

**RESOLUTION APPROVING THE CITY OF EL PASO'S
LEGISLATIVE AGENDA FOR THE 82nd TEXAS
LEGISLATIVE SESSION AND ADOPTING A
STATEMENT OF POLICY FOR THE CITY OF EL
PASO REGARDING LEGISLATION IN THE 82nd
TEXAS LEGISLATURE AND ACTIONS BEFORE
STATE ADMINISTRATIVE AGENCIES.**

WHEREAS, the 82nd Texas Legislature convenes on January 11, 2011;

WHEREAS, the Texas Legislature and its administrative agencies will consider many measures and actions that affect the City of El Paso; and

WHEREAS, it is necessary to provide guidance to City representatives in conducting legislative and administrative efforts and relations with other levels of government.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, THAT THE ATTACHED LEGISLATIVE AGENDA IS ADOPTED AS THE CITY'S LEGISLATIVE AGENDA FOR THE 82nd TEXAS LEGISLATIVE SESSION AND THAT THE FOLLOWING ADMINISTRATIVE POLICY BE ADOPTED:

1. The legislative or administrative positions herein approved shall be communicated to the El Paso legislative delegation, to the Texas Legislature, in general, and to the appropriate legislative committees and administrative agencies by the City's legislative lobbyist and state agency consultant, City of El Paso staff persons, members of City Council and others as coordinated through the Mayor's office.
2. City employees, members of City boards, commissions, and advisory groups may not represent in oral testimony or in writing the City's official position on proposed legislation or administrative action unless that position is approved and coordinated through the Mayor's office.

3. The City Council authorizes and directs the Mayor's office to coordinate its legislative program and the City Attorney's Office shall be authorized to interpret on behalf of the City this policy with the necessary broad policy concerns set forth in this policy.

ADOPTED this the ____ day of December 2010.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Sylvia Borunda Firth
Senior Assistant City Attorney



MEMORANDUM

TO: Mayor & City Council
Joyce A. Wilson, City Manager
Charlie McNabb, City Attorney

FROM: Sylvia Borunda Firth
Director of Governmental Affairs
Chief of Staff Office of the Mayor

SUBJECT: December 8, 2010

DATE: State Legislative Agenda

When we last discussed the State Legislative Agenda in October, City Council directed that I come back one more time before the session to review the changes that were directed during the October meeting and to provide more information with regard to: proposed legislation regarding manifestos, redistricting, taxation at Ft. Bliss, and property tax issues.

On the attached document (**Attachment #1**) I have made the changes requested by Council:

1. Local options are listed as the first bullet point under "Transportation" to indicate that they are the number one priority of this Council.
2. I have added rail projects under "Transit" to indicate that the Council would like more funding made available at the State level for rail projects.
3. I have added quiet zones under "Mobility" as an option to depressing the rail line in the MCA area.
4. I have added a request for funding to deal with the infrastructure and personnel needs resulting from southbound inspections.
5. I have listed the creation of the proposed park district immediately after "Transportation", "Transit" and "Mobility" to signal that priority of that project.
6. I have added sales price disclosure as a "seek legislation" item rather than a support item as requested by Council.

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

OFFICE OF THE MAYOR



7. Under “Downtown Redevelopment” I have added language requesting funding for restoration of historic buildings and elimination of barriers at the SHIPO.
8. Under “Development” I have added notification from the GLO regarding the sales of land and also extended the notice area to the ETJ.
9. With regard to predatory lending I have elevated the priority to “seek passage” in lieu of “support”.
10. Under Immigration and Border Security I have deleted the references to UTEP’s Center of Excellence for Border Security and Immigration and Center for Defense Systems Research.
11. I have changed the priority to “seek passage” rather than support for legislation that would allow for non-peace officers to issue citations for municipal code violations.

I believe I have captured all the modifications requested during the last Council presentation.

Council requested more information with regard to several issues I will set forth below.

MANFIESTOS

Shortly after the October meeting, as requested by Rep. Ortega, I spoke to State Representative Marisa Marquez to get an update with regard to what the issues were at the State level with regard to the sales tax refunds, “manifestos”. Ms. Marquez reported that there was a continuing dialogue about whether there would be any benefit to State to change the manner in which refunds are granted to individuals who export consumer goods. She said there are some who believe that there is significant abuse and that the State is losing significant sales tax revenue dollars. She said she needed more information from the City and the business community in general before formulating her opinion.

State Representative Quintanilla has filed a bill (copy attached for your quick reference as **Attachment 2**) in an attempt to address the situation. Local retailers have expressed serious concerns about the action. The Texas Border Coalition has also expressed some reservations about the matter. I have spoken to Mr. Quintanilla’s Chief of Staff and he has assured me that the Representative is willing to work with the community to make this the best bill we can but does provide appropriate certification that the goods were exported and are therefore eligible for the refund.

Recommendation: Refer this matter to the Committee on Border Relations for a recommendation and for further research and allow me to continue working with other stakeholders and Rep. Quintanilla’s staff.

REDISTRICTING

Council questioned whether or not the City of El Paso should take a position with regard to redistricting. While I did not speak to the entire delegation on the issue, those I did speak to were of the opinion that it was too early to even know what the plan would be and that the delegation was prepared to address the issues of concern to El Paso; specifically, the fact that rural areas were undercounted and there does not seem to be way to take into account the military growth that will come soon. I have attached a copy of the witness list so that you might see who testified when the House Redistricting Committee met in El Paso (**Attachment 3**). I attended the hearing and can tell you that there was quite a bit of good testimony made a part of the official record.

Recommendation: Delay action on this item until we receive more information from the delegation and/or they ask us for positions and testimony.

TAXATION ON FT. BLISS

Rep. Ortega asked for more input with regard to the issue of collecting taxes for activities at Ft. Bliss. Since that time I have spoken to Dinah Kilgore at the C.A.D. and Chairman Pickett. The Mayor has visited with Ft. Bliss leadership. The consensus is that the path of least resistance and the strategy that will allow the City to capture the revenue sooner is the legislative fix. Mr. Pickett has filed a bill that will get us sales tax, but we need to modify the bill to allow the City to capture its share of property tax that will arise from the commercial leases. He has expressed a willingness to work with us on the modification.

Recommendation: Allow us to continue working on the legislation.

PROPERTY TAX REFORM

The newly elected majority fueled by what they believe is a mandate of the electorate, has made it their stated mission to reduce the tax burden on the voters. In large part they propose to do so by limiting the ability of cities to increase revenue through property taxes. The discussion is very anti-city and many of the bills filed are a direct threat to your ability to properly fund municipal services. Those of us who represent municipal interests will have our hands full playing defense and trying to prevent bad bills from becoming law. The conventional wisdom is not to attempt to try to pass any legislation that will change the manner in which property taxes are collected or assessed during this session.

I have attached a copy of the final resolutions approved by the Board of the Texas Municipal League at the end of October (**Attachment 4**). I would like to call your attention to the section on Municipal Revenue and Finance. Those positions were adopted with input from cities across the state and over a series of many meetings.

Mayor Cook and I have attended meetings with the Mayors of the 8 biggest cities in the State and the Texas Border Coalition. The majority has agreed that this is not the session to ask for property tax reform measures.

Recommendation: Endorse the position stated by the Texas Municipal League with regard to Municipal Revenue and Finance.

I believe I have addressed all your questions and concerns. The Intergovernmental LRC will meet Monday morning to review my work one more time and to forward a recommendation to the Council as a whole. If you have any questions, please do not hesitate to call me.

Attachments

cc: State Delegation and Staff
Snapper Carr
Pat Haggerty

JOHN COOK
MAYOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL ROBINSON, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

