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500 West 13th Street
Austin, TX 78701

512.476.6174

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Policy Committee Meeting
Travis County Building
700 Lavaca Street Austin, Texas 78701

February 13, 2019

AGENDA

9:30 AM Convene.

1. Welcome, Introductions.
2. Consider the minutes from the January 9, 2019 meeting. [pg. 3]
 - a. Administrative items. [Veronikah Sanford]
 - b. Next meeting: At 10:30a.m. on Wednesday, March 13, 2019 at the Travis County Building 700 Lavaca Street, Austin Texas.
3. Policy Director's Report. [Adam Haynes]
4. Review Policy Platform [Adam Haynes] [pg. 5]
5. Review bills of interest to date [Adam Haynes] [pg. 11]
6. Consider changes to the Policy Platform
 - a. Discussion of Property Tax Reform Legislation [Adam Haynes] [pg. 21]
 - b. Countywide Polling Place Program [Windy Johnson] [pg. 24]

Recommended Resolution

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

Expand the Countywide Polling Place Program for all counties.

- c. Election Equipment [Windy Johnson] [pg. 25]

Recommended Resolution:

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

Support state funding to counties for the purchase of new election equipment.

Support grandfather provisions for all counties that purchased election equipment in the last five years that does not produce a paper audit trail.

- d. Eminent Domain and Penalties for Low Offers [John Dahill] [pg. 26]

Recommended Resolution

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

In the absence of market value transparency, oppose Oppose efforts to require local governments to pay penalties, including an opposing party's attorney fees and court costs, in eminent domain proceedings.

- e. County Local Sales Tax Substitute for Property Taxes [Adam Haynes] [pg. 27]
f. Consideration of El Paso County Legislative Items [Windy Johnson] [pg. 28]

Recommended Resolution:

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

VSCO Reports – Support granting commissioners courts discretion regarding oversight of veterans county service officers.

Recommended Resolution:

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

Sheriff and Constable Fees – Support the ability for a fee for sheriff or constable services that was previously approved by a county's commissioners court to remain unchanged from the prior fiscal year unless changed by the court.

7. New business.

11:30 AM Adjourn.

Policy Committee Meeting

Sheraton Austin Hotel at the Capitol | 701 E. 11th Street, Austin, TX 78701

January 9, 2019

Minutes

Members Present

Judge David Blackburn, Bell County
Commissioner Kevin Wolff, Bexar County (Proxy Melissa Shannon)
Judge Matt Sebesta, Brazoria County
Commissioner Susan Fletcher, Collin County
Commissioner Theresa Daniel, Dallas County
Commissioner David Stout, El Paso County
Commissioner Ken Clark, Galveston County
Judge Bill Magers, Grayson County
Commissioner Brent Weaver, Jefferson County
Commissioner Robin Donnelly Midland County
Judge Glenn Whitley, Tarrant County
Judge Sarah Eckhardt, Travis County
Judge Bill Gravell, Williamson County
Commissioner Kevin Burns, Wise County

Others Present

Charles Reed, Dallas County
Ender Reed, Harris County
Donna Warndorf, Harris County
Chandler Merritt, Tarrant County
Russell Schaffner, Tarrant County
Deece Eckstein, Travis County
John Dahill, Texas Conference of Urban Counties
Adam Haynes, Texas Conference of Urban Counties
Windy Johnson, Texas Conference of Urban Counties
Gabriela Villareal, Texas Conference of Urban Counties
Veronikah Sanford, Texas Conference of Urban Counties

Judge Sebesta called the meeting to order at 9:44 AM

The Committee discussed agenda item 2, Overview of Policy Committee Procedures.

The Committee discussed agenda item 4. a) and 4. b), the next meeting date and meeting schedule for 2019.

The Committee discussed agenda item 5, Policy Director's Report.

The Committee discussed agenda item 6, Review Policy Platform.

The Committee discussed agenda item 7, Review bills of interest to date.

The Committee considered agenda item 3, the minutes of the December 13, 2018 meeting. On a motion by Judge Glen Whitley and second by Judge Sarah Eckhardt, the minutes were approved as presented.

The Committee discussed agenda item 8, State Budget Update.

The meeting adjourned at 12:05 PM.

Judge Matt Sebesta
Vice Chairman of Policy

Date



Chairman

Judge
Bob Hebert
Fort Bend County

February 13, 2019

Chair Elect

Commissioner
Kevin Burns
Wise County

To: Urban Counties Policy Committee

From: Adam P. Haynes, Policy Director

Immediate Past Chair

Commissioner
Bobbie Mitchell
Denton County

Re: **Urban Counties Policy Platform Redesign**

Vice-Chairmen

Comm. Tim Brown
Bell County

Comm. Alex Dominguez
Cameron County

Judge Ed Emmett
Harris County

Judge Loyd Neal
Nueces County

Judge Glen Whitley
Tarrant County

Judge Sarah Eckhardt
Travis County

Traditionally, CUC revises the policy platform before the upcoming Legislative Session. In the meantime, we have revised the Principles section to better reflect the messaging CUC is using going forward. We have included a strikeout version as well as the policy platform, so you can compare the previous language to the proposed draft.

