

RESOLUTION NO. 2019-R05

**A RESOLUTION OF THE CITY COUNCIL OF BOERNE, TEXAS
ADOPTING A 2019-2020 CITY OF BOERNE LEGISLATIVE PLAN**

WHEREAS, the purpose of this Legislative Plan is to set legislative priorities and strategy guidelines for the State of Texas 2019-2020 Legislative Session; and

WHEREAS, to approve the City of Boerne 2019-2020 Legislative Plan to address legislation, if proposed in the upcoming legislative session, the City will support and will oppose based on best interest of the public health, safety and welfare of the citizens of Boerne, Texas.

NOW, THEREFORE, be it hereby **RESOLVED** by the City Council of the City of Boerne, Texas, that:

I. SCOPE

This legislative plan applies to the 2019-2020 State of Texas 86th Legislative Session and is attached as "Exhibit A" hereto and incorporated herein for all intents and purposes.

II. LEGISLATIVE PLAN ADOPTION

The City's legislative plan shall be reviewed and adopted by resolution of the City Council.

PASSED AND ADOPTED on the _____ day of January 2019.

APPROVED:

Mayor

ATTEST:

City Secretary

Exhibit A

CITY OF BOERNE 2019-2020 LEGISLATIVE PLAN

THE CITY *SUPPORTS* LEGISLATION THAT WOULD AFFECT THE FOLLOWING:

1. FINANCE

- Extend the sunset date for Tax Chapter 312, Property Redevelopment and Tax Abatement Act. The act authorizes local taxing units (excluding schools which are covered in Chapter 313) at their discretion to offer temporary property tax exemptions for improvements to existing property;
- Amend Chapter 327 of the Texas Tax Code to authorize the collection of municipal sales and use taxes for street maintenance for an indefinite, or at least extended, term instead of the four years provided by current law;
- Legislation that would provide municipalities and the state the authority to collect accurate hotel occupancy tax from overnight lodging entities by auditing hosts as well as their third party booking platforms, and to enact stricter penalties on those who do not remit their taxes;
- Expand to all cities the Rebate of State Hotel Occupancy Tax (HOT) funds for Hotel/Conference Center funding for construction, maintenance and operations (Only 37 cities are allowed to receive the rebate based on the current criteria);
- Reformation of statewide funding for public education.

2. GOVERNANCE

- Allowing charter amendment elections to occur in compliance with the two-year requirement of the Texas Constitution on any uniform election date in the Texas Election Code (instead of only on municipal general election or presidential general election dates);
- Allowing municipalities the option of using their website for publication of official notices required by law;
- Allow land to be transferred or conveyed in Chapter 380 Agreements;

- Support efforts to preserve City's authority to use eminent domain for City utility and street project;
- Allow expansion to all cities of the applicability of Texas Local Government Code Chapter 43, Municipal Annexation, Subchapter F Limited Purpose Annexation, to all cities (Limited Purpose Annexation for Home-Rule Municipalities is currently limited to those with a population of more than 225,000 inhabitants).

3. PROPERTY / ZONING

- Allowing Cities to protect residential neighborhoods from activities that would degrade home-owner property values, the ability to regulate the location and development standards of short-term rentals/vacation rentals/overnight rentals;
- Allowing Cities to regulate in residential neighborhoods through zoning, including:
 - require local registration of sober living homes* to include the property owner/land lord contact information as well as tenant listing;
 - require annual safety and fire inspections of sober living homes; and
 - require the issuance of a certificate of occupancy for sober living homes require notification of surrounding property owners when a sober living home is entering a neighborhood

*Sober Living Homes (sometimes called a halfway house) operate as a bridge between an inpatient facility and the "real world." After treatment at an inpatient facility and returning home, sober living homes offer an in-between recovery option that allows reinforcement of the lessons learned in rehab.
- Any legislation that would prevent substandard or unsafe development, infrastructure and housing, (as defined in Texas Local Government Code § 214.001 and city ordinances), in the Extraterritorial Jurisdiction (ETJ);
- Legislation that authorizes cities to regulate and enforce building codes, including related permitting, plan reviews, inspections, and the collection of fees for these and other necessary services, within its extraterritorial jurisdiction (to allow for regulation of development around cities without annexation).
- Require mandatory disclosure of commercial real estate sales prices (to improve the accuracy of tax appraisals);
- Legislation that would grant Texas counties zoning, land use regulation, building permitting, and building inspection authority in unincorporated areas not located in the ETJ of a city.