JOYCE WILSON
CITY MANAGER

MAYOR AND COUNCIL

MEMORANDUM

TO: Mayor and Council
FROM: Susie Byrd, City Representative, District #2
DATE: December 13, 2010
RE: Possible Addition to State Legislative Agenda

~~~~~  
Dear Mayor and Council:

In our resolution calling for action on reducing violence in Juarez, we asked for substantially more dollars to be allocated to drug rehabilitation and prevention programs as a means to reduce demand for drugs in the United States. We have seen that billions of dollars focused on stopping drugs from getting to U.S. markets has done little to reduce the demand for drugs in the United States. Instead important transportation corridors like Juarez have become bloody battlefields for access to the lucrative and insatiable market for illegal drugs.

Currently when local police departments or Texas law enforcement makes a seizure of cash related to a drug bust, 90% of the cash seized has to be used for law enforcement efforts. Here at the City, we often see these funds referred to as "confiscated drug funds." The 90% requirement is State law.

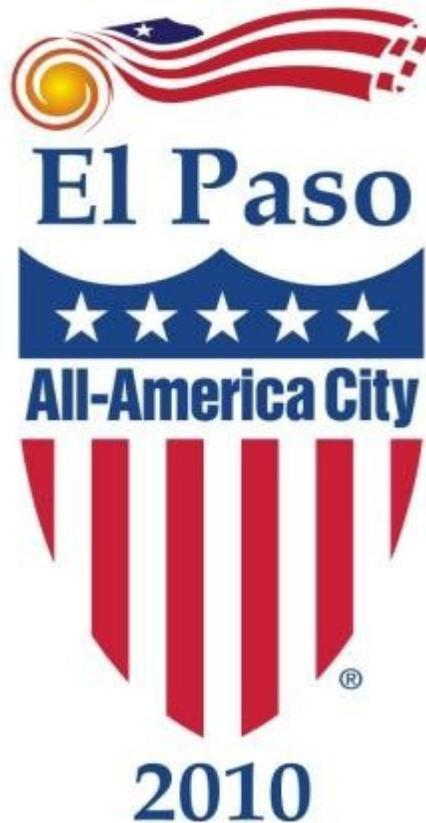
I would ask City Council to add to our State Legislative agenda that the State change Civil Forfeiture laws to require that 50% of seized assets be used for drug rehabilitation programs and the remaining 50% be used for law enforcement efforts.

In 2007, \$225,592,873 was seized in the State of Texas and allocated according to the current state forfeiture laws.

Thank you.

Susie Byrd  
City Representative  
District 2

**CITY OF EL PASO**  
**STATE LEGISLATIVE PRIORITIES FOR**  
**82<sup>ND</sup> LEGISLATIVE SESSION**



**MAYOR AND CITY COUNCIL**

**JOHN F. COOK**

**MAYOR**

**ANN MORGAN LILLY**

**EMMA ACOSTA**

**RACHEL QUINTANA**

**STEVE ORTEGA**

**SUSIE BYRD**

**CARL ROBINSON**

**EDDIE HOLGUIN, JR.**

**BETO O'ROURKE**

**JOYCE A. WILSON**

**CITY MANAGER**

# **CITY OF EL PASO**

## **2010 State Legislative Priorities**

**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:**

**Sylvia Borunda Firth  
Senior Assistant City Attorney  
Director of Governmental Affairs  
Chief of Staff Office of the Mayor  
2 Civic Center Plaza, 10<sup>th</sup> Floor  
El Paso, Texas 79901-1029  
Phone: 915-541-4656  
Fax: 915-541-5401**

# **I. PRIORITY LEGISLATIVE INITIATIVES**

## **1. TRANSPORTATION**

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

- 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
- 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 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 and rail projects.

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 and the creation of quiet zones.

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.

Secure funding for infrastructure improvements and traffic control and assistance at the international ports of entry to address the problems arising from southbound inspections.

#### **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.

#### **5. TRIBAL RIGHTS**

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

#### **6. 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) seek \$45 million for a new Clinical Education Building.

#### **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 passage of legislation that will allow for sales price disclosure to provide for more fair taxation.

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.

## **8. 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.

Seek funding for restoration of historically significant buildings and simplification of process at the SHIPO to remove barriers to redevelopment.

## **9. 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 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.

## **10. 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.

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.

## **11. DEVELOPMENT**

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

## 12. PREDATORY LENDING

Seek passage of legislation to regulate Credit Service Organizations and eliminate predatory practices.

## 13. GENERAL

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

# 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 funds 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"**.

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. 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.

**9. QUALITY OF LIFE - LIBRARIES**

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

**10. 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.

**11. 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.

## **12. 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.

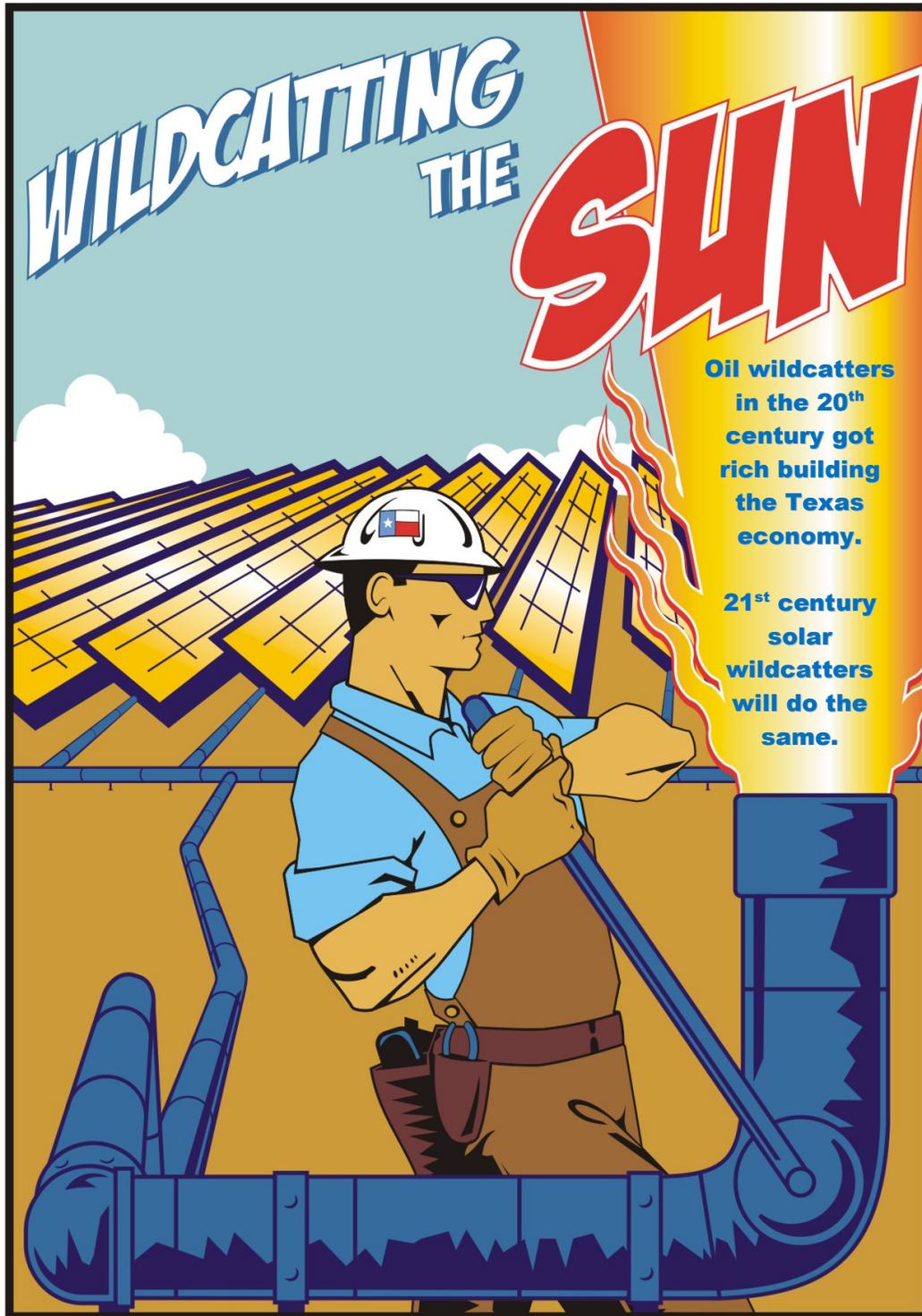
The City will oppose legislation or administrative actions that:

- 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 undermines 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.



# A Texas Solar Roadmap

February 2009

by

**Public Citizen • Environment Texas • Vote Solar**

# Table of Contents

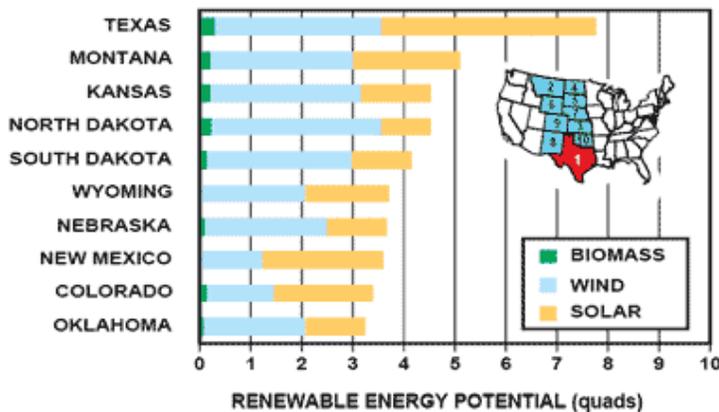
|                                                                       |    |
|-----------------------------------------------------------------------|----|
| Executive Summary-----                                                | 1  |
| Introduction-----                                                     | 5  |
| Texas' Solar Energy Potential-----                                    | 7  |
| Solar Energy Technologies and Their Role in Texas' Energy Future----- | 9  |
| Photovoltaics-----                                                    | 9  |
| Silicon-based PV-----                                                 | 9  |
| Thin-film PV-----                                                     | 11 |
| Concentrating Solar Power-----                                        | 13 |
| Solar Water Heaters-----                                              | 19 |
| Energy Storage-----                                                   | 23 |
| Central Station Solar vs. Distributed Generation-----                 | 26 |
| Benefits of Solar Energy-----                                         | 29 |
| Job Creation-----                                                     | 29 |
| Other Economic Benefits-----                                          | 31 |
| Meeting Energy Needs-----                                             | 32 |
| Barriers to Solar Power Development-----                              | 37 |
| Incentives for Solar Power-----                                       | 41 |
| Recommendations-----                                                  | 44 |

## Executive Summary

Texas has the “right stuff” to become a world leader in solar energy development – reaping the benefits of cleaner air, a robust economy and reduced dependence on fossil fuels. Decisions made by policy makers in the next year will determine whether Texas can ride the solar wave, capturing the vast potential of solar power for our state.

**Texas has the best solar potential in the nation and we could power the entire state many times over with our abundant sunshine.** In fact, according to the State Energy Conservation Office, the energy from sunshine falling on just one acre of land in West Texas is equal to 4000 barrels of oil each year.<sup>1</sup> Solar panels lining an area thirty miles by thirty miles in West Texas could power the entire state<sup>2</sup>.

**Figure ES-1. Texas’ Renewable Energy Potential<sup>3</sup>**



**There are several solar energy technologies that can make a real contribution to meeting Texas’ energy needs:**

- Photovoltaic (PV) systems harness sunlight to create electricity. PV panels produce electricity at the times when it is needed most – on sunny days – helping to meet peak demand for electricity. PV systems can be arrayed in utility-scale power plants or distributed across the state on homes, shopping centers, parking lots and other built-up areas, providing electricity close to where it is needed.
- Concentrating solar power (CSP) systems use mirrors to harness the sun’s heat to produce electricity. West Texas has significant potential for CSP power plant development, which, if paired with energy storage technologies, can supply consistent power from the sun, even at night.
- Solar water heaters use simple rooftop solar collectors to provide much of the hot water needs of homes and businesses – reducing the need to use natural gas or electricity for water heating.

<sup>1</sup> Entech Solar advanced energy calculator

<sup>2</sup> Presentation by John O’Donnell, AUSRA

<sup>3</sup> Texas State Energy Conservation Office, *Texas Solar Energy*, downloaded from [www.seco.cpa.state.tx.us/re\\_solar.htm](http://www.seco.cpa.state.tx.us/re_solar.htm), 29 December 2008.

**Solar energy can provide both economic and environmental benefits for Texas.**

- Texas is already home to 11.5% of the world’s processing capacity for silicon – the key ingredient in silicon-based PV panels. Texas is also home to pioneering companies producing solar PV technology. These firms show the potential for economic growth in Texas from solar power investment.
- The Renewable Energy Policy Project estimates that, by 2015, a national move to encourage PV could create as many as 5,500 jobs in Texas.
- Analysis using NREL's Jobs and Economic Development Impact model shows that CSP plants bring 5x the long term jobs of a comparable natural gas plant and 10x the jobs during construction.<sup>4</sup>
- Additional analysis by Vote Solar show’s that with the right local economic incentives as many as 21,500 new jobs would be created by 2020 in under a 2000 MW program.<sup>5</sup>
- Solar power can also help reduce Texas’ demand for natural gas, thereby lowering prices, provide rural economic development opportunities, and meet Texas’ growing demand for electricity while reducing emissions.

| <b>Emissions Benefits of 2000 MW in TX<sup>6</sup></b> |                               |                           |
|--------------------------------------------------------|-------------------------------|---------------------------|
| <b>CO<sub>2</sub> Avoided (tons)</b>                   | <b>Methane Avoided (tons)</b> | <b>NOx Avoided (tons)</b> |
| <b>29,072,576</b>                                      | <b>523</b>                    | <b>29,336</b>             |

**Texas should spur the development of solar power within the state by adopting the following public policies:**

- 1.Include solar-specific requirements to an increase of Texas’ existing and highly successful Renewable Portfolio Standard.
- 2.Establish goals and create incentives for building-integrated solar at the time of construction as part of the PUC’s advanced buildings incentive program. This can be accomplished by creating a rebate program. A declining rebate should be planned over 10-year period to give the industry confidence to invest in production, research and development. At a minimum, new buildings should be “solar ready.”
- 3.Allow third party ownership of PV systems
- 4.Make solar systems and installations exempt from state and local sales tax.
- 5.Create fair buyback rates for energy produced by solar. Direct utilities to employ metering programs that provide time-of-use billing and buyback, which rewards owners of PV systems for producing lower cost solar power during the periods of highest demand. Require all of the state’s utilities to offer net metering.
- 6.Improve contract and interconnection standards and consumer protections for owners of solar systems while banning Home Owners Associations from denying homeowners the right to install PV panels.

<sup>4</sup> Environmental Defense Fund CSP Research, November 2008.

<sup>5</sup> Navigant Consulting. “Economic Impacts of Extending Federal Solar Tax Credit.” September 15, 2008, [http://www.seia.org/galleries/pdf/NCI\\_Nevada\\_fact\\_sheet.pdf](http://www.seia.org/galleries/pdf/NCI_Nevada_fact_sheet.pdf)

<sup>6</sup> [www.votesolar.org](http://www.votesolar.org) and EIA state energy profiles January 2009

7. Provide for the construction of solar ties to new Competitive Renewable Energy Zone (CREZ) transmission lines in West Texas.
8. Promote new ways to store the excess energy produced by the sun for later use, such as thermal storage technologies, flywheels, and compressed air energy storage.
9. Increase funding of research and development. Create an R&D technology center similar to the micro-computer consortium that was so successful in developing the microchip industry in Texas.
10. Create a PUC program to provide incentives for solar installations on new and existing Buildings.



## Introduction

Texans have never been afraid to take advantage of an opportunity – particularly when it comes to energy.

Over the decades, Texans have relied on private enterprise – coupled with a supportive hand from state government – to develop the state’s wealth of energy resources: oil and gas, coal, nuclear power and, over the last decade, wind. Texas’ recent experience with wind power – fueled by wise choices by the Texas Legislature – has created over 2,500 jobs and \$28 million in new tax revenue.<sup>7</sup> Yet, wind power isn’t the only renewable energy source with the potential to transform Texas’ economy and our environment. Indeed, the sun that strikes our buildings and soil each day has the potential to power the state many times over – and the technologies needed to harvest that energy are already here.

The question facing Texas is whether we will lead the solar energy revolution – bringing good jobs and clean power to our state – or whether we will lag behind. Already, states such as California and New Jersey – and nations such as Spain, Germany and Japan – are taking the lead in solar power development and reaping the benefits of their investment.

Here in Texas, we know how to build cutting-edge industries from the bottom-up. Our state’s role in the creation of the Microcomputer Consortium and Sematech led to the creation of a multibillion dollar manufacturing center in Texas that has employed tens of thousands of people. We now stand at similar crossroads in the development of solar power.



*Pat Wood addresses the Texas Solar Forum*

In April 2008, over 350 Texans – including state officials, entrepreneurs, and environmental advocates – gathered at the Capitol to hear from 40 presenters about how to develop a blueprint (or, in this case, “yellow” print), for the transition to a solar future. This paper reviews many of their findings and suggestions, discusses the many opportunities Texas has to take advantage of solar power, and suggests a series of steps the state can take to become a world leader in solar power.

The best way for Texas to ensure a future expansion in solar power capacity is by committing to a 10 year market development program that includes financial incentives and new building design policies. Experience in

California and in other countries, especially Germany, has shown that such government programs can lead to increased demand and lower prices— the first steps on the road to a robust, self-sufficient solar market in which government incentives are no longer necessary.

