

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

DEPARTMENT: City Attorney's Office

AGENDA DATE: February 15, 2021

CONTACT PERSON: Lupe Cuellar, (915) 212-0033

DISTRICT(S) AFFECTED: All Districts

SUBJECT:

Discussion, action and update regarding the City of El Paso's State Legislative Agenda for the 87th Texas Legislative Session and other State legislative matters.

BACKGROUND / DISCUSSION:

The purpose of this agenda item is to provide City Council an update on the legislative activities of the 87th Texas Legislative Session so that City Council may, if needed, provide additional direction to the legislative team or revise the State Legislative Agenda. The update will also provide information on the status of the priority legislative initiatives identified in the City's State Legislative Agenda.

PRIOR COUNCIL ACTION:

On October 26, 2020, City Council approved the City's State Legislative Agenda for the 87th Texas Legislative Session. For easy reference, the approved agenda has been attached as backup.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:



CITY OF EL PASO



CITY OF EL PASO

**State Legislative Priorities
For 87th Texas Legislative Session**

TEXAS DELEGATION

STATE SENATE

Cesar Blanco

District 29

STATE REPRESENTATIVES

Mary Gonzalez

District 75

Claudia Ordaz Perez

District 76

Evelina Ortega

District 77

Joseph Moody

District 78

Art Fierro

District 79

MAYOR AND CITY COUNCIL

Oscar Leeser

Mayor

Peter Svarzbein

District 1

Alexsandra Annello

District 2

Cassandra Hernandez

District 3

Joe Molinar

District 4

Isabel Salcido

District 5

Claudia Rodriguez

District 6

Henry Rivera

District 7

Cissy Lizarraga

District 8

Tommy Gonzalez

City Manager



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STRATEGIC POLICY STATEMENTS

The City of El Paso Mayor and City Council 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.

GOAL 1

Create an Environment Conducive to Strong,
Sustainable Economic Development

GOAL 2

Set the Standard for a Safe and Secure City

GOAL 3

Promote the Visual Image of El Paso

GOAL 4

Enhance El Paso's Quality of Life through
Recreational, Cultural and Educational Environments

GOAL 5

Promote Transparent and Consistent Communication Among
All Members of the Community

GOAL 6

Set the Standard for Sound Governance
and Fiscal Management

GOAL 7

Enhance and Sustain El Paso's Infrastructure Network

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.

I. 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) Appropriate money for the Defense Economic Adjustment Assistance Grant (DEAAG) program to fund military value projects that strengthen Texas military installations.
- 2) Appropriate funding for the Wyler Aerial Tramway.
- 3) Seek legislation that will expand program eligibility under the Texas Economic Development Act to include back office and large scale warehouse distribution companies and extend the Act.
- 4) Seek legislation that will clearly allow municipalities to convey City owned property as part of a Chapter 380 economic development agreement.
- 5) Seek legislation concerning police reform and training that will enhance and foster public trust in the police department, to include 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 provide for more economic incentives and support for solar and renewable energy initiatives.
- 7) Seek legislation that will strengthen community safety and prevent mass violence by strengthening existing laws to allow for a stronger more efficiently and consistently enforcement of laws and new legislation that will assist in the identification of risk indicators for potential threat to include the use and role of mental health professionals and ways to reduce the risk.

II. STATEMENTS OF SUPPORT & 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:

- Provides incentives for the development of an entertainment and sports arena;
- Preserves the full funding for Texas tourism;
- Provides for a law school to be located in El Paso;
- 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 programs;
- Allows for more transparency and clarity in the manner in which Texas Enterprise Funds are reviewed and awarded;
- 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
- 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:

- Would reduce or eliminate the current Event Trust Fund Program;
- Would harm the City's viability to compete for conventions, sporting events and corporate relocations;
- 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,
- 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:

- Authorizes property tax exemptions at a specified dollar amount in lieu of a percentage of taxable value;
- Improves the Central Appraisal District's appeal process; or,
- 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:

