

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

AGENDA DATE: October 25, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Lindsey Adams, 915-212-1622
Elizabeth Triggs, 915-212-0094

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: Goal 6: Set the Standard for Sound Governance and Fiscal Management
SUBGOAL: N/A

SUBJECT:

Discussion and action on the City of El Paso's Legislative Agenda for the 88th Regular Session of the Texas State Legislature.

BACKGROUND / DISCUSSION:

Prior to the convening of each biennial State legislative session, the City Council of the City of El Paso identifies policy priorities and legislative initiatives that it would like the Texas Legislature to address during its legislative session. These priorities and initiatives are adopted and compiled into the City's Legislative Agenda which is shared with the City's legislative delegation and additionally used to guide staffs' activity during the legislative session. The legislative team has begun the process of identifying issues for the upcoming 88th Legislative Session, which is set to begin on January 10, 2023, by working with City departments to consider recommendations for inclusion in the draft of the City's proposed legislative agenda. This presentation is an update on the process as well as final adoption of the complete agenda, to include the entirety of the Support/Oppose section and an additional priority.

PRIOR COUNCIL ACTION:

City Council adopts a Legislative Agenda for each biennial State legislative session and receives regular updates from City staff on legislative activity during the State's regular and special sessions. City Council received a legislative briefing to initiate this process on May 9, 2022, and received an update on August 16, 2022, where the legislative priorities were approved.

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Economic and International Development

SECONDARY DEPARTMENT: City Attorney's Office

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

DEPARTMENT HEAD: Elizabeth Triggs



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

CITY OF EL PASO
STATE LEGISLATIVE PRIORITIES FOR
88TH TEXAS LEGISLATIVE SESSION

MAYOR AND CITY COUNCIL
OSCAR LEESER, MAYOR

PETER SVARZBEIN
ALEXSANDRA ANNELLO
CASSANDRA HERNANDEZ
JOE MOLINAR
ISABEL SALCIDO
CLAUDIA RODRIGUEZ
HENRY RIVERA
CISSY LIZARRAGA

CITY MANAGER
TOMAS GONZALEZ

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:** Cultivate an Environment Conducive to Strong 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 Amongst 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.

The City of El Paso will oppose legislation that reduces a municipality's ordinance making authority.

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

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. Seek legislation that will streamline and expand the Skills Development Fund Program to allow municipalities' access to funding or provides for the reimbursement to companies relocating to Texas for the training provided by those companies.
2. Seek legislation that will extend the Texas Economic Development Act (Chapter 313) and expand eligibility for the Act to include back office and large-scale warehouse distribution companies.
3. Seek legislation that will clearly allow municipalities to convey city owned property as part of Chapter 380 economic development agreement.
4. Appropriate money for the Defense Economic Adjustment Assistance Grant (DEAAG) program to fund military value projects that strengthen Texas military installations.
5. Seek legislation that will expand the appropriation of funding to municipalities for the acquisition of police body cameras and storage of data obtained by body cameras
6. Seek Legislation that will add transparency on how the Texas Department of Transportation Commission allocates Category 12 Funding under the Unified Transportation Program to include whether or not formulas used need to be updated and clarification on how Metro District Designations are defined and determined
7. Seek Legislation that allows the county to submit to the voters an increase in vehicle registration fees and contains provisions that will provide for a more equitable distribution of any increased revenue by such legislation
8. Appropriate funding for the Wyler Aerial Tramway
9. Seek legislation that will appropriate funding to install and upgrade ITS technology and traffic control improvements/measures at the Paso del Norte (PDN) and Stanton Street bridges.
10. Seek legislation that will enhance and complement the use of the ITS by completing the Texas Transportation Institute's Border Crossing Information System to include exploring the possibility of expanding scope into Mexico via the Camino Real Regional Mobility Authority.
11. Seek legislation that will increase funding for Cross Border Infrastructure for projects identified in the TXDOT Texas Mexico Border Transportation Master Plan (BTMP) and provide for a dedicated funding source
12. Seek Legislation that will provide a dedicated funding source for specialized training either through the School Marshal program or other existing programs already available for the School Districts to hire law enforcement officer or peace officers and for mental health services and community mental health programs. Establish and fund statewide minimum standards and guidelines for school safety. Provide firearm safety legislation that will adopt extreme risk protection laws that allow family members or law enforcement to petition the court to temporarily remove firearms from an individual experiencing crisis; provides funding for community-based violence intervention programs; and adopts measures to protect women against gun violence from domestic abusers; strengthens existing legislation to provide stronger ways to more efficiently, effectively and consistently enforce existing laws; raises the minimum age to purchase firearms to 21; require universal background checks for all firearm sales; implements temporary red flag laws to allow temporary removal of firearms from those who are an imminent danger to themselves or others; requires a cooling off period for the purchase of a firearm; and regulates civilian ownership of high capacity magazines, and prohibits straw purchases and provides a penalty for those who participate in straw purchases.

~~12-13.~~ Seek riders for construction or improvements of the City's transportation infrastructure system.

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.