<sup>7</sup> Public Citizen study “Wind Energy Delivers Benefits Throughout Texas” 7-14-2008

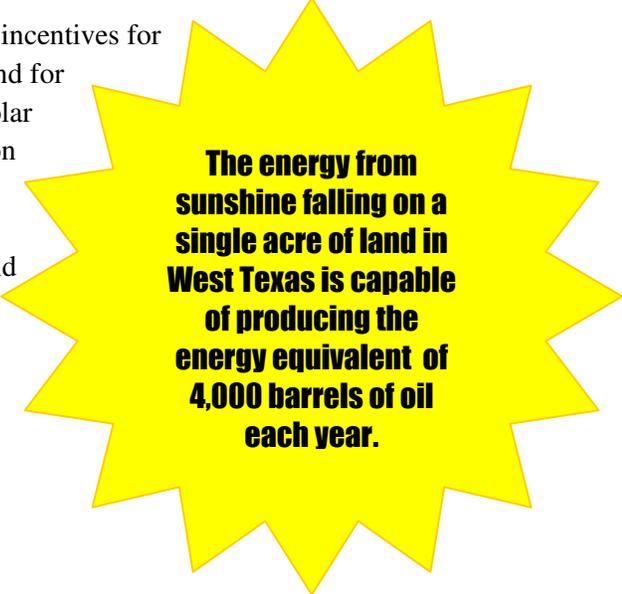
Public support for such a program is already here. Texans want more solar power in this state and they're willing to pay for it. A January 2007 poll by Baselice & Associates found that 84% of Texas voters think that the Legislature should encourage investment in solar power and 81% of Texas voters are willing to pay more than a dollar per month to encourage solar developments.

**Table ES-1. Texans Support Solar Power<sup>8</sup>**

| Do you think the Texas Legislature should encourage investment in solar power in Texas? | Would you support having the Texas Legislature encourage solar power investment in Texas if it would cost you less than one dollar per month on your electric bill? |
|-----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 84% Yes                                                                                 | 81% Yes                                                                                                                                                             |
| 10% No                                                                                  | 17% No                                                                                                                                                              |
| 6% Unsure / refused                                                                     | 3% Unsure / refused                                                                                                                                                 |

In 1999, the Texas Legislature created one of the nation's earliest and most successful renewable energy initiatives: the Renewable Portfolio Standard (RPS). In 2005, the Legislature increased the RPS and set a target of generating 10,000 megawatts of renewable energy by the year 2025. These laws created a boom for wind power that helped make Texas the national leader in wind energy.

We can learn from and build off of this success. By creating incentives for homeowners and businesses to install on-site solar systems and for big commercial enterprises to develop large central station solar projects, the Legislature can help Texas reduce our reliance on fossil fuels, reduce pollution, meet our growing demand for electricity, reduce future fuel cost increases, create tens of thousands of new jobs, and continue our leadership in the field of clean energy.

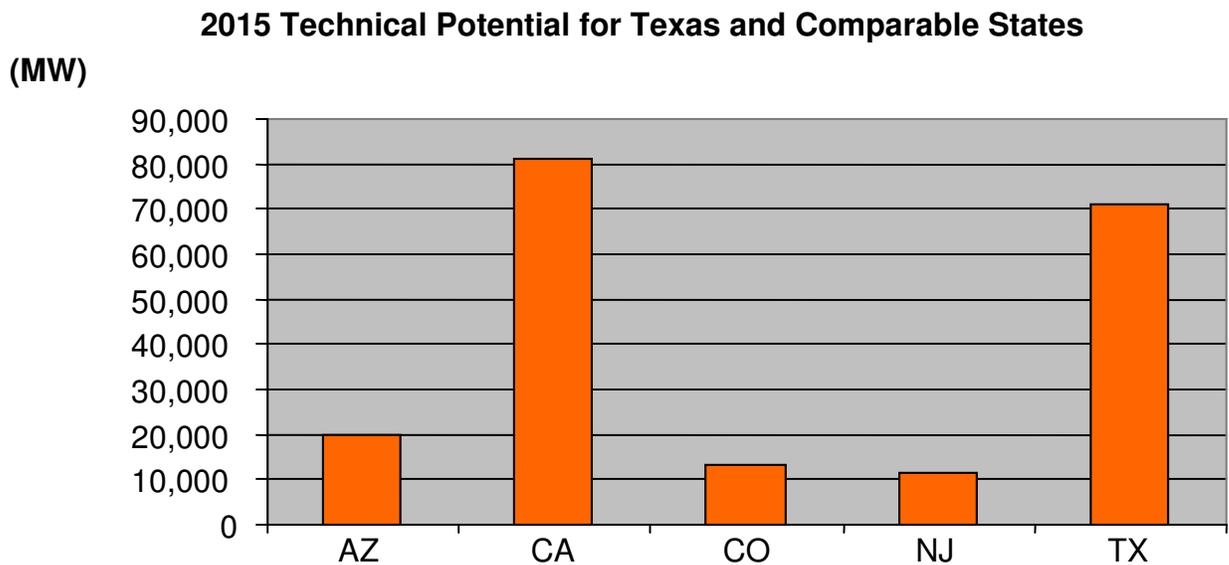


<sup>8</sup> Baselice & Associates, Inc., *Texas Voter Survey, January 11-15, 2007*, downloaded from [http://www.votesolar.org/linked-docs/TX\\_Solar\\_Poll.pdf](http://www.votesolar.org/linked-docs/TX_Solar_Poll.pdf), 29 December 2008.

## Texas' Solar Energy Potential

Texas has tremendous potential for solar energy. According to the State Energy Conservation Office, Texas has the greatest solar natural resource potential in the nation.<sup>9</sup> Texas has the potential to support as much as 148,000 megawatts of electric generating capacity from concentrating solar power alone, more capacity than currently exists in the state.<sup>10</sup> Energy from sunshine falling on just a single acre of land in West Texas is capable of producing the energy greater than 4000 barrels of oil each year.<sup>11</sup> Photovoltaic plants covering 30 miles by 30 miles could power the entire state.

**Figure 1. Solar PV Technical Potential for 2015<sup>12</sup>**



Texas also has exemplary human and technical resources for solar development. Our large microprocessor industry, as well as our experienced engineering workforce, gives Texas the potential to become a world center for solar production and installation.

<sup>9</sup> Texas State Energy Conservation Office, *Texas Solar Energy*, downloaded from [www.seco.cpa.state.tx.us/re\\_solar.htm](http://www.seco.cpa.state.tx.us/re_solar.htm), 29 December 2008.

<sup>10</sup> "148,000 megawatts" based on Mark S. Mehos and David W. Kearney, "Tackling Climate Change in the U.S.: Potential Carbon Emissions Reductions from Concentrating Solar Power by 2030," in Charles F. Kutscher, ed., American Solar Energy Society, *Tackling Climate Change in the U.S.: Potential Carbon Emissions Reductions from Energy Efficiency and Renewable Energy by 2030*, 2007. Assumes that CSP power plants require about 5 acres of land area per megawatt of installed capacity; "more capacity than currently exists" based on U.S. Department of Energy, Energy Information Administration, *State Electricity Profiles: 2006 Edition*, November 2007.

<sup>11</sup> Entech Solar advanced energy calculator.

<sup>12</sup> Charlie Hemmeline, U.S. Department of Energy, Solar Program, *Texas Solar Forum: Economic Development and Job Creation*, Powerpoint presentation, 24 April 2008.

Texas is presently home to approximately 11.5% of the world's silicon processing capacity, including a facility for one of the world's largest silicon processors-MEMC Pasadena<sup>13</sup> and a leading producer of high performance specialty glass products needed for PV production such as Guardian Industries.

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<sup>13</sup> 11.5 percent: Texas Governor's Office, *Texas Wide Open for Business: Advanced Technology & Manufacturing*, downloaded from [www.texasone.us/site/PageServer?pagename=KeySectorsTechAndManufacturing](http://www.texasone.us/site/PageServer?pagename=KeySectorsTechAndManufacturing), 29 December 2008.

# Solar Energy Technologies and Their Role in Texas' Energy Future

There are a variety of solar energy technologies that can help Texas meet its energy needs. Solar energy technologies can be classified by how they work – capturing energy from the sun's heat or its light – and by where they are located – in large, central station power plants or in smaller increments distributed throughout the energy system.

## ***Photovoltaics***

Photovoltaics (or “PV”) convert the sun's light directly into electricity. There are several types of PV technology but all types convert sunlight directly into electricity: silicon-based (crystalline and amorphous) and thin-film. Both types convert sunlight directly into electricity without using any (or very few) moving parts, and both have as their basic building block the photovoltaic cell. Cells can be connected together to form modules, and modules can be connected to form arrays. A few PV cells will power a hand-held calculator, while interconnected arrays can provide electricity for a remote village or serve as a power plant for a city.

Photovoltaics have several advantages as an energy production technology:

- **Simplicity** – With no moving parts (or very few, for some applications), operation and maintenance costs are minimal.
- **Versatility** – PV can connect to the existing infrastructure of the utility grid and serve as an alternative power source during peak periods of power demand or it can operate remotely (off the utility power line grid).
- **Reliability** – First developed for U.S. man-made satellites in the 1950s – where low maintenance was an absolute necessity – and now with over 40 years of technical advancements improving performance, PV has very high online availability.
- **Scalability** – PV is modular and can be easily scaled according to the amount of power needed.

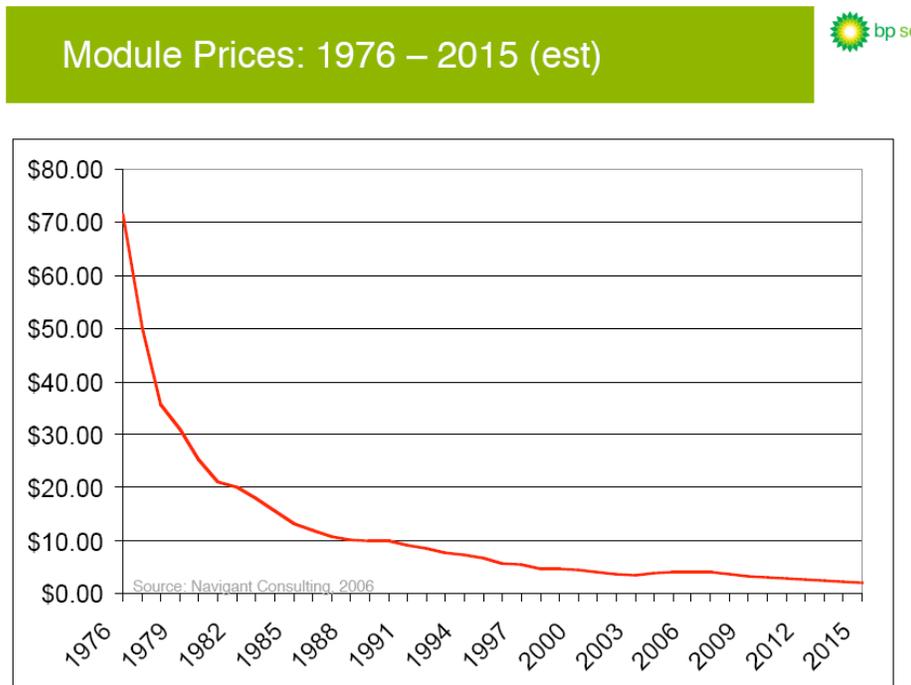
PV systems only generate electricity when the sun is shining, meaning that, to provide all of a home or business' energy needs, the energy created by PV systems during the daytime must be stored, or the building needs to maintain a connection to the electric grid. On the other hand, PV systems often generate enough power during the daylight hours that they can supply excess power to the grid. That is particularly important because electricity demand tends to be highest on the hot, sunny days when PV power production is at its peak, meaning that solar power can effectively reduce the need to operate fossil fuel-fired power plants to meet peak demand.

## ***Silicon-based PV***

Silicon-based PV systems are the ones most familiar to Texans, making up the majority of PV systems in the United States. Silicon-based PV technology has advanced dramatically over the years. Over the past two decades, the price of silicon-based PV energy has declined, despite the high cost of silicon. Crystalline silicon-based systems have also become significantly more efficient (converting a greater share of the sunlight that strikes the panel into electrical energy). As a result, silicon-based PV is an increasingly attractive and practical alternative for homeowners, businesses and utilities.

Amorphous solar panels are a special type of silicon solar cell using unique microscopic particle process, they are very versatile and can be made in flexible rolls that allow them to be directly bonded to curved or irregular shapes. This allows them to be directly attached to a roofing structure with little or no supporting structure. They do have a lower efficiency and require larger areas to produce the same output as a crystalline array

**Figure 2. Solar PV Module Prices<sup>14</sup>**



<sup>14</sup> Geoff Slevin, BP Solar, *Solar PV Manufacturing*, Powerpoint presentation to Texas Solar Forum, 24 April 2008.

Figure 3. Some Applications for Silicon-based Solar Systems<sup>15</sup>

## Segments and Channels

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Residential Retrofit



New Production Homes



Commercial & Public



Power Plants



### ***Thin-film PV***

Thin-film PV technologies have the potential to further reduce the cost of solar power and to allow solar energy to be harnessed in new and exciting applications.

Thin-film photovoltaic systems use semiconductor layers only a few millionths of a meter thick to produce electricity. By reducing the amount of expensive materials needed to produce solar cells, thin-film systems can reduce the cost of solar power. They can be manufactured using high speed depositing or printing process significantly decreasing production costs and time to manufacture. In addition, thin-film PV can be applied to a variety of surfaces – including in flexible plastic sheets – dramatically expanding the number of potential applications for PV. Thin-film PV's main drawback is that it is less efficient at converting sunlight to electricity than silicon-based systems, but researchers are continuing to improve the efficiency of both types of systems at producing energy from the sun.

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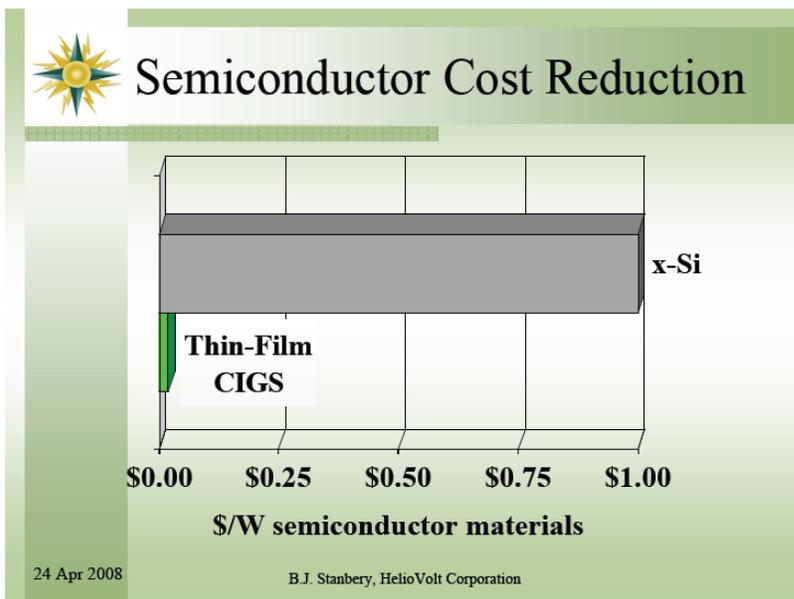
<sup>15</sup> Julie Blunden, Sunpower, Power Point Presentation to KEMA Executive Forum, 12 March 2008.



*Thin-film PV “skins” can be used to turn the exterior surfaces of buildings into power plants. Credit: HelioVolt Corporation*

The U.S. Department of Energy (DOE) estimates that U.S. production of thin film solar modules may exceed that of crystalline silicon modules by 2010.<sup>16</sup> While thin film efficiencies are lower than silicon’s, the lower cost may tip the balance in thin film’s favor. Research scientists also are working on a variety of “next generation” technologies – including the use of nanomaterials and multijunction cells – that could dramatically boost the efficiency of PV cells or reduce their cost.<sup>17</sup>

**Figure 4. Thin-film PV Systems Have the Potential to Cut the Cost of Solar Power<sup>18</sup>**



<sup>16</sup> U.S. Department of Energy, Energy Information Administration, *Solar Photovoltaic Cell/Module Manufacturing Activities 2007*, December 2008.

<sup>17</sup> R. McConnell and R. Matson, National Renewable Energy Laboratory, *Next-Generation Photovoltaic Technologies in the United States*, June 2004.

<sup>18</sup> B.J. Stanbery, HelioVolt Corporation, *HelioVolt Corporation: The Future of Photovoltaic Power*, Powerpoint presentation to Texas Solar Forum, 24 April 2008.

Manufacturing silicon cells today costs roughly \$3 a watt. However, some companies plan to streamline the manufacturing process to produce solar cells at \$1 per watt. HelioVolt, an Austin-based company, is developing a faster and more efficient way to manufacture thin-film solar cells at lower costs. Their process is called FASST, which they claim is a lower-cost process for applying a thin-film PV coating known as copper-indium-gallium-selenide (CIGS) to construction materials such as roofing, steel, and flexible composites in 80 to 98 percent less time than conventional processes. This would position the company to bring economical building products featuring integrated PV cells to the market. HelioVolt recently opened a new manufacturing facility in Austin that will employ 160 workers making thin-film solar products.<sup>19</sup>

## **Concentrating Solar Power**

In the direct sunlight of the southwestern United States, concentrating solar power (CSP) plants are harnessing the thermal energy of the sun. The concept behind CSP is familiar. Just as a magnifying glass focuses the sun's hot rays to ignite a scrap of paper, CSP focuses and collects the thermal energy of sunlight. But CSP creates far more heat than a magnifying glass, concentrating sunlight up to 1,000 times its initial intensity.<sup>20</sup>

## **Concentrating PV**

Entech Solar, Inc., a Fort Worth based company, uses crystalline solar cells in its concentrating PV systems, which it has been designing and installing for the last 25 years. Entech's suite of products produce only electricity, electricity and heat, or heat only. Entech has completed the build out of a new 71,000 square foot facility and is now finishing up a production line that will produce 50 MW per year of concentrating PV. Entech's PV terrestrial products use mono-crystalline solar cells under Fresnel lens at 20 suns concentration. Entech uses high-efficiency multi-junction solar cells under its Fresnel lens in the Company's space solar systems for NASA and U.S. DOD.



### **Crossing Boundaries: Concentrating PV**

*The mirrors used in CSP plants to focus and capture the sun's heat can also be used to focus sunlight on photovoltaic modules – reducing the amount of silicon needed for PV systems. **Entech Solar**, a Fort Worth-based company, has developed technology that focuses sunlight on a string of photovoltaic solar cells using Fresnel refractors.*

<sup>19</sup> HelioVolt, HelioVolt Opens First Solar Thin Film Factory in Austin, Texas (press release), 24 October 2008.

<sup>20</sup> U.S. Department of Energy: Energy Efficiency and Renewable Energy, *DOE Solar Energy Technologies Program: FY2006 Annual Report*, 2007, 107.

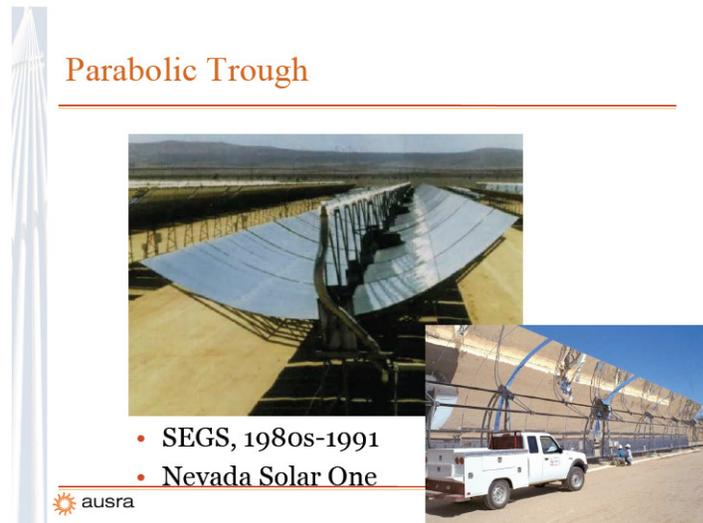
While solar photovoltaic systems convert light directly into electricity, CSP systems concentrate and capture the sun's heat. In typical CSP plants, mirrors angle sunbeams to heat a liquid (usually water, oil or molten salts) to about 400° Celsius. This extreme heat is used to generate steam to drive large, conventional turbines or to power Stirling heat engines. Unlike electricity, which is currently costly and difficult to store, heat can be stored easily and relatively cost-effectively, making CSP a unique solar technology that can provide electricity even during cloudy weather and after sunset.

