

RESOLUTION NO. 20-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING A LEGISLATIVE AGENDA FOR THE 87th SESSION OF THE TEXAS LEGISLATURE TO INCLUDE SPECIAL CALLED SESSIONS OF THE 87th LEGISLATURE AND THE INTERIM.

WHEREAS, local government is the most direct and frequent point of contact with its residents; and

WHEREAS, the process for local government is a public and participatory process whereby the actions of local governments are subject to the public scrutiny of the residents; and

WHEREAS, local government is responsible for providing basic and emergency services; and

WHEREAS, local governments are the first responders in local emergencies; and

WHEREAS, the ability of local government to provide those services is dependent on the ability to have the necessary resources and authority to carry out its responsibilities; and

WHEREAS, local government officials are elected by the residents they represent to provide a wide array of services; and

WHEREAS, state representatives and senators are charged with working in the best interest of the citizens they represent; and

WHEREAS, residents of the state of Texas expect elected government officials representing local governments to make every effort to be informed on the needs of the constituents and the local government to ensure that local governments have the necessary authorities and resources in which to fulfill the desired needs of the citizens who have elected them; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:

Section 1. That City Council members will meet with area state representatives and senators to discuss the City's legislative agenda and provide both information and assistance on all matters relating to bills and other legislative matters that come before the Legislature to ensure that they have the resources to call upon in making decisions that impact the lives of their constituents.

Section 2. The City of Sugar Land shall proactively seek the filing and passage of any legislation identified as being sought in Exhibit A.

Section 3. The City Council IG Committee and the City's representative on the Texas Municipal League (TML) Resolutions Committee shall work with TML, peer cities in the State and other appropriate entities to jointly pursue the passage or defeat of legislation that is listed as "supported" or "opposed" by the City of Sugar Land in Exhibit A.

Section 4. The City Manager and his staff shall:

- a. Take all necessary actions to inform Sugar Land residents of the City's legislative agenda; and
- b. Encourage residents to make every effort to be aware of the local and state governing and legislative process and expect their elected representatives from all levels to seek a proactive and positive relationship that does not pass a burden from the State to the County or City without providing the tools and resources to undertake the added responsibility.

Section 5. That it believes it is incumbent of all legislators to work in consort with City and County government to ensure that the entire governing process is as effective as possible and, to that end, seek input and advice from the local level of government on issues that have a direct impact on their ability to undertake their responsibilities.

Section 6. That it expects elected representatives of state government to fully understand the implications of legislation they act upon to ensure there are no negative impacts on the community and to strongly support and take all actions necessary in furtherance of the attached legislation agenda, as it may be amended from time to time.

Section 7. That it believes the state legislative body should not exempt its members from any regulation that they impose upon any other member of a political subdivision unless it can clearly be shown that there is a clear and compelling need to do so.

Section 8. That it adopts the Legislative Agenda for the 87th Session of the Texas Legislature as shown on Exhibit A, attached to and incorporated into this resolution by reference.

APPROVED on _____, 2020.

Joe R. Zimmerman, Mayor

ATTEST:

Thomas Harris III, City Secretary

APPROVED AS TO FORM:



Attachment: Exhibit A - Legislative Agenda for the 87th Session of the Texas Legislature

EXHIBIT A

THE CITY OF SUGAR LAND LEGISLATIVE AGENDA FOR THE 87TH SESSION OF THE TEXAS LEGISLATURE *Position Statements*

Municipal Powers

1. ***Support legislation that supports or advances the principles of local control*** to allow for locally elected officials to make decisions that are beneficial to the interests of City residents or that is otherwise beneficial to the City's interest.
2. ***Oppose legislation that preempts or erodes the authority of city government*** or is detrimental to the City's ability to pursue citizen priorities or respond to local citizen concerns.

Municipal Revenue and Budgeting Authority

1. ***Support legislation that reduces the overall tax burden on residents and businesses, including legislation that:***
 - a. ***Adequately funds the public school finance system*** – which would provide the largest savings to taxpayers;
 - b. ***Eliminates unfunded mandates*** on municipalities for which the cost is then passed down to residents;
 - c. ***Protects or enhances municipal revenues*** such as property taxes, sales taxes, right-of-way revenues, service fees, and court fines;
 - d. ***Provides for a fair and transparent appraisal process;***
 - e. ***Allows and encourages local governments to continue to offer homestead and senior exemptions;***
 - f. ***Provides for the fair and equitable local sourcing of sales and use taxes for Internet orders, in recognition of recent rules set by the Texas Comptroller of Public Accounts and the U.S. Supreme Court decision on Wayfair v S. Dakota;***
 - g. ***Accurately notifies and explains to taxpayers the actual impacts of the no-new-revenue tax rate, simplifies its calculation for notice purposes, and deletes parts of the notification and adoption process that causes confusion and is inconsistent with the goal of providing a transparent budget and tax rate setting process; and***
 - h. ***Increases funding for arts & cultural programs.***
2. ***Oppose legislation that would detrimentally affect the City's financial position*** and limit local budgeting authority by reducing revenue streams that fund services citizens depend on or negatively impact potential revenue growth critical for providing services – such as public safety – for a growing and aging community, ***including legislation that:***
 - a. ***Imposes a revenue cap*** of any type, including a reduced rollback rate, mandatory tax rate ratification elections, lowered rollback petition requirements, limitations on overall city expenditures, exclusion of the new property adjustment in no-new-revenue rate and rollback rate calculations, or legislation that lowers the rollback rate and gives a city council the option to re-raise the rollback rate;
 - b. ***Lowers the appraisal cap*** or otherwise creates property tax exemptions that would unfairly shift the financial tax burden to other taxpayers;
 - c. ***Restricts the ability of the City to issue debt in order to fund public improvements*** through either General Obligation or Certificates of Obligation bonds or causes