Executive Director

John B. Dahill

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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*

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Principles of the Urban Counties Policy Platform

1. Urban Counties believe local government is more responsive and accountable to the citizens and communities and should be utilized for service delivery whenever practical.
2. Urban Counties believe permissive authority provides better policy options while state mandates, revenue restrictions, and one-size-fits-all directives undermine voter self-determination and local responsibility.
3. Urban Counties believe the State increases local property taxes when it imposes obligations on local governments without providing adequate funding.
4. Urban Counties believe State funds collected for specific programs should be allocated based upon population, number of clients, or some other appropriate measure of the need for that program or service.
5. Urban Counties believes that funds collected for a purpose should be used for that purpose and support ending the reliance on dedicated revenues to balance the State budget.

1 Taxation

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 sale or 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. 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.
6. Support reforms to process for equity appeals of appraisals.
7. Oppose ~~the repeal of reducing~~ the penalty when land that was previously appraised as agricultural or other open space property is converted to another use.
8. Oppose all new property tax exemptions, expansion of existing exemptions, or any other narrowing of tax base unless approved by the Urban Counties.
9. Support a significant increase in the school homestead exemption and ensure adjustments are made in state funding to schools to account for the exemption.
10. Support property tax transparency and information proposals ~~from SB 669-85(R), as passed by the House during the regular session~~, including but not limited to:
 - a. Removing projected tax assessment information from the central appraisal district (CAD) notice of assessed value;

- b. Requiring proposed tax rates and hearing information be provided to the CAD where they would be made available to taxpayers online; **and**
 - c. Renaming the “effective” tax rate as the “no-new-~~taxes~~ revenue” tax rate; **and**
 - d. Improving training and education requirements for appraisal review board members.
 - e. Establishing a property tax administration advisory board to help with uniformity of appraisal forms, systems, and reports across districts, and
 - f. Streamlining notice procedures for taxpayers, including separation of individual taxing entities’ rates and respective tax amounts.
- 11. Support allowing school districts to increase their tax rate to a previously approved level after a decrease rather than having to hold a second increase ratification election;
 - ~~12. Support using a portion of the Economic Stabilization Fund to lower school tax rates;~~
 - 13. Support protections for innocent and unwitting taxpayers that acquire property subject to governmental errors in previous tax years from having to pay back taxes due to those errors; and
 - ~~14. Support mandatory price disclosure of real property sales.~~

2 Crime and Courts

- 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 to cover increased costs incurred by local county taxpayers since the passage of the Fair Defense Act in 2001.
- 3. Support additional state funding for juvenile probation departments if the age of criminal responsibility is raised to 18.
- 4. 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.
- 5. 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 to end the practice of the state pushing costs associated with state prisoners onto local county taxpayers.
- 6. Oppose changes in court costs in criminal cases that are expected to have a negative fiscal impact to counties.
- 7. 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.

8. Maintain current fee structure for the district court records and archives fee, the county court records management and preservation fee, and the records archive fee through 2029.
9. Support granting counties authority to judicially designate as uncollectible certain fees and costs of court.

3 Transportation

1. Oppose eliminating local 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 current weight requirements for vehicles operating on county roads, except for localized proposals supported by the local commissioners court.
4. ~~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.~~ Support local option fees for road improvements/additions if the fees are approved by the county's commissioners court.
5. ~~Oppose the establishment of uniform limits on the fees charged by authorized private deputies for title services.~~

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.~~ Support the repeal of the Drivers Responsibility Program and the replacement of State funding for trauma care.
6. ~~Support continued federal funding to local communities for refugee healthcare.~~

5 Environment

1. Support full funding for the Texas Emissions Reduction Plan (TERP), ~~LIRAP, and LIP programs~~ and maintain the integrity of the TERP program, ~~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 Environmental Protection Agency (EPA) Ozone standards.

6 Development and Infrastructure

1. ~~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.
2. 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.~~

7 Public Safety and Emergency Management

1. Support giving all counties the option to adopt a fire code and rules necessary to administer and enforce the fire code.
2. 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.
3. Protect county authority to restrict or ban the sale and use of fireworks during drought conditions and when included in a local disaster declaration.
4. Support the current role of local emergency management authorities and the county judge in responding to potential and actual emergencies and disasters.
5. Support efforts to maintain the long-established prohibition of guns in any portion of a building used by court participants.
6. Support additional funding for DPS crime labs provided it does not negatively impact existing local crime labs.

8 Elections

1. Support the creation of an online voter registration system.

9 Governance and Finance

1. ~~Confirm commissioners court authority over the county budget and contracting.~~ Ensure commissioners court authority over county budgeting and contracting decisions.
2. ~~No unfunded mandates.~~ Protect local taxpayers from unfunded state mandates, which drive local property tax increases, result in reductions in critical services, and infringe local control.
3. Oppose arbitrary limits on local governments to undermine fiscal resources that enable officials to meet their obligations and local priorities. ~~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.~~

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. Support full state funding for representation of indigent parties in child welfare cases.
7. 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 ~~s or formats~~ or reports that are duplicative of reports already required.
8. ~~Oppose mandates to produce financial reports that are duplicative of reports already required of counties.~~
9. ~~Oppose collective bargaining for peace officers unless supported by the commissioners court of the counties affected by the legislation.~~
10. Support legislation that permits counties to post public notices electronically in lieu of print publication.
11. 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.
12. 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.
13. 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.
14. Oppose restrictions on the ability of local governments to effectively and efficiently communicate with the legislature and other state and federal entities.
15. 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.