With the use of CSP, less than 1% of the world's deserts could generate as much electricity as the world is currently using.<sup>21</sup> In the United States, an area of southwestern desert 100 miles to a side could produce enough electricity to power the entire country.<sup>22</sup>

As with photovoltaics, there are several CSP technologies, each with their own unique characteristics and advantages.

## Parabolic Troughs

Parabolic troughs are the form of CSP with the longest track record for delivering utility-scale power. In parabolic trough systems, special mirrors shaped as linear parabolas reflect the sun's rays toward an absorption tube suspended at the center of the trough's arc. The concentrated sunlight heats fluid inside the tube, generally a synthetic oil. The superheated fluid then travels to a collecting unit, where it heats water and generates steam to power turbines. The troughs are typically arrayed on a north-south axis and track the sun throughout the day.



### Parabolic Trough

- SEGS, 1980s-1991
- Nevada Solar One

*Parabolic trough systems have been delivering reliable power in California for decades. Credit: Ausra, Inc.*

<sup>21</sup> Peter Meisen and Oliver Pochert, Global Energy Network Institute, *A Study of Very Large Solar Desert Systems with the Requirements and Benefits to those Nations Having High Solar Irradiation Potential*, June 2006.

<sup>22</sup> U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, *Solar FAQs – Concentrating Solar Power – Applications*, downloaded from [www.eere.energy.gov/solar/cfm/faqs/third\\_level.cfm/name=Concentrating%20Solar%20Power/cat=Applications](http://www.eere.energy.gov/solar/cfm/faqs/third_level.cfm/name=Concentrating%20Solar%20Power/cat=Applications), 26 March 2008.

Parabolic troughs are effective at collecting heat from sunlight, but have been hampered by relatively high costs. Typically, the fluids used to transfer heat from the troughs to the collecting unit cannot operate in excess of 400° Celsius (which limits plant efficiency and raises costs). Because the trough's absorption tube must remain fixed in relation to its mirrors, transfer fluid has to flow through flexible joints that shift throughout the day—joints that are expensive and require maintenance. Special curved mirrors are also expensive, and, because of their shape, hard to clean.

Recent technological advances, however, are making parabolic troughs more efficient and cost effective. New plants such as Nevada Solar One, a 64-MW facility that went on line in July 2007, have demonstrated increased efficiency at turning solar energy into electricity. Further, new trough designs are in development to eliminate ball-joints and increase thermal capacity.<sup>23</sup> Engineers in Europe and the United States are experimenting with molten salts for use in higher-efficiency transfer fluids and heat storage systems, and they are testing the possibility of directly generating steam inside absorption tubes in order to reduce costs.<sup>24</sup> Several CSP developers are directing their efforts at increasing the durability and minimizing the costs of parabolic trough mirrors.<sup>25</sup>

Proposals are moving forward for several new parabolic trough plants, including a 550-MW plant in California and a 280-MW facility in Arizona.<sup>26</sup>

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<sup>23</sup> U.S. Department of Energy: Energy Efficiency and Renewable Energy, *Development of the Focal Power Point Trough (FPPT) & PT-2 Advanced Concentrators for Power Generation* (PowerPoint presentation), DOE Solar Energy Technologies Program Peer Review, 17-19 April 2007.

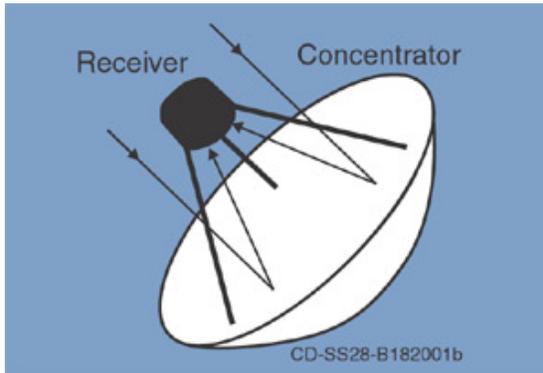
<sup>24</sup> Greenpeace, European Solar Thermal Industry Association and SolarPACES, *Concentrated Solar Power – Now! Exploiting the Heat from the Sun to Combat Climate Change*, September 2005, 15.

<sup>25</sup> U.S. Department of Energy Solar Technologies Program, *DOE Concentrating Solar Power 2007 Funding Opportunity Project Prospectus*, 28 November 2007, 24.

<sup>26</sup> 550 MW plant from Pacific Gas & Electric Company, Solel, *PG&E Signs Agreement with Solel for 553 Megawatts of Solar Thermal Power* (press release), 25 July 2007; 280 MW plant: APS, *APS Announces New Solar Power Plant, Among World's Largest* (press release), 21 February 2008.

## Parabolic Dish/Stirling Engines

Figure 5. A parabolic dish CSP system



*This parabolic dish collector reflects sunlight to drive a Stirling heat engine, located on the arm above the dish. (Credit: Thomas Mancini, McDonnell Douglas/Sandia National Laboratories)*

Shaped like a satellite dish, parabolic dish receivers work on a principle similar to the parabolic trough: curved mirrors bounce sunlight to a central collecting location. But instead of a long absorption tube, parabolic dishes focus light rays on a single area, the heater head of a Stirling engine, which is suspended above the bowl of mirrors. As the high light concentration raises temperatures at the focal point to upward of 750° Celsius, it heats a thermal transfer fluid which in turn moves a piston to power the engine.<sup>27</sup>

While relatively efficient (with demonstrated peak solar to net AC electric conversion of over 30 percent), parabolic dishes have in the past been considered most useful as independent, off-grid units, particularly in remote and developing areas, or coupled with larger power plants.<sup>28</sup> This is because an individual dish is a self-sufficient unit: all the mirrors track as a unit, and the system generates electricity at the same site as its mirrors. The dishes are therefore modular and can be installed in places where there is not room for vast fields of mirrors. Since electricity is generated in the dish unit rather than at a central location, however, the dishes also have limited storage ability.

Construction of several new, high-capacity parabolic dish plants is planned for the coming years. In 2005, Stirling Energy Systems announced two contracts with utilities in southern California for 800-

<sup>27</sup> Greenpeace, European Solar Thermal Industry Association and SolarPACES, *Concentrated Solar Power – Now! Exploiting the Heat from the Sun to Combat Climate Change*, September 2005.

<sup>28</sup> Greenpeace, European Solar Thermal Industry Association and SolarPACES, *Concentrated Solar Power – Now! Exploiting the Heat from the Sun to Combat Climate Change*, September 2005.

1,750-MW of parabolic dishes.<sup>29</sup> The construction of a 500-MW Stirling dish facility in Victorville, CA (later to be expanded to 850 MW) will provide enough power to serve 278,000 homes per year.

## Central Receivers

Central receivers (or “power towers”) also use mirrors to direct sunlight to a focal spot. Instead of using a dish to harvest solar power, central receivers rely on a stationary tower and nearly flat tracking mirrors (heliostats) arrayed around the tower. Each heliostat in the array is free-standing, and is able to independently track the sun. Inside the receiving tower, a heat transfer fluid (usually water or molten salt) absorbs the sun’s thermal energy and is used to generate steam for a turbine.

Because so much sunlight is concentrated in a small area, the tower fluid becomes superheated, reaching 650° Celsius. These higher temperatures help to reduce the cost of thermal storage. Also, the heliostats used in central receivers are nearly flat, rather than curved, reducing their manufacturing cost. These features combine to give central receivers the potential to be produced inexpensively.

Demonstration central receiver plants have been built around the world, beginning in 1981 with a 0.5-MW test plant in Spain. Since then, several countries including France, Italy, Japan, Russia and the United States have also constructed pilot central receiver plants, ranging from 1 to 10 MW.<sup>30</sup>

Between 1982-1988 and 1996-1999, the Solar One/Solar Two test facility was operational in the desert near Barstow, CA. (Solar Two involved a molten salt thermal storage retrofit on the Solar One plant.) The facilities successfully generated 10 MW of power and demonstrated increasing rates of generation and storage efficiency. Most recently, in March 2007, an 11 MW central receiver plant, the PS 10 Solar Power Tower, went on line to deliver power to the city of Seville, Spain—the first commercial power tower system in the world. In southern California, developers have filed an application to build a series of power tower systems, with a total of 400 MW of capacity and completion planned for 2012.<sup>31</sup>

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<sup>29</sup> California Public Utilities Commission, *PUC Approves Renewable Power Contract for Edison, Moving Utility Closer to Meeting Clean Power Goal* (press release), 27 October 2005; Stirling Energy Systems, *Stirling Energy Systems Signs Second Large Solar Deal in California* (press release), 7 September 2005.

<sup>30</sup> U.S. Department of Energy, Energy Efficiency and Renewable Energy, Office of Utility Technologies, *Renewable Energy Technology Characterizations*, December 1997, 5-8.

<sup>31</sup> California Energy Commission, *Siting Cases: Ivanpah Solar Electric Generating System, 07-AFC-05*, downloaded from [www.energy.ca.gov/sitingcases/ivanpah](http://www.energy.ca.gov/sitingcases/ivanpah), 3 March 2008.



*Solar One/Two Central tower plant*

## Linear Fresnel Reflectors

Linear Fresnel (frə-něl') reflectors (LFRs) use long rows of nearly flat, rotating mirrors to reflect light at absorbers elevated above the plane of mirrors. Absorbers use either a thermal transfer fluid or directly generate steam to power turbines.



*A linear Fresnel reflector solar thermal power plant. (Credit: Ausra)*

While not as efficient as parabolic dishes, troughs or central receivers, LFRs offer many potential cost and structural advantages.<sup>32</sup> Like central receivers, their mirrors are made of standard glass in large, flat sheets—which require fewer steel supports than parabolic troughs and can be mass-produced cheaply. The mirrors' flat shape renders them more resistant to wind damage and makes them easier

<sup>32</sup> Inefficiencies due to LFR mirror shape from Andreas Haberle et al., SolarPACES, *The Solarmundo Line Focusing Fresnel Reflector, Optical and Thermal Performance and Cost Calculations*, downloaded from [www.solarpaces.org/CSP\\_Technology/docs/solarpaces\\_fresnel\\_9\\_2002.pdf](http://www.solarpaces.org/CSP_Technology/docs/solarpaces_fresnel_9_2002.pdf) on 28 December 2007, 9.

to clean.<sup>33</sup> LFRs' fixed absorbers also do not have moving joints, which simplifies fabrication and avoids the cost and maintenance challenges presented by joints in parabolic trough arrays.<sup>34</sup>

In the past, shadows caused inefficiencies in LFR arrays since all the mirrors in an array had to aim at a single absorber. A common solution was to increase the distance between the mirror rows—but this took up more surface area, decreasing the land efficiency of the system. The compact linear Fresnel reflector (CLFR) addresses this problem by adding multiple absorbers spaced at intervals above the mirrors. Because the mirrors no longer must be aimed at the same point, neighboring mirrors can be angled in opposite directions, minimizing shadows and allowing mirror rows to be placed closer together.<sup>35</sup> Demonstration LFR arrays have been built in Australia, Spain and Belgium. America's first LFR power plant – a 5 MW system in California – went on line in October 2008.<sup>36</sup> And developers have applied for permits to build a larger, 177 MW CLFR plant in California.

## **Solar Water Heaters**

Energy from the sun can do more than create electricity. Indeed, proper management of solar energy can go a long way toward reducing the need for fossil fuel use. For example, buildings with light colored “cool roofs” reflect sunlight rather than absorb it, reducing the need for air conditioning use in hot climates during the summer time.

Solar energy can also reduce fossil fuel use by harnessing the sun's heat for household and commercial water heating. Solar water heaters use simple rooftop collectors to pre-heat water used for laundry, bathing and other purposes. Solar water heaters can reduce the amount of energy used for water heating in a home or business by 75 percent or more.<sup>37</sup>

Worldwide installations of solar water heaters are on the rise, growing by 14 percent in 2005, led by China with almost 80 percent of today's world-wide market.<sup>38</sup> On a per-person basis, Israel leads the way with 90 percent of all homes taking advantage of the technology.<sup>39</sup>

## **Types of solar water heaters**

The most visible difference among systems is the type of collector used. Collectors fall into four main categories: unglazed, flat plate, batch, and evacuated tube.

**Unglazed collectors** – The simplest collectors are unglazed; water passes through dark tubes or sacks that absorb sunlight without any glass or plastic cover. Unglazed collectors are cheaper than other types and are the most efficient option for heating water to just less than 20° F above the temperature

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<sup>33</sup> Clean Energy Action, *Concentrated Linear Fresnel Reflectors: The Next Generation of Concentrating Solar Power* (fact sheet), downloaded from [www.cleanenergyaction.org](http://www.cleanenergyaction.org), 26 December 2007.

<sup>34</sup> U.S. Department of Energy Solar Technologies Program, *DOE Concentrating Solar Power 2007 Funding Opportunity Project Prospectus*, 28 November 2007, 8.

<sup>35</sup> David R. Mills and Graham L. Morrison, *Advanced Fresnel Reflector Powerplants – Performance and Generating Costs*, Proceedings of Solar '97, Australian and New Zealand Solar Energy Society, 1997, 2. <http://www.ausra.com/pdfs/KimberlinaOverview-101108.pdf>

<sup>37</sup> Bernadette Del Chiaro and Timothy Telleen-Lawton, Environment California Research & Policy Center, *Solar Water Heating: How California Can Reduce its Dependence on Natural Gas*, April 2007.

<sup>38</sup> Eric Martinot, The Worldwatch Institute, for the Renewable Energy Policy Network for the 21<sup>st</sup> Century, *Renewables Global Status Report: 2006 Update*, 2006.

<sup>39</sup> Bernadette Del Chiaro and Timothy Telleen-Lawton, Environment California Research & Policy Center, *Solar Water Heating: How California Can Reduce its Dependence on Natural Gas*, April 2007.

of the outside air. Unglazed collectors are ideal for heating pools, which don't require high water temperatures.

