

**RESOLUTIONS SUBMITTED
TO THE
TEXAS MUNICIPAL LEAGUE
RESOLUTIONS COMMITTEE**

October 11, 2018

Fort Worth, Texas

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Texas Municipal League 2018 Resolutions Committee

Membership

Chair: John B. Love III, Councilmember, Midland
Vice Chair: Mary M. Dennis, Mayor, Live Oak
TML Board Representative: Tom Lombard, Councilmember, North Richland Hills

Stacie Anaya, Director Parks and Recreation, Lewisville
Dwight Boykins, Councilmember, Houston
Ben Brezina, Interim Acting City Manager, Frisco
Shelley Brophy, Mayor, Nacogdoches
Cindy Burchfield, Alderman, Daisetta
Brian Byrd, Councilmember, Fort Worth
Scott Campbell, City Manager, Roanoke
Ramsey English Cantu, Mayor, Eagle Pass
Jimmy Chew, Fire Chief, Stephenville
Kim Coogan, Assistant City Attorney, Galveston
Roxann Pais Cotroneo, City Attorney, Three Rivers
Roger Cowan, Councilmember, Yorktown
Joyce Dalley, Councilmember, Rockdale
Frank Davalos, Mayor Pro Tem, Laguna Vista
Kay Duffy, Community Development, Richland Hills
James Fisher, City Manager, Brenham
Brie Franco, Intergovernmental Relations Officer, Austin
Pam Frederick, Mayor, Bullard
Marta Gomez Frey, Councilmember, Richardson
Brian Frieda, Chief of Police, Sweetwater
Beverly Gaines, Councilmember, Webster
Himesh Gandhi, Councilmember, Sugar Land
Andrea Gardner, City Manager, Watauga
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Rick Grady, Councilmember, Plano
Martin Garza, City Manager, Mission
Bryan Grimes, City Administrator, Willow Park
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Cordell Jones, Councilmember, Canyon
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Annette Pernell, Councilmember, Orange
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Ramiro Rodriguez, Mayor, Palmhurst
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David Rutledge, Mayor, Bridge City
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Bob Scott, Assistant City Manager, Carrollton
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Alan Shubert, VP Operators & Technical Services, El Paso Water Utility
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Bobby Vela, Councilmember, Hondo
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Scott Williams, Director of Public Works, Red Oak
Anthony Williams, Mayor, Abilene
Sherrie Williams, Mayor Pro Tem, Iowa Park
Belinda Willis, Director of Communications and Marketing, Mansfield
Christine Wright, State Legislative Manager, San Antonio
Tammy Young, Councilmember, Round Rock
John Zagurski, Finance Manager, Trophy Club

FOREWORD

The primary function of the Texas Municipal League is advocating on behalf of its member cities. That's the way it has been since the League's formation in 1913 because many significant decisions affecting Texas cities are made by the Texas Legislature, not by municipal officials. Now, just as they did over a century ago, newly elected mayors and councilmembers quickly realize the legislature can address virtually any aspect of city government.

This fact is vividly demonstrated during each legislative session. For example, during the 2017 session, more than 6,500 bills or significant resolutions were introduced; more than 2,000 of them would have affected Texas cities in some substantial way. In the end, over 1,200 bills or resolutions passed and were signed into law; almost 300 of them impacted cities in some way.

The number of city related bills as a percentage of total bills filed rises every year. Twenty years ago, around 17 percent of bills filed affected cities in some way. By 2017, that percentage had almost doubled to 30 percent. In other words, almost a third of the legislature's work is directed at cities, and much of that work aims to limit municipal authority.

League staff lobbies against those efforts (and also seeks to pass beneficial legislation) based on a "legislative program" that is developed by member city officials. The program is essential to the legitimacy of the League's advocacy efforts. To develop the program, city officials provide input in primarily two ways.

First, member city officials can participate in a policy committee process during each interim. The report of an interim committee takes the form of a resolution that is submitted to the annual conference in interim years. For the past three decades, the interim committee process has been the same: it was based on the recommendations of a handful of topic-specific committees (e.g., Revenue and Finance, Regulation of Development, etc.). The goal of the committee process is two-fold: (1) it allows input on the legislative program from a broad cross section of cities and city officials; and (2) it educates new city officials to the legislative issues faced by cities.

In 2018, the committee process was slightly different than in years past. In lieu of multiple committees, recommendations came from the participants in the League's "Municipal Policy Summit." As with past years' committee members, the summit participants were appointed by the TML President based on volunteers and others chosen to balance the demographics of the TML membership at large. The Summit continues to achieve the "input and education" goals mentioned above.

The Summit was an intensive, two-day workshop during which League staff briefed the participants on the myriad legislative issues faced by cities. Most were issues that arise each session, but several consisted of solicited or unsolicited issues brought to us by city officials. After each subject-matter briefing, the participants made concise recommendations on the issues. Those recommendations are placed into resolution form and submitted to the Resolutions Committee, discussed next.

Second, a member city, TML region, or TML affiliate may submit a resolution for consideration at the League's annual conference. At the 2018 annual conference, the Resolutions Committee will consider submissions and make recommendations for the entire membership to consider at the annual business meeting. Detailed information relating to resolution submittal is provided to each member city, TML affiliate organization, and TML region well in advance of the due date.

For 2019, the resolutions committee will be eliminated in favor of a more streamlined process wherein resolutions go directly to the entire membership at the annual business meeting. The implementation of this change will require a transition year in 2018. In 2018, the Resolutions Committee and Business Meetings will take place in one room, as subsequent meetings.

In addition, resolutions will form the basis of a fixed legislative program, under which – each session – only modifications to the program will be considered at a future Summit, business meeting, or TML board meeting. Even if no changes are made, which is an unlikely prospect, staff will fulfill the educational goal through continued briefing on all of the issues.

The somewhat complex policy development process is necessary to ensure that the League advocates as directed by its members. The League is nothing without the involvement and expertise of its members, and participation in the process is an invaluable part of protecting municipal authority.

Guiding Principles

The TML approach to the 2019 session will undoubtedly be guided by principles that spring from a deeply rooted TML legislative philosophy:

- The League will vigorously oppose any legislation that would erode the authority of Texas city officials to govern municipal affairs.
- Cities represent the level of government closest to the people. They bear primary responsibility for the provision of capital infrastructure and for ensuring our citizens' health and safety. Thus, cities must be assured of a predictable and sufficient level of revenue and must resist efforts to diminish that revenue.
- The League will oppose the imposition of any state mandates that do not provide for a commensurate level of compensation, and resist any attempts to require cities to raise money for the state (reverse intergovernmental aid).

Schedule

The League's 2017-2018 legislative policy development schedule is roughly as follows:

October 2017 – the 2017 TML Resolutions Committee met to consider resolutions. The recommendations of the Resolutions Committee went forward for consideration by the TML membership at the 2017 Annual Conference at the annual business meeting.

April 2018 – the chair, vice-chairs, board representative, and participants of the League's Municipal Policy Summit were appointed by the TML President.

June 2018 – Municipal Policy Summit materials were distributed to the membership.

August 2018 – the Municipal Policy Summit, a two-day policy briefing at which the members made recommendations for the League's 2019-2020 legislative program, met.

October 2018 – the report of the Municipal Policy Summit, along with any other resolutions, will go forward to the 2018 TML Resolutions Committee for consideration. The recommendations of the Resolutions Committee will then go forward for consideration by the TML membership at the 2018 Annual Conference at the annual business meeting, which will be held immediately subsequent to the Resolutions Committee meeting.

December 2018 – the TML Board will finalize the League's 2019-2020 legislative program based on resolutions passed in both 2017 and 2018.

Some Suggestions

As can be seen from the section above, the Resolutions Committee provides the framework for the TML legislative policy development process. As an integral part of that process, city officials can significantly impact the outcome of the 2019 legislative session. Those officials should keep in mind the following:

1. **There is a practical limit to what the League – or any group, for that matter – can accomplish in any legislative session.** It is obvious that all resources – human, financial, and political – are limited, and no group can hope to achieve all its legislative objectives. The most powerful interest groups in the state sometimes come away from a legislative session bruised and battered. On occasion, the best that can be expected is that no harm be done or that damage be mitigated.
2. **TML will expend the vast majority of its resources killing bad bills.** This has always been so and will probably always be the case. At one point during the 2017

regular session, the League was monitoring more than 2,000 bills or resolutions, many of which were bad for cities. The League’s legislative philosophy has traditionally been, first and foremost, to defeat bad legislation and, secondarily, to seek passage of beneficial legislation as time, resources, and political realities permit.

3. **It is unlikely that any other interest group in the state monitors and opposes as many bills as does the Texas Municipal League.** During recent legislative sessions, the League took steps to oppose bad legislation dealing with everything from annexation to zoning and from autonomous vehicles to tree preservation. The breadth of the League’s legislative focus becomes obvious each year when TML completes and submits its state-mandated lobbyist registration form. One schedule of the form asks which of 83 subject matters are of interest to TML. Of the 83, only two fall outside the League’s areas of interest.