Other Issues

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



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February 13, 2019

To: Urban Counties Policy Committee

From: Adam Haynes, Policy Director

Re: **Bills of Interest Related to the Platform**

Taxation

Support property tax transparency and information proposals.

HB 305, by Paul - Requires political subdivisions to post a tax information website containing info for taxpayers to obtain meetings, rates, and elections for officers.

HB 490, by Shine - Reforms property tax appraisal system to allow Comptroller to appoint an advisory board to review boards. Sets a 'no new revenue' rate calculation. Reforms the tax calculation date and notice procedures and establishes a new database requirement for tax information to be listed to be easier tracked by tax payers.

SB 67, by Nelson - Comprehensive changes for the method of property tax appraisals. Broadens the powers of the CPA to manage training and review of individual appraisers and central system for equalizing appraisal system.

Urban Counties believe permissive authority provides better policy options while state mandates, revenue restrictions, and one-size-fits-all directives undermine voter self-determination and local responsibility.

HB 470, by Paul - Creates a small taxing unit for all counties, cities, and special districts with populations under 40,000. Sets a rollback rate of 4% for all other taxing entities and keeps small taxing units rollback rate at 8%. Makes the election to ratify any rollback as automatic.

HB 622/HJR 41, by Neave - Applies to residence that is located in a governor-declared disaster area and rendered uninhabitable or unusable as result of disaster. Temporarily freezes property taxes on the residence. Limited to five years.

HB 913, by Shaheen - Adjusts the rollback rate from 8% to 4%.

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.

HB 648, by Krause - Allows a qualified local government to authorize a sales and use tax to replace revenue lost by a reduction in property taxes. The sales tax cannot be used as a new or increased tax. The local government would have to authorize the tax by an annual resolution, not an election.

HB 705, by Geren – Allows a county to add a 1% sales tax through an election in the county. The tax is designed to reduce property taxes but there are no provisions to eliminate the same amount of property taxes raised by the sales tax.

Oppose all new property tax exemptions, expansion of existing exemptions, or any other narrowing of tax base unless approved by the Urban Counties.

HB 160, by Raymond - Expands the disabled homestead exemption to include the parent or guardian of a minor who is disabled and resides with the parent or guardian. Adds a provision that limits the numbers of exemptions a filer can claim to one per property, including over 65.

HB 164, by Raymond - Exempts the value of improvements for ADA compliance from market value of any real property. Similar to Prop 2 pollution control equipment exemption.

HB 275, by Miller - Expands property tax exemption for surviving spouse of armed services member by replacing "action" with "line of duty."

HB 322, by Geren/HB 1032, by Bohac - A true property tax freeze. Expands exemptions for property taxes from just school districts to all taxing entities for 65 and older.

HB 384, by Bohac - Provides for the total exemption from property taxes of the homestead of an elderly homeowner who is 80 years or older and has received homestead exemptions on the homestead for at least the preceding 10 years.

HB 388, by Murphy - Exempts real property used by a Charter School. Owner of the property has to pass along the amount of the tax savings to the charter organization to qualify.

HB 639, by Springer/SB 135, by Nichols - Adds land used as an ecological laboratory at a college or university to the definition of 'open space' to qualify for an ad valorem tax exemption.

HB 71, by Leach - Creates a new exemption for 'Severely Disable Veteran' (SDV) or the surviving spouse of a SDV. The exemption is equal to the SDV disability rating of at least 80% up to 100%. The exemption continues for the surviving spouse at the same level after death if the spouse is not remarried and remains in the house.

HB 827, by Rose - Allows a governmental entity to exempt the assessed value of all property and improvements used to preserve an historical or archeological site.

HB 905, by Bernal - Exempts 100% of the value of a qualified caregiver's homestead from local taxes.

HB 945, by Metcalf - The 10% growth cap on homesteads would apply to all real property and would continue upon death of owner if ownership transfers to surviving spouse.

HB 948, by Metcalf - Changes the property tax exemption for land of a religious organization from 6 years to 10 years.

HB 1102, by Bernal/SB 484, by Menendez - Creates a 'lifetime' exemption for property qualified as a homestead for at least 15 consecutive years. The lifetime exemption would be equal to the lesser of 120% of the tax due during the first tax year or the lowest amount during those years. The exemption would transfer to a surviving spouse as long as it is owned and occupied. Tax would exclude new additions or improvements.

HB 1201, by Raymond - Exempts property owned by a charitable organization for purposes of renting at below-market rates to low-, moderate-income people.

SB 129, by Hinojosa - Expands who is eligible as a first responder for a full tax exemption on their residence homestead to include United States Special Investigators; Customs and Border Protection officers, and immigration and deportation officers. Allows qualification for the expanded list if the surviving spouse remarried.