**Flat plate collectors** – Flat plate collectors are essentially squat, water-filled boxes with a clear glass or plastic top facing the sun. The translucent top or “glazing” is designed to let sunlight in while preventing heat energy from getting out. The bottom of the collector is a black surface designed to absorb sunlight and release the energy as heat, which is in turn absorbed by the water and trapped by the glazing. Water flows into a lower corner of the collector and becomes heated before exiting through a higher corner. The insulation provided by the glazing allows flat plate collectors to heat water as much as 130° F above the surrounding air temperature.

Instead of water, flat plate collectors can also use a solution of water and propylene glycol, a non-toxic chemical, to prevent the pipes and collector from freezing during extremely cold temperatures. The heat absorbed by the solution is transferred to water in a hot water tank, then pumped back to the collector to be heated again. Solar hot water systems that only use water are “direct” systems, while those that use an antifreeze solution such as diluted propylene glycol are “indirect.”

**Batch collectors** – Batch collectors are sometimes called “integrated collector-storage” (ICS) systems because they house a storage tank for the hot water inside a flat plate-like collector. Solar hot water systems with batch collectors are often simpler and cheaper than flat plate systems since the collector and extra tank are combined, but are usually not quite as efficient.

Batch collectors are best suited to climates with only mild freezes. They also work best in buildings that require more hot water during the day or in the evening rather than early morning, since storing the hot water outside causes it to lose more heat on cold nights.

**Evacuated tube collectors** – Evacuated tube collectors are made up of long, clear glass tubes containing a colored glass or metal tube to absorb the sun's energy. The space between the outer glass tube and the inner absorber tube is evacuated (contains almost no air), making heat loss much slower and enabling the system to heat water to as much as 350°F or more. Residential systems include measures to ensure that water used in the home does not rise above standard hot water temperatures.

Evacuated tubes can either circulate water directly through the absorber tube or be filled with a non-toxic solution that heats water as it passes by the top of each tube. Evacuated tubes are more expensive per unit area than other collectors, and are ideal for cold climates or buildings that use the hot water as an energy source for air conditioning or heating.



*A solar water heating system.  
(Credit:VELUX/ESTIF)*





## Energy Storage

In our fossil fuel-based energy system, we've come to take energy storage for granted. Energy is stored in a lump of coal, a barrel of oil, or a cubic foot of natural gas, waiting to be released whenever and wherever we want it. Many renewable energy sources, however, don't work that way. The sun does not shine and the wind does not blow all the time. So we need to think a bit harder about how to integrate renewable energy into our energy system.

The first piece of good news is that the need for energy storage is often overrated – for example, the addition of utility-scale solar power in West Texas would be a good complement for the wind power already being generated there. Since the sun and wind resources peak at different times, the two renewable technologies can act as a team helping to meet Texas' energy needs.

The second piece of good news is that energy storage technology is advancing rapidly. Concentrating solar power (CSP) technology is particularly ripe for cost-effective energy storage, since it is easier and cheaper to store heat than it is to store electricity. With solar thermal plants such as parabolic troughs or linear Fresnel reflectors, heated fluid can travel directly to a boiler and generate steam to drive turbines, or it can travel to a storage unit. The storage unit serves as, essentially, a large thermos: a structure that will store heat for later use.

Among other characteristics, an ideal thermal storage medium possesses high density, high heat transfer capacity, mechanical and chemical stability, and low cost.<sup>40</sup> Molten salts and concrete blocks in particular provide many of these qualities and are the subject of deepening scientific research.<sup>41</sup> Molten salts have been used in several recently constructed solar thermal plants.

Most current CSP technologies have the potential to provide at least six hours of thermal storage—enough to help meet electricity needs during the evening hours, when electricity consumption is high but the sun is not shining. While not all new or proposed CSP plants include thermal storage, several new plants with extended storage are either under construction or in the planning stages. In Spain, two 50 MW parabolic trough plants are under construction that will employ six-hour thermal storage.<sup>42</sup> Also in Spain, the 15 MW Solar Tres molten-salt central receiver plant will incorporate 15-hour thermal storage, using technology demonstrated at the Solar Two central receiver plant in California.<sup>43</sup> Abengoa Solar's proposed 280 MW parabolic trough plant in Arizona will also incorporate thermal energy storage.<sup>44</sup>

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<sup>40</sup> Ulf Herrmann, Michael Geyer and Dave Kearney, *Overview on Thermal Storage Systems* (PowerPoint presentation), Workshop on Thermal Storage for Trough Power Systems, 20-21 February 2002, 4. Available at [www.nrel.gov/csp/troughnet/pdfs/uh\\_storage\\_overview\\_ws030320.pdf](http://www.nrel.gov/csp/troughnet/pdfs/uh_storage_overview_ws030320.pdf).

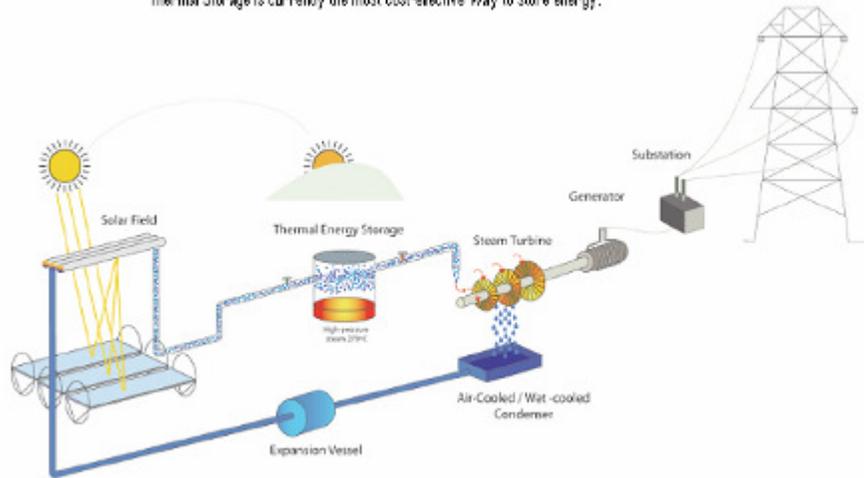
<sup>41</sup> Ulf Herrmann, Michael Geyer and Dave Kearney, *Overview on Thermal Storage Systems* (PowerPoint presentation), Workshop on Thermal Storage for Trough Power Systems, 20-21 February 2002, 4. Available at [www.nrel.gov/csp/troughnet/pdfs/uh\\_storage\\_overview\\_ws030320.pdf](http://www.nrel.gov/csp/troughnet/pdfs/uh_storage_overview_ws030320.pdf).

<sup>42</sup> Solar PACES, *AndaSol-1 and AndaSol-2*, downloaded from [www.solarpaces.org/Tasks/Task1/ANDASOL.HTM](http://www.solarpaces.org/Tasks/Task1/ANDASOL.HTM), 28 March 2008.

<sup>43</sup> SENER, *Projects: Solar Tres*, downloaded from [www.sener.es/SENER/detalle\\_proyectos.aspx?id=cw75fa0c5e1ac34743af81&lang=en](http://www.sener.es/SENER/detalle_proyectos.aspx?id=cw75fa0c5e1ac34743af81&lang=en), 28 March 2008.

<sup>44</sup> Abengoa Solar, *Our Projects: United States: Arizona*, downloaded from [www.abengoasolar.com/sites/solar/en/our\\_projects/usa/arizona/index.html](http://www.abengoasolar.com/sites/solar/en/our_projects/usa/arizona/index.html), 23 December 2008.

Thermal Storage is currently the most cost-effective way to store energy.



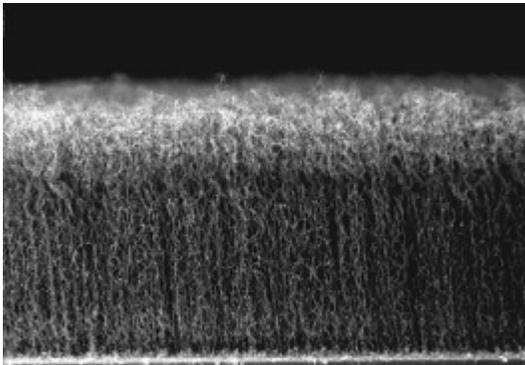
**Figure 6. A Thermal Storage System for Concentrating Solar Power Plants**<sup>45</sup>

Engineers are working to further extend the length of time that utility-CSP plants can generate power, with the U.S. Department of Energy setting a goal of developing technology to provide 12 to 17 hours of thermal storage by 2020 and of reducing the cost of thermal energy storage.<sup>46</sup>

### Other Types of Storage

There are several other renewable energy storage technologies that can increase solar power's market share.

**Capacitors** are devices that store energy in electrical fields between a pair of conductors (plates). They build up a charge and then can release the energy quickly or slowly.

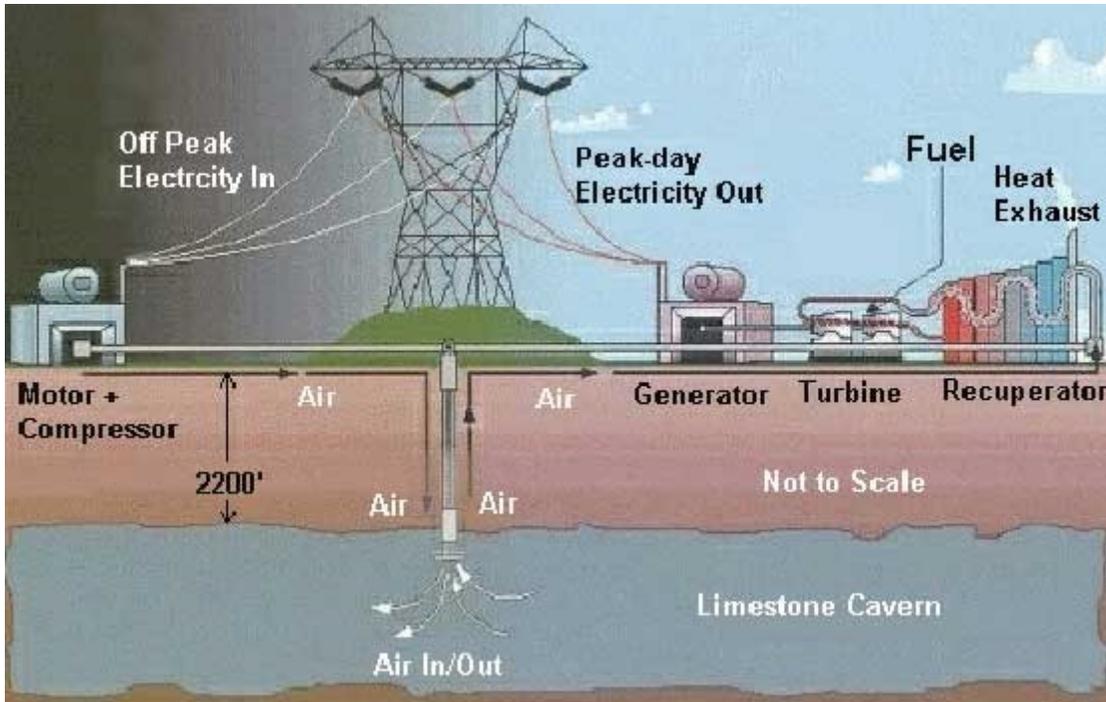


*A “hairy” capacitor covered in nanotubes, developed by MIT. (Credit: MIT/Riccardo Signorelli)*

**Compressed air energy storage (CAES)** is a method of storing energy by compressing air to be used later for generating electricity. Shell Wind Energy and Luminant Energy want to utilize CAES in their new 3,000 MW wind megaproject in the Texas Panhandle. CAES can be utilized by nearly any mass electrical generation technique, including solar.

<sup>45</sup> Ausra, Inc., *Solar Thermal Power*, Powerpoint presentation to Texas Solar Forum, April 2008.

<sup>46</sup> U.S. Department of Energy, Energy Efficiency and Renewable Energy, *Concentrating Solar Power Funding Opportunity Announcement* (press release), 25 May 2007.



*Compressed air energy storage allows renewable energy to provide electricity even when the sun is not shining or the wind is not blowing. (Credit: Imperial College of London via Texas State Energy Conservation Office)*

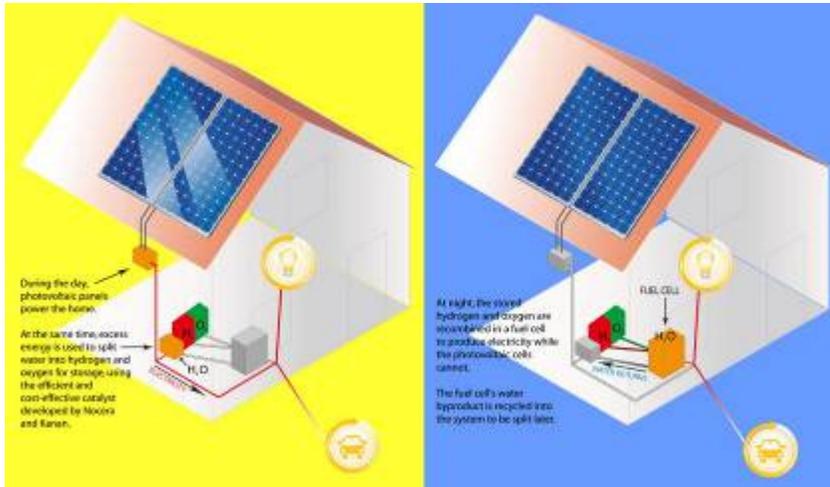
**Flywheels** store energy by accelerating a rotor to very high speed and maintaining the energy in the system as rotational energy. Energy is then recovered by slowing down the flywheel. Researchers at our own University of Texas are making great steps forward in this technology. They beat previous flywheel records by 70% in 2003, spinning a flywheel at 3,000 mph. This research is ongoing and advancements in flywheel materials constantly make this a more feasible technology for energy storage.

**Batteries** – Advancements in conventional batteries are being made all the time. Xcel Energy is currently developing and testing new sodium-sulfur and other batteries for use with wind farms. There are many other battery types such as flow batteries and new advances in lithium ion, support of battery research and development is extremely important to our energy future.



*This large battery is used to store large amounts of electricity for release back into the grid. (Credit: AEP)*

**Hydrogen/fuel cells** –Researchers at MIT have developed a method whereby homeowners could use their solar panels during the day to power their home, while also using the energy to split water into hydrogen and oxygen for storage. At night, the stored hydrogen and oxygen could be recombined using a fuel cell to generate power while the solar panels are inactive.



*Excess solar power could be used to produce hydrogen, which could then be used to power automobiles. (Credit: Patrick Gillooly, MIT)*

### **Central Station Solar vs. Distributed Generation**

One of the great benefits of solar power is its flexibility – solar power can be produced virtually anywhere there is sunlight. Solar power technologies can serve two important needs within the electric system, producing power on a large scale in central locations, as current power plants do, and serving as a form of “distributed generation,” producing power right where it is used.

#### **Central station solar**

Both photovoltaics and concentrating solar technologies can produce power centrally and distribute it to the grid. The benefit of central-station solar power is that Texas can use its vast solar resources to generate power used across the state, as well as far from Texas’ borders.

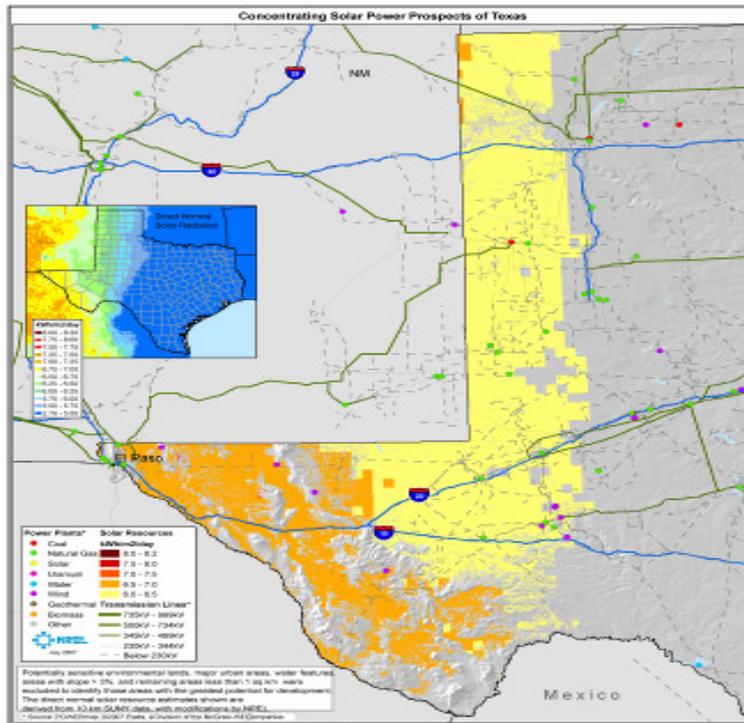


177 MW, 1 square mile

*Central-station CSP power plants, like the one above, can deliver large amounts of power to the grid. (Credit: Ausra)*

Concentrating solar power can play a particularly important role in providing bulk power for the grid, particularly if it is paired with thermal storage, allowing power to be generated from the sun even at night.

**Figure 7. Areas of Texas with Potential for Concentrating Solar Power<sup>47</sup>**



But even without thermal storage, central station solar power plants – both PV and CSP – can play an important role in providing power to Texas’ electricity grid by balancing the vast amount of wind-powered electricity coming from West Texas. West Texas wind blows strongest and most consistently at night, whereas solar energy comes on strongest during the day. The two renewable energy sources would be able to effectively balance the Competitive Renewable Energy Zone (CREZ) transmission lines currently under development, providing reliable, consistent, renewable electricity for Texas and beyond.

While utility-scale solar does raise land use issues, because large tracts of land are needed to spread out solar thermal collectors or PV panels, it represents minimal environmental impact when compared to virtually all other large-scale power plants. For example, utility-scale solar has none of the local, regional, or global emissions that fossil fuel-based power plants have. It also produces no waste, as nuclear plants do.

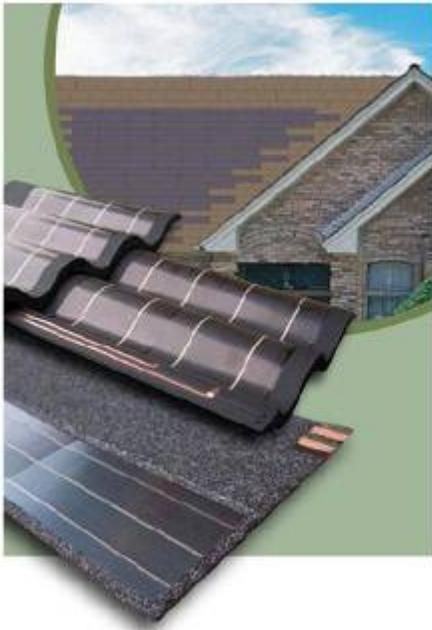
## Distributed Generation

While solar power can be a good source of renewable electricity for the Texas grid – enabling the state to eventually back out more polluting sources of generation – it also has one trait that most

<sup>47</sup> National Renewable Energy Laboratory, *Concentrating Solar Power Resource Maps*, downloaded from [www.nrel.gov/csp/maps.html](http://www.nrel.gov/csp/maps.html), 23 December 2008.

conventional power generating technologies lack: solar power can be generated right at the location where it is used and scaled to fit local power needs.

The potential to generate solar electricity from Texas' existing homes, schools, big-box and office park rooftops, parking lots and other open, built-up spaces is immense. As thin-film PV enters the market, building materials themselves can become electricity generators. While most CSP technologies are less well-suited to small-scale applications, parabolic dish systems could be used to generate distributed solar power as well.



*A growing variety of products allow solar power to be integrated directly into the structure of a building – for example, through roofing materials. Credit: Dow Chemical*

There are many benefits to distributed generation (DG). The farther electricity has to travel along transmission lines to reach a home or business, the greater the amount of energy that is lost along the way. By locating more energy generation closer to the places that use the energy, PV reduces the energy losses inherent in transmission lines. In addition, the more DG is implemented, the less the utilities have to spend building and maintaining transmission lines.

Land issues dog all centralized power plants, and renewable energy power plants are not immune to them. DG from solar, however, eliminates the issue because it is built on top of land that is already developed (houses, parking lots, etc.).

DG also has an inherent advantage over large-scale power plants in terms of reliability. As has been demonstrated numerous times during natural disasters, tornados, hurricanes, and droughts frequently knock power plants off line, leaving thousands of homeowners in the dark until they are repaired. With DG, city buildings themselves become mini-power plants, reducing a city's reliance on only a few large-scale plants.

## Benefits of Solar Energy

Technological advances are making solar energy an increasingly viable and cost-effective alternatives to fossil fuels. Making a strong commitment to solar energy would have a significant payback for Texas: job creation, economic benefits, the ability to meet energy demand, pollution reduction, and ultimately lower energy costs.

### Job Creation

Texas is well-situated to take advantage of the global boom in solar energy, especially if we develop a strong solar market right here in the state.