4. **Unfortunately, the number of bad city-related bills grows almost every year. (Please see the chart on the next page.)** As a result, the League has been forced to expend an ever-greater percentage of its resources simply fending off bad ideas.

5. **Given the League’s finite resources, and because vast amounts of those resources are necessarily expended in defeating bad legislation, the League must very carefully select bills that it will support or for which it will attempt to seek passage.** A sharply focused legislative program is more likely to lead to success than is a very large and wide-ranging program. In addition, supporting a bill that has a low probability of passage requires a large amount of time and political resources that can be used more productively in other ways. **Thus, it is important to advocate only those initiatives that are truly important and that have a realistic chance of passage.**

<u>Year</u>	<u>Total Bills Introduced *</u>	<u>Total Bills Passed</u>	<u>City-Related Bills Introduced</u>	<u>City-Related Bills Passed</u>
2001	5,712	1,621	1,200+	150+
2003	5,754	1,403	1,200+	110+
2005	5,369	1,397	1,200+	105+
2007	6,374	1,495	1,200+	120+
2009	7,609	1,468	1,500+	120+
2011	6,303	1,410	1,500+	160+

2013	6,061	1,437	1,700+	220+
2015	6,476	1,329	1,600+	220+
2017	6,800	1,220	2,000+	290+

* Includes bills and proposed Constitutional amendments; regular session only.

6. How can the committee identify initiatives that are truly significant and that merit a place in the TML legislative program? Committee members may wish to ask the following questions about each discussion item:

- ◆ **Does the initiative have wide applicability to a broad range of cities of various sizes (both large and small) and in various parts of the state?**
- ◆ **Does the initiative address a core municipal issue, such as erosion of local control and preservation or enhancement of municipal revenue?**
- ◆ **Will the initiative be vigorously opposed by strong interest groups and, if so, will member cities commit to contributing the time and effort necessary to overcome that opposition?**
- ◆ **Is this initiative, when compared to others, important enough to be part of TML’s list of priorities?**
- ◆ **Is this initiative one that city officials, more than any other group, should and do care about?**

The foregoing suggestions are not meant to imply that TML can’t pass good, solid legislation. It can, it has in the past, and it will again. The suggestions are meant merely to emphasize the fact that any group, to succeed, must use its resources and its political strength wisely and selectively.

Categories

Legislative positions should reflect one of four categories that will direct League staff. Keep in mind that there is a difference between “seek introduction and passage” and “support.”

- **Seek Introduction and Passage** means that the League can attempt to find a sponsor, will provide testimony, and will otherwise actively pursue passage. Bills in this category are known as “TML bills.” **These bills require an enormous**

amount of time and resources, and the committee should be very cautious about putting items in this category.

- **Support** means the League will attempt to obtain passage of the initiative if it is introduced by some other entity.

With very few exceptions, any item that makes its way into the 2019-2020 TML Legislative Program should be categorized by the two terms above, or by a recommendation that TML “**oppose**” or “**take no position.**”

League staff will, based upon the foregoing principles and its knowledge of current legislative realities, determine the amount of time and resources devoted to any item in the program. The members of the Resolutions Committee are an invaluable part of protecting municipal authority. The League is nothing without the involvement and expertise of its members. Thank you for your service!

2018
TML RESOLUTION COVER SHEET

Sponsoring Entity: TML Municipal Policy Summit

Brief Background: This resolution is the report of the TML Municipal Policy Summit. It represents the culmination of the work undertaken by the Summit delegates regarding legislative priorities.

What the Resolution is Intended to Accomplish: This resolution and the accompanying Summary of Actions are intended to assist the membership and the TML Board in identifying priority legislative issues. Most, if not all, of the issues described in the report are self-explanatory. Any of the issues can be fully described and explained by Summit delegates and/or TML staff during the Resolutions Committee meeting and the Annual Business Meeting.

How the Resolution is City-Related/How it Addresses a Municipal Issue: This resolution addresses issues that have been identified as city-related by Summit delegates.

Statewide Importance: The issues addressed in this resolution and Summary of Actions are of statewide importance by definition. The Summit included delegates from each part of the state, and the delegates carefully considered statewide importance – and other factors – when making recommendations.

Submitted By: Summit Chair Julie Masters, Mayor, Dickinson

For further information: Scott Houston
Deputy Executive Director and General Counsel
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1.

A RESOLUTION ADOPTING THE REPORT OF
THE 2018 TML MUNICIPAL POLICY SUMMIT

WHEREAS, the 2018 TML Municipal Policy Summit was appointed by TML President Holly Gray-Moore early in 2018; and

WHEREAS, more than 100 municipal officials from cities of every size across the state served on the Summit; and

WHEREAS, the Summit studied numerous city-related issues; and

WHEREAS, the Summit has completed its work and has drafted the attached report;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2018 Annual Conference of the Texas Municipal League that the attached report of the TML Municipal Policy Summit be accepted and adopted.

PASSED AND APPROVED by the Resolutions Committee of the Texas Municipal League this 11th day of October, 2018, at Fort Worth, Texas.

APPROVED:

Holly Gray-Moore,
President

ATTEST:

Bennett Sandlin,
Executive Director

Municipal Policy Summit

Summary of Actions

August 23-24, 2018

Harmful Legislation in General/Preemption

The Summit delegates voted to recommend that the League:

1. oppose legislation that would erode municipal authority in any way, would impose an unfunded mandate, or would otherwise be detrimental to cities.
2. oppose legislation that would provide for state preemption of municipal authority in general.

Revenue and Finance

The Summit delegates voted to recommend that the League:

1. oppose legislation that would impose a revenue and/or tax cap of any type, including a reduced rollback rate, 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.
2. oppose legislation that would negatively expand appraisal caps but take no position on legislation that would authorize a council-option reduction in the current ten-percent cap on annual appraisal growth.
3. support legislation that would simplify the effective tax rate calculation for notice purposes only, provided the legislation would have no effect on either the underlying effective tax rate and rollback tax rate calculations themselves, or upon the hold harmless exemptions to those rates.
4. support legislation extending the sunset date for Chapter 312 tax abatement authority only if the business lobby groups whose members benefit from tax abatement agreements refrain from any support for harmful revenue and expenditure caps.
5. oppose legislation that would impose new property tax or sales tax exemptions that substantially erode the tax base.
6. support: (1) legislation that would make beneficial amendments to the equity appraisal statute; (2) legislation that would close the “dark store” theory of appraisal loophole; and (3) legislation that would require mandatory disclosure of real estate sales prices.
7. support: (1) legislation that would authorize a council-option property tax exemption of a portion of the appraised value of property damaged by a disaster; and (2) legislation that

would authorize a council-option city homestead exemption expressed as a percentage or flat-dollar amount.

8. support legislation that would convert the sales tax reallocation process from a ministerial process into a more formalized administrative process.
9. with regard to economic development: (1) take no position on legislation that would broaden the authority of Type A or Type B economic development corporations; and (2) oppose legislation that would limit the authority of Type A or Type B economic development corporations statewide, but take no position on legislation that is regional in scope and that is supported by some cities in that region.
10. oppose legislation that would erode the ability of a city to issue debt.
11. oppose legislation that would limit or eliminate the current flexibility of the Major Events Reimbursement Program as a tool for cities to attract or host major events and conventions.

Regulation of Development

The Summit delegates voted to recommend that the League:

1. oppose legislation that would erode municipal authority related to development matters, including with respect to the following issues: (1) annexation, (2) eminent domain, (3) zoning, (4) regulatory takings; (5) building codes, (6) tree preservation, and (7) short-term rentals.
2. support legislation that would expand municipal annexation authority.
3. support legislation that would authorize a city council to opt-in to requiring residential fire sprinklers in newly constructed single-family dwellings.

Utilities and Transportation

The Summit delegates voted to recommend that the League:

1. oppose state or federal legislation or rules that would erode the authority of a city to be adequately compensated for the use of its rights-of-way and/or erode municipal authority over the management and control of rights-of-way.
2. support legislation that would: (1) allow for greater flexibility by cities to fund local transportation projects; (2) amend or otherwise modify state law to help cities fund transportation projects; or (3) provide cities with additional funding options and resources to address transportation needs that the state and federal governments are unable or unwilling to address.

3. support legislation that would: (1) provide additional funding to the Texas Department of Transportation for transportation projects that would benefit cities; and (2) provide local, state, and federal transportation funding for rail as one component of transportation infrastructure.
4. oppose legislation that would erode municipal authority over billboards or place any unfunded mandate on cities relating to billboards.