4. TRANSPORTATION / MOBILITY

- Provide additional funding to the Texas Department of Transportation for transportation projects beneficial to cities to improve mobility;
- Legislation authorizing the use of electric easements for the installation and operation of hike and bike trails.

5. SAFETY

- Legislation that would authorize a city council to opt-in to requiring residential fire sprinklers in newly constructed single-family dwellings with certain specified densities (as per city ordinances);

THE CITY OPPOSES LEGISLATION THAT WOULD AFFECT THE FOLLOWING:

- Eroding the authority of Texas cities to govern their own local affairs:
 - Imposition of any unfunded mandates;
 - Preemption of city charter provisions relating to municipal ballot propositions;
 - Any further restrictions on municipal annexation authority;
 - Imposition of new property tax or sales tax exemptions that substantially erode the city tax base/ revenue stream;
 - Imposition of revenue caps of any type, including a reduced rollback rate, any mandatory tax rate ratification elections, lowered rollback petition requirements, limitations on overall city expenditures, exclusion of the new property adjustment in effective 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;
 - Expansion of election requirements for the issuance of any city debt, imposition of a petition/election procedure where none currently exists, or that would otherwise erode the ability of a city to issue debt in any way;
 - Any easing of the requirements for special districts to form in a city or within its ETJ or additional requirements on cities relating to special districts in any form;
 - Further erode local decision making as it pertains to retirement issues (city contribution amounts to employee retirement plans);

- Legislation that would undermine the City's ability to enforce subdivision platting ordinances in the ETJ;
- Any legislation that would repeal the authority for a governing body to conduct economic development negotiations in an executive session pursuant to the Open Meetings Act;
- The erosion of municipal authority over the management and control of right-of-ways;
- Erosion of municipal authority over billboards or place any unfunded mandate on cities relating to billboards;
- Limit the type of incentives available to the city or that would limit any use of incentives by a city;
- Oppose efforts to limit City's authority to regulate small cell network nodes in City right-of-ways.

TEXAS MUNICIPAL LEAGUE (TML) RECOMMENDS THE CITY SUPPORT LEGISLATION THAT WOULD AFFECT THE FOLLOWING:

- Simplify the effective tax rate calculation **for notice purposes only**, provided the legislation would have no effect on the underlying effective tax rate and rollback tax rate calculations themselves, or upon the hold harmless exemptions to those rates;
- Allow a more equitable distribution of court fines resulting in a higher percentage of fines being kept locally to better support local law enforcement and municipal courts;
- Allow for greater flexibility by cities to fund local transportation projects; amend or otherwise modify state law to help cities fund transportation projects; or provide cities with additional funding options and resources to address transportation needs that the state and federal governments are unable or unwilling to address; and increased local control over those projects;
- Legislation that would reduce the prima facie speed limit from 30 mph to 25 mph without the need for a traffic study;
- Legislation that would expand state funding for services and programs that ensure access for people with disabilities.

TEXAS MUNICIPAL LEAGUE (TML) RECOMMENDS THE CITY *OPPOSE*
LEGISLATION THAT WOULD AFFECT THE FOLLOWING:

- Further erode local decision making as it pertains to retirement issues (city contribution amounts to employee retirement plans);
- Impede the city's ability to manage long term planning, growth and development in a manner necessary to hinder or mitigate for potential flooding; including annexation, tree removal, regulation of development projects, issuance of permits, and city spending
- Impose additional state fees or costs on municipal court convictions or require municipal courts to collect fine revenue for the state.

COMBINED LEGISLATIVE PLAN FOR 2019-2020 STATE OF TEXAS

86TH LEGISLATIVE SESSION

(Boerne, Fredericksburg, New Braunfels)

THE CITIES *SUPPORT* LEGISLATION THAT WOULD AFFECT THE FOLLOWING:

6. FINANCE

- Simplify the effective tax rate calculation for notice purposes only, provided the legislation would have no effect on the underlying effective tax rate and rollback tax rate calculations themselves, nor upon the hold harmless exemptions to those rates;
- Amend Chapter 327 of the Texas Tax Code to authorize the collection of municipal sales and use taxes for street maintenance for an indefinite, or at least extended, term instead of the four years provided by current law;
- Legislation that would provide municipalities and the state the authority to collect accurate hotel occupancy tax from overnight lodging entities including the ability to audit hosts as well as their third party booking platforms, and to enact stricter penalties on those who do not remit their taxes;
- Reformation of statewide funding for public education;
- Rebate of State HOT funds for Hotel/Conference Center.

