

## ACTION FORM BRYAN CITY COUNCIL

<b>DATE OF COUNCIL MEETING:</b> February 10, 2015		<b>DATE SUBMITTED:</b> January 29, 2015	
<b>DEPARTMENT OF ORIGIN:</b> City Secretary		<b>SUBMITTED BY:</b> Mary Lynne Stratta	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>	<b>STRATEGIC INITIATIVE:</b>
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input checked="" type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input checked="" type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input checked="" type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
<b>AGENDA ITEM DESCRIPTION:</b> Consideration – 2015 Legislative Plan			
Consider approval of the City’s 2015 Legislative Plan.			
<b>SUMMARY STATEMENT:</b> The City Council has been provided a copy of the draft legislative plan on three different occasions and no feedback has been received or concerns expressed. The legislative plan is meant to address broad legislative areas that are best addressed at the local level by the City Council elected by our citizens. Having an adopted legislative plan allows the staff and Councilmembers to articulate support or opposition to proposed legislation that would further erode the local decision making process. Since the Bryan City Council, elected by our citizens, makes more quality of life decisions that impact our citizens on a daily basis, local control is imperative.			
<b>STAFF ANALYSIS AND RECOMMENDATION:</b> The proposed 2015 Legislative Plan follows closely past approved legislative plans in that it focuses on maintaining local control by the elected City Council. Locally elected City Councils make more decisions, in comparison to the State legislature, impacting everyday quality of life issues, including those included in the Council’s strategic initiative areas of public safety, economic development, infrastructure and quality of life. The plan does not include any specific proposed legislation (any proposed bracketed legislation will be presented separately to the City Council for consideration), but does broadly indicate the City’s position when it comes to local control or further erosion of local control, unfunded mandates, etc. The City’s entire management team had input into the formulation of the attached draft plan, and the plan was shared with City Councilmembers on three previous occasions (November 11, December 11 and January 13) with no input or requests for changes.			
<b>OPTIONS (In Suggested Order of Staff Preference):</b>			
<ol style="list-style-type: none"> <li>1. Approve the plan.</li> <li>2. Approve the plan with modifications, which may require consideration at a future City Council meeting.</li> <li>3. Take no action.</li> </ol>			
<b>ATTACHMENTS:</b> Draft 2015 Legislative Plan			
<b>FUNDING SOURCE:</b> Not applicable.			
<b>APPROVALS:</b> Mary Lynne Stratta 1-29-2015; Hugh R. Walker, 01/30/2015			
<b>APPROVED FOR SUBMITTAL: CITY MANAGER</b> Kean Register, 02-02-2015			
<b>APPROVED FOR SUBMITTAL: CITY ATTORNEY</b>			

## **BRYAN LEGISLATIVE PLAN 2015**

### **84<sup>th</sup> Texas Legislative Session**

#### **Municipal Authority:**

Oppose any legislation that further erodes municipal and local elected city council authority (including annexation authority, authority to enforce ordinances, economic development abilities, minimum development standards, zoning authority, or limit municipal authority to grant and maintain franchise agreements for the use of public roadways, right of ways, easements, etc.).

Oppose any unfunded mandates to be applied to municipal governmental entities.

Oppose legislation that would impose revenue or appraisal caps, thereby limiting the cities' ability to raise and collect revenue necessary to provide services to residents.

Oppose legislation that would establish a standard or process for determining economic loss and related compensation resulting from a regulatory action.

Oppose legislation that would reduce or eliminate a city's ability to make amendments to model building codes.

#### **Water, Wastewater, Electric Utilities:**

Seek introduction and passage of bracketed legislation relative to the Texas Municipal Power Agency end of useful life issues and also Board authority and makeup.

Continue to respect the role of the groundwater conservation districts and the 'desired future condition' philosophy by maintaining local control of the permitting process and requiring responsible regulation of groundwater production, thereby ensuring the needs of both agricultural and municipal users are protected while protecting the status of currently existing historic use permits.

Support legislation that would reform Chapter 18 TAC Underground Pipeline Damage Prevention that will require gas facilities to be located away from municipally owned utilities and require more stringent rules for operators to locate their facilities in a timely manner.