Miscellaneous (Public Safety, Personnel, Elections, Municipal Court, Member-Submitted Items):

The Summit delegates voted to recommend that the League:

1. take no position on legislation that would standardize red light photo enforcement systems, so long as the underlying authority is not eliminated. (Further, the committee recommends that TML defer to the Texas Red Light Coalition on more detailed matters relating to revisions to red light camera policy.)
2. take no position on legislation that would amend the affected provisions of the Texas Government Code relating to the Texas Municipal Retirement System to allow for greater flexibility in retiree pension increases and provide for a forgiveness provision for cities that stopped the regular repeating COLA payments without reference to a cost of living index.
3. oppose legislation that would further erode local control as it pertains to retirement issues.
4. oppose legislation that would substantively change or expand the scope of the current disease presumption law, unless doing so is supported by reputable, independent scientific research.
5. oppose legislation that would require candidates for city office to declare party affiliation in order to run for office.
6. oppose legislation that would eliminate any of the current uniform election dates.
7. in relation to municipal courts: (1) oppose legislation that would impose additional state fees or costs on municipal court convictions or require municipal courts to collect fine revenue for the state; and (2) support legislation that would allow a more equitable way of distributing court fines that would result a higher percentage of fines being kept local, where the laws are enforced, the court is held, and the fines collected.
8. oppose legislation that would: (1) require the reporting of lobbying activities beyond the requirements in current law; (2) limit or prohibit the authority of city officials to use municipal funds to communicate with legislators; and (3) limit or prohibit the authority of the Texas Municipal League to use any revenue, however derived, to communicate with legislators.

9. support additional appropriations for the Texas Veterans Commission and the Texas Workforce Commission skills for veterans initiative that dedicates state funding to address the training needs of veterans returning home and entering the Texas workforce.
10. support legislation that: (1) clarifies federal congressional intent of federal transit law to protect cities across the United States from being penalized due a to a population drop suffered as a direct result of a natural disaster, retroactive to 2000; (2) explicitly states that only presidentially declared major disasters are covered, in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 100-707); and (3) protects federal transit funding streams for urbanized areas until the execution of the next decennial census.
11. support legislation that would request that the legislature increase funding for the Texas Intrastate Fire Mutual Aid System to \$3 million annually.
12. support legislation that would allow cities the option of using either an official newspaper or a website for the publication of legal notices.
13. support legislation that would allow a city to lower the prima facie speed limit from 30 to 25 miles per hour without the need for a traffic study.

Other

The Summit delegates directed League staff to seek the guidance of the TML executive committee in relation to tax abatement agreements should the “support” position included elsewhere in this program no longer encompass evolving scenarios.

The Summit delegates directed League staff to seek the guidance of the TML board of directors on issues related to sales taxes on remote sales.

The Summit delegates requested that, after the 2019 legislative session, the TML President appoint a committee to study seeking additional local option transportation funding mechanisms.

The Summit delegates requested that the TML President appoint a committee to study and make recommendations to the TML board of directors on issues related to initiative and referendum.

The Summit delegates concurred with the [legislative program](#) of the Texas Recreation and Park Society, but disapproved the provision in that program relating to prohibiting firearms at certain types of city events.

The Summit delegates directed League staff to work with the City of Leary on legislation that would reduce cost drivers for small city audits, so long as appropriate statutory safeguards remain in place.

2018
TML RESOLUTION COVER SHEET

Sponsoring Entity: City of Corpus Christi

Brief Background: From 1995 through 2017, the Texas Legislature appropriated funding to the TCEQ and directed funds via rider to near non-attainment areas - Austin, Beaumont, Corpus Christi, El Paso, Granbury, Killeen/Temple, Longview/Tyler/Marshall, San Antonio, Victoria, and Waco - for ozone emission reduction planning and programs to remain in attainment of ozone standards established by the EPA. Governor Greg Abbot line-item vetoed a \$6,000,500 rider in the FY 2018-2019 General Appropriations Act for TCEQ. The veto stripped the nine near non-attainment communities of the only funding for programs documented to keep them in attainment of ozone standards.

What the Resolution is Intended to Accomplish: Restore funding for air quality monitoring and mitigation strategies in nine near non-attainment communities to remain in compliance with National Ambient Air Quality Standard for Ozone by the United States Environmental Protection Agency (EPA) as authorized in the federal Clean Air Act. It can be through General Revenue or through the Texas Emission Reduction Program (TERP). The Texas Legislature has used the TERP fund balance to certify the State budget (General Appropriations Act) instead of for its intended purposes. TERP is a grant program available in areas of the state that are in nonattainment or near nonattainment of the Federal Clean Air Act (CAA) ambient air quality standards. Grants are provided to eligible individuals, businesses, or government entities to reduce emissions from on-road vehicles, non-road commercial and industrial equipment, marine vessels, locomotives, and stationary engines.

How the Resolution is City-Related/How it Addresses a Municipal Issue: The resolution encourages the Texas Legislature to fund air quality programs in non-attainment and near non-attainment communities to remain in compliance with federal Clean Air standards. Compliance with federal Clean Air Standards has an economic and health impact on municipalities.

Statewide Importance: The Clean Air Act directs the states to develop state implementation plans (SIPs), applicable to appropriate industrial sources in the state, in order to achieve ozone standards. The lack of funding prevents impacted communities to implement strategies in the adopted Texas SIP. Local governments do not have the financial capacity to assume the responsibilities of an unfunded mandate by the State of Texas.

Submitted By:

Name:	Tom Tagliabue
Title:	Director, Intergovernmental Relations
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A RESOLUTION RELATING TO THE RESTORATION OF FUNDING TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR AIR QUALITY MONITORING AND MITIGATION PROGRAMS FOR NEAR NON-ATTAINMENT COMMUNITIES ESSENTIAL TO REMAIN IN COMPLIANCE WITH THE NATIONAL AMBIANT AIR QUALITY STANDARDS FOR OZONE ESTABLISHED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY THROUGH THE CLEAN AIR ACT

WHEREAS, Texas communities like Austin, Beaumont, Corpus Christi, El Paso, Granbury, Killeen/Temple, Longview/Tyler/Marshall, San Antonio, Victoria, and Waco have efficiently and effectively utilized funding provided in the General Appropriations Act in a rider to the Texas Commission on Environmental Quality (TCEQ) to implement air quality monitoring, and mitigation strategies to remain in compliance with current and proposed National Ambient Air Quality Standard for Ozone by the United States Environmental Protection Agency (EPA) as authorized in the federal Clean Air Act; and

WHEREAS, the Clean Air Act directs the states to develop state implementation plans (SIPs), applicable to appropriate industrial sources in the state, in order to achieve ozone standards, the lack of funding for near non-attainment communities resulting from a line item veto by Governor Greg Abbott in the 2018-2019 General Appropriations Act prevents impacted communities to implement strategies in the adopted Texas SIP, and local governments do not have the financial capacity to assume the responsibilities of an unfunded mandate by the State of Texas; and

WHEREAS, the health and quality of life for millions of Texas residents in near non-attainment communities has benefitted greatly from the strategies, services and programs implemented at the local level by local governments, businesses, and industry to reduce ozone levels and remain in compliance with federal standards; and

WHEREAS, the Corpus Christi air-shed remains in attainment of the most recently established ozone standards announced by the EPA in 2015 of 70 parts per billion (ppb); and

WHEREAS, two programs in Corpus Christi served to ensure the Corpus Christi air-shed's continued attainment of ozone standards: Texas A&M University Corpus Christi Pollution Prevention Partnership's vehicle emissions reduction program, and Texas A&M University Kingsville's ozone air monitor program; and

WHEREAS, both the Texas A&M University Corpus Christi Pollution Prevention Partnership's vehicle emissions reduction program, and Texas A&M University Kingsville's ozone air monitor program relied on funding through the TCEQ's Clean Air Account No. 151; and

WHEREAS, Rider funding to support the continuation of the Texas A&M University Corpus Christi Pollution Prevention Partnership's vehicle emissions reduction program and Texas A&M University Kingsville's ozone air monitor program was vetoed after adjournment of the 85th Regular Session of the Texas Legislature by Governor Abbott after it had been recommended by the Legislative Budget Board, and adopted without opposition by both the Texas House of

Representatives and the Texas Senate, stripping these critical programs of the funding needed to continue; and

WHEREAS, without restoration of funding by the 86th Texas Legislature, both the Texas A&M University Corpus Christi Pollution Prevention Partnership's vehicle emissions reduction program and Texas A&M University Kingsville's ozone air monitor program will cease to operate thereby risking Corpus Christi air-shed's continued attainment designation of ozone standards; and

WHEREAS, the Texas A&M University Corpus Christi Pollution Prevention Partnership's vehicle emissions reduction program protects Corpus Christi's attainment status of ozone standards by providing over 10 tons of reductions of ozone causing emissions each year at a cost of approximately \$4,700 per ton compared to the possible costs of \$50,000 a ton or more for offset emissions should a development choose to site in Corpus Christi that no longer attains ozone standards; and