CITY COUNCIL LED ITEMS

Support legislation that:

- a. Provides for new ways to repurpose electric car batteries and solar panels once they reach the end of their useful life
- b. Supports continued full funding for the Hazelwood Act
- c. Supports the expansion of the benefits paid under Chapter 615 to school district employees when they suffer a death occurring during the performance of his or her duty resulting from exposure to risk inherent in the particular duty performed or a risk to which the general public is not customarily exposed
- d. Supports all efforts to protect women's reproductive rights and file the city's opposition to any bills or efforts to ban abortion in Texas

PENSION

Support legislation that:

- a. Enhances the city's ability to provide pension benefits to its retirees and employees

Oppose legislation that:

- a. Restricts the city or the city's pension boards ability to manage the city's pension program or results in an unfunded mandate for either the city or the city's pension fund
- b. Would have the effect of increasing the city's pension liability unless the city specifically adopts such legislation

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 a law school to be located in El Paso;
- d. expands the ability of local workforce organizations to access funding through the Skills Development Fund program and increases program funding or flexibility for eligible training

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- programs;
- e. allows for more transparency and clarity in the manner in which Texas Enterprise Funds are reviewed and awarded;
- f. appropriates money for the Moving Image Industry Incentive Program (MIIP) and creates supplemental tools for local communities to attract moving image projects and related jobs; or
- g. local option tools to include legislation that allows municipalities to submit for voter approval an increase in the sales tax; the amount of the sales tax increase, the sunset date of the increase, and how the additional revenue will be used.

Oppose legislation that:

- a. would reduce or eliminate the current Event Trust Fund Program;
- b. would harm the city’s viability to compete for conventions, sporting events and corporate relocations;
- c. amend, abolish, or repeal Section 26.03 of the Texas Tax code related to the treatment of captured appraised value and tax increment in the calculation of ad valorem tax rates for a taxing unit; or,
- d. negatively affects the city’s ability to use existing economic development tools, to include property tax abatement, reinvestment zones, and Chapter 380 Agreements.

PROPERTY TAX REFORM & DEBT ISSUANCE

Support legislation that:

- a. authorizes property tax exemptions at a specified dollar amount in lieu of a percentage of taxable value;
- b. improves the Central Appraisal District’s appeal process; or,
- c. requires the Central Appraisal District staff and/or appraisal appeal boards to receive additional training and/or certifications that will improve the accuracy of the appraisals of property.

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.

LAND DEVELOPMENT

Support Legislation that:

- a. 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);
- b. expands the City’s zoning authority in the extraterritorial jurisdiction; or
- c. provides for administrative approvals of 30-day subdivision approval waivers.

Oppose legislation that:

- a. would restrict the city’s ability to enforce or adopt building code requirements or collection of registration, administrative or licensing fees

MILITARY AND VETERANS AFFAIRS

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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;
- b. eliminates the diversions of State transportation revenue to non-transportation uses;
- c. provides more funding allocated specifically for increasing TXDOT financial contribution in the maintenance of landscaping located on state highways within municipalities; or
- d. amends the formulas used by TXDOT to allocate funding to cities to ensure that El Paso gets additional and equitable funding from all TXDOT funding sources.

Oppose legislation that:

- a. 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; or
- 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.

UTILITIES

Oppose Legislation that:

- a. -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.
- b. Would increase the proportion of renewable energies in the state’s renewable generation requirements

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SUSTAINABILITY & 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; and/or tax credits for battery storage
- c. advances clean energy solutions by creating incentives and rebates to encourage the use of solar panels and energy efficiency;
- d. allocates the Fund 5000 funds to projects identified by the local municipalities; or
- e. provides for economic incentives/support for solar and renewable energy initiatives.
- f. Supports any State climate change goals
- g. Supports deployment of EV vehicles and charging infrastructure
- h. Increases the net-metering cap for distributed energy systems as well as the \$/kWh value for electricity exported to the grid
- i. Supports Distributed Energy Resources (DERs) including Community Solar initiatives
- j. Increase energy efficiency goals (standards) for utilities, resulting in more energy efficiency programs for residential and commercial customers

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BRIDGE WAIT TIMES/PORTS OF ENTRY

Support legislation that:

- a. continues or expands the Coordinated Border Infrastructure (CBI) funding and prioritizes funding by port of entry; or,
- b. provides the city with additional funding, procedures, or opportunities to bridge/ports of entry wait time without increasing costs to the city.

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DEVELOPMENT

Support legislation that:

- a. requires school bond elections for the construction of new schools to include associated infrastructure costs for municipalities.

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ACCESS FOR PEOPLE WITH DISABILITIES

Support legislation that:

- a. -increases accessibility for people with disabilities and reduces barriers to public facilities and transit.

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PAYDAY LENDING REFORMS

Support legislation that:

- a. -would cap fees/rates on any loans brokered by Credit Service Organizations.

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CODE ENFORCEMENT

Support legislation that:

- a. allows cities to recover costs associated with addressing blighted or abandoned properties; or
- b. extends the Texas Board of Plumbing Examiners.

WAGE THEFT

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

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GAMING

Support legislation that:

a. restores gaming rights on tribal land.