SB 443, by Hancock/SB 540, by Kolkhorst - Authorizes five-year period for exemption for property rendered uninhabitable or unusable due to disaster.

SB 547, by Watson/HB 1513, by Isaac - Increases the maximum time a property tax exemption may apply to a charity that acquires a property for providing low-income housing from five years to 10. The charity must own the property for sole purpose of building housing on the property w/ volunteer labor to sell w/o profit to low-income individual. Exemption applies only while the charity owns the property.

Crime and Courts

Support additional state funding for juvenile probation departments if the age of criminal responsibility is raised to 18.

HB 344, by Dutton - Raises the age of criminal responsibility from 17 to 18.

HB 658, by Dutton - Ages for application of juvenile justice laws raised from 10 to 12 and from 17 to 18. Juvenile courts would retain jurisdiction over delinquents up to age 20. Effective 9/1/2020

HB 1364, by Wu - Raises minimum age for juvenile court jurisdiction from 10 to 12, and raises maximum age for jurisdiction from 18 to 19.

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 to end the practice of the state pushing costs associated with state prisoners onto local county taxpayers.

HB 1314, by King - Mandatory personal bond for technical parole violators held in jail 30 days or more if the parolee does not have violent record. Requires reimbursement to counties for holding technical violators beginning on day 11.

SB 174, by Perry - Requires the state to reimburse counties for parolees held on administrative holds for (1) actual medical/special needs costs and (2) confinement costs beginning on day 16 of confinement. For new-offense parolee holds, state to reimburse same, but only after new charge is dismissed or disposed.

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 pretrial release; and (4) rebuttable presumptions in favor of personal bond.

HB 1323, by Murr/SB 628, by Whitmire - Pretrial reform bill. Permits denial of bail in any case if judge or magistrate determines that bail and conditional release are insufficient to protect community and secure defendant's appearance in court. Prohibits bond schedules. JPs required to have training regarding appropriately setting bail. Mandates use of pretrial risk assessment to be completed by personal bond office or other trained person. Sheriff cannot be forced to complete the assessment. OCA to make an automated risk assessment tool available at no cost.

A defendant denied bail must be given review hearing not later than 10 days after the denial.

Support granting counties authority to judicially designate as uncollectible certain fees and costs of court.

HB 435, by Shaheen - Would permit courts to make findings that fees and costs in civil cases are uncollectible. Removes current population bracket to permit criminal courts in all counties to find fees and costs are uncollectible. The result would be that counties could remove this uncollectible debt from their financial statements.

Additional bills:

HB 972, by Biedermann -

Transportation

Oppose eliminating local tolling options.

HB 436/HB 1282, by Shaheen - Mandates a toll road to become a part of the state system once the cost of acquisition and construction of the project is paid. Costs include all bonds and interest on the bonds. Prohibits amending financing agreements if they extend the life of the bond project.

HB 505, by Metcalf - Ties the end of a toll project to the retirement of bonds and interest on the project. Project owner can only continue the tolls on the project if it asks for an election and voters approve the continuation for five years.

SB 382, by Hall - Prohibits toll operators from adding fees to bill collected by means other than at the toll entrance and prohibits the DMV from refusing registration for outstanding toll accounts for the vehicle.

Support enhanced funding for freight transportation infrastructure projects to address economic growth and an ever-increasing population.

HB 44, by Romero - Requires TxDOT to conduct a study to determine the feasibility of using municipal impact fees to pay for roadway facilities that are necessary due to municipal development.

Support current weight requirements for vehicles operating on county roads, except for localized proposals supported by the local commissioners court.

Support local option fees for road improvements/additions if the fees are approved by the county's commissioners court.

HB 642, by Raney - Lowers the population threshold for an optional registration fee from 1.5 M to 190,000.

Additional Bills:

HB 924, by Zedler - Allows Commissioner's Court to require a surety bond by concrete plant operators to repair road damage caused by the plant operations.

Health and Human Services

Support state action related to state participation in the funding of indigent health care to maximize access to available federal funds.

HB 1395, by Reynolds - Allows for a block grant for Medicaid for Texas.

HB 565, by Coleman - Expands Medicaid and codifies ACA protections. Restricts health insurance plan from including a deductible, copayment, coinsurance or other cost sharing provision for preventative services and immunizations. Prohibits annual and lifetime limits. Prohibits gender discrimination. Requires preexisting conditions are covered. Requires a plan include mental health parity. Requires a plan cover all essential health benefits. Requires coverage for a child up to age 26.

HB 590, by Israel/HB 841 by Bucy - Expands Medicaid eligibility to all persons who apply and for whom federal matching funds are available.

HB 816, by Bernal/SB 327 by Alvarado - Upon a request from a county, requires the executive commissioner of HHS to apply for Medicaid expansion for residents of the county.

HB 870, by Price - Provides that services provided via telemedicine are covered for reimbursement through Medicaid. Repeals a provision that requires a health professional is present with the patient during treatment.

Support the continuation of the 1115 Medicaid Transformation Waiver.

HB 1210, by Beckley - Requires HHSC to apply for an 1115 waiver to expand Medicaid in a county upon request of the commissioners court.

Support the repeal of the Drivers Responsibility Program and the replacement of State funding for trauma care.