WHEREAS, without the restoration of funding to the TCEQ by the 86th Texas Legislature, Corpus Christi is striped of the only program that works to reduce the mobile source emissions that are a significant 30 percent contributor to Corpus Christi's ozone causing emissions; and

WHEREAS, without the restoration of funding provided by the 86th Texas Legislature, Corpus Christi is striped of the ozone research monitors that support proving and documenting transported emissions that are not generated in our air-shed, and possible consideration for attainment designations; and

WHEREAS, the economic burden on the State of Texas to bring a non-attainment community back into attainment is far greater than the cost to restore funding that assists struggling attainment communities to remain an attainment community in the State of Texas; and

WHEREAS, the economic burden for a business to obtain a permit to locate or expand in Corpus Christi is significantly increased should funding for the TCEQ not be restored by the 86th Texas Legislature and Corpus Christi loses the critical ozone attainment protection programs of the Texas A&M University Corpus Christi Pollution Prevention Partnership's vehicle emissions reduction program and Texas A&M University Kingsville's ozone air monitor program programs, and fall into non-attainment of ozone standards; and

WHEREAS, the Corpus Christi air-shed prides itself on being a national leader in voluntary actions and programs that work to keep our industrial based community in attainment of toughened ozone standards;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2018 Annual Conference of the Texas Municipal League that the League urge the Governor, Lieutenant Governor, the Speaker of the Texas House of Representatives, the Texas Senate and Texas House of Representatives to restore funding to the TCEQ in the FY 2020-2021 General Appropriations Act for air quality programs in all near non-attainment communities.

PASSED AND APPROVED by the Resolutions Committee of the Texas Municipal League this 11th day of October, 2018, at Fort Worth, Texas.

APPROVED:

Holly Gray-Moore,
President

ATTEST:

Bennett Sandlin,
Executive Director

2018
TML RESOLUTION COVER SHEET

Sponsoring Entity: City of Galveston

Brief Background: Cities are immune from suit and liability while performing government functions under the doctrine of governmental immunity unless that immunity is expressly waived by the Texas Legislature. Municipalities are the only form of government who are deemed to engage in proprietary activities (functions typically performed by a private entity) for which there is no governmental immunity. Governmental functions include matters related to public health, welfare, and safety (i.e., police, fire, and utility service as well as zoning).

What the Resolution is Intended to Accomplish: The resolution seeks support from the Texas Municipal League for legislation that will clearly identify that local government actions exercised under disaster recovery-related contracts are governmental functions for purposes of ensuring local government immunity protection.

How the Resolution is City-Related/How it Addresses a Municipal Issue: In recent years, the Texas Supreme Court has determined that certain contracts entered into by municipalities funded by the Community Development Block Grant (CDBG) program are proprietary functions for which there is no governmental immunity. CDBG funds are used for rehabilitation of residences after natural disasters such as hurricanes, floods, or tornados and by their very nature are governmental functions to protect public health and safety. This resolution seeks support for legislation that will provide essential local governmental immunity protection for actions exercised under disaster recovery-related contracts.

Statewide Importance: Ensuring local governmental immunity related to actions exercised under disaster recovery-related contracts will help facilitate orderly and efficient recovery for a community following a natural disaster.

Submitted By:

Name:	Sally Bakko
Title:	Legislative Coordinator
City:	Galveston
Email:	sbakko@galvestontx.gov
Telephone:	(409) 797-3535

3.

A RESOLUTION SUPPORTING LEGISLATION THAT IDENTIFIES LOCAL GOVERNMENT ACTIONS EXERCISED UNDER DISASTER RECOVERY-RELATED CONTRACTS ARE GOVERNMENTAL FUNCTIONS FOR PURPOSES OF ENSURING LOCAL GOVERNMENT IMMUNITY PROTECTION

WHEREAS, cities are immune from suit and liability while performing governmental function under the doctrine of governmental immunity unless that immunity is expressly waived by the Texas Legislature; and

WHEREAS, municipalities are the only form of government who are deemed to engage in proprietary activities for which there is no governmental immunity; and

WHEREAS, governmental functions involved matters related to the public health and welfare such as police and fire service, utility service, and zoning, while proprietary functions are those actions typically performed by a private entity; and

WHEREAS, in recent years, the Texas Supreme Court has determined that certain contracts entered into by municipalities funded by the Community Development Block Grant program are proprietary functions for which there is no governmental immunity; and

WHEREAS, Community Development Block Grant funds are used for rehabilitation of residences after natural disasters such as hurricanes, floods, or tornados and by their very nature are governmental functions to protect public health and safety; and

WHEREAS, the City of Galveston seek legislation that will clearly identify that local government actions exercised under disaster recovery-related contracts are governmental functions for purposes of ensuring local government immunity protection;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2018 Annual Conference of the Texas Municipal League that the League support legislation establishing that expenditures of Community Development Block Grant funds by municipalities are governmental function of cities.

PASSED AND APPROVED by the Resolutions Committee of the Texas Municipal League this 11th day of October, 2018, at Fort Worth, Texas.

APPROVED:

Holly Gray-Moore,
President

ATTEST:

Bennett Sandlin,
Executive Director

2018
TML RESOLUTION COVER SHEET

Sponsoring Entity: City of Galveston

Brief Background: Cities need tools to efficiently address the public health and safety threats to community neighborhoods posed by vacant or abandoned buildings. One area where the City of Galveston could increase efficiencies would be the ability to identify owners of vacant buildings through a registration requirement. While the Galveston Central Appraisal District (CAD) system is a useful resource, identifying the last known owner can be a time-consuming and laborious process. Section 214.233 of the Local Government Code provides a municipality located in a county with a population of two million or more may adopt an ordinance requiring owners of vacant buildings to register their buildings by filing a registration form with a designated municipal officer.

What the Resolutions are Intended to Accomplish: The Resolution seeks support from the Texas Municipal League for legislation to broaden the authority granted to certain municipalities under Section 214.233 of the Local Government Code by allowing all municipalities the authority to adopt vacant building registration ordinances.

How the Resolution is City-Related/How it Addresses a Municipal Issue: Vacant, neglected buildings may endanger life, health, property, or safety. These dangerous buildings left vacant and open may attract vagrants and criminals, or curious children who might be harmed. A vacant building registration ordinance can put in place an efficient and transparent tool for addressing the property and public health and safety concerns associated with vacant and dangerous buildings. As a coastal community subject to windstorms and hurricanes, Galveston is particularly concerned about the structural integrity of buildings where loose objects may become airborne and a threat to life and public safety.

Statewide Importance: Municipalities across the state struggle with vacant and dangerous buildings which promote urban blight and impede sustainable economic growth.

Submitted By:

Name:	Sally Bakko
Title:	Legislative Coordinator
City:	Galveston
Email:	sbakko@galvestontx.gov
Telephone:	(409) 797-3535

4.

A RESOLUTION SUPPORTING LEGISLATION THAT EXTENDS TO ALL MUNICIPALITIES VACANT REGISTRATION ORDINANCE AUTHORITY GRANTED TO CERTAIN MUNICIPALITIES UNDER SECTION 214.233 OF THE LOCAL GOVERNMENT CODE

WHEREAS, the Galveston City Council passed Ordinance No.17-077 that updated and consolidated the substandard and dangerous building definitions, penalties and fees, notice requirements, and means of appeal for continued use and occupancy of all residential and commercial buildings to protect health, life and property as allowed under state law; and

WHEREAS, the City of Galveston is committed to fair and impartial code enforcement that reasonably balances sound private property right protections with public health and safety concerns, while respecting the community's historical preservation goals; and

WHEREAS, the City of Galveston can face significant time delays when identifying the last known owner of vacant buildings through the Galveston Central Appraisal District system; and

WHEREAS, Section 214.233 of the Local Government Code limits authority to a municipality located in a county with a population of two million or more to adopt an ordinance requiring owners of vacant buildings to register their buildings by filing a registration form with a designated official; and

WHEREAS, in an ordinance adopted under Section 214.33 of the Local Government Code, the effected municipality may exempt certain classifications of buildings as determined reasonable and appropriate by the governing body of the municipality; and

WHEREAS, the City of Galveston seeks legislation that will extend the authority granted under 214.33 of the Local Government Code to all municipalities seeking to adopt an ordinance requiring owners of vacant buildings to register their buildings by filing a registration form with the designated municipal official;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2018 Annual Conference of the Texas Municipal League that the League support legislation that will extend the authority granted under 214.33 of the Local Government Code to all municipalities seeking to adopt an ordinance requiring owners of vacant buildings to register their buildings by filing a registration form with the designated municipal official.

PASSED AND APPROVED by the Resolutions Committee of the Texas Municipal League this 11th day of October, 2018, at Fort Worth, Texas.

