

CITY OF EL PASO
~~**INTERIM 2010**~~ **STATE LEGISLATIVE**
~~**PRIORITIES IN PREPARATION FOR**~~
82ND LEGISLATIVE SESSION



MAYOR AND CITY COUNCIL

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CITY OF EL PASO

INTERIM 2010 State Legislative Priorities

In preparation for the 82nd Legislative Session

Strategic Policy Statements: The City Council of the City of El Paso has met to formulate strategic policies to serve as guiding principles for the governance of the City of El Paso. Decision regarding City of El Paso positions regarding legislative matters will be weighed against these guiding principles when formulating positions.

1. **FISCAL:** The City of El Paso will seek to ensure long-term fiscal stability and sustainability of the City government.
2. **CUSTOMER SERVICE:** The City of El Paso will be a high performance, customer focused organization.
3. **CITIZEN INVOLVEMENT:** The City of El Paso will facilitate opportunities for citizens to be involved in local government.
4. **TRANSPORTATION:** The City of El Paso has a goal of becoming the least car dependent City in the Southwest.
5. **COMMUNITY DEVELOPMENT:** The City of El Paso shall become the most livable city in the United States and be recognized as an international city.
6. **ECONOMIC DEVELOPMENT:** The City of El Paso will help business create quality jobs in El Paso and revitalize targeted areas of town, thereby adding to the tax base and fostering a healthy economy.

General Principles: The City of El Paso supports legislation that enhances the City's ability to solve problems and improve the quality of life for its citizens. The City of El Paso opposes legislation that reduces the City's authority or increases the City's costs. We will work with other Cities to enhance and protect the authority of municipalities and to ensure that City taxpayers are not burdened with additional unfunded mandates.

The City of El Paso will also support legislative initiatives of community partners that enhance the educational, cultural, and infrastructure resources in our region.

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

- I. **Priority Legislative Initiatives** - The City will actively seek to secure legislators to author bills for these initiatives, unless otherwise noted. The City will support and provide positive testimony for these initiatives and actively pursue passage of the bill.
- II. **Statement of Support or Opposition** – City staff and authorized representatives will make known the City’s position on these issues. Depending on the issue, staff will work to either assist in the passage of the bill or work against passage to preserve the City’s interests. The important distinction between this category and the earlier category is that the City will not seek introduction of any legislation, but will vocalize the City’s position in support or opposition.
- III. **Issues to Monitor** – City staff and authorized representatives will monitor and track the development of any related legislation. Staff will seek advice and direction from the Mayor before taking an official position or taking any action to influence an outcome.

For more information, please feel free to contact:

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I. PRIORITY LEGISLATIVE INITIATIVES

1. TRANSPORTATION

The City of El Paso supports a State Transportation Funding System that:

- Eliminates the diversions of State transportation revenue to non-transportation uses
- Expands the ability of local governments to use transportation reinvestment zones to capture growth increment in local property taxes and sales taxes for surface transportation, mobility and transit projects
- Creates local options for voter approved road, rail and transit projects through funding mechanisms such as new resident impact fees, mobility improvement fees, drivers license fees, local option gas taxes, parking fees, emissions fees
- Creates a sustainable and predictable funding source
- Allows for more flexibility to use funds for different modes of transportation and mobility to reduce congestion
- Expedites project delivery
- Allows for public/private partnerships

2. TRANSIT

Increase local funding options for transit projects and support legislation that would require that all expenditures for highway construction in the State of Texas allow for funding dedicated transit lanes, bike paths and pedestrian friendly complements.

Support transit exemptions for transit equipment from motor fuel tax.

Endorse the resolution passed by the El Paso MPO on October 24, 2008 to encourage funding of transit and alternative modes of transportation from Category 2 funds.

3. MOBILITY

Secure funding to study the feasibility of relocating or depressing the railroad tracks in the area of the Texas Tech/Thomason Medical Center of the Americas area.

Support efforts to expedite commercial truck safety inspections at international ports of entry by coordinating efforts between the Texas Department of Public Safety (DPS) and the Federal Motor Carrier Safety Administration (FMCSA) to create one-stop safety inspection facility for commercial trucks at the land ports of entry in the El Paso region.

4. PARKS AND OPEN SPACE

Seek enactment of legislation that will allow for the creation of a Regional Park District with the ability to levy taxes upon the approval of voters residing within the district.