SB 191 by Miles - Repeals the Drivers Responsibility Program. Increases the state traffic fine from \$30 to \$50, with 50% deposited to GR and 50% to trauma fund). On 9/1/2022 the state fine is lowered to \$40 and 100% deposited to trauma fund. 1) Repeal of DRP* 2) Elimination of need for \$11.4 million/year vendor* 3) Retroactive amnesty* 4) Ending the surcharges for no insurance or DWI 5) Increase the state traffic fine from \$30 to \$50 (no additional offenses included)* 6) Increase portion of fine dedicated to trauma care from 1/3 trauma, 2/3 GR to 50/50 (beginning 2019).* 7) Dedicate 100 percent to trauma by 2022. 8) Reduce fine from \$50 to \$40 by 2022. 9) Eliminate fine (and fine-funding of trauma) by 2025

The elements of the draft including the Phillips/Miles bill (HB 2068) from last session are denoted with an asterisk.

SB 87 by Hall - Repeals DRP for certain vehicles and replaces it with a fee tacked onto annual vehicle registration. \$9.25 for newly purchased vehicles that have not been previously registered in this or any other state, \$7.50 for trailers/mobile homes, and \$12.50 for every other vehicle. The \$9.25 fee goes into the mobility fund. The \$7.50 gets split up into the mobility fund, GR, and clean air account. The \$12.50 fee goes to the trauma facility and emergency medical services account.

Environment

Support full funding for the Texas Emissions Reduction Plan (TERP) and maintain the integrity of the TERP program.

Use the TERP funds only for programs that will assist nonattainment and near nonattainment areas in meeting Environmental Protection Agency (EPA) Ozone standards.

HB 889 by Murphy - Repeals the light-duty motor vehicle program including removing eligibility under the TERP program.

HB 1043 by Blanco/HB 1345 by Thompson/SB 531 by Birdwell - Extends TERP fees until the last day of the fiscal biennium which TCEQ publishes in the register that the state is in attainment.

HB 1344 by Thompson - Diverts the TERP Surcharge into a separate non-road diesel subaccount for a grant program for non-road diesel and extends the fee expiration to the last day of the biennium that TCEQ posts in the register that Texas reached attainment.

Support local administration of the LIRAP and LIP programs to ensure funds collected in the county are used in the county.

HB 813 by Huberty - Authorizes LIRAP funds for Harris County to continue the program with fees collected and held by TCEQ in prior years. Authorizes 90% of the past fees assessed in Harris to be credited to Harris County.

Additional Bills:

HB 1309, by Dutton - Requires for new construction or modification to an existing concrete facility they follow the same procedures as oil and gas facilities - getting a regulatory analysis, air quality monitoring data, and limits emissions.

SB 396, by Perry - Expands the role of Texas Water Development Board (TWDB) to centralize and approve all regional flood prevention plans. Charges TWDB with developing a state flood plan by September 1, 2024 and every 5 years after. Charges TWDB with creating a 10-year dam repair and maintenance plan. Creates a "regional flood planning" process in which a regional flood planning group jointly plans for overall regional priorities.

SB 397, By Perry - Establishes the state flood implementation fund to be used by Texas Water Development Board (TWDB) for implementing state flood plan and State Soil and Water Conservation Board for flood control projects. Designates \$1.2 billion from Economic Stabilization Fund.

HB 478, by Phelan - Creates the flood infrastructure fund as a special fund outside of the general fund to be administered by the Texas Water Development Board (TWDB) to award or loan state dollars to political subdivisions in cooperation with others in a region to encourage development of nonstructural and structural flood mitigation.

HB 1010, by Paul - Charges TX Water Development Board (TWDB) with developing a state flood plan by September 2021 and every 5 years after, incorporating regional flood plans. Requires plan to include a ranked list of ongoing, proposed flood control projects organized by watershed.

Development and Infrastructure

Oppose efforts to require local governments to pay an opposing party's attorney fees and court costs in eminent domain proceedings.

HB 991, by Burns / SB 421, by Kolkhorst - As filed, applies only to private entities with eminent domain authority. Requires offers to be based on appraisals (which counties already do). Requires public hearings regarding projects before offers can be made. Creates a penalty if the amount awarded by special commissioners exceeds the initial offer by a certain percent, with penalty increasing as that delta increases.

HB 1157, by Bell - Imposes ongoing obligation to provide new or updated appraisals to property owners after initial offer. Permits courts to dismiss condemnation proceedings, and award costs to property owners, if condemnor fails to meet current statutory requirements. Repeals the ability of a court to abate proceedings (rather than dismiss) if no bona fide offer was made. Permits courts to dismiss proceedings in whole or in part.

HB 1245, by Ashby - Adds additional language to the statement provided to a property owner when surveying a property for potential eminent domain authority purposes, including the entity has the right to sue to enter the property, the owner has the right to seek to negotiate the terms of the survey and the entity is responsible for any actual damages while surveying. Any written survey permission form provided to a landowner must contain those rights.

HB 1246, by Ashby - If a condemnor seeks to obtain additional property through negotiation only (and without exercising eminent domain), the condemnor must separately identify the property to be acquired through ED if necessary and the property that will not be acquired through ED, and make separate offers for those properties.