APPROVED:

Holly Gray-Moore,
President

ATTEST:

Bennett Sandlin,
Executive Director

2018
TML RESOLUTION COVER SHEET

Sponsoring Entity: City of Marble Falls

Brief Background: During 2017-2018, a company proposed to locate a rock crushing quarry in the City at a location near a recently constructed hospital and clinic in an area targeted for significant economic and business development. A “standard permit” is required from the Texas Commission on Environmental Quality (TCEQ) and while the City was allowed to submit comments, there was no provision for a contested case hearing and the City was required to file suit in district court in order to block the project.

What the Resolution is Intended to Accomplish: The purpose of the resolution is to propose that TML seek introduction and passage, or at least support, legislation that requires TCEQ to obtain the consent of a city before it approves a standard permit or other authorization that allows a rock crushing, concrete crushing or similar operation to be located in that city or its ETJ. Alternatively, such legislation could allow a city to impose minimum distances between such operations and a hospital, church, school or residence or to otherwise provide cities with greater notice and response authority, such as verification that the project is consistent with the city’s zoning regulations for the location.

How the Resolution is City-Related/How it Addresses a Municipal Issue: Marble Falls is only one of several Texas cities that has had a similar experience recently with regard to such projects. TCEQ’s jurisdiction and basis for permitting such facilities focuses almost exclusively on air pollution issues, whereas such projects have the potential for significant conflict with a city’s comprehensive planning, economic development, noise pollution, and detrimental impact on local property values. This is not a city versus city issue.

Statewide Importance: Rock crushing and similar projects may be located at any location in the state that contains particular mineral deposits, has favorable geologic features, or for which significant supplies of concrete are available for processing. The experience of Marble Falls and other cities have encountered that issue is not limited by geography, and will become more common as populations and development increases.

Submitted By:

Name:	Mike Hodge
Title:	City Manager
City:	Marble Falls
Email:	mhodge@marblefallstx.gov
Telephone:	(830) 693-6737

A RESOLUTION RELATING TO LEGISLATION REQUIRING THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO OBTAIN THE CONSENT OF A CITY BEFORE ISSUING A STANDARD PERMIT FOR CERTAIN ACTIVITIES IN THE CORPORATE LIMITS OR EXTRATERRITORIAL JURISDICTION OF THAT CITY OR LEGISLATION THAT WILL OTHERWISE GRANT AUTHORITY TO SUCH A CITY TO RESTRICT, PREVENT, OR REGULATE SUCH ACTIVITIES THEREIN, OR LEGISLATION THAT WILL PROHIBIT TCEQ FROM ISSUING A STANDARD PERMIT FOR ACTIVITIES PROPOSED IN THE CITY LIMITS UNLESS THE CITY VERIFIES THAT SUCH ACTIVITY IS ALLOWED UNDER THE CITY'S ZONING REGULATIONS

WHEREAS, pursuant to Sec. 382.05195, Texas Health & Safety Code, the Texas Commission on Environmental Quality (TCEQ) is authorized to issue a standard permit for certain activities, including rock crushing operations, cement crushing operations, and other projects within the corporate limits or extraterritorial jurisdiction of municipality without that municipality's consent and without a contested case hearing; and

WHEREAS, during the past year a rock crushing operation was permitted by TCEQ that was to be located within the City of Marble Falls near a new hospital and clinic and within an area planned for significant economic development, despite the City's objections and comments to the TCEQ, such that the City was obligated to file suit in district court in an attempt to prevent the location of the rock crushing operation at that site; and

WHEREAS, it is understood and believed that other Texas cities have or are experiencing similar issues related to rock crushing and concrete crushing operations or other types of activities that may be authorized by TCEQ through a standard permit;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2018 Annual Conference of the Texas Municipal League that the League:

1. Seek introduction and passage of one or more bills in the legislative session in 2019 that will require city consent before TCEQ shall be authorized to issue a standard permit for a rock crushing operation, cement crushing operation, or any similar activity that may be authorized under a standard air permit from TCEQ within the corporate limits or ETJ of a city.
2. Alternatively, or in addition, such legislation may authorize a city to restrict, prevent, or regulate the locating of such activities in the city's corporate limits or ETJ in other manners, such as imposing minimum distance from such operations and schools, hospitals, churches, and residences.
3. Alternatively, or in addition, such legislation may require TCEQ to provide notice of applications for standard permits to cities for activities proposed in the city's corporate limits or ETJ and require TCEQ to address any and all comments received from the City as required by Sec. 382.112 of the Texas Health & Safety Code.
4. Alternatively, or in addition, such legislation may prohibit TCEQ from issuing a standard permit for activities proposed in the city's corporate limits or ETJ unless the city verifies that the proposed in the city's corporate limits or ETJ unless the city verifies that the

proposed activity is authorized under the city's zoning ordinance or comprehensive plan to locate at the proposed location.

PASSED AND APPROVED by the Resolutions Committee of the Texas Municipal League this 11th day of October, 2018, at Fort Worth, Texas.

APPROVED:

Holly Gray-Moore,
President

ATTEST:

Bennett Sandlin,
Executive Director

2018
TML RESOLUTION COVER SHEET

Sponsoring Entity: City of New Braunfels

Brief Background: The City of New Braunfels City Council recognizes that state legislation can impact all Texas cities. Therefore, we proactively identified key topics that are of concern, not only to New Braunfels, but to fellow Texas cities as well.

What the Resolution is Intended to Accomplish: This resolution is intended to inform TML of New Braunfels' positions on potential legislation so that they can become part of TML's advocacy efforts in the 2018 session.

How the Resolution is City-Related/How it Addresses a Municipal Issue: This resolution and accompanying statements express New Braunfels' positions on legislation that would impact our ability to serve our citizens, as well as all Texas cities' abilities to govern.

Statewide Importance: Each session, more and more bills are filed that impact cities. The positions New Braunfels has taken in the attached resolution are broad statements that many if not all cities can agree upon to ensure local decision making remains closest to the people.

Submitted By:

Name:	Robert Camareno
Title:	City Manager
City:	New Braunfels
Email:	RCamareno@nbtexas.org
Telephone:	(830) 221-4280

A RESOLUTION RELATING TO THE LEGISLATIVE PRIORITIES FOR THE CITY OF
NEW BRAUNFELS

WHEREAS, the Texas Municipal League has requested that member cities submit resolutions by August 27, 2018, with recommendations for consideration to the TML's advocacy efforts in the 2019 Legislative Session; and

WHEREAS, city staff and city council have made recommendations for legislative priorities;

WHEREAS, the Texas Municipal League has requested that member cities submit resolutions by August 27, 2018, with recommendations for consideration to the TML's advocacy efforts in the 2019 Legislative Session; and

WHEREAS, City of New Braunfels city staff and city council have made recommendations for legislative priorities and seek to have those become a part of TML's advocacy efforts in the 2019 Legislative Session;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2018 Annual Conference of the Texas Municipal League that the League support the Legislative Priorities for the City of New Braunfels, including the following:

1. support legislation that would provide municipalities the authority to:
 - a. regulate sober living homes in residential neighborhoods through zoning
 - b. require local registration of sober living homes to include the property owner/landlord contact information as well as tenant listing
 - c. require annual safety and fire inspections of sober living homes
 - d. require the issuance of a certificate of occupancy for sober living homes
 - e. require notification of surrounding property owners when a sober living home is entering a neighborhood
2. support legislation that would grant cities in the state's fastest growing counties, the authority to require and issue building permits in the ETJ.
3. support legislation that would grant the fastest growing Texas counties zoning, land use regulation, building permitting, and building inspection authority in unincorporated areas.
4. support 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.

5. encourage the State of Texas to expand its efforts at ensuring collection of hotel occupancy tax from overnight lodging providers, to include capture of taxes due to counties and cities as well.

PASSED AND APPROVED by the Resolutions Committee of the Texas Municipal League this 11th day of October, 2018, at Fort Worth, Texas.

APPROVED:

Holly Gray-Moore,
President

ATTEST:

Bennett Sandlin,
Executive Director

2018
TML RESOLUTION COVER SHEET

Sponsoring Entity: City of Palestine

Brief Background: The Supreme Court of the United States recently held that states could require companies to collect sales taxes on goods that were shipped to other states. This was formerly a situation where the state was limited to collecting revenue on shipments that were either taken in Texas or shipped from a Texas location.

What the Resolution is Intended to Accomplish: The resolution is intended to accomplish a fairer, more reasonable, system of determining the taxable situs of the shipment when a city is the location of shipment. The resolution would ensure that cities that are typically not represented in the system of taxation receive their fair share.

How the Resolution is City-Related/How it Addresses a Municipal Issue: The resolution is City-Related in that it deals with City taxation.

Statewide Importance: The resolution has statewide importance in that it deals with statewide fairness.

