

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Government Affairs

AGENDA DATE: November 1, 2016

CONTACT PERSON NAME AND PHONE NUMBER: Lupe Cuellar, 915-270-0632

DISTRICT(S) AFFECTED: All

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Discussion and action regarding the City of El Paso State Legislative Agenda for the 85th Legislative Session. (Lupe Cuellar -Legislative Attorney, 915-270-0632).

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

The 85th Texas Legislative Session is set to commence on January 1, 2017. Council needs to adopt a Legislative Agenda to identify those legislative items that the Council wants to either actively propose, oppose, or support. The Legislative Agenda will be used by the legislative delegation and the city's legislative team in representing the city's interests during the 85th Legislative Session. On September 19, 2016, Council approved a preliminary draft of the Legislative Agenda. Staff is asking Council to approve the final draft of the Legislative Agenda.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Council previously approved the city's Legislative Agenda for the 84th Texas Legislative Session on October 7, 2014. On September 19, 2016, Council approved a preliminary draft of the Legislative Agenda for the 85th Texas Legislative Session.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A: N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

RESOLUTION

WHEREAS, a Legislative Review Meeting of the whole was convened on September 19, 2016 to discuss adopting an initial preliminary draft of the Legislative Agenda for the 85th Texas Legislative Session; and,

WHEREAS, the preliminary draft of the Legislative Agenda has been vetted and additional information was received from city staff to be presented to Council for their consideration in revising the preliminary draft and adopting a final draft of the Legislative Agenda;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO

That the attached Legislative Agenda for the 85th Texas Legislative Session, as revised by City Council on November 1, 2016, is hereby adopted in accordance with the direction given by City Council.

ADOPTED this 1st day of November 2016.

THE CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Lupe Cuellar, Legislative Attorney

CITY OF EL PASO
STATE LEGISLATIVE PRIORITIES FOR
85TH TEXAS LEGISLATIVE SESSION

MAYOR AND CITY COUNCIL

OSCAR LEESER, MAYOR

PETER SVARZBEIN

JIM TOLBERT

EMMA ACOSTA

CARL L. ROBINSON

DR. MICHAEL R. NOE

CLAUDIA ORDAZ

LILY LIMÓN

CORTNEY CARLISLE NILAND

CITY MANAGER

TOMÁS GONZÁLEZ

Strategic Policy Statements: The City Council of the City of El Paso has met to formulate strategic goals and policies to serve as guiding principles for the governance of the City of El Paso. Decisions regarding City of El Paso positions on legislative matters will be weighed against these guiding principles when formulating positions.

1. **Goal 1:** Create an Environment Conducive to Strong, Sustainable Economic Development
2. **Goal 2:** Set the Standard for a Safe and Secure City
3. **Goal 3:** Promote the Visual Image of El Paso
4. **Goal 4:** Enhance El Paso's Quality of Life through Recreational, Cultural and Educational Environments
5. **Goal 5:** Promote Transparent and Consistent Communication Among All Members of the Community
6. **Goal 6:** Set the Standard for Sound Governance and Fiscal Management
7. **Goal 7:** Enhance and Sustain El Paso's Infrastructure Network
8. **Goal 8:** Nurture and Promote a Healthy, Sustainable Community

General Principles: The City of El Paso supports legislation that enhances the City's ability to solve problems and improve the quality of life for its citizens. The City of El Paso opposes legislation that reduces the City's authority or increases the City's costs. We will work with other Cities to enhance and protect the authority of municipalities and to ensure that City taxpayers are not burdened with additional unfunded mandates.

The City of El Paso will also support legislative initiatives of community partners that enhance the educational, cultural, and infrastructure resources in our region.

This document reflects the City's adopted legislative policy as approved by City Council. The City's legislative program is organized into three categories:

- I. **Priority Legislative Initiatives** - The City will actively seek to secure legislators to author bills for these initiatives, unless otherwise noted. The City will support and provide positive testimony for these initiatives and actively pursue passage of the bill.
- II. **Statement of Support or Opposition** – City staff and authorized representatives will make known the City's position on these issues. Depending on the issue, staff will work to either assist in the passage of the bill or work against passage to preserve the City's interests. The important distinction between this category and the earlier category is that the City will not seek introduction of any legislation, but will vocalize the City's position in support or opposition.

II. Issues to Monitor – City staff and authorized representatives will monitor and track the development of any related legislation. Staff will seek advice and direction from the Mayor before taking an official position or taking any action to influence an outcome.