HB 1253, by Leman - 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 bill would make showings of "actual progress" more difficult. Instead of showing compliance with at least 2 of 7 factors, government would have to show compliance with at least 3 of 5 factors. The 2 repealed factors are arguably the easiest to meet.

SB 552, 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 entity has the right to sue to enter the property, the owner has the right to seek to negotiate the terms of the survey and the entity is responsible for any actual damages while surveying. Any written survey permission form provided to a landowner must contain those rights.

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.

SB 554, by Schwertner / HB 1253 by Leman - 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 bill would make showings of "actual progress" more difficult. Instead of showing compliance with at least 2 of 7 factors, government would have to show compliance with at least 3 of 5 factors. The 2 repealed factors are arguably the easiest to meet.

SB 208, by Campbell - Expands from 440 yards to 880 yards that a concrete or crushing plant can be built near a residence, school or church. Doubles the yardage where homeowners can request a TCEQ hearing.

Public Safety and Emergency Management

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.

HB 581, by White - Allows the sale of fireworks five days before and up to Labor Day if permitted by commissioners court.

HB 582, by White - Permits fireworks sales five days before Juneteenth with commissioners court approval. Clarifies Texas A&M Forestry is the determinant of drought conditions.

HB 915, by Shaheen - Allows fireworks on Diwali Day. Typically in October/September. No commissioners court approval required.

Elections

Support the creation of an online voter registration system.

HB 79, by Johnson - Allows for online voter registration.

HB 192, by Reynolds – Secretary of State to create online voter registration.

HB 361, by Israel - Requires the secretary of state to permit a voter to fill out a voter registration online, print it out, and mail it to the county registrar.

HB 657/HB 1897, by Dutton - Requires a voter registrar to adopt procedures to allow completion of a voter registration application online.

Governance and Finance

Protect local taxpayers from unfunded state mandates, which drive local property tax increases, result in reductions in critical services, and infringe local control.

SB 62, by Zaffirini - Creates an unfunded mandates interagency working group consisting of the state auditor, LBB director, TXCPA, a senator appointed by Lt Gov, a house rep appointed by Speaker to publish, every biennium after regular session, an advisory list of mandates for which the legislature has not provided reimbursement.

HJR 30, by Burns/SJR 10, by Buckingham - Constitutional Amendment, no unfunded mandates to a county or city.

Support local control over compensation and benefits paid by the county.

HB 159, by Canales - Waives governmental immunity of a county or sheriff's department for a writ of mandamus to compel the county to award back pay or other monetary benefit as awarded by a civil service commission.

HB 359, by Moody - Prohibits discharging, suspending or firing a peace officer, detention officer, county jailer, or firefighter due to their inability to perform duties if the person was injured in the course and scope of duty before the person is certified as having reached maximum medical improvement. Waives sovereign immunity for a lawsuit for damages and reinstatement under this provision. "unless the report of the designated doctor indicates the person is unable to return to work." Caps the damages payable by an employer at \$100,000.

HB 1047, by Guillen - Applies officer salary procedures currently applicable in counties of 190,000 or more to all counties. The practical effect is that small county commissioners courts will not have to meet to approve payroll.

HB 1294, by Davis - Expands current requirement of elected law enforcement, county judge, or appointed public officer to an officer, employee, or volunteer of the state or a political subdivision who is a supervisor and whose position includes emergency management responsibilities to receive emergency management training.

SB 126, by West - Applies to Dallas, Tarrant. Allows commissioners court to establish one or more supplemental commissions to assist the civil service commission.

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 manner or reports that are duplicative of reports already required.

HB 104, by Johnson - Requires state and local incarceration facilities, including mental health institutions, to report demographics, including person's last address, to comptroller. Allows address to be used for redistricting purposes.

HB 230, by Krause - Requires a political subdivision to report both the receipt and the use, or proposed use, of federal funds to the LBB, comptroller, and governor not later than the 90th day of the subdivision's fiscal year.

HB 433, by Shaheen - Requires all political subdivisions to file an annual report on the amount of money spent directly or indirectly on attempting to influence the outcome of any pending legislation. Does not dictate a form or terms of the report.

HB 767, by Davis - Requires every entity that receives funding for a federal waiver project (like 1115 waiver) to submit a final evaluation report within 30 days of a projects scheduled termination date, to HHSC regardless if the waiver is extended.

HB 803, by Patterson - adds reporting requirements for an entity operating a toll project to report financial information each year and post those revenues, expenses, and debt on the entity's website.

SB 49, by Zaffirini - Requires political expenditure and contribution reports for candidates for JP, county court of law judge, incumbent county judge and candidate for county judge to be filed with the county clerk and if a county website exists, the report must be available online free of charge and with no requirement to register to view.

SB 470, by Kolkhorst - Requires every county child welfare board to submit a report of the amount and source of funds received/expended in the preceding fiscal year, including the purpose of expenditures.

Support legislation that permits counties to post public notices electronically in lieu of print publication.

HB 933, by Bucy - Requires a county post on the county website location of each polling place.