Seek \$5 million in appropriations for the acquisition of twelve parcels of approximately 623 acres located just south of Castner range, east of Mountain Park and Sunrise Acres neighborhood and west of Franklin Mountains State Park as well as two parcels of approximately 23 acres (1,007,020 square feet) located just east of the Manhattan Heights neighborhood and Scenic Drive. Both land acquisitions would be incorporated into the expansion of the Franklin Mountain State Park.

Seek funding for creation of new trails to enhance accessibility to the Franklin Mountains State Park.

Seek funding for construction of a visitor's center in the Franklin Mountains State Park to be located in the Northeast part of El Paso.

54. TRIBAL RIGHTS

Support the efforts of the Ysleta del Sur Pueblos to restore gaming rights on tribal land.

65. HIGHER EDUCATION

~~Support efforts of UTEP to achieve Tier I status through development of additional research and doctoral programs.~~

~~Support the efforts of the Paul L. Foster School of Medicine to 1) Protect current appropriations including special items; 2) seek \$60 million in funding for Medical Education Building II; and 3) \$45 million for a new Clinical Education Building.~~

~~Texas Tech University Health Sciences Center request for \$65 million in Tuition Revenue Bonds for the construction of a 150,000 square foot research facility, Medical Science Building II.~~

6. STATE PARK

~~Seek \$5 million in appropriations for the acquisition of twelve parcels of approximately 623 acres located just south of Castner range, east of Mountain Park and Sunrise Acres neighborhood and west of Franklin Mountains State Park as well as two parcels of approximately 23 acres (1,007,020 square feet) located just east of the Manhattan Heights~~

~~neighborhood and Scenic Drive. Both land acquisitions would be incorporated into the expansion of the Franklin Mountain State Park.~~

~~Seek funding for creation of new trails to enhance accessibility to the Franklin Mountains State Park.~~

~~Seek funding for construction of a visitor's center in the Franklin Mountains State Park to be located in the Northeast part of El Paso.~~

7. TAX CODE

Seek enactment of legislation that will allow the City of El Paso to receive its proportionate share of tax revenue from non tax-exempt commercial operations which take place on Ft. Bliss and are subject to taxation by either the State of Texas, County of El Paso or local school district and would be subject to City of El Paso taxation authority if they were located within the limits of the City of El Paso.

Seek enactment of legislation requiring Central Appraisal Districts to grant a full tax exemption to nature preserves that are owned by non-profit land trusts and are open for public use and enjoyment

Support enactment of legislation to allow for tax exemptions to be granted at a specified dollar amount in lieu of a percentage of taxable value.

Support enactment to increase penalties for chronic delinquent taxpayers.

87. DOWNTOWN REVITALIZATION

Seek enactment of legislation to allow for incentives to assist with the implementation of the El Paso Downtown Revitalization Plan such as mixed income housing tax credits, State historic tax credits and renewable energy tax credits and incentives.

8. TAX CODE

~~Seek enactment of legislation requiring Central Appraisal Districts to grant a full tax exemption to nature preserves that are owned by non-profit land trusts and are open for public use and enjoyment~~

~~Support enactment of legislation to allow for tax exemptions to be granted at a specified dollar amount in lieu of a percentage of taxable value.~~

~~Support enactment to increase penalties for chronic delinquent taxpayers.~~

99. ENVIRONMENTAL

Seek enactment of legislation to require renewable energy “buy back” programs in the State of Texas.

Support renewable energy tax credits that complement federal renewable energy tax credits.

Support changes in the Public Utility Commission requirements to simplify the procedure for El Paso Electric to pay Renewable Energy Credits to individuals who are pushing power back onto the grid with renewable energy projects.

Support measures to enhance the use of solar energy “buy back” programs in the State of Texas.

Support measures to continue to increase the use of crumb rubber and shredded tire pieces in highway construction.

~~Support legislation that would require tire dealers and any facility that sells new & used tires to "render a tire unusable" by poking a 1/2 inch hole in the tire, if the tread on that tire does not meet safety standards (i.e., pass annual State inspection).~~

Support legislation that allows a deposit/refund to be collected for the purposes of recycling glass bottles.

Support measures in the legislature that will advance clean energy solutions by creating incentives and rebates to encourage installation of solar panels and energy efficiency measures in Texas homes and businesses.

Support the Texas Solar Roadmap attached as **Exhibit “A”** and recommendations made to further the solar industry in Texas.

100. HEALTHCARE AND PUBLIC HEALTH

Support increased State funding for Medicaid and CHIP.

Support the creation of statewide policies to facilitate coordination between health, judicial and law enforcement professionals to develop a jail decision program to keep mentally ill persons out of the jail system.