Submitted By:

Name:	Ronald D. Stutes
Title:	City Attorney
City:	Palestine
Email:	ronstutes@potterminton.com
Telephone:	(903) 597-8311

7.

A RESOLUTION RELATING TO SALES TAX

WHEREAS, the Texas Municipal League supports its members and the right of those members to urge the institution to support the provisions urged upon it; and

WHEREAS, the Resolutions Committee will consider those initiatives submitted by member cities no later than 5 p.m. on August 27, 2018; and

WHEREAS, the City of Palestine would urge the consideration and adoption of legislation that would provide for a more workable sales tax collection system;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2018 Annual Conference of the Texas Municipal League that the League seek introduction and passage of a bill which would apply sales tax to those entities with a Texas nexus. It would provide that state and local sales tax of all sales of goods being shipped to Texas points at the rate of the final destination point. It would be up to the comptroller if he were to use a fair method of estimation.

PASSED AND APPROVED by the Resolutions Committee of the Texas Municipal League this 11th day of October, 2018, at Fort Worth, Texas.

APPROVED:

Holly Gray-Moore,
President

ATTEST:

Bennett Sandlin,
Executive Director

2018
TML RESOLUTION COVER SHEET

Sponsoring Entity: City of Sugar Land

Brief Background: On April 14, 2015, there was an accidental release of Cesium 137 – a radioactive material found in gauges used in the petrochemical and oil industries – inside the Thermo Fisher Scientific building in Sugar Land, Texas. State records show several Thermo Fisher employees had low, non-harmful levels of radioactive material in their homes and cars. Upon further investigation, more radioactive materials were found in a city ditch plus six other properties in the industrial area where Thermo Fisher is located.

The City was never notified of any incident involving the release of radioactive materials until reporters from the media started calling the City with questions. The City took proactive, deliberate measures to obtain answers from Thermo Fisher and the Department of State Health Services (DSHS) the regulatory agency responsible for monitoring radioactive materials and cleanup. State officials explained that since the levels of radiation were too low to be a public health threat, there was no requirement of the State to notify the City. Moreover, the business explained that they could not release certain information, such as the exact location of particles on City-owned property, because of disclosure requirements with the State. After months of effort and a meeting with the head of DSHS, the City was able to obtain heavily censored information from DSHS about the release which aided the City in reaching a remediation agreement with Thermo Fisher. The agreement holds Thermo Fisher to the highest standard by ensuring the company restores City-owned and all other affected properties to their original condition and conducts surveying and remediation of surrounding properties.

As of May 3, 2018, Thermo Fisher has removed contamination from 14 properties and the City's ditch. Surveys of surrounding properties continue, including rights-of-way along a street in the Sugar Land Business Park.

What the Resolution is Intended to Accomplish: Seek introduction and passage of legislation granting cities the right to obtain information on incidents within their jurisdiction that affect the public health of the general public and first responders and obligating state agencies to provide immediate notice to cities when incidents occur that may result in an immediate public health risk or compromise critical infrastructure within the city.

How the Resolution is City-Related/How it Addresses a Municipal Issue: Cities have a responsibility to promote and enhance the safety and wellbeing of their citizens. This resolution does not seek for cities to have more regulatory authority, it only seeks to ensure that cities and municipalities are informed and have access to information regarding public health issues within their boundaries.

Statewide Importance: Currently, State agencies such as the Department of State Health Services (DSHS) are not required to notify the City of incidents involving hazardous materials if concentrations of the material are determined to be below acceptable levels set out by the State. Furthermore, cities are not provided with a list of properties that are licensed to handle hazardous

materials or a list of what those hazardous materials may be. This can put first responders at risk when responding to emergencies at these locations. Difficulties in obtaining this information can be compounded when the State enters into confidentiality agreements with the property owners or when information about the materials is restricted due to homeland security issues. To ensure that the health and safety of the general public is secured, cities throughout the state need to be notified of potential public health issues and have access to information.

Submitted By: **Name:** Rick Ramirez
 Title: Intergovernmental Relations Manager
 City: Sugar Land
 Email: rxramirez@sugarlandtx.gov
 Telephone: (281) 275-2451

8.

A RESOLUTION RELATING TO GRANTING CITIES THE RIGHT TO OBTAIN INFORMATION ON INCIDENTS WITHIN THEIR JURISDICTION THAT AFFECT THE PUBLIC HEALTH OF THE GENERAL PUBLIC AND FIRST RESPONDERS AND OBLIGATING STATE AGENCIES TO PROVIDE IMMEDIATE NOTICE TO CITIES WHEN INCIDENTS OCCUR THAT MAY RESULT IN AN IMMEDIATE PUBLIC HEALTH RISK OR COMPROMISE CRITICAL INFRASTRUCTURE WITHIN THE CITY

WHEREAS, cities have a responsibility to promote and enhance the safety and wellbeing of their citizens; and

WHEREAS, cities are the first responders to emergencies occurring within the city's jurisdiction; and

WHEREAS, cities have first-hand knowledge of the critical infrastructure located within the city that may be compromised during an incident; and

WHEREAS, state agencies do not have a requirement to notify cities of incidents occurring in the city's jurisdiction; and

WHEREAS, to ensure that the health and safety of the general public is secured, that first responders are properly protected and use the proper resource to resolve incidents, and that cities are able to quickly respond and protect critical infrastructure, state agencies must notify cities of incidents related to public health issues and provide access to information regarding public health issues within the city's jurisdiction;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2018 Annual Conference of the Texas Municipal League that the League seek introduction and passage of legislation that grants cities the right to obtain information and the right to receive notice of incidents affecting public health from state agencies, especially when that information is vital to both the protection of the general public and first responders.

PASSED AND APPROVED by the Resolutions Committee of the Texas Municipal League this 11th day of October, 2018, at Fort Worth, Texas.

APPROVED:

Holly Gray-Moore,
President

ATTEST:

Bennett Sandlin,
Executive Director

2018
TML RESOLUTION COVER SHEET

Sponsoring Entity: Texas Court Clerks Association

Brief Background: During the past legislative sessions, a number of bills were passed that changed the number of types of Class “C” violations that may be dismissed upon proof of compliance. The fees that may be charged vary from \$10.00 to \$20.00 depending on what type of compliance it relates as well as the required days allowed to provide proof of compliance from the original appearance date to 20 working days following the date of offense.

What the Resolution is Intended to Accomplish: This resolution requests that TML seek introduction and passage of legislation to bring uniformity and consistency to Class “C” violation compliance dismissals. **Note:** These compliance dismissals do not include after completion of driving safety, deferred disposition, or teen court but bringing defective equipment, expired registrations into compliance uniformity.

How the Resolution is City-Related/How it Addresses a Municipal Issue: It can be confusing for clerks working customer service windows to keep track of and or consider all of the various different regulations regarding compliance dismissals. More uniformity and consistency will make these efforts more efficient for personnel and will provide a consistency among the different courts.

Statewide Importance: According to OCA statistics, approximately 300,000 compliance dismissals were processed in municipal courts in the past year. All municipal courts in the state process these cases. The Texas Court Clerks Association is not aware of persons or courts that would be opposed.

Submitted By:

Name:	Lisa Howard
Title:	President, TCCA
City:	Hurst
Email:	lhoward@hursttx.gov
Telephone:	(817) 788-7058

A RESOLUTION TO SEEK INTRODUCTION AND PASSAGE OF LEGISLATION TO BRING UNIFORMITY TO CLASS “C” MISDEAMEANOR VIOLATION COMPLIANCE DISMISSAL REGULATIONS AND FEES

WHEREAS, a number of bills have been passed during Legislative Sessions authorizing courts to dismiss certain Class “C” violations upon proof of compliance; and

WHEREAS, the deadlines for compliance vary depending on violation from initial appearance date on the citation (minimum of 10 days) to 20 working days from the date of violation; and

WHEREAS, the fees to process compliance dismissals range from \$10.00 to \$20.00 depending on violation and or specifics of the violation; and

WHEREAS, the Office of Court Administration statistics show that approximately 300,000 cases were dismissed during the last year following compliance which makes processing these cases a regular occurrence in municipal courts; and

WHEREAS, Uniformity and consistency aid in the efficiency and accuracy of court processes and procedures, and provide for more equal administration of justice among courts;

NOW THEREFORE, BE IT RESOLVED by the delegates assembled at this 2018 Annual Conference of the Texas Municipal League that the League seek introduction and passage of legislation that would provide consistency and uniformity in the compliance deadlines and fees for compliance dismissals of Class “C” misdemeanors.

PASSED AND APPROVED by the Resolutions Committee of the Texas Municipal League this 11th day of October, 2018, at Fort Worth, Texas.