Support legislation that would allow more uses of treated wastewater. The TCEQ restricts utilities in the usage of their own treated wastewater, but not on groundwater, even groundwater in which treated wastewater has been discharged. This is terribly inefficient and results only in increased utility charges to our population.

Support legislation to streamline environmental approvals. In order to further economic development, cities must be allowed to grow infrastructure in a balanced manner while being good stewards of the environment.

Oppose any legislation that would take rate setting authority for municipally owned utilities from the locally elected city councils. Take no position on proposed legislation that will assign authority for rate setting for investor owned utilities to a state agency.

### **Public Safety:**

Oppose legislation that would prohibit peace officers from making arrests for any offense (in other words, oppose legislation that would institute mandatory release for Class C offenders regardless of the safety of individuals involved per the peace officer's judgment).

Oppose legislation that would erode a city's authority to tow vehicles for no insurance or no driver's license and remove the requirement that the motorist would pay impoundment fees.

Oppose legislation that would legalize the use of marijuana.

Oppose legislation that would erode a home rule city's abilities relative to sex offender registration.

Oppose any legislation that would add more municipal court state-assessed court fees and give precedence over city fees and costs in municipal court.

Oppose legislation that would permit the waiver of a defendant's appearance at a municipal court trial (although police officer, judge, prosecutor, jurors and court staff will have to be there).

Support legislation that would allow municipalities to increase fines for municipal ordinance violations/Class C misdemeanors from \$500/\$2000 to \$1000/\$4000, respectively.

Support state-wide legislation that would allow civil (state-wide) action for injunctive relief for violation of municipal ordinances. Questions have been raised if home rule charters can actually grant that ability.

Oppose legislation that further restricts a municipality's authority through Chapter 143 of the Local Government Code.

### **Governance, Funding, Proprietary Functions, Business Operations:**

Seek introduction and passage of bracketed legislation that would allow expanded utilization of hotel occupancy tax funds relative to the construction and maintenance of city owned parks and recreational facilities.

Oppose legislation that would cut state funding for future local parks grant funding, create earmarks of local parks grant funding or divert sporting goods sales tax away from parks funding.

Support state-funded and local-option funding choices to be utilized for transportation purposes, discontinue the diversion of transportation revenues to non-transportation purposes and appropriate all revenues from highway user fees and taxes to fund transportation projects.

Oppose legislation that would remove the voluntary status of highway turnbacks.

Seek introduction and passage of legislation to regulate credit access business regulations; and oppose legislation that would preempt or prohibit cities' abilities to regulate payday or auto title lenders, either through zoning or business regulations.

Oppose legislation that would expand election requirements for issuance of any city debt, impose a petition/election procedure where none currently exists, require additional public notice requirements by newspaper publication only, or that would otherwise erode a city's ability to issue debt in any manner.

Oppose legislation that would limit the ability of a city to engage in proprietary functions (such as the sale of mulch to the public).

Support legislation to repeal the current requirement that cities first offer to remove graffiti free of charge (at the city's cost) prior to requiring the property owner to do so.

Oppose legislation that would broaden the public information act to include internal business documents maintained by private businesses that contract with cities. (Plans and reports already prepared for a city are subject to the act now, but this would broaden the act to include routine business documents of the business.)

Oppose legislation that would erode municipal sovereign immunity or restrict/limit indemnification clauses in construction contracts with cities.

Support legislation that grants more local authority relative to participation in municipal employee state-wide retirement plans (to allow more authority for city councils to decide on levels of COLA, etc.).

Support legislation that would eliminate the requirement of publication of public notices in newspapers, allowing the use of posting boards and internet postings in lieu thereof.

Oppose legislation that would force local birth/death registrars to consolidate offices, resulting in loss of revenue to cities and inconvenience to customers.

Support legislation to exempt municipalities from the notice requirements of 16 TAC Chapter 18 relating to underground pipeline damage prevention; and oppose legislation that would place additional restrictions on municipalities regarding notice under this chapter, since it will greatly impact the City's ability to respond to calls for repairs to water meters, etc.