For more information, please feel free to contact:

**Lupe Cuellar
Legislative Attorney
City of El Paso
P.O. Box 1890
El Paso, Texas 79950-1890
(915) 270-0632 direct
(915) 212-0034 fax**

PRIORITY LEGISLATIVE INITIATIVES

The City will actively seek the passage of the following initiatives using City staff and authorized representatives to secure legislators to author a bill, provide testimony, and advocate for the bill's passage throughout the legislative process:

1. ECONOMIC DEVELOPMENT INCENTIVES

- Seek passage of legislation that clearly authorizes municipalities to contribute publicly owned land in economic development incentive packages (specifically 380 agreements).
- Seek passage of legislation that clearly authorizes privately owned land to be included in public-private partnership proposals.

2. SUPPORT FT. BLISS

- Working in partnership with other Texas cities that are home to military installations, seek continued funding for the State's Defense Economic Adjustment Assistance Grant Program to fund military value projects that strengthen Texas bases.

3. ZIKA PREVENTION

- Seek funding to eliminate illegal tire disposal to prevent the spread of Zika and help keep El Paso clean.

4. PARKS

- Seek funding for the construction of a visitor's center at the Franklin Mountain State Park.

5. BORDER SECURITY FUNDING

- Seek funding for City identified border security projects, such as Intelligent Tracking System that will improve the safety and security of the border by allowing for a more efficient crossing and tracking at the border port of entries.

6. FILM INCENTIVES

- Seek legislation that authorizes a lower threshold for the total production days that must be completed in Texas to qualify for incentives under the Texas Moving Image Industry Incentive Program to enable El Paso and other cities located near a state border to compete with New Mexico, Louisiana and Oklahoma.

STATEMENTS OF SUPPORT AND OPPOSITION

The City will either support or oppose legislation regarding the following issues meaning that, if a bill is introduced, then City staff and authorized representatives will make known the City's position on these issues and will work to either pass or defeat the legislation accordingly. The important distinction between this category and the "priority" category is that the City will not work to seek introduction of any legislation but will engage if a bill is otherwise introduced.

ECONOMIC DEVELOPMENT

Support legislation that:

- a. provides incentives for the development of an entertainment and sports arena;
- b. preserves the full funding for Texas tourism;
- c. provides for additional funding for the Texas Moving Image Industry Incentive Program; and
- d. provides for a law school to be located in El Paso.

Oppose legislation that:

- a. would reduce or eliminate the current Event Trust Fund Program;
- b. pre-empts cities from regulating ride sharing businesses; and
- c. would harm the city's viability to compete for conventions, sporting events and corporate relocations.

PROPERTY TAX REFORM & DEBT ISSUANCE

Support legislation that:

- a. requires sales price disclosure for commercial properties to improve accuracy in the appraisal;
- b. changes the equity appraisal statute that assists in ensuring accurate and fair property tax appraisals;
- c. authorizes property tax exemptions at a specified dollar amount in lieu of a percentage of taxable value; or
- d. improves the Central Appraisal District's appeal process.

Oppose legislation that:

- a. lowers the appraisal cap;
- b. imposes revenue caps including a lowered rollback rate, mandatory tax rate ratification elections, or lowered rollback petition requirements; or
- c. unnecessarily restricts the City's ability to issue debt or imposes undue burdens on debt issuance referendums.

UTILITIES

Oppose Legislation that removes the City’s “original jurisdiction” of the rate setting process for gas and electric service or removes the City’s ability to recover expenses associated with conducting or intervening in gas and electric rate cases.

EQUITABLE ZONING RULES

Support legislation that requires the General Land Office to comply with local zoning and other regulations governing development and land use when the state retains an ownership in a private company (i.e. – when the State leases state land to third parties for commercial enterprises).

MILITARY AND VETERANS AFFAIRS

Support legislation that:

- a. assists military personnel and their dependents including legislation that address wait times for veterans seeking care at VA clinics and medical centers and legislation that address the mental health needs of Texas veterans; or
- b. improves workforce development programs for military personnel and veterans.

TRANSPORTATION

Support legislation that:

- a. creates financing options for roads and transit projects through a sustainable and predictable funding source; or
- b. eliminates the diversions of State transportation revenue to non-transportation uses.

Oppose legislation that mandates that municipalities participate in the Texas Department of Transportation “Turnback Program.”

