consider Authorizing Another Person to Transport
a Mental Health Detainee**

Background:

HB 1289, by Andrew Murr, would authorize a peace officer to request another person on the mental health transport list to transport an apprehended person.

This would give a peace officer the option of transferring a person in custody under emergency detention to the following persons: a special officer for mental health, the administrator of a mental health facility, a representative of the local mental health authority, a qualified transportation service provider, a sheriff, a constable, a relative, or other responsible person. That person would then be responsible for immediately transporting the detainee to a mental health facility.

Recommended Resolution:

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

Support allowing a peace officer to transfer a mental health detainee to another person on the mental health transport list.

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 1/12th 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 and support establishing a reasonable indexed rate on deferral.
15. Support, consistent with current court cases, prohibiting the use of the “dark store theory” in the appraisal of business real property.
16. Support a significant increase in the school homestead exemption and ensure adjustments are made in state funding to schools to account for the exemption.
17. Support increasing the taxable value of income-producing tangible personal property to qualify for an exemption.

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. Require that the creation of positions serving the judiciary in a county must be authorized by the county commissioners court.

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.
9. Support the following priorities of the Select Committee on Mental Health:
 - Early intervention and prevention measures for school-aged children in order to prevent more severe mental health issues;
 - Strengthening and expanding jail diversion programs;
 - Addressing the mental health workforce shortages; and
 - Encouraging approaches to health care that integrate both physical and mental care.

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.
40. Oppose any proposal that would require voter approval for the expenditure of general fund revenue and certificates of obligation by any county.
41. Oppose mandated zero-based budget reports by counties that do not properly account for independent elected county officials, statutory and constitutional mandates for county funding, or would require significant expenditures to create the report.
42. Support a Constitutional Amendment prohibiting unfunded mandates on counties.
43. Oppose mandating that DRE election equipment must include printing of voter verifiable paper ballots.
44. Support creating an option for commissioners court to have ESDs within their county transition from appointed to elected boards.
45. Do not oppose provisions that permit the salary of a district judge to exceed the statutory salary cap by the amount of compensation paid for extrajudicial services so long as such provisions are permissive at the discretion of commissioners courts.
46. Support retaining the current authority of local governments to bring actions to recover penalties from violators of environmental laws and regulations.

Positions on other proposals before the 85th 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. **Venue Taxes for Parks.** Support allowing counties to use venue taxes to fund projects in the parks and recreation system. *Travis County*
11. **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*
12. **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*.
13. **Firework Authority.** Support allowing a county to prohibit the use of fireworks during hours determined by commissioners court.
14. **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.
15. **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*
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. **Super Utilizer Pilot Project.** Support State funding for a Super Utilizer Pilot Project in Bexar County. *Bexar County*
19. **Pretrial Program Fee.** Support allowing county pretrial supervision programs, run outside CSCDs, to collect supervision fees. *Bexar County*
20. **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*

21. **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*
22. **Expedited Public Information.** Support creation of expedited processes for responding to public information requests as an option for governmental bodies.
23. **Fireworks Regulation.** Support allowing a county to regulate the sale or use of fireworks.
24. **Tipping Fees.** Support an increase in municipal solid waste fees and an increased allocation to local projects.
25. **Behavioral Health Transfers.** Support allowing a peace officer to transfer a mental health detainee to another person on the mental health transport list.