- unnecessarily complex public notification requirements that are confusing to voters;*
- d. *Imposes an unfunded mandate that would require any City expenditure unless all costs are reimbursed by the State;*
- e. *Requires the City to generate revenues for the State thereby unfairly shifting local tax dollars outside of the City.*

Economic Development

1. ***Support the City's right to continue participation in the qualified hotel project program** and to receive a refund or rebate of various state and local taxes to finance the construction of a qualified hotel project.*
2. *Oppose legislation that would erode or restrict current municipal economic development tools including but not limited to economic development corporations [Type A (4A) and Type B (4B)], tax abatement, tax increment reinvestment zones, Chapter 380 agreements, the Texas Enterprise Fund, Skills Development Fund, the Texas Enterprise Zone Program, Research and Development tax credit program, the Events Trust Fund and the Major Events Reimbursement Program.*
3. *Support legislation that expands the application of current municipal economic development tools such as allowing land to be used, transferred, conveyed, or swapped in Chapter 380 economic development agreements.*
4. *Support the current ability of cities to eliminate one sales and use tax and to adopt another within the same ballot initiative.*
5. *Support continuation of the Hotel Occupancy Tax (HOT) for tourism marketing.*

Land-Use Regulation and Annexation

1. *Oppose legislation that would diminish the City's authority to regulate growth and development through land use and zoning regulations, building codes, comprehensive planning, annexation, or eminent domain, or that would erode the City's authority to assess inspection fees for new, existing, or re-development.*
2. *Support returning control of regulating building materials to municipalities by repealing House Bill 2439 (2019), which preempted cities from regulating building materials.*
3. *Oppose legislation that would diminish the City's authority to regulate short-term rentals.*
4. *Oppose any further erosion of the City's current authority within its ETJ.*
5. *Monitor the creation or modification of special districts within the City and its ETJ, and support or oppose them as necessary.*

Right-of-Way and Utilities

1. *Oppose legislation that would erode the City's authority to manage and control public rights-of-way and publicly owned land or limit the City's ability to receive fair market compensation for use of public rights-of-way.*
2. *Support legislation that would increase the authority of municipalities in requiring increased public notice of major pipeline activities – such as flaring – that have a direct impact on the quality of life of city residents.*
3. *Oppose legislation that would impose on cities: mandatory water conservation measures; “tap fees” or other types of state charge on municipal water systems; or any other onerous regulations as it relates to utilities provided by a city.*
4. *Oppose any legislation that would diminish or limit the City's original jurisdiction over electric and gas rates.*

Water Resources

1. *Actively monitor, evaluate, and act, if necessary, on any legislation related to the Gulf Coast Water Authority, the Fort Bend Subsidence District, and the Brazos River Authority including governance, water planning, water fees, and Watermaster issues.*
2. *Support legislation that would protect and expand the City's ability to purchase water, provide water to its residents and customers, use water within its City and Extraterritorial Jurisdiction Areas, and collaborate with local and regional entities on projects or initiatives that seek to enhance the City's water resources goals.*
3. *Support legislation that provides funding for State Water Plan projects that increase the State's water resources or further establishes long-term planning efforts for an affordable and reliable water supply for the Fort Bend and Houston areas – provided that the investments already made by the City are reflected in any proposed financing mechanisms.*

Transportation

1. *Support legislation that increases state funding for transportation projects or creates local-option funding choices for transportation projects or that discontinues the diversion of transportation revenues to non-transportation purpose.*
2. *Support funding of the voter-approved Texas Rail Relocation & Improvement Fund.*

Public Safety

1. *Support the ability of local governing bodies to determine the appropriate use of technology in public safety.*
2. *Support legislation that allows a city to impose more stringent requirements than the state related to a statewide ban on texting while driving.*
3. *Oppose any further reduction of local government oversight of the safety of home cottage food facilities.*

Purchasing

1. *Support continuation of alternative project delivery methods that allow municipalities to select contractors based on both price and qualifications.*

Open Meetings/Open Records

1. *Support the continued use of technology and other tools that provides for transparent, convenient, and secure virtual public meetings and encourages the general public to participate, provide feedback, and engage with State and local governments remotely.*
2. *Support legislation reducing the financial burden on local governments required by the Open Meetings Act and Open Records Requests such as expansion of the ability to charge for costs related to reproduction of public information.*
3. *Oppose any attempt that would make the current open meetings and public information laws more restrictive and ambiguous and support clarifications that enhance communication between elected officials and their constituents.*
4. *Support uniform application of the public information and open meetings laws at every level of government including State legislative and executive branches.*

Transparency/Ethics

1. *Support legislation that improves government transparency so long as such legislation does not create legal confusion or duplicate existing disclosure requirements.*

City Advocacy

1. *Support the City's ability to communicate with legislators and advocate on behalf of the community through:*
 - a. *Participation in grassroots advocacy efforts;*
 - b. *Membership with municipal associations;*
 - c. *Employment of in-house intergovernmental relations staff; and*
 - d. *Engagement of legislative consultants.*

Elections

1. *Support legislation that supports and/or increases voter participation so long as the option for the May uniform election date and the non-partisan nature of municipal elections are retained.*

Public Advertising

1. *Support legislation that would enable the use of electronic notice for all public notices.*

Collective Bargaining

1. *Oppose legislation that would impose expanded collective bargaining rights or expand current meet and confer laws.*

Texas Municipal Retirement System (TMRS)

1. *Support legislation that would protect the City's previous and future investments in the TMRS system.*

Homeowners Associations (HOAs)

1. *Support the authority and role of HOAs and oppose limitations on functions HOAs were created to perform except when those functions conflict with City ordinances, policies, and regulations.*