Support El Paso MHMR's efforts to prevent the State mental health system from suffering significant general revenue cuts, increased targets and unfunded mandates. Among the areas that must be protected are:

- Adult and children mental health services
- Crisis services
- Psychiatric inpatient beds
- Services for persons with developmental disabilities

Support continued funding for Veterans outreach and peer services to address the mental health needs of Texas veterans and their families.

Support funding for treatment programs aimed at addressing the needs of Texas residents dealing with mental health issues such as PTSD due to unprecedented violence along the US-Mexico border.

Introduce legislation to identify and incentivize best practices within the healthcare delivery system to integrate physical and mental healthcare services.

~~funding request for additional funding in the amount of \$8,401,560.00 to meet the needs of the El Paso population, including the growth at Ft. Bliss.~~

Seek enactment of legislation to require businesses with more than 50 employees that receive state contracts provide health insurance to their employees.

Seek an amendment to state law to allow a lien to be placed on a homestead property with mosquito control chemicals to protect the public health and safety.

114. DEVELOPMENT

Seek passage of legislation to require notice and coordination with municipalities by the Government Land Office prior to leasing property located within the limites of the municipality.

132 PREDATORY LENDING.

Support efforts to regulate Credit Service Organizations and eliminate predatory practices.

II. STATEMENTS OF SUPPORT AND OPPOSITION

1. MILITARY AFFAIRS

Support funding to workforce development to create programs to assist in job placement of accompanying military spouses.

Seek additional resources dedicated to military installations, soldiers and their dependents residing in the State of Texas. These resources should also include incentives for those who wish to purchase homes, through tax breaks or other means.

Support funding to help protect areas around military installations across the state from encroachment by incompatible uses.

2. WATER AND WASTEWATER

Support the legislative agenda adopted by the Public Service Board's request for fund and attached as **Exhibit "B"**.

3. DEVELOPMENT

Support the restriction and limitation of the creation of Municipal Utility Districts within the County limits.

Support legislation to allow counties additional development authority, provided that such legislation does not erode city authority in the ETJ or conflict with development regulations enacted by cities with authority over the ETJ.

4. IMMIGRATION AND BORDER SECURITY

Oppose legislation not in keeping with the resolution calling for comprehensive immigration reform as part of the City's state and federal agendas approved by City Council on January 13, 2009 attached as **Exhibit "C"**.

Support efforts by the University of Texas at El Paso's Center of Excellence for Border Security and Immigration and Center for Defense Systems Research.

Support efforts by the University of Texas at El Paso's Center of Excellence for Border Security and Immigration and Center for Defense Systems Research.

Support bi-national efforts to end the violence in Juárez as approved by City Council on February 9, 2010 attached as Exhibit "D".

Oppose the use of Section 287(g) of the Immigration and Nationality Act agreements with local law enforcement to grant the authority to state and local law enforcement officers to perform the function of an immigration officer. Such agreements can result in a decrease in the reporting of crime and result in a less secure population.

Oppose any mandate upon employers to the the Department of Homeland Security's E-verify database unless employers are provided assurances that their use of the program in good faith will protect them from liability related to I-9 completion. In addition, the City of El Paso supports a mandated reduction in penalties related to I-9 completion for those employers voluntarily using the E-verify database in good faith.

5. REVENUE AND TAXATION

Support the efforts of appraisal districts across the State of Texas to seek legislation requiring the mandatory disclosure of real property sales prices to appraisal districts.

Oppose legislation that would mandate a reduction in the current appraisal growth cap.

Oppose legislation that would impose revenue caps of any type, including a lowered rollback rate, mandatory tax rate ratification elections or lowered rollback petition requirements.

Support legislation that would create further protection from predatory lending practices and close the "loophole" that allows payday lenders to use Credit Service Organizations to avoid usury laws in Texas while at the same time capping fees on any loans brokered by Credit Service Organizations so that the fees plus the interest paid are not higher than Texas usury limits.

Oppose legislation that would erode the protections currently in place in existing laws.

6. EDUCATION

Support funding for recruiting additional teachers.

Support the enhancement of the educational pipeline from Head Start through the college level.

Support public school finance solutions that give equitable funding to all public schools in the State of Texas and improve quality and results for each of those schools.

Support additional resources and flexibility to be given to school districts to allow for necessary expansion of services due to rapid military base expansion.

7. HEALTHCARE AND PUBLIC HEALTH

Support funding for supportive housing programs for the mentally ill and the regulation of lodging facilities that serve that population.

Support funding for educational institutions to increase the number of admissions of healthcare professionals.