**Photovoltaics** - According to a PV industry analysis, with the correct incentives in place, the solar photovoltaic market could attract more than a \$34 billion investment by 2015. Of that, Texas could attract almost \$5 billion.<sup>48</sup>

Under business-as-usual conditions, by 2015 Texas will have 251 MW installed, Texas' technical potential for 2015 is an amazing 70,882 MW.<sup>49</sup>

A study by the Center for American Progress reports that an investment in renewables would create roughly four times more jobs than an investment in traditional sources of electricity. ([http://www.americanprogress.org/issues/2008/09/green\\_recovery.html](http://www.americanprogress.org/issues/2008/09/green_recovery.html)) Furthermore, an analysis by the Vote Solar project finds that by 2020 under a 2000 mw program the solar energy industry could create almost 21,500 new jobs in Texas.<sup>50</sup>

| Job Type      | Direct Jobs | Indirect/Induced | Total  |
|---------------|-------------|------------------|--------|
| Manufacturing | 2,700       | 9,400            | 12,100 |
| Installation  | 2,100       | 7,200            | 9,300  |

A white paper released by the IC<sup>2</sup> Institute at the University of Texas at Austin highlights two studies that project major solar job growth in Texas. The first states that by becoming a world leader in solar manufacturing and construction, in concert with a suite of climate protection strategies, Texas could generate 123,000 net new high-wage jobs in the technology advanced manufacturing and electrical services industries. The second study states that by 2015 Texas could capture more than 13% of all new jobs and more than 13% of all investment in the solar industry. In these scenarios, workers whose jobs have been outsourced offshore would regain employment opportunities, and high-tech manufacturing employment in Texas would return to pre-recession (pre-2001) levels.<sup>51</sup>

As mentioned earlier, Texas is also already home to approximately 11.5% of the world's silicon processing capacity, and companies that produce silicon will be among those likely to prosper as a result of the expansion of solar power.

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<sup>48</sup> George Sterzinger and Matt Svrcek, Renewable Energy Policy Project, *Solar PV Development: Location of Economic Activity*, January 2005.

<sup>49</sup> Charlie Hemmeline, U.S. Department of Energy, Solar Program, *Texas Solar Forum: Economic Development and Job Creation*, Powerpoint presentation, 24 April 2008.

<sup>50</sup> <http://www.votesolar.org/>

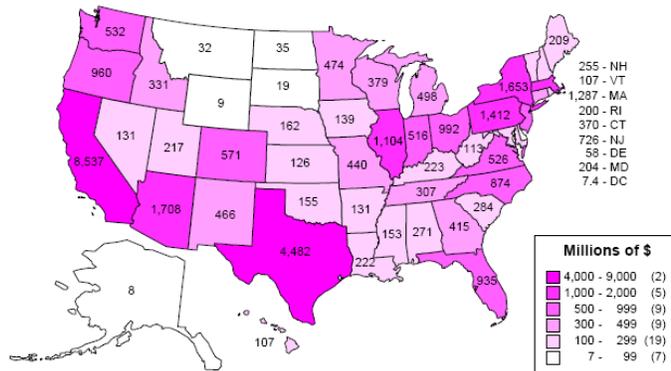
<sup>51</sup> Bruce Kellison, et al., IC<sup>2</sup> Institute, *Opportunity on the Horizon: Photovoltaics in Texas*, June 2007.

Photovoltaics could provide job growth across Texas. In West Texas, workers would be needed to install and maintain large PV farms, silicon plants along the Gulf Coast would benefit from increased demand, thin-film manufacturing centers in Central Texas would continue to grow, and the demand for rooftop solar installers would increase throughout the state. The Renewable Energy Policy Project published a study of PV development in the U.S. and Texas is primed for job growth in manufacturing, with robust industries for producing plastics, glass, semiconductors, sheet metal products, and other components of solar energy installations.<sup>52</sup>



*A utility worker checks a rooftop solar power installation. (Credit: CPS)*

**Figure 9. Total Solar Investment Under a PV Industry Roadmap for 2015<sup>53</sup>**



**Concentrating solar power** – The construction of commercial scale CSP plants will also bring large capital investments and jobs to Texas. In fact, of the six states in the U.S. that have the kind of direct sunlight required for CSP, Texas is the only state that hasn't started to develop a CSP market.

<sup>52</sup> George Sterzinger and Matt Svrcek, Renewable Energy Policy Project, *Solar PV Development: Location of Economic Activity*, January 2005.

<sup>53</sup> George Sterzinger and Matt Svrcek, Renewable Energy Policy Project, *Solar PV Development: Location of Economic Activity*, January 2005.

Analysis using NREL's Jobs and Economic Development Impact model shows that during construction, CSP will bring ten times the amount of jobs to Texas as the construction of a comparable conventional power plant. Even after a CSP plant is built it continues to keep five times as many Texans employed as would a conventional plant. By building 4,000 MW of CSP, Texas could attract almost 82,000 jobs during construction and 2,700 permanent jobs in West Texas. <sup>54</sup>

**Indirect jobs** – In addition to jobs directly related to the industry, solar development in Texas would generate a large, incalculable number of indirect jobs in accounting, banking and legal assistance, for example. Other types of indirect jobs would result from the increased wealth and expenditures of land lessors (to solar companies) and of people profitably employed, directly or indirectly, in solar industries.

A robust solar market could also bring billions of dollars in investment to the state and create thousands of jobs. A recent study by the Renewable Energy Policy Project found Texas second to California in jobs created and revenue generated if we were to aggressively pursue solar photovoltaic (PV) development.

**Table 1: Total Investment and Jobs by State Based on Nationwide Increase of PV to 9,260 MW by 2015<sup>55</sup>**

| State      | Manufacturing |             | Construction and Installation |             | Totals |             |
|------------|---------------|-------------|-------------------------------|-------------|--------|-------------|
|            | Jobs          | \$ Millions | Jobs                          | \$ Millions | Jobs   | \$ Millions |
| California | 6,858         | 5,500       | 3,578                         | 3,037       | 10,437 | 8,538       |
| Texas      | 5,205         | 4,175       | 361                           | 307         | 5,567  | 4,481       |

### ***Other Economic Benefits***

Importantly, new investments and job opportunities deliver economic benefits in addition to job creation. For example, an analysis of the potential benefits of 4 GW of CSP deployment in California projected an increase of \$2 billion in state tax revenue.<sup>56</sup>

In Nevada, a study estimated that construction of 1000 MW of CSP capacity would provide a long-term boost of \$9.37 billion to total personal income in the state and add \$9.85 billion to the Gross State Product.<sup>57</sup>

Another significant benefit of solar deployment is its effect on the price of natural gas. Solar power can substitute for some of the natural gas used to generate electricity and heat water in Texas. As demand for natural gas goes down, so inevitably does its price. A study by the American Council for

<sup>54</sup> See Bernadette Del Chiaro, Sarah Payne and Tony Dutzik, Environment America Research & Policy Center, *On the Rise: Solar Thermal Power and the Fight Against Global Warming*, Spring 2008.

<sup>55</sup> George Sterzinger and Matt Svrcek, Renewable Energy Policy Project, *Solar PV Development: Location of Economic Activity*, January 2005.

<sup>56</sup> L. Stoddard, J. Abiecunas and R. O'Connell, Black & Veatch, *Economic, Energy and Environmental Benefits of Concentrating Solar Power in California*, National Renewable Energy Laboratory, April 2006.

<sup>57</sup> R.K. Schwer and M. Riddel, University of Nevada–Las Vegas Center for Business and Economic Research, *The Potential Economic Impact of Constructing and Operating Solar Power Generation Facilities in Nevada*, February 2004, 14.

an Energy-Efficient Economy found that an intensive energy efficiency and renewable energy effort could reduce electricity consumption nationwide by 3.2 percent and natural gas consumption by 4.1 percent within five years – leading to a 22 percent reduction in wholesale natural gas prices.<sup>58</sup>

**Table 2. Economic Impacts of Concentrating Solar Power Deployment (California)<sup>59</sup>**

| <b>Deployment level</b>                      | <b>2 GW</b>           | <b>4 GW</b>           |
|----------------------------------------------|-----------------------|-----------------------|
| <b>Increase in Gross State Output</b>        | <b>\$11.7 billion</b> | <b>\$22.2 billion</b> |
| <b>Creation of construction jobs</b>         | <b>6,800</b>          | <b>12,800</b>         |
| <b>Creation of permanent operations jobs</b> | <b>500</b>            | <b>1,100</b>          |
| <b>Increase in State Tax Revenues</b>        | <b>\$1 billion</b>    | <b>\$2 billion</b>    |

### **Meeting Energy Needs**

Demand for electricity in Texas grows with every passing year. According to ERCOT, which manages most of Texas’ electric grid, demand for energy is growing at a rate of 1.8% each year.<sup>60</sup>

The growth in the housing sector is a major part of this increased demand, with more than 120,000 new homes built each year.<sup>61</sup> Even with the current slow down in new home construction, these new buildings add considerable strain to our electric grid, but they also provide the state with the opportunity to leverage private home investments to add distributed generation. By encouraging solar installations on homes and businesses, the need for transmission capacity upgrades and new power plants can be lessened.

Solar that is integrated into the building design should be the goal for new construction in Texas. As mentioned earlier in this report, companies in Texas can manufacture building materials that collect the energy of the sun through photovoltaic construction products that can be integrated into a building directly, like solar electric roof shingles and slates. Builders will still be able to construct a traditional looking home while getting dual use out of a building material to reduce construction costs and generate electricity at the same time.

According to a recent study by the American Council for an Energy Efficient Economy, all of Texas’ projected growth in electricity demand could be offset through energy efficiency and on-site renewable energy. The report highlighted photovoltaic panels for their “statewide applicability, extreme versatility, and unlimited potential, and the prospect of providing a highly desirable emission-free, onsite generation source for congested urban settings” and called for “special consideration of incentives for PV.”<sup>62</sup>

<sup>58</sup> R. Neal Elliott, et al., American Council for an Energy-Efficient Economy, *Natural Gas Price Effects of Energy Efficiency and Renewable Energy Practices and Policies*, December 2003.

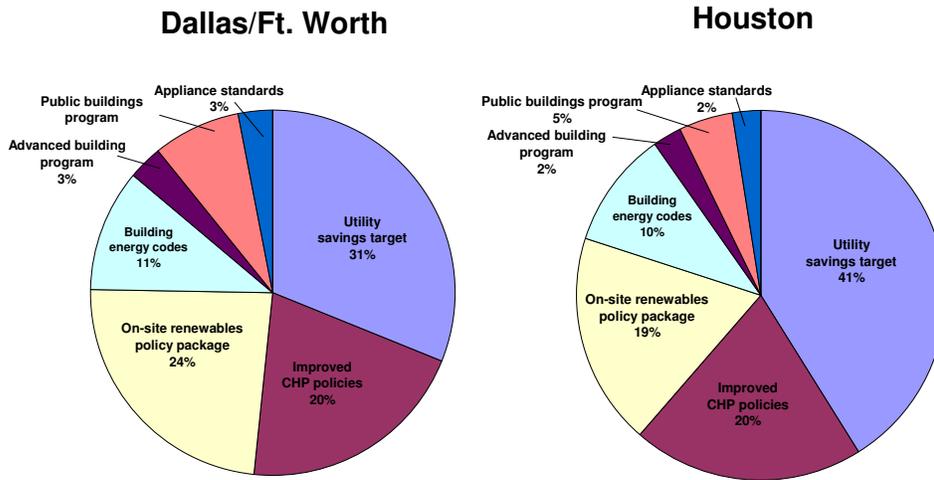
<sup>59</sup> Western Governors’ Association, *Clean and Diversified Energy Initiative: Solar Task Force Report*, January 2006.

<sup>60</sup> R. Neal Elliott, et al., American Council for an Energy-Efficient Economy, *Potential for Energy Efficiency, Demand Response and Onsite Renewable Energy to Meet Texas’ Growing Electricity Needs*, March 2007.

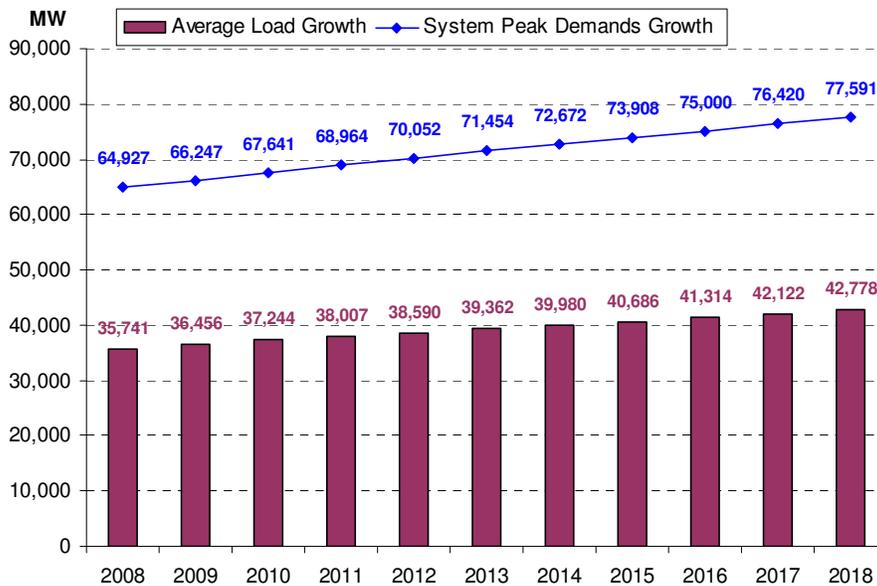
<sup>61</sup> TAMU Real estate center 2007 single family building permits.

<sup>62</sup> R. Neal Elliott, et al., American Council for an Energy-Efficient Economy, *Potential for Energy Efficiency, Demand Response and Onsite Renewable Energy to Meet Texas’ Growing Electricity Needs*, March 2007.

**Figure 10. Potential Electricity Savings in Texas Metro Regions<sup>63</sup>**



**Figure 11. Projected Growth in Average and Peak Load, ERCOT<sup>64</sup>**



Solar energy is uniquely fitted to provide electricity when it is needed most. Typically, the hottest days of the year correspond to the greatest electricity demand as homes and businesses need more energy to power air conditioning systems. This is known as peak load. ERCOT forecasts average load to increase by 7,037 MW, whereas they forecast peak load to increase by 13,294 MW. Peak

<sup>63</sup> R. Neal Elliott and Maggie Eldridge, American Council for an Energy-Efficient Economy, *Role of Energy Efficiency and Onsite Renewables in Meeting Energy and Environmental Needs in the Dallas/Fort Worth and Houston/Galveston Metro Areas*, September 2007.

<sup>64</sup> Electric Reliability Council of Texas, *2008 ERCOT Planning: Long-Term Hourly Peak Demand and Energy Forecast*, 13 May 2008.

load is growing at a faster rate than average load. These data show us that the more generation is needed to meet peak load in the next ten years.

Fortunately, solar capacity is also greatest during peak, providing fuel-free energy when we need it the most. While it is true that solar capacity is reduced when it is cloudy, electric demand is also reduced for the same reason: the sun is not heating things up. Solar power is uniquely fitted to supply much of the peak power needs of the state. When compared to costs of peak power from other generation sources – such as natural gas-fired power plants – solar power proves its value.

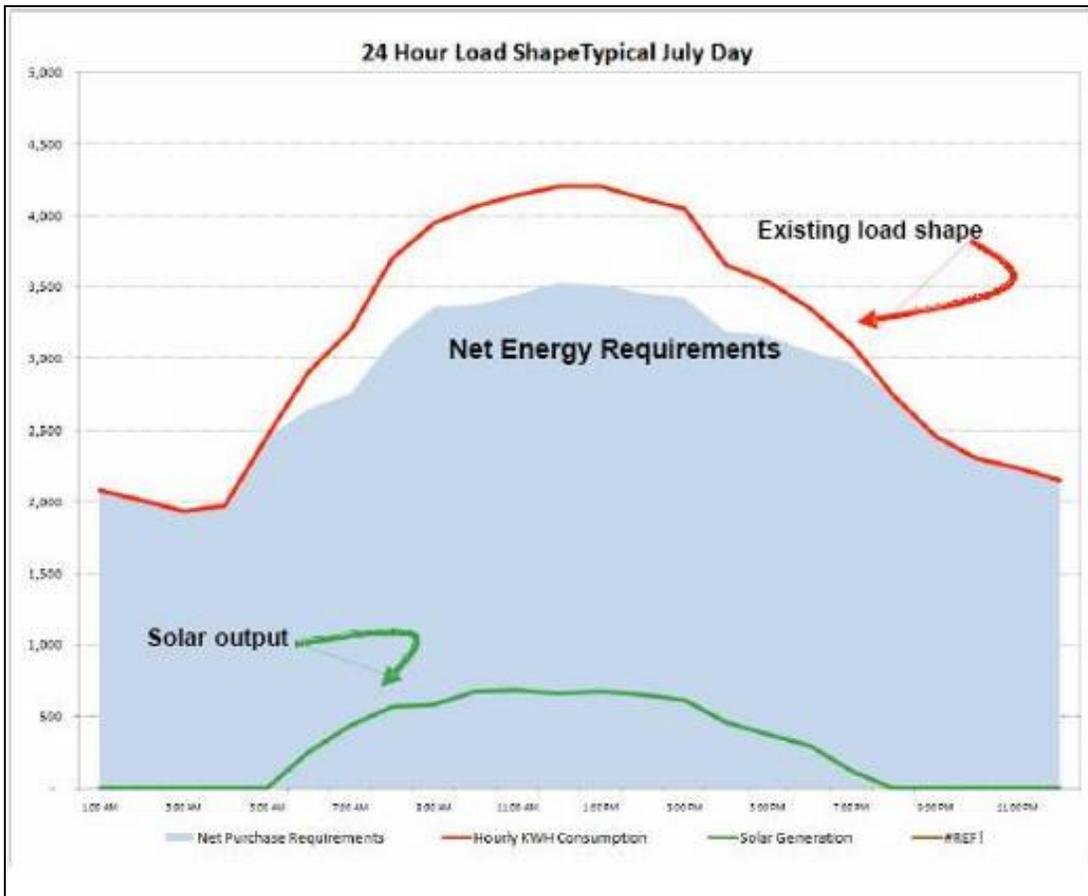


Figure 12. Solar Power’s Contribution to Meeting Peak Demand<sup>65</sup>

## Pollution Reduction

With more than half of Texas’ population living in areas that are failing or close to failing federal air quality standards, solar can play an important role in clearing the air. Solar energy systems emit no pollution. By replacing natural gas, oil and coal use, solar power will reduce the pollution that causes smog, soot, global warming, and mercury contamination of our lakes, rivers and fish.

Solar power reduces emissions at a time when smog is at its greatest concentration. Sunlight hours often coincide with peak power demands, so solar panels produce electricity when it is needed most.

<sup>65</sup> ION Consulting, as presented in P.A. Nugent, Dow Chemical, *Texas Solar Forum: From Sand to Demand: Economy Wide Opportunities in the Solar Future*, Powerpoint presentation to the Texas Solar Forum, April 2008.

The U.S. Department of Energy estimates that a photovoltaic system meeting half of the electrical needs of a typical household would eliminate approximately half a ton of soot-forming sulfur dioxide pollution, a third of a ton of smog-forming nitrogen oxides, and 100 tons of carbon dioxide from the air over its 28-year lifetime.<sup>66</sup>

From a national perspective, building just 80 gigawatts of CSP capacity by 2030 would be enough to displace carbon dioxide emissions from electric power plants by 6.6 percent compared to year 2000 levels.<sup>67</sup>

Solar water heating can also greatly reduce Texas’ greenhouse gas emissions. Solar hot water systems capture energy from the sun to heat water for homes and businesses, thereby displacing the use of natural gas, or in some cases electricity, with free and limitless solar energy. In California it is estimated that solar hot water could reduce the state’s global warming pollution by 6.8 million tons of carbon dioxide per year. That amount is equivalent to the annual emissions from over one million cars.<sup>68</sup>

| <b>Emissions Benefits of 2000 MW in TX</b> |                               |                                      |
|--------------------------------------------|-------------------------------|--------------------------------------|