APPROVED:

Holly Gray-Moore,
President

ATTEST:

Bennett Sandlin,
Executive Director

2018
TML RESOLUTION COVER SHEET

Sponsoring Entity: Texas Court Clerks Association

Brief Background: During the 85th legislative session the legislature passed S.B. 1187 mandating peace officers verify financial responsibility through a financial verification program. Currently only Texas Department of Public Safety, recognized state or local police or law enforcement agencies and Vehicle Registration Offices are allowed access to TexasSure databases.

What the Resolution is Intended to Accomplish: This resolution requests that TML seek introduction and passage of legislation to allow municipal courts access to the TexasSure database system to verify whether financial responsibility exists on a vehicle to help expedite processes for a clerk validating proof of financial responsibility.

How the Resolution is City-Related/How it Addresses a Municipal Issue: This will allow court staff to accurately and quickly verify coverage without the necessity of spending time calling insurance companies to get required information. It can be difficult and time consuming to contact insurance companies to verify this information.

Statewide Importance: All municipal courts in the state are required by law to verify financial responsibility prior to dismissal of citations for failure to maintain financial responsibility. Court clerks spend time contacting various insurance companies to verify each dismissal. The Texas Court Clerks Association is not aware of persons or courts that would be opposed.

Submitted By:

Name:	Lisa Howard
Title:	President, TCCA
City:	Hurst
Email:	lhoward@hursttx.gov
Telephone:	(817) 788-7058

10.

**A RESOLUTION TO SUPPORT PASSAGE OF LEGISLATION TO ALLOW COURTS
ACCESS TO TEXASSURE DATABASE TO VERIFY FINANCIAL RESPONSIBILITY**

WHEREAS, the 85th Legislature passed S.B. 1187 mandating peace officers to verify financial responsibility prior to citation issuance; and

WHEREAS, all courts in the state are required by law to verify financial responsibility prior to dismissal of citations for failure to maintain financial responsibility; and

WHEREAS, the Office of Court Administration statistics show that approximately 85,000 cases were dismissed during the last year following proof of financial responsibility which makes processing these cases a regular occurrence in municipal courts, and

WHEREAS, access to TexasSure database for verification of financial responsibility would expedite the process of verifying insurance and thus save courts time; and

NOW THEREFORE, BE IT RESOLVED by the delegates assembled at this 2018 Annual Conference of the Texas Municipal League that the League seek introduction and passage of legislation that would provide courts with access to TexasSure database to verify financial responsibility.

PASSED AND APPROVED by the Resolutions Committee of the Texas Municipal League this 11th day of October, 2018, at Fort Worth, Texas.

APPROVED:

Holly Gray-Moore,
President

ATTEST:

Bennett Sandlin,
Executive Director

2018
TML RESOLUTION COVER SHEET

Sponsoring Entity: Texas Court Clerks Association

Brief Background: During the 85th legislative session the legislature passed S.B. 42 mandating the creation of the Court Security Committee otherwise known as the Judge Julie Kocurek Judicial and Courthouse Security Act of 2017. The Municipal Court Building and Security Fund is currently \$3.00 per conviction to be used for security purposes in the operation of Municipal Court. Additionally the Municipal Court Technology Fund is currently \$4.00 per conviction to be used for financing and maintaining technological enhancements for the Municipal Court.

What the Resolution is Intended to Accomplish: This resolution requests that TML seek introduction and passage of legislation to bring these two fees up to \$5.00 each to cover the needed costs associated with additional security measures and technological advanced security supporting the needed security measures for municipal courts. **Note:** The Juvenile Case Manager Fee is currently at \$5.00 per conviction which supports the Juvenile Case Manager's salary and expenses.

How the Resolution is City-Related/How it Addresses a Municipal Issue: It can be difficult for cities to find funding to address inadequate security measures in their courthouses with the \$3.00. With an extra \$2.00 for the building and security fund and an extra \$1.00 for the technology fund that will give additional allocated dollars to address some of those inadequacies.

Statewide Importance: With the passing of S.B. 42 and the mandated implementation of the Court Security Committee this will give courts across the state additional funding to help ease budgets during the implementation process of some of the security measures necessary to bring their courthouses into a more secure environment and allow for additional technology dollars to implement cameras, monitors or servers to help support those increased security measures. All municipal courts in the state are required by law to implement the Security Committee and ensure courtroom security. The Texas Court Clerks Association is not aware of persons or courts that would be opposed.

Submitted By:

Name:	Lisa Howard
Title:	President, TCCA
City:	Hurst
Email:	lhoward@hursttx.gov
Telephone:	(817) 788-7058

11.

A RESOLUTION TO SEEK INTRODUCTION AND PASSAGE OF LEGISLATION TO PROVIDE ADDITIONAL FUNDING FOR THE MUNICIPAL COURT BUILDING AND SECURITY FUND AND THE MUNICIPAL COURT TECHNOLOGY FUND

WHEREAS, the 85th Legislature passed SB 42, named the Judge Julie Kocurek Judicial and Courthouse Security Act of 2017, mandating a Court Security Committee be formed; and

WHEREAS, all courts must implement this committee and use resources to meet the deficiencies with local funds through Municipal Building Security Fund and the Municipal Court Technology Fund; and

WHEREAS, the fees for the Municipal Building Security Fund is \$3.00 per conviction and the Municipal Court Technology Fund is \$4.00; and

WHEREAS, the increased funds would assist in the additional security measures to implement security committee recommendations throughout the state; and

WHEREAS, these additional funds would aid in the efficiency and implementation of needed security measures for courts across the state and increase needed resources to meet those mandates;

NOW THEREFORE, BE IT RESOLVED by the delegates assembled at this 2018 Annual Conference of the Texas Municipal League that the League seeks introduction and passage of legislation that would provide additional resources for funding through the Municipal Court Building and Security Fund and the Municipal Court Technology Fund.

PASSED AND APPROVED by the Resolutions Committee of the Texas Municipal League this 11th day of October, 2018, at Fort Worth, Texas.

APPROVED:

Holly Gray-Moore,
President

ATTEST:

Bennett Sandlin,
Executive Director

2018
TML RESOLUTION COVER SHEET

Sponsoring Entity: Texas Municipal Library Directors Association

Brief Background: The mission and performance of the Texas State Library and Archives Commission is under review by the Legislature as required by the Texas Sunset Act.

What the Resolution is Intended to Accomplish: The goal is to support the Texas State Library and Archives Commission's Reauthorization so it may continue to serve municipal library users and assist in the timely maintenance and preservation of Texas archival records.

How the Resolution is City-Related/How it Addresses a Municipal Issue: Municipal Libraries are the informational backbones of their communities, providing essential educational, informational, and economic needs to their citizens. Reauthorization will allow the Commission to continue to provide extensive digital resources to municipal library users. Support of the Commission's Reauthorization ensures that Texans of all ages will continue to benefit from superior educational resources and services, to promote a vibrant citizenry and a dynamic environment for personal, professional, and economic success. The Commission also preserves archival records of Texas and assists public agencies and municipalities in the timely maintenance of their records.

Statewide Importance: Libraries of all types across Texas partner with the Commission to ensure that Texans of all ages benefit from superior educational resources and services, services to promote an educated and vibrant citizenry, and a dynamic environment for personal, professional, and economic success. Municipalities and public agencies will continue to receive support for the maintenance of archival records.

Submitted By:

Name:	Kate P. Horan, MLS
Title:	President TMLDA/Library Director of McAllen Public Library
City:	McAllen
Email:	khoran@mcallen.net
Telephone:	(956) 681-3008

A RESOLUTION SUPPORTING TEXAS STATE LIBRARY AND ARCHIVES
COMMISSION REAUTHORIZATION

WHEREAS, The Texas State Library and Archives Commission's mission is to ensure that citizens have access to the information they need to lead informed, productive, and fulfilled lives; and

WHEREAS, the Commission accomplishes this by preserving the archival record of Texas; enhancing the service capacity of academic, public, and school libraries; assisting public agencies in the maintenance of their records; and meeting the reading needs of Texans with disabilities; and

WHEREAS, the Commission facilitates access to library and information services allowing individuals to achieve their personal, educational and professional goals, most notably through extensive digital content provided to all Texans; and

WHEREAS, the Commission develops and provides professional standards and professional development to support and assist public and school libraries in providing the highest quality of services to Texans, and

WHEREAS, the Commission collaborates closely with Texas libraries to meet ever-evolving needs in our society where digital literacy and inclusion is essential, including expanding broadband access; and

WHEREAS, the mission and performance of the Commission are under review by the Legislature as required by the Texas Sunset Act; and

WHEREAS, the Commission remains relevant and necessary, fulfills vital state functions and service to municipalities, and is an outstanding steward of public resources;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2018 Annual Conference of the Texas Municipal League that the League supports the Texas State Library and Archives Commission and the work it does to advance fundamental and diverse state interests and respectfully requests that the Texas Sunset Commission recommend reauthorization of the Texas State Library and Archives Commission so that it may continue its essential work on behalf of all Texans.