HB 1229 by Shaheen - Permits internet posting - including on social media site controlled by governmental entity - in lieu of any required publication in newspaper.

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.

HB 430, by Shaheen - For both state and local elections authorizing issuance of debt, ballot would be required to include information on amount of outstanding debt and cost of new debt.

HB 477, by Murphy - Will require ballot for debt issuance to contain information on existing debt and the impact on ad valorem taxes of new debt. Public notice of intention to issue certificates of obligation is extended from 30 to 45 days.

SB 462, by Campbell - Requires all local debt proposition ballots to include aggregate amount of debt at beginning of that fiscal year and the ad valorem debt service tax rate at the time the election is ordered.

SB 652, by Campbell - Currently local governments may not issue COs for same purpose as proposed bond issuance rejected by voters for period of at least 3 years. Bill extends moratorium to 10 years. Adds new requirement to post intent to issue COs continuously on government's website for at least 30 days before approval of the issuance (and website is mandatory).

HB 440, by Murphy - Would require internet posting of sample ballot for bond proposition if county has website. Maturity date of general obligation bonds for improvements or personal property cannot exceed 120% of expected average economic life of the improvements/property. Unspent bond proceeds can be used for other purposes only after an election approving the new use.

Oppose restrictions on the ability of local governments to effectively and efficiently communicate with the legislature and other state and federal entities.

HB 281, by Middleton - Prevents any political subdivision from directly lobbying or joining a group that directly lobbies the legislature to influence the outcome of pending legislation. Allows a citizen to challenge an entity in Court and recoup attorney fees if they win the challenge.

HB 433, by Shaheen - Requires all political subdivisions to file an annual report on the amount of money spent directly or indirectly on attempting to influence the outcome of any pending legislation. Does not dictate a form or terms of the report.

SB 82, by Hall - Prohibits local governments from hiring lobbyists.



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February 13, 2019

To: Urban Counties Policy Committee
From: Adam Haynes, Policy Director

Re: **Discussion of Property Tax Reform Legislation**

Background:

SB 2, by Sen. Bettencourt, and HB 2, by Rep. Burrows, compose the Legislature's proposal to cap revenues of counties and other local governments, reform the appraisal system, and increase information to taxpayers. The bills, as filed:

PROPERTY TAX ADMINISTRATION

Rollback Tax Rate

- Reduces rollback tax rate to 2.5% for all larger taxing entities with an automatic election to increase above the rollback rate. Allows small taxing units to retain the 8% rollback rate. A small taxing unit is considered a taxing unit — other than a school — that collects less than \$15 million of property taxes and sales and use taxes collected in the current tax year. Sets automatic election for November. New property value is not included as part of the 2.5% rollback rate.

Renames Tax Rate Terms

- Renames "effective" rate to "no-new-revenue" rate

Tax Roll

- Rewinds assessor-collector timeline to submit tax roll to the governing body from August 1 to July 15.

Declared Disasters

- Permissive that in a declared disaster area, the taxing unit may use the small taxing unit tax provisions until the taxable value returns to the level prior to the year when the disaster was declared or five years has elapsed.

Taxing Unit Responsibilities

- Taxing unit must adopt a tax rate before the later of September 30 or the 60th day after receiving the certified appraisal roll — unless the

rate will exceed the rollback rate in which case the rate must be set by August 15.

- Taxing unit may not hold a public hearing on a proposed tax rate until the 14th day after the rollback rate and no-new-revenue rate have been calculated and placed on the central appraisal district (CAD) real time tax database and other provisions related to the real- time tax database have been met.
- Mandates that all counties maintain an internet website and requires certain tax hearing notices and tax information be posted

APPRAISAL REFORMS

Appraisal Review Board (ARB) Training

- Requires eight hour minimum training for ARB members and a four hour minimum training course for continuing education

ARB Survey

- Charges TxCPA with administering an ARB survey for property owners who file to correct the appraisal roll or to protest

Appraisal District Office of Tax Notices and Public Database

- Establishes an office of tax notices in each CAD, responsible for delivering notices and creating a public database
- Requires each CAD to maintain a real-time tax database and to send a notice to each property owner that they can find their estimated taxes on that website.
- New section 26.17 Tax Code, specifies a host of information that must be on the CADs real-time tax database.

Appraisal Review Board Size

- For counties with 1m+ population, allows CAD Board to increase size of ARB. Charges the local administrative district judge with selecting an adequate number of qualified individuals

Special Appraisal Review Board Panels in Districts Located in a County of 1m or More

- Requires specialized ARB panels to conduct protest hearings for property that has an appraised value of \$50m+ and falls into the following classifications: commercial, industrial, utilities, and apartments
- Permits a property owner to request a protest to be heard by a special panel

Notices of Appraised Value

- Requires CAD to send notices of appraised value for all properties to be sent by April 15 or as soon as practicable.

Training of Arbitrators

- Mandates training of arbitrators with curricula approved by the Comptroller

STATE ADMINISTRATION

Property Tax Administration Advisory Board

- Creates an advisory board, housed in the Comptroller's office, to counsel on the property tax system.