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LIBRARIES

Support legislation that:

a. increases ~~sed~~ state aid for public libraries.

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~~b. Support legislation that~~ prohibits a firearm license holder from the carrying of firearms into a library.

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HOMELESSNESS

Support legislation that:

a. Provides funding or creates ~~and~~ programs to address homelessness issues.

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HIGHER EDUCATION

University of Texas at El Paso

Support legislation that:

- a. Provide funding for capital improvement projects, such as renovation, repair & completion of existing academic buildings and the Student Success Building
- b. Appropriates \$5 million for the biennium to match federal funds and strengthen innovation and commercialization of advanced manufacturing technologies in West Texas
- c. Appropriates \$2 million for the Teacher Paid Residency Program
- d. Appropriates \$6 million for the UTEP Center for Hispanic Health Disparities research
- e. Appropriates \$2 million for the Center for Legal Studies
- f. Appropriates \$2 million for the Pharmacy Program Expansion
- g. Appropriates \$500,000.00 for the U.S. Census Restricted Access Research Data Center
- h. Appropriates \$250,000.00 for the Law School Planning Study.

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Support legislation that would:

- a. provide more funding for the Woody Hunt School of Dental Medicine.
- b. preserve the special line item appropriation and formula funding for the Paul L. Foster School of

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~~Medicine:~~

~~e. University of Texas El Paso~~

- ~~(1) restore 5% general revenue reduction FY 20-21 Biennium.~~
- ~~(2) restore 5% revenue reductions in FY 22-23 non-formula items.~~
- ~~(3) provide funding for COVID-19 recovery and transition.~~
- ~~(4) provide a Tuition Revenue Bond (TRB) Bill for capital improvement projects on UTEP's campus including:

 - ~~▲ Replacement of a 60-year-old classroom building~~
 - ~~▲ A consolidated student success building for academic and career advising and counseling and psychological services~~~~
- ~~(5) allocate funding in future years for the following proposals made before the pandemic:

 - ~~▲ Interdisciplinary Institute for the Study of Hispanic Health~~
 - ~~▲ U.S. Census Restricted Access Research Data Center~~
 - ~~▲ West Texas Water Institute~~
 - ~~▲ Pharmacy Program Expansion~~
 - ~~▲ Center for Legal Studies~~~~

ANIMAL CONTROL

Support legislation that would:

- a. allow flexibility for municipal owned shelters to provide veterinarian services; and
- ~~b. suspend, reduce or allow more flexibility in the applicability of Chapter 828 of the Health and Safety Code to municipally owned shelters during federal, state or local state of emergencies.~~
- ~~b-c. that allows shelter animals to be spayed or neutered by a veterinarian authorized to perform spays and neuters in the veterinarian's respective state~~

Oppose legislation that:

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

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PUBLIC HEALTH & SAFETY AND WELFARE

~~Support legislation reduces the background check requirements for telecommunicators.~~

- ~~A. Supports the simplification of the process to apply for SNAP Program (food stamps).~~

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PUBLIC NOTICES

Support legislation that:

- ~~a. allows cities to publish certain notices via the internet.~~

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ANNEXATION

Oppose legislation that:

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

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WATER AND WASTEWATER

Support legislation that:

a. reauthorizes the Economically Distressed Areas Program for Texas Water Development Board for Colonia projects.

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PUBLIC SAFETY

Support legislation that:

- a. increases existing or creates new grant program funding that provides financial assistance to local governmental law enforcement agencies for public safety resources;
- b. increases and identifies funding earmarked for local government/law enforcement agencies located at the border; or,
- c. increases existing funding and new grant funding for public safety resources to local governments and police departments to help prevent mass shootings.

~~— Oppose legislation that will allow U.S. Border Patrol agents to be carried as state peace officers.~~

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MENTAL HEALTH

Support legislation that:

a. -continues to fund or provides funding for state and local mental health programs.

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AIRPORT

Support legislation that:

a. will enhance the economic opportunities and development of municipal airports.

~~Oppose legislation that~~

~~a. will limit municipalities ability to regulate peer to peer car sharing companies~~

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TELECOMMUNICATIONS

Support legislation that:

a. addresses the digital divide disparity and expands broad band access.

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Oppose legislation that:

a. restricts the city's ability to regulate the telecommunications industry or the way fees are charged for the use of city right of way.

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EMINENT DOMAIN

Oppose legislation that:

a. -increases the cost to the city for acquiring property or restricts the city's ability to acquire property.

AFFORDABLE HOUSING

Support legislation that:

- a. Prioritizes viable transactions for 4% LITHTC tax credit applications
- b. Would repeal the two mile/same year rule for low income housing tax credits or allow municipalities to approve a waiver of the rule
- c. Would limit Housing Finance Corporations to operate only within the municipal city limits

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.
- The Mayor, as representative of the city in intra-governmental and intergovernmental relationships, shall provide additional direction to the legislative team on the City's position on legislation, provided that such direction is not contrary with the general principles and general legislative principles stated in this document.

For more information, please feel free to contact: Lindsey Adams, Legislative Liaison, City of El Paso, adamsln@elpasotexas.gov , 915-212-1622

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