7. GOVERNANCE

- Allowing charter amendment elections to occur in compliance with the two-year requirement of the Texas Constitution by construction of the uniform election dates in the Texas Election Code;
- Allowing municipalities the option of using the website for publication of official notices by law;
- Allow land to be used, transferred or conveyed in Chapter 380 Agreements;
- Allow a more equitable distribution of court fines resulting in a higher percentage of fines being kept local to better support local law enforcement and municipal courts; and
- Support efforts to preserve City's authority to use eminent domain for City utility and streets projects.

8. PROPERTY / ZONING

- Allowing the City to protect residential neighborhoods from activities that would degrade home-owner property values, including but not limited to,

the ability to regulate the location and development standards of short-term rentals/vacation rentals/overnight rentals;

- Allowing the cities to regulate sober living homes in residential neighborhoods through zoning, including:
 - require local registration of sober living homes to include the property owner/landlord contact information as well as tenant listing
 - require annual safety and fire inspections of sober living homes
 - require the issuance of a certificate of occupancy for sober living homes require notification of surrounding property owners when a sober living home is entering a neighborhood
- Any legislation that would prevent substandard or unsafe development, infrastructure and housing in the Extraterritorial Jurisdiction (ETJ);
- Legislation that would grant cities in the state's fastest growing counties, the authority to require and issue building permits in the ETJ;
- Any legislation that would allow the state's fastest growing counties authority to zone, enact land use regulation, require building permits, and provide building inspection authority in unincorporated areas;
- Require mandatory disclosure of commercial real estate sales prices; and
- Legislation that would grant the fastest growing Texas counties zoning, land use regulation, building permitting, and building inspection authority in unincorporated areas.

9. TRANSPORTATION / MOBILITY

- Provide additional funding to the Texas Department of Transportation for transportation projects that would benefit cities, so long as existing funding formulas are followed; and
- Provide additional funding for transportation mobility projects and increased local control over those projects; and
- Legislation authorizing the use of electric easements for the installation and operation of hike and bike trails.

10. SAFETY

- Legislation that would authorize a city council to opt-in to requiring residential fire sprinklers in newly constructed single-family dwellings with certain specified densities;
- Legislation that would reduce the prima facie speed limit from 30 mph to 25 mph; and
- Legislation that would expand state funding for services and programs that ensure access for people with disabilities.

THE CITIES OPPOSE ANY BILL THAT WOULD AFFECT THE FOLLOWING:

- Eroding the authority of Texas cities to govern their own local affairs;
 - Imposition of any unfunded mandates;

- Any further restrictions on municipal annexation authority;
- Imposition of revenue caps of any type, including a reduced rollback rate, any mandatory tax rate ratification elections, lowered rollback petition requirements, limitations on overall city expenditures, exclusion of the new property adjustment in effective 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;
- Expansion of election requirements for the issuance of any city debt, imposition of a petition/election procedure where none currently exists, or that would otherwise erode the ability of a city to issue debt in any way;
- Any easing of the requirements for special districts to form in a city or within its ETJ or additional requirements on cities relating to special districts in any form;
- Erosion of municipal authority to regulate billboards in its limits;
- Enactment of detrimental limits to the civil service law and/or easing the implementation of civil service laws within the city;
- Legislation that would undermine the City's ability to enforce subdivision platting ordinances in the ETJ;
- The erosion of municipal authority over the management and control of rights-of-way;
- Any legislation that would repeal the authority for a governing body to conduct economic development negotiations in an executive session pursuant to the Open Meetings Act;
- Any legislation that would preempt municipalities from enacting ordinances to protect their tree canopy or urban forest, or to preserve their heritage trees; and/or
- Oppose efforts to limit City's authority to regulate small cell network nodes in City rights-of-ways.