Effective Tax Rate Worksheets

- Effective tax rate worksheets to be prescribed by the Comptroller
- Revisions must be approved by committee of taxpayers and taxing units (each equally represented)

Recommended Resolution:

None.



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February 13, 2019

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Travis County

To: Urban Counties Policy Committee
From: Windy Johnson, Program Manager

Immediate Past Chair
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Bobbie Mitchell
Denton County

Re: **Countywide Polling Place Program**

Background

Similar to early voting, the Countywide Polling Place Program allows any voter to vote at any county polling place on election day and does not eliminate voter registration precincts.

Under current law up to ten counties may be selected by the Secretary of State's office, each year, to use the Countywide Polling Place Program.

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- The Secretary of State may select six counties with a population of 100,000 or more and four counties with a population of less than 100,000 for participation in the program for an election.
- The Secretary of State may determine that a county's participation in the program was "successful" following one election under the program. Once designated as "successful," that county may continue to use the program for subsequent elections. Counties that have previously participated in the program but have not been formally granted a "successful" designation in writing by the Secretary of State, must reapply to use the program for each election.

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Currently, there are 52 Texas counties who have been designated as "successful" under the countywide polling place program. Expansion of the program would allow more counties to utilize the program.

HB 177, by Bernal/SB 101, by Menendez – Repeals the restriction on the number of counties that the secretary of state may approve each year for the countywide polling place program.

Recommended Resolution

Expand the Countywide Polling Place Program for all counties.

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To: Urban Counties Policy Committee
From: Windy Johnson, Program Manager

Immediate Past Chair
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Denton County

Re: **Election Equipment**

Background:

An aging fleet of voting machines presents one of the biggest immediate challenges facing Texas counties. Unfortunately, the cost to improve the election technology in a county can be prohibitive.

According to estimates by the Pew Trust, purchasing new voting machines costs between \$2,500 to \$3,000 and Pew estimates one machine is needed for each 300 registered voters. With over 15 million registered voters in the state, it could cost as much as \$150 million to replace all the voting machines in Texas.

Bills have been filed that would mandate features of new voting equipment, such as paper audit trails. This requirement would make new machines recently purchased by Hidalgo, Lubbock and Nueces counties obsolete. Grandfathering equipment purchased in the preceding five years could address this.

Legislation has also been filed that would help counties with the cost of purchasing new equipment. HB 362, by Israel, would create a state funded grant program that would provide 50% of the cost to replace voting system equipment.

Recommended Resolution:

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

Support state funding to counties for the purchase of new election equipment.

Support grandfather provisions for all counties that purchased election equipment in the last five years that does not produce a paper audit trail.

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To: Urban Counties Policy Committee
From: John Dahill

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Re: **Eminent Domain and Penalties for Low Offers**

Background

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HB 991 by Burns and SB 421 by Kolkhorst would require an entity exercising eminent domain authority to pay a penalty to a property owner if the amount awarded at a special commissioners hearing exceeds the initial offer made for the property. The penalty amount varies based on the spread between the initial offer and the special commissioners award.

The provision effectively replaces the provisions in the eminent domain bills in 2017 that would have required condemnors to pay the attorney fees and costs of property owners that obtained higher final awards than offers made before court proceedings began.

Executive Director
John B. Dahill

As filed, HB 991 and SB 421 apply only to private entities with eminent domain authority. However, Senator Kolkhorst has spoken publicly of her desire to expand the bills to cover governmental entities.

Unlike private entities, governmental entities always obtain property appraisals on which initial offers are made.

Recommended Resolution

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

~~In the absence of market value transparency, oppose~~ Oppose efforts to require local governments to pay penalties, including an opposing party's attorney fees and court costs, in eminent domain proceedings.

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To: Urban Counties Policy Committee

From: Adam Haynes, Policy Director

Immediate Past Chair
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Re: **County Local Sales Tax Substitute for Property Taxes**

HB 705, by Geren, provides that county voters may adopt a 1% sales and use tax to reduce the county property tax. The county's sales tax rate is effective on the next January 1 that is at least six months after the Comptroller receives the election results. The county's sales tax rate is not considered in determining the combined local tax rate in any area.

The county's sales tax amount is the additional sales and use tax revenue for purpose of calculating the Truth-in-Taxation rates.

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To: Urban Counties Policy Committee
From: Windy Johnson, Program Manager

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Re: **Consideration of El Paso County Legislative Items**

Below are two items that will be pursued by El Paso County during this legislative session. El Paso is requesting the support of the association on the following items.

1. SB 216 by Senator Rodriguez – Would allow the commissioners court of a county that has a county administrator to decide if the Veterans County Service Officer reports to the administrator or directly to the commissioners court.

Recommended Resolution:

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

VSCO Reports – Support granting commissioners courts discretion regarding oversight of veterans county service officers.

2. SB 219 by Senator Rodriguez – Fees for services of sheriffs and constables must be set annually. If not set in a year, the fees revert back to those in effect August 31, 1981. SB 219 would allow those fees to remain as they were during the prior fiscal year.

Recommended Resolution:

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

Sheriff and Constable Fees – Support the ability for a fee for sheriff or constable services that was previously approved by a county's commissioners court to remain unchanged from the prior fiscal year unless changed by the court.

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