| <b>CO<sub>2</sub> Avoided (tons)</b>       | <b>Methane Avoided (tons)</b> | <b>NO<sub>x</sub> Avoided (tons)</b> |
| <b>29,072,576</b>                          | <b>523</b>                    | <b>29,336</b>                        |

Texas’ existing solar installations have considerably improved air quality and reduced CO<sub>2</sub> emissions. According to a 2007 study by the Energy Systems Laboratory at Texas A & M University, of the existing PV and solar thermal systems in Texas, many of which are installed at educational institutions, a total of 427,005 kilowatt hours (kWh) are consumed each year. This power avoids a total of 632 pounds of nitrogen oxides, 436 pounds of sulfur dioxide, and 502,876 pounds of carbon dioxide each year.<sup>69</sup>

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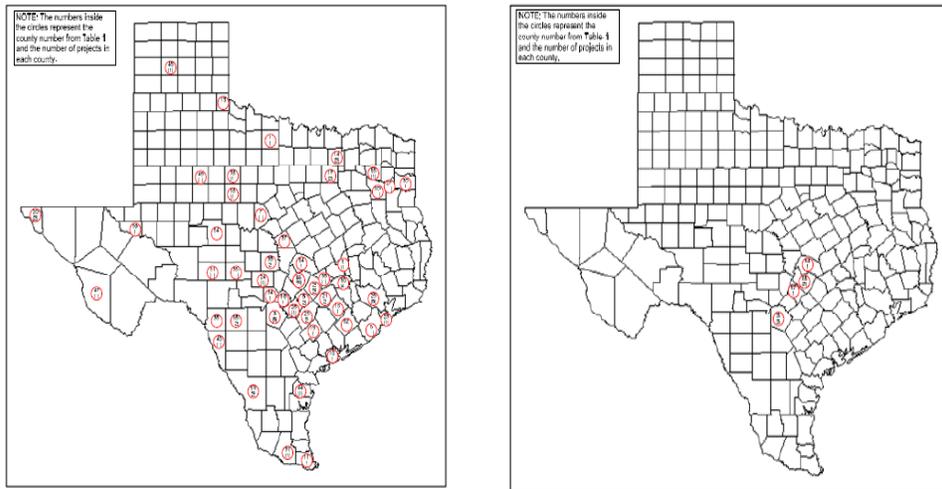
<sup>66</sup> U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, *PV FAQs*, January 2004.

<sup>67</sup> Bernadette Del Chiaro, Sarah Payne and Tony Dutzik, Environment America Research & Policy Center, *On the Rise: Solar Thermal Power and the Fight Against Global Warming*, Spring 2008.

<sup>68</sup> Bernadette Del Chiaro and Timothy Telleen-Lawton, Environment California Research & Policy Center, *Solar Water Heating: How California Can Reduce its Dependence on Natural Gas*, April 2007.

<sup>69</sup> Jeff Haberl, et al., Energy Systems Laboratory, Texas A&M University, *Statewide Air Emissions Calculations from Wind and Other Renewables: A Report to the Texas Commission on Environmental Quality for the Period September 2006 – August 2007*, August 2007.

**Figure 13. Solar Photovoltaic and Solar Thermal Projects in Texas**<sup>70</sup>



<sup>70</sup> Jeff Haberl, et al., Energy Systems Laboratory, Texas A&M University, *Statewide Air Emissions Calculations from Wind and Other Renewables: A Report to the Texas Commission on Environmental Quality for the Period September 2006 – August 2007*, August 2007.

## **Barriers to Solar Power Development**

Solar energy has great promise for Texas, but a number of barriers have thus far kept solar energy from playing a bigger part in Texas' energy system.

The biggest barrier to solar energy is cost. The price of solar panels has declined dramatically over the last two decades. The 1970 cost of a PV watt was \$100. By 2002 it was close to \$4. In inflation adjusted dollars, this is a staggering reduction. However, from a homeowner's perspective, the cost of solar panels is still frequently too high.

Part of the problem is that a person who installs solar panels on his or her roof is not compensated for all of the benefits their choice creates for society. Replacing fossil fuel-fired electricity with solar electricity reduces air pollution, alleviates the need for expensive investments in electric power plants and transmission lines, and creates a host of other benefits. If individuals or businesses who install solar panels were compensated for providing these benefits, the economic picture for solar power would look much brighter.

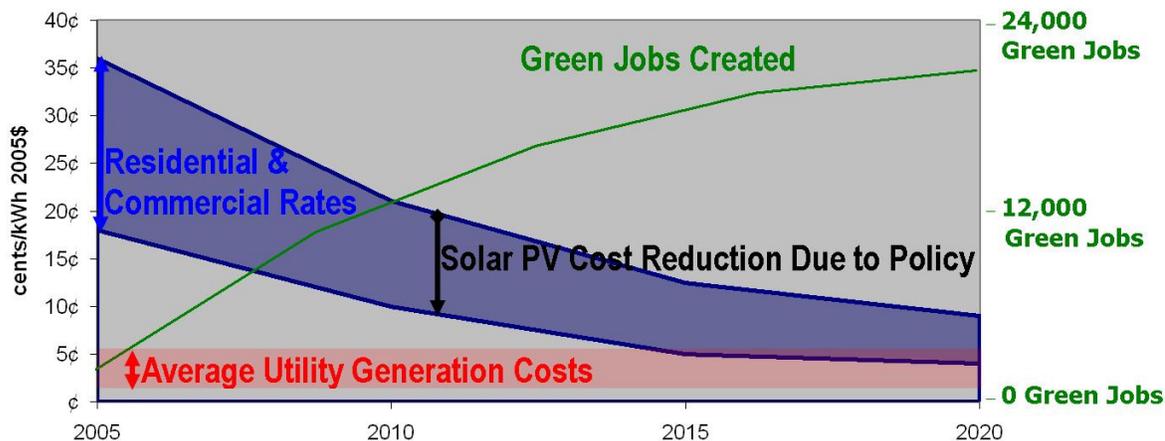
Even so, for some homeowners, the up-front cost of a solar power system or solar hot water system may not be worth it in strictly economic terms, particularly if the homeowner only plans to stay in his or her home for a few years. Solar energy investments may pay themselves off over a period of many years, but if the homeowner does not see the potential to save money over the lifetime of their residency in the house, he or she will be unlikely to make the investment.

A portion of the large up-front cost associated with solar power systems is retrofitting older homes by upgrading the electrical system, reinforcing the roof and creating connections between the electrical system and the panels installed on the roof. Creating "Solar Ready" homes by ensuring that new houses are built with proper wiring, south facing roofs that take advantage of sunlight, and proper landscaping to avoid shade on the roof can significantly cut the installation cost of solar power systems.

In addition, investments in solar energy now can help reduce the cost of solar power in years to come, making it a more cost-effective option for Texas homeowners and businesses. As companies that make solar energy equipment reach large-scale production – and as they gain valuable experience in making and installing solar power – they are able to reduce their costs, eventually resulting in reduced prices. The experience of the personal computer, which went from expensive luxury to reasonably priced necessity over the course of a couple of decades, is a fine example of this dynamic at work.

**Figure 14. Projected Cost Reductions for Solar PV with Job Creation<sup>71</sup>**

**Incentive Programs Will Drive Down Overall Costs of Solar and Create Jobs with a 2000 MW Goal by 2020**



Cost Reductions Source—The President's Solar America Initiative, Kimbis. 8/2/2006  
 Job Gains Source—Vote Solar January 2009.

There are policy options that can reward consumers for the decision to install solar power, provide financing to help homeowners and businesses make smart investments in solar, and help bring the solar industry to the point of cost-competitiveness with other sources of energy. Net metering policies require utilities to compensate consumers for the excess solar power they supply to the grid. Unfortunately, Texas has poor net metering policies. Under new rules recently passed by the Public Utility Commission of Texas, integrated investor-owned utilities (IOU) will be required to provide specific net-metering options for customers that produce excess electricity from solar installations. However, as a result of deregulation, less than 25% of Texas is currently served by integrated IOUs, so the policy has limited applicability.

Furthermore, owners of solar panels may need to pay for separate meters that measure the outflow of any power they send to the grid. The new rule also fails to exempt solar panel owners from paying distribution charges to their local utility in months when they feed more electricity into the grid than they receive. Texas' net metering policies create heavy burdens on customers wanting to install solar panels but provides no guarantee that customers who generate surplus electricity will ever get paid. They also don't currently allow excess energy produced during high production times of the year to be credited or banked for lower output months. Schools use very little electricity during the summer but would be able to produce large quantities of electricity during peak months when it is needed most. The rules also don't require the retail electric provider to pay a fair price for the electricity produced.

<sup>71</sup> Steve Chalk, U.S. Department of Energy, Powerpoint Presentation to State Energy Advisory Board July 2006 Board Meeting, 25 July 2006.

Despite the lack of strong legislative incentives, Texas has seen some progress. For example, Austin Energy provides net metering to customers with on-site generating systems that are powered by renewable energy resources and interconnected with the municipal utility's electric system. If a renewable-energy generating system produces more power than the property consumes, then the extra power will flow into the Austin Energy electric grid. The difference is credited on the customer's electric bill.

Meanwhile, some homeowners who wish to install PV panels are facing resistance from Homeowners' Associations, citing concerns over aesthetics, insurance liability, deed restrictions and city regulations. The legislature should pass a bill banning HOAs from denying homeowners' from installing PV panels on their homes.

Ultimately, the health of Texas' solar energy industry depends upon there being a sizable demand for its products and services and upon the costs associated with meeting that demand. Meager state incentives present significant barriers to all types of solar energy development in Texas, including distributed solar power.

## Germany's Solar Success

Gloomy-skied Germany is the global leader in solar-generated electricity. The country's journey to this achievement began with a commitment to the Kyoto Protocol and a decision, as a matter of ethics, to move away from nuclear energy.

The "100,000-roofs program," begun in 1999, was one of Germany's first steps toward solar prominence. The program offered interest-free 10-year loans for the purchase of solar panels, with waivers of the last installments of payment. It also guaranteed generous "feed-in" incentives. That same year, the federal government initiated the "environmental tax reform" by which it increased taxes on oil, gas and electricity. Further increases occurred each year through 2003.

In 2000, Germany's Renewable Energy Sources Act (EEG) was passed. The EEG mandated that electricity companies buy a certain amount of electricity from renewable sources, and it increased the price of "feed-in" incentives. The law also required grid operators to guarantee connection to the grid even if that meant upgrading their transmission facilities.

A Market Incentive Program (MAP) provided enticements to businesses. In 2003 alone, MAP offered government grants totaling €203 million for the commercialization and deployment of renewable energy systems.

By the end of 2004, Germany had become the world's No. 2 PV producer and No. 1 PV installer. Germany's incentives are considerably better than California's and have been cited for attracting a large proportion of the worldwide solar PV supply. While incentives in California are based on the installed kW size of a project, Germany's method provides a rebate price per Watt delivered by a particular project to the local electric grid.



## Incentives for Solar Power

The remarkable promise of solar power can become a reality through the creation or expansion of Federal and state incentives. The policies below have a proven track record of success.

**Federal investment tax credit.** The federal investment tax credit for renewable energy is the most meaningful incentive for solar power installations at the federal level. The U.S. government recently renewed the 30% federal investment tax credit for commercial and business solar installations while keeping the Modified Accelerated Cost-Recovery System (MACRS) to 5 years, and eliminated the \$2,000 cap for residential installations additionally it extended the credit to be included in AMT calculations. It also eliminated the prohibition on utilities from benefiting from the credit. The tax credit was set to expire at the end of 2008. Now it is extended for eight more years. For example, after a commercial facility in Titusville, NJ, installed 500 kW of photovoltaics, its federal investment tax credit came to \$922,500, shortening the payback period for the PV system from 9.6 years to 4.8 years.<sup>72</sup>

**New Clean Renewable Energy Bonds (“CREBs”).** \$800 million of new clean renewable energy bonds to finance facilities that generate electricity from renewable resources, including: solar are available through December 31, 2009

**Low interest loans.** Low-interest loans can lower the financial bar for individuals and businesses seeking to install solar energy. California has recently given this policy a new twist by passing a new, innovative solar loan law that allows *cities and counties* to make low interest loans to homeowners and businesses. Already, the cities of Berkeley and Palm Desert have taken advantage of this law. If other local governments follow suit, enormous growth in solar power installations is likely.

**PV rebate programs.** In Texas, Austin Energy, Bryan Texas Utilities, CPS Energy of San Antonio and Oncor offer PV rebate incentives. Austin Energy offers customers one of the country’s best solar photovoltaic rebates, at \$4.50 per Watt. This pays between 45% and 75% of the cost of installing a system. The utility also offers rebates from \$1,500 to \$2,000 for solar water heaters.

**Property tax exemption.** Provides that the value of on-site solar energy systems are not included when calculating property taxes. Available in Texas.

**Property tax financing.** Allowing homeowners' to defer the cost of installation through property taxes. The city pays the upfront cost and the homeowner pays the city back over a period of 20 years through increased property taxes. The idea is that the property owner saves the same amount on their utility bill as they pay in increased property tax, allowing the city to recoup its cost plus a small amount of interest.

**Net metering.** An allowance that grants individual owners of solar systems the privilege of selling excess electricity to their utility at a predetermined level or prevailing rate and receive a credit on their bill. Few Texas utilities offer net metering.

**Feed-in tariff (FIT).** Small to midsize producers of solar power, whether businesses or homes, receive a guaranteed price (usually above the market rate) for the clean energy they supply to the grid.

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<sup>72</sup> Dennis DuBois, “Guide to On-Site Renewable Energy Incentives in the Energy Policy Act,” *Energy Priorities Magazine*, 12 April 2006.

In countries where they exist, feed-in tariffs have been extremely successful in promoting distributed PV installations. After the introduction of a feed-in tariff in Germany, the growth of that country's solar industry skyrocketed. FIT policies are costly, but if well designed offer tremendous promise for ramping up renewable energy installations quickly. FITs have been implemented worldwide, in a total of 41 countries, provinces and states. In the United States, Michigan, Illinois, Minnesota, and Rhode Island have proposed measures that would enact such a system.

**Renewable Electricity Standard (RES) aka Renewable Portfolio Standard (RPS).** Requires a certain portion of a state's electricity to come from renewable sources. The 2005 Texas Legislature increased the total renewable energy goal to 5,880 MW by 2015 and set a target of 10,000 MW in 2025. Twenty nine states have an RPS.

**Solar Carve Outs.** A specification in an RPS requiring that a certain percentage of a state's electricity come from solar energy. 15 of the 29 RPS states now include solar carve-outs. The Texas RPS does not include a solar carve-out.

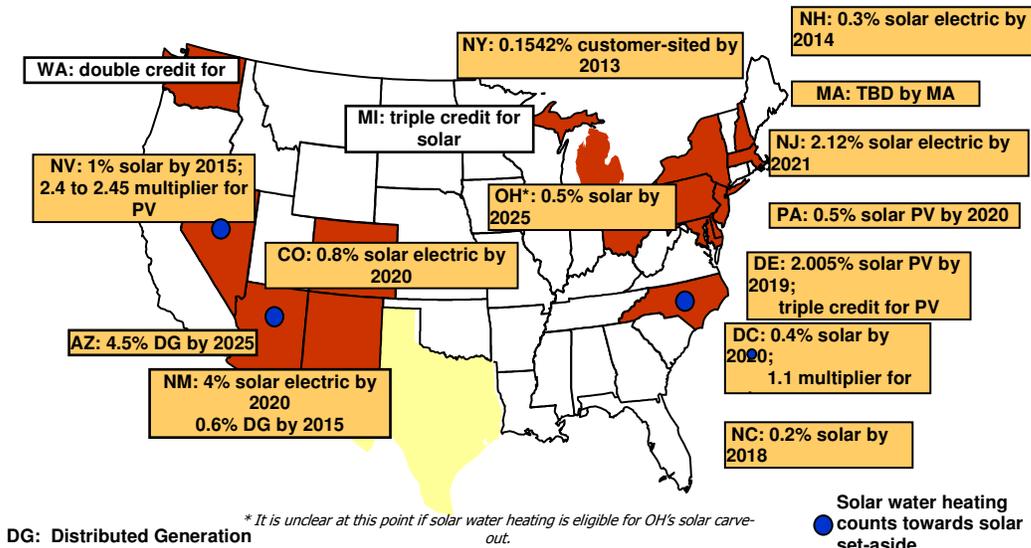
**Renewable Energy Credit (REC) trading.** Included in many RPS laws is a REC trading program. Every REC represents one megawatt-hour of qualified renewable energy that is generated and metered. The credit can be sold to utilities that have not met their renewable energy obligations. 16 states, including Texas, allow utility companies to trade RECs with one another. [In some states, such as New Jersey, REC sales are the main means by which individuals and businesses are provided incentives to install solar power.]

**Caps on global warming pollution.** These caps will require utilities and other polluters to reduce heat-trapping gases, and encourage installation of global warming pollution-free sources, such as solar power.

**Funding of research, development and deployment.** For a time, no other country in the world promoted photovoltaic technology more than Japan. Within nine years, from 1994 to 2003, Japan became the world leader in both production and installation of solar cells. This achievement would not have been possible except for the country's research program, the "New Sunshine Project," started in 1993.

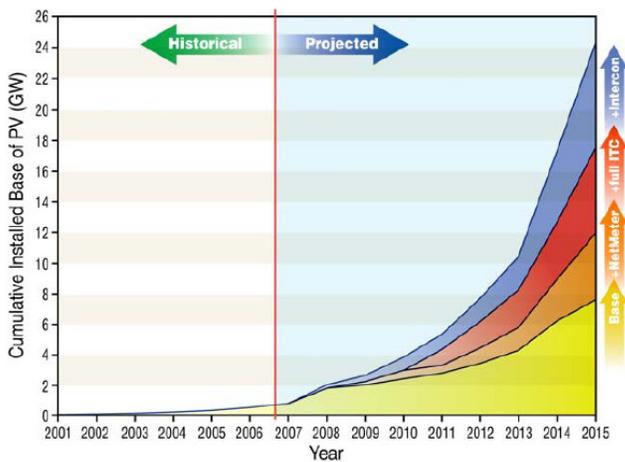