PASSED AND APPROVED by the Resolutions Committee of the Texas Municipal League this 11th day of October, 2018, at Fort Worth, Texas.

APPROVED:

Holly Gray-Moore,
President

ATTEST:

Bennett Sandlin,
Executive Director

The following resolution was submitted late by the City of West Lake Hills.

TM
BOJORQUEZ
LAW FIRM, PC
TexasMunicipalLawyers.com

12325 Hymeadow Drive
Suite 2-100
Austin, Texas 78750

Phone: (512) 250-0411
Fax: (512) 250-0749
TexasMunicipalLawyers.com

September 13, 2018

Bennet Sandlin
Executive Director
Texas Municipal League
1821 Rutherford Lane, Suite 400
Austin, TX 78754-5101

RE: Reason for Late Submission

Dear Mr. Sandlin:

Please find attached the following Resolution for consideration:

A Resolution Relating to the Authority of a Municipality to Regulate and Enforce Sign Ordinances, Including Repealing State Law Limiting Regulation of Political Signs

Please accept my apology for the late submission of the attached Resolution. We were unable to meet the regular resolution submission deadline because the issue only recently came to the City's attention due to the upcoming election season and the state statute's effect on the City's regulation of political signs. Also, the late submission is due to the scheduling of City of West Lake Hills, Texas city council meetings which were after the deadline for filing.

Thank you. Please feel free to contact me if you have any questions.

Sincerely,



Laura Mueller
Assistant City Attorney

LM/cc
Enclosure

CC: Robert Wood, City Administrator, City of West Lake Hills

2018
TML RESOLUTION COVER SHEET

Sponsoring Entity: City of West Lake Hills

Brief Background: Based on the 2015 *Reed v. Town of Gilbert*, No. 13-502 (2015) case, each city in the United States is required to review its sign code. The Supreme Court in *Reed* held that any distinction in treatment of different types of noncommercial signs based on message, including political signs was unconstitutional for almost all purposes. In contravention to this, Section 216.903 of the Local Government Code mandates that cities treat political signs differently than any other type of sign.

What the Resolution is Intended to Accomplish: Repeal Section 216.903 of the Local Government Code to harmonize state law with city ordinances which, having been written according to constitutional requirements, no longer provides special benefits to any particular noncommercial sign including political signs.

How the Resolution is City-Related/How it Addresses a Municipal Issue: Cities that regulate signs must comply with state law as well as constitutional requirements. When the two conflict it is confusing and could lead to litigation if a sign owner or property owner believes a city ordinance is in conflict with a state law, even if that state law is now unconstitutional. This change would prevent any confusion due to the conflict of these two laws.

Statewide Importance: Section 216.903 and the constitutional mandate from *Reed v. Town of Gilbert* affect every city in Texas.

Submitted By:

Name:	Laura Mueller
Title:	Assistant City Attorney
City:	West Lake Hills
Email:	laura@texasmunicipallawyers.com
Telephone:	(512) 250-0411

A RESOLUTION RELATING TO THE AUTHORITY OF A MUNICIPALITY
TO REGULATE AND ENFORCE SIGN ORDINANCES, INCLUDING
REPEALING STATE LAW LIMITING REGULATION OF POLITICAL SIGNS.

WHEREAS, Texas Local Government Code Section 216.903 requires a municipality to regulate political signs differently than other types of signs; and

WHEREAS, the Supreme Court of the United States has held that it is unconstitutional for a municipality to regulate any type of non-commercial signs, such as political signs, differently than other types of signs under the First Amendment to the United States Constitution; and

WHEREAS, Municipalities who amend their signs ordinances to be in accordance with the Supreme Court ruling will not also be able to comply with Section 216.903 of the Texas Local Government Code; and

WHEREAS, the Texas Local Government Code should be amended by eliminating requirements that a municipality treat political signs differently than other signs.

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2018 Annual Conference of the Texas Municipal League that the League support any bill amending or repealing Section 216.903 of the Texas Local Government Code.

PASSED AND APPROVED by the Resolutions Committee of the Texas Municipal League this 11th day of October, 2018, at Fort Worth, Texas.

APPROVED:

Holly Gray-Moore,
President

ATTEST:

Bennett Sandlin,
Executive Director

1.

A RESOLUTION
AMENDING THE TEXAS MUNICIPAL LEAGUE CONSTITUTION
AS IT RELATES TO THE ELIMINATION OF THE RESOLUTIONS COMMITTEE

WHEREAS, the Texas Municipal League (TML) Constitution provides that “[t]he purpose of this organization is to advance and sustain the interests of the cities of Texas;”

WHEREAS, one of the League’s core functions in advancing and sustaining the interests of Texas cities is through a legislative policy development process to guide the League in its advocacy efforts;

WHEREAS, TML President Holly Gray Moore appointed members to a Blue Ribbon Legislative Committee on Advocacy Strategy;

WHEREAS, the Blue Ribbon Committee met on February 2, 2018, and recommended that the legislative policy development process be streamlined;

WHEREAS, the recommendation included the elimination of the constitutional Resolutions Committee, with a part-and-parcel directive to add that process to the duties of the membership at the annual Business Meeting; and

WHEREAS, Section 11.01 of the TML Constitution allows amendments at any Annual Conference of the League by a two-thirds vote of the membership present and voting, provided the proposed amendment shall have first been prepared in writing and submitted to the Board of Directors on or before the first day of the Annual Conference.

NOW, THEREFORE, BE IT RESOLVED that Section 8.2 of the TML Constitution be amended as follows:

Section 8.2 – **Resolutions and Annual Business Meeting.** ~~Not later than thirty days prior to the Annual Conference, the President shall appoint a Resolutions Committee, which Committee shall consist of not less than fifty (50) city officials who will be in attendance at the Annual Conference, preferably officials who are familiar with the objectives and history of the League.~~

No resolution shall be eligible to be considered at the Business Meeting ~~by the Resolutions Committee~~ unless the same has been delivered to the Texas Municipal League headquarters office in Austin at least forty-five (45) full calendar days prior to the first day of the Annual Conference at which the Business Meeting Resolutions Committee will convene. Provided, however, that any proposed resolution that has not been submitted in accordance with this requirement may be considered at ~~by~~ the Business Meeting Resolutions Committee if two-thirds ~~(2/3)~~ of the ~~Committee~~ members present and voting vote in favor of suspending such requirement. Resolutions submitted later than 45 days prior to the first day of the Annual Conference must state the reason precluding timely submission.

No resolution shall be considered or adopted unless it has some direct relation to municipal affairs. All resolutions to be adopted by the membership shall be adopted at the ~~m~~Business ~~Meeting in the General Assembly~~ at the Annual Conference. Resolutions pertaining to amendments to this Constitution, relative to membership dues or to new affiliates of the League shall, before their submission to the membership, receive prior approval only from the Board of Directors, as otherwise provided in this Constitution; all other resolutions not reserved herein for approval exclusively by the Board of Directors shall be ~~first~~ considered at ~~by~~ the Business Meeting Resolutions Committee ~~except as hereinafter provided. No resolution considered by the Resolutions Committee shall be eligible to be considered at the business meeting of the Annual Conference unless the same shall have been adopted by a majority vote of the Committee members present and voting at the meeting of the Resolutions Committee. A resolution relative to a matter within the jurisdiction of the Resolutions Committee which has not received prior approval of said committee may be offered from the floor and considered by the membership in the business session at the Annual Conference only by a two thirds (2/3) vote in favor of suspension of the rule requiring prior approval by said Committee.~~

PASSED AND APPROVED by the membership of the Texas Municipal League this 11th day of October 2018, at Fort Worth Texas.

APPROVED:

Holly Gray Moore
President

ATTEST:

Bennett Sandlin
Executive Director

2.

A RESOLUTION
INCREASING TML MEMBER CITIES' SERVICE FEES

WHEREAS, TML member city service fees were last increased in 2016; and

WHEREAS, in June 2015, the TML Board adopted a "Reserve Zones Policy" to determine what actions should be taken when adopting each year's budget; and

WHEREAS, pursuant to that policy, the current reserve is at approximately 45.7 percent of annual operating costs; and

WHEREAS, that level is consistent with "Zone 2" of the policy, which calls for regular, modest fee increases and deficit budgeting in legislative years only; and

WHEREAS, the cost of providing the League's services continues to climb; and

WHEREAS, the TML Board has unanimously determined that it is in the best interest of the League to raise its member cities' service fees.

NOW, THEREFORE, BE IT RESOLVED that TML member city service fees shall be increased by five percent; and

BE IT FURTHER RESOLVED that this increase shall be effective for all TML member city service fees payable on or after January 1, 2019.

PASSED AND APPROVED by the membership of the Texas Municipal League this 11th day of October, 2018, at Fort Worth, Texas.

APPROVED:

Holly Gray-Moore
President

ATTEST:

Bennett Sandlin
Executive Director