Support legislation to continue streamlining and simplifying eligibility processes for Medicaid that will encourage more eligible but non-covered individuals to take advantage of this program.

Support legislation that increases funding to Title 5 services (coverage for children's dental and immunization services; and public education for prevention of diabetes, cardiovascular disease and cancer).

Support legislation that eliminates the disparity in border Medicaid capitation rates and per capita expenditures.

Support continued funding for the Texas Area Information and Referral Networks.

Support legislation that reverses the reduction in funding for public health activities to include, but not limited to, children's health, women's health services, child and adult immunizations, family planning, tuberculosis, and services related to sexually transmitted diseases, and vector/mosquito control and general environmental enforcement activities.

Support legislation that allows for appropriate and responsive mental health and mental retardation services in our community as well as provides adequate resources to avert a waiting list. Instituting a waiting list would result in fewer people being treated and more people seeking care in emergency rooms and through the jail system.

Support legislation that ensures accountability and performance from the Adult and Child Protective Services Agency.

Support efforts to advocate for health care financing that will improve coverage, eliminate disparities in rates, and provide incentives for employers to insure employees.

Support legislation that will aid in licensing physicians and medical personnel in this region to address health care professional shortages.

~~8.~~ **AFFORDABLE HOUSING**

~~Support TDHCA's budget request for \$40 million additional allocation for the Housing Trust Fund and 410.7 million additional allocation for the housing weatherization program.~~

~~89.~~ **PARKS AND RECREATION**

Support passage of legislation maximizing the use of revenue from the sporting goods sales tax to increase funding for parks and recreation programs for both Local and State parks and that all TRPA funded park projects be subject to the established TPWD competitive scoring system.

Support legislation that increases funding for the Texas State Park System and for the Texas Recreation and Parks Account Local Park Grant Program.

~~910.~~ **QUALITY OF LIFE - LIBRARIES**

Support increased state aid for public libraries through the Lone Star Libraries program.

~~101.~~ **WORKFORCE DEVELOPMENT**

Support the continuation and enhancement of the Skills Development Fund job-training program.

Support Project ARRIBA in securing and obtaining state funds that provide workforce training in demand occupations.

~~112.~~ **GENERAL GOVERNMENT**

Support funding and programs to support local efforts to address the homelessness issue which exists within our Texas cities. Specifically creating strategic partnerships with the Texas Department of Criminal Justice to better link the re-entry population from our

prisons, and the operational and service subsidies that come with them, to supportive housing projects; and seek from the Texas Department of Criminal Justice or Department of Public Safety the pre-release issuance of a Texas ID Certificate for everyone discharged from a Texas jail or prison.

Support legislation that would require electronic reporting of pawnshop data to local law enforcement agencies.

Support El Paso County's Anti-Graffiti Community Task Force's efforts to amend Texas Penal Code in order to enforce harsher penalties for repeat graffiti offenders.

Support the El Paso delegation's efforts to reform Central Appraisal District governance structure, appraisal process, appeal process, accountability and transparency to the public.

Support the passage of legislation that would enhance the ability of cities to expeditiously enforce and collect on liens for work done in connection with the demolition of unsafe structures, environmental clean-up and other expenses incurred to remedy nuisances or to safeguard the health and safety of the public.

Support the passage of legislation that would allow for non-peace officer employees to issue citations for municipal code violations.

123. GENERAL MUNICIPAL INTERESTS

The City will support legislation and administrative actions that:

- a. Will protect and enhance City revenues.
- b. Reduce costs to the City.
- c. Provide for more local control.
- d. Protect those policies previously established through the Charter, ordinances, resolutions, and master plans.

The City will oppose legislation or administrative actions that:

- a. Undermines the principle of home rule and local self-government.
- b. Results in loss of revenue or revenue growth to cities.
- c. Diminishes the current authority of cities to regulate and manage their growth and development.
- d. Nullifies or undermine the City's policies contained in existing provision of the Charter, ordinances, resolutions and master plans, unless such changes expand the City's ability to manage its own affairs.
- e. Diminishes any existing authority of cities.

- f. Imposes mandates that require any expenditure by the City unless all costs of same, including administrative as well as direct out-of-pocket costs, are fully reimbursed by the mandating government.

III. ISSUES TO MONITOR

1. Legislation that affects international trade.
2. Legislation that affects public pension funds.
3. Legislation affecting red light cameras.
4. Legislation affecting eminent domain.

Additional legislative developments will be brought to the attention of Mayor, Council, and the City Manager throughout the session.