PARKS

Support legislation that:

- a. provides funding for the Texas State Park System and the Texas Recreation & Parks Account Local Park Grant Program;
- b. directly benefits parks, recreation, open space, trails, tourism, health and wellness;
- c. provides that the sales tax from sporting good sales is fairly and equitably distributed to state and local parks;
- d. provides the pass through of federal dollars for parks, recreation, open space, trails and tourism; and
- e. creates a fair distribution of the sporting goods sales tax revenue for local and state parks and require projects to be subject to a competitive scoring system established by the Texas Parks and Wildlife Department.

ENVIRONMENTAL

Support legislation that:

- a. requires or enhances the use of renewable energy “buy back” programs in the State of Texas;
- b. creates renewable energy tax credits that complement federal renewable energy tax credits;
- c. advances clean energy solutions by creating incentives and rebates to encourage the use of solar panels and energy efficiency; and
- d. allocates the Fund 5000 funds to projects identified by the local municipalities.

BRIDGE WAIT TIMES/PORTS OF ENTRY

Support legislation that:

- a. grants authority for assessment of fees for use of City streets by trucks crossing international bridges;
- b. creates a one-stop safety inspection facility for commercial trucks at the land ports of entry in the El Paso region; and
- c. continues or expands the Coordinated Border Infrastructure (CBI) funding and prioritizes funding by port of entry.

DEVELOPMENT

Support legislation that requires school bond elections for the construction of new schools to include associated infrastructure costs for municipalities.

ACCESS FOR PEOPLE WITH DISABILITIES

Support legislation that increases accessibility for people with disabilities and reduces barriers to public facilities and transit.

PAYDAY LENDING REFORMS

Support legislation that would cap fees/rates on any loans brokered by Credit Service Organizations.

CODE ENFORCEMENT

Support legislation to allow cities to recover costs associated with addressing blighted or abandoned properties.

WAGE THEFT

Support legislation that enhances penalties for wage theft and provides protection for employees who report and seek to recover wages.

GAMING

Support legislation that restores gaming rights on tribal land.

LIBRARIES

Support increased state aid for public libraries.

HOMELESSNESS

Support funding and programs to address homelessness issues.

HIGHER EDUCATION

Support:

- a. restoration of higher education formula funding to previous levels;
- b. retain funding for a pharmacy program at UTEP;
- c. funding for exception item regarding student success initiative;
- d. preservation of the special line item appropriation and formula funding for the Paul L. Foster School of Medicine;
- e. funding for a simulation institute for the Paul L. Foster School of Medicine; or
- f. the 5-Point campaign adopted by the El Paso Community College regarding workforce and skills alignment, measuring and funding success, college readiness, transfer and articulation, and affordability and availability of higher education for students.

ANIMAL CONTROL

Oppose legislation that would impose more stringent requirements or regulations on municipal owned animal shelters or clinics that provide low cost spay/neuter procedures and vaccinations.

PUBLIC HEALTH

Support legislation that:

- a. allocates funding for Zika prevention and readiness; and
- b. Reduces the background check requirements for telecommunicators.

PUBLIC NOTICES

Support legislation that allows cities to publish certain notices via the internet.

ANNEXATION

Oppose legislation that would further restrict municipal authority to annex land or impose more stringent requirements on a municipality's ability to annex land.

GENERAL LEGISLATIVE PRINCIPLES

- The City of El Paso supports legislation that enhances the City's ability to enhance services and improve the quality of life for its citizens.
- The City of El Paso also supports the legislative initiatives of the Texas Municipal League and other community partners that enhance the educational, cultural, and infrastructure resources in our region to the extent these initiatives do not conflict with the City's agenda.
- The City of El Paso opposes legislation that reduces the City's authority, increases the City's costs of providing services, undermines the principle of home rule, results in loss of revenue, diminishes the current authority of cities to regulate development, or imposes unfunded mandates.

ISSUES TO MONITOR

City staff and authorized representatives will monitor and track legislation related to the following issues and will seek advice and direction from the City Council before taking any action to influence an outcome:

Legislation affecting:

1. all economic development tools including;
 - a. property tax abatements;
 - b. reinvestment zones;
 - c. Chapter 380; and
 - d. the Major Events Trust Fund and Special Events Trust Fund.
2. local bid preferences;
3. the City's pension system;
4. Municipal Utility Districts or any other special development districts within the county limits;
5. red light cameras;
6. bridge/ports of entry wait time;
7. eminent domain;
8. the potential importation of water from city owned properties outside El Paso County;
9. Groundwater Conservation Districts; and
10. the City's zoning authority in the extraterritorial jurisdiction.