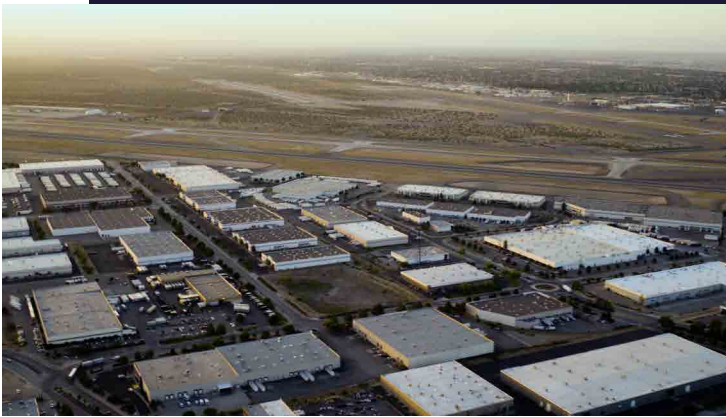
- Lowers the appraisal cap;
- Imposes revenue caps including a lowered rollback rate, mandatory tax rate ratification elections, or lowered rollback petition requirements; or
- Unnecessarily restricts the City's ability to issue debt or imposes undue burdens on debt issuance referendums.



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.



LAND DEVELOPMENT

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);
- Expands the City's zoning authority in the extraterritorial jurisdiction; or
- Provides for administrative approvals of 30-day subdivision approval waivers.

Oppose legislation that:

- Would restrict the City's ability to enforce or adopt building code requirements or collection of registration, administrative or licensing fees.

MILITARY & VETERANS AFFAIRS

Support legislation that:

- 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
- Improves workforce development programs for military personnel and veterans.



TRANSPORTATION

Support legislation that:

- Creates financing options for roads and transit projects through a sustainable and predictable funding source;
- Eliminates the diversions of State transportation revenue to non-transportation uses;
- Provides more funding allocated specifically for increasing TXDOT financial contribution in the maintenance of landscaping located on state highways within municipalities; or
- 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:

- Mandates that municipalities participate in the Texas Department of Transportation “Turnback Program.”



PARKS

Support legislation that:

- Provides funding for the Texas State Park System and the Texas Recreation & Parks Account Local Park Grant Program;
- Directly benefits parks, recreation, open space, trails, tourism, health and wellness;
- Provides that the sales tax from sporting good sales is fairly and equitably distributed to state and local parks;
- Provides the pass through of federal dollars for parks, recreation, open space, trails and tourism; or
- 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:

- Requires or enhances the use of renewable energy “buy back” programs in the State of Texas;
- Creates renewable energy tax credits that complement federal renewable energy tax credits;
- Advances clean energy solutions by creating incentives and rebates to encourage the use of solar panels and energy efficiency;
- Allocates the Fund 5000 funds to projects identified by the local municipalities; or,
- Provides for economic incentives/support for solar and renewable energy initiatives.



BRIDGE WAIT TIMES/PORTS OF ENTRY

Support legislation that:

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

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 that:

- Allows cities to recover costs associated with addressing blighted or abandoned properties; or
- Extends the Texas Board of Plumbing Examiners.

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.

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

HOMELESSNESS

Support funding and programs to address homelessness issues.

HIGHER EDUCATION

Support legislation that would:

- Provide more funding for the Woody Hunt School of Dental Medicine.
- Preserve the special line item appropriation and formula funding for the Paul L. Foster School of Medicine.
- University of Texas El Paso
 - Restore 5% general revenue reduction FY 20-21 Biennium.
 - Restore 5% revenue reductions in FY 22-23 non-formula items.
 - Provide funding for COVID-19 recovery and transition.
 - 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
- 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 allow flexibility for municipal owned shelters to provide veterinarian services; and
- 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.

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 & SAFETY

Support legislation that:

- 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.

WATER AND WASTEWATER

Support legislation that:

- Reauthorizes the Economically Distressed Areas Program for Texas Water Development Board for Colonia projects.



PUBLIC SAFETY

Support legislation that:

- Increases existing or creates new grant program funding that provides financial assistance to local governmental law enforcement agencies for public safety resources;
- Increases and identifies funding earmarked for local government/law enforcement agencies located at the border; or,
- 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.

MENTAL HEALTH

Support legislation that:

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



AIRPORT

Support legislation that:

- Will enhance the economic opportunities and development of municipal airports.

TELECOMMUNICATIONS

Support legislation that:

- Addresses the digital divide disparity and expands broad band access.

Oppose legislation that

- Restricts the City's ability to regulate the telecommunications industry or the way fees are charged for the use of city right of way.

EMINENT DOMAIN

Oppose legislation that:

Increases the cost to the City for acquiring property or restricts the City's ability to acquire property.



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:

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