**Power purchase agreements (PPAs).** Long-term agreements for utilities to buy power from a company that produces electricity. PPAs have played a key role in attracting new CSP projects to particular locations, for example to Nevada and areas of California. PPAs provide the market stability needed for capital-intensive solar power development. By guaranteeing a revenue stream, PPAs (especially long-term ones) encourage the construction of new solar power plants.

**Figure 15. Solar/DG Provisions in RPS Policies<sup>73</sup>**



There is no need for Texas to rely on one policy measure to spark the state’s solar industry. In fact, a combination of incentives would likely be the best approach, as different incentives appeal to different actors.

**Figure X. Influence of System Pricing, Net Metering Policy, and Federal Tax Credits and Interconnection Rules on Cumulative Installations in the U.S.<sup>74</sup>**



Note: “Intercon” indicates favorable interconnection rules and “NetMeter” indicates a removal of Net Metering Caps

<sup>73</sup> NC Solar Center, *Database of State Incentives for Renewables & Efficiency*, downloaded from [www.dsireusa.org](http://www.dsireusa.org), October 2008

<sup>74</sup> Charlie Hemmeline, U.S. Department of Energy, Solar Program, *Texas Solar Forum: Economic Development and Job Creation*, Powerpoint presentation, 24 April 2008.



## Recommendations

Texas is in a prime position to become a world solar leader and simultaneously make significant environmental, public health, and economic strides. Action is needed to make those things happen.

Policies targeted at increasing demand for solar power installations are the best way to simultaneously increase solar generating capacity and drive down the cost of solar technologies in the long-term. Such policies will increase the amount of electricity generated from clean, distributed sources, build the strength of the solar industry, and pave the way for further growth of clean solar power in the decades ahead. To harness these gains, The Texas Solar Forum Partnership recommends the Texas Legislature and Congress:

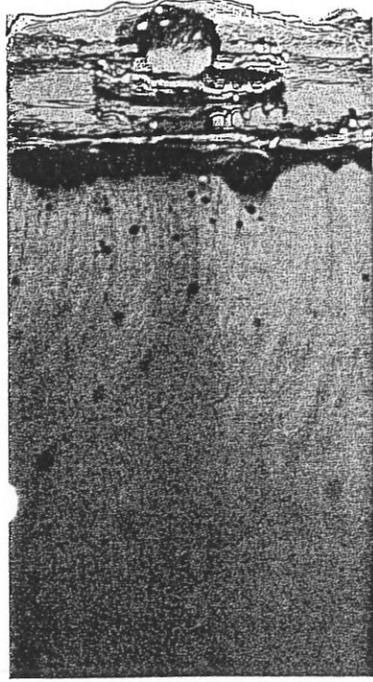
1. Include solar-specific requirements to an increase of Texas' existing and highly successful Renewable Portfolio Standard.
2. Establish goals and create incentives for building-integrated solar at the time of construction as part of the PUC's advanced buildings incentive program. This can be accomplished by creating a rebate program. A declining rebate should be planned over 10-year period to give the industry confidence to invest in production, research and development. At a minimum, new buildings should be "solar ready."
3. Allow third party ownership of PV systems
4. Make solar systems and installations exempt from state and local sales tax.
5. Create fair buyback rates for energy produced by solar. Direct utilities to employ metering programs that provide time-of-use billing and buyback, which rewards owners of PV systems for producing lower cost solar power during the periods of highest demand. Require all of the state's utilities to offer net metering.
6. Improve contract and interconnection standards and consumer protections for owners of solar systems while banning Home Owners Associations from denying homeowners the right to install PV panels.
7. Provide for the construction of solar ties to new Competitive Renewable Energy Zone (CREZ) transmission lines in West Texas.
8. Promote new ways to store the excess energy produced by the sun for later use, such as thermal storage technologies, flywheels, and compressed air energy storage.
9. Increase funding of research and development. Create an R&D technology center similar to the micro-computer consortium that was so successful in developing the microchip industry in Texas.
10. Create a PUC program to provide incentives for solar installations on new and existing Buildings.

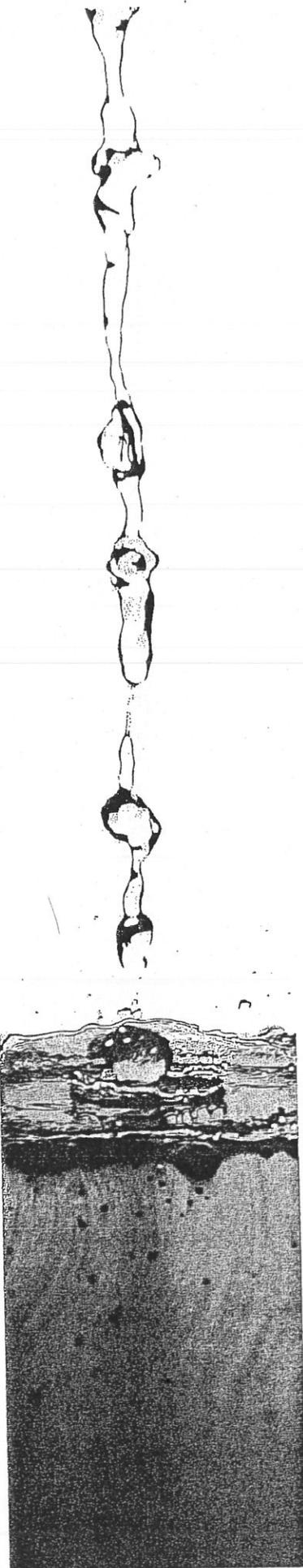
Exhibit E

# FEDERAL LEGISLATIVE AGENDA 2010/2011

## El Paso Water Utilities Public Service Board Federal Funding Requests for 2010/2011

|                                                                                                                                                                                       |                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| ■ ENERGY AND WATER DEVELOPMENT<br>APPROPRIATIONS ACT FUNDING (2011)<br>Congressional appropriation is needed to fund<br>six (6) water and wastewater projects                         | \$ 8,080,000               |
| ■ PREPARATION OF RE-EVALUATION REPORT<br>AND FEASIBILITY STUDIES                                                                                                                      | \$ 900,000                 |
| ■ SOLAR POWER FOR THE KAY BAILEY<br>HUTCHISON DESALINATION PLANT                                                                                                                      | \$ 8,000,000               |
| ■ DIGESTER GAS ENERGY RECOVERY PROJECT<br>Methane gas/digester gas scrubbers, and<br>co-generation for the Roberto R. Bustamante and<br>Haskell R. Street Wastewater Treatment Plants | \$ 6,000,000               |
| ■ SUPPORT INCREASING THE BORDER ENVIRONMENT<br>INFRASTRUCTURE FUND (BEIF) FROM \$10M TO \$50M                                                                                         |                            |
| TOTAL                                                                                                                                                                                 | <u><u>\$22,980,000</u></u> |





# ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT FUNDING (2011)

FEDERAL LEGISLATIVE AGENDA 2010/2011

TOTAL FY11 Federal Funding Requested: \$8,080,000

**Project Description:** Technical assistance for planning, design and construction of water related infrastructure and resource protection, including stormwater management and development, in El Paso County, TX.

**Authorization:** Water Resources Development Act of 1992 (Section 219) as amended by Water Resources Development Act of 2007 P.L. 110-114 Section 5158 (F) (269).

Federal Funds Received thru FY10: \$100,000

**FY10 Scheduled Activities:** Prepare letter reports, negotiate and execute Project Partnership Agreements (PPA) for Design and Construction.

**FY11 Scheduled Activities:**

- Planned Water Line Replacement Program, Phases 8, 9 and 10: Replacement of antiquated water lines in order to alleviate line breaks. Improvements will include updating valves, fittings, and appurtenances.
- Doniphan 24 inch Collector Reach 3: Replacement of an antiquated collector sewer line in order to eliminate/reduce ground water infiltration and alleviate line breaks.
- Canutillo/Upper Valley Water Transmission Main Ph IV: New water transmission line to move water from Central El Paso to West El Paso to reduce the use of well water and increase the use of surface water (Rio Grande).
- Planned Sewer Line Replacement Program, Parkdale Addition: Replacement of antiquated sewer lines in order to alleviate line breaks. Improvements will include updating valves, fittings, and appurtenances.

Proposed Environmental Infrastructure Costs

| <b>Project Name/Description</b>                            | <b>FY 11 Total</b> | <b>FY 11 Federal</b> | <b>FY 11 Non-Fed</b> |
|------------------------------------------------------------|--------------------|----------------------|----------------------|
|                                                            | Cost (\$1000)      | Cost (\$1000)        | Cost (\$1000)        |
| Planned Water Line Replacement Program - Phase 8           | \$2,300.00         | \$1,725.00           | \$575.00             |
| Planned Water Line Replacement Program - Phase 9           | \$1,100.00         | \$825.00             | \$275.00             |
| Planned Water Line Replacement Program - Phase 10          | \$1,100.00         | \$750.00             | \$250.00             |
| Doniphan 24 inch Collector - Reach 3                       | \$3,000.00         | \$2,250.00           | \$750.00             |
| Canutillo/Upper Valley Water Transmission Main - Ph IV     | \$2,533.00         | \$1,900.00           | \$633.00             |
| Planned Sewer Line Replacement Program - Parkdale Addition | \$840.00           | \$630.00             | \$210.00             |
| <b>TOTAL</b>                                               | <b>\$10,773.00</b> | <b>\$8,080.00</b>    | <b>\$2,693.00</b>    |

# PREPARATION OF RE-EVALUATION REPORT AND FEASIBILITY STUDIES

FEDERAL LEGISLATIVE AGENDA 2010/2011

Total FY11 Federal Funding Requested: \$400,000

Project: Initiate General Re-Evaluation Report for City of El Paso, Texas

**Project Description:** The project is located in El Paso, Texas and consists of a single-purpose flood risk management system of detention dams, diversion dikes, conduits, and channels that collects, regulates, and discharges runoff into the Rio Grande. The project provides flood risk management for 8,830 urban acres subject to damaging floods from arroyos on the slopes of the adjacent mountains. The Chevron Basin feature of the Southeast Area project was not constructed because of environmental concerns. A General Reevaluation Report (GRR) will be prepared to determine alternatives for flood risk management that Chevron Basin would have provided for Southeast and Central Area residual flooding in El Paso. The GRR will also determine economic feasibility and evaluate environmental impacts. Additional authorization is not needed to implement the request.

**PURPOSE:** Flood Damage Reduction

**AUTHORIZATION:** Flood Control Act of 1965, Section 204.

**FEDERAL FUNDS RECEIVED THRU FY 10:** \$122,105,000

**SCHEDULED ACTIVITIES FOR FY 2010:** Not funded.

---

Total FY11 Federal Funding Requested: \$300,000

Project: Continue with preparing a feasibility study for Northwest El Paso, Texas

**AUTHORIZATION:** Resolution of the Committee on Environment and Public Works of the United States Senate, adopted August 12, 1986.

**DESCRIPTION:** The study area is located in the northwest section of El Paso, Texas. Development northward along the Franklin Mountains in the City of El Paso and El Paso County is increasing the potential for flooding. The feasibility study will incorporate a floodplain management plan, examining structural and non-structural solutions to existing flooding problems in the study area and determine the extent of the Federal interest. At the sponsor's request, the scope of the study will be expanded to

include watersheds discussed in the reconnaissance report. Economic feasibility and environmental impacts will be determined in the feasibility study. Additional authorization is not needed to implement the request.

**PURPOSE:** Flood Damage Reduction

**FEDERAL FUNDS RECEIVED THRU FY 10:** \$769,000

**SCHEDULED ACTIVITIES FOR FY 2010:** Not funded.

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**Total FY11 Federal Funding Requested:** \$200,000

**Project:** Continue with preparing a feasibility study for Sparks Arroyo Colonia in El Paso County, Texas

**AUTHORIZATION:** Resolution of the House Committee on Environment and Public Works of the United States Senate, adopted August 12, 1986.

**DESCRIPTION:** Sparks Arroyo is a major drainage area on the east side of El Paso County. The arroyo is easily eroded and carries high levels of silt and debris that often plug the drainage culverts under Interstate-10. A major rainstorm in 1999 caused severe flooding and temporarily closed I-10 for two hours, the only major commercial east-west link in El Paso County. Additional flooding occurred in August and September 2006. The area in question is one of the fastest growing areas in El Paso County. The feasibility study will develop proposed solutions to the current flooding problem that is negatively impacting quality of life, transportation and commercial activity in the affected area.

**PURPOSE:** Flood Damage Reduction

**FEDERAL FUNDS RECEIVED THRU FY 10:** \$1,089,000

**SCHEDULED ACTIVITIES FOR FY 2010:** Continue with preparing a feasibility study.

# SOLAR POWER FOR THE KAY BAILEY HUTCHISON DESALINATION PLANT

FEDERAL LEGISLATIVE AGENDA 2010/2011

## Funding Request:

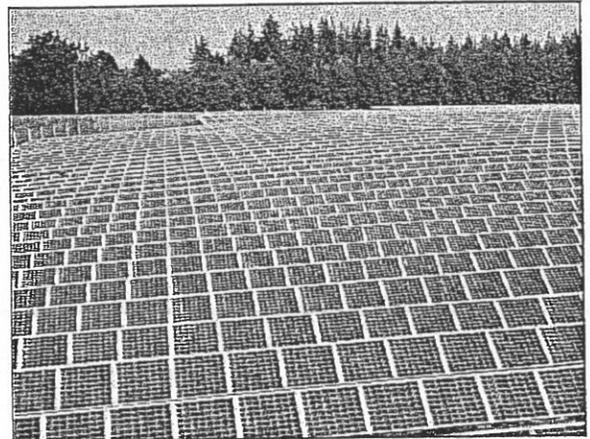
El Paso Water Utilities (EPWU) is requesting \$8 million for the purchase and installation of a photovoltaic power plant to operate the Kay Bailey Hutchison Desalination Plant (Hutchison Plant).

## Facts:

The Hutchison Plant can produce 27.5 million gallons per day (MGD) of potable water, of which 20 MGD is intended for customers of EPWU and the remaining 7.5 MGD for Fort Bliss. The water source is brackish water from the Hueco Bolson that is pumped from wells and piped to the Hutchison Plant.

Since water treatment in general is energy intensive and water desalination is particularly so, the installation of a solar photovoltaic (PV) project next to the plant will result in a more sustainable solution for EPWU and Fort Bliss. El Paso Water Utilities has begun to explore the possibility of joining Fort Bliss in the development of this project.

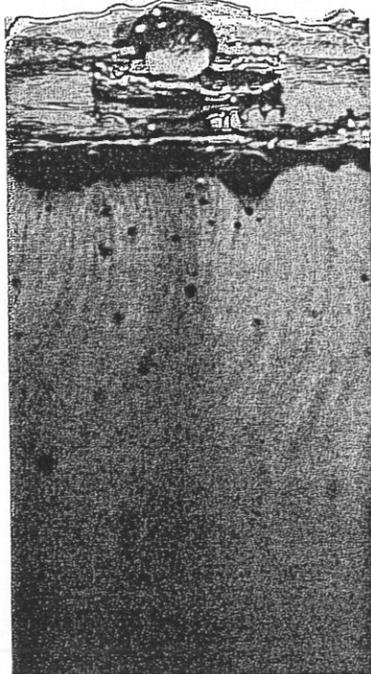
According to the National Renewable Energy Laboratory (NREL), a national laboratory of the U.S. Department of Energy, El Paso is located in a wide area of very high solar energy potential. This area extends from the U.S. southern border to parts of Nevada, Utah and Colorado, and from the California deserts to West Texas.



Solar thin film panels

## Benefits:

Installation of this system will result in a savings of 2,600 Megawatt hours per year of electric power purchased from the El Paso Electric grid and will reduce carbon dioxide emissions by 1800 tons per year. Furthermore, this helps Fort Bliss to become the Army's Center for Renewable Energy.



# DIGESTER GAS ENERGY RECOVERY PROJECT

FEDERAL LEGISLATIVE AGENDA 2010/2011

## Funding Request:

El Paso Water Utilities is requesting \$6 million to take an existing waste stream of gas produced during sewage treatment and purify the gas and then use it to generate electricity.

## Facts:

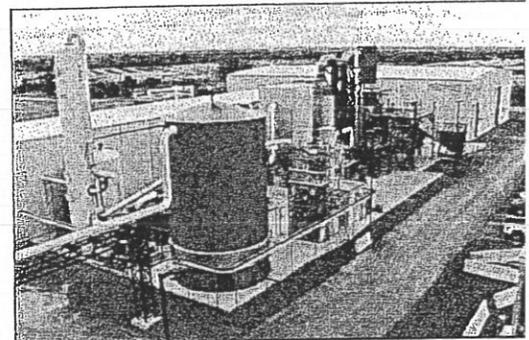
Digester gas is formed when natural bacteria feed on wastewater pollutants and produce a mixture of methane, carbon dioxide, hydrogen sulfide and other trace gasses. Untreated, the gas is corrosive making beneficial use problematic.

The project includes the purchase and installation of treatment equipment to remove corrosives and other harmful trace pollutants.

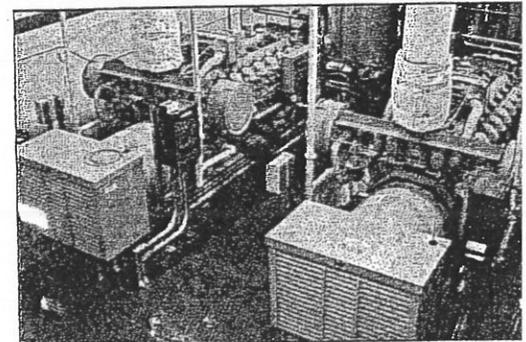
The project also includes the purchase and installation of high efficiency engines fueled by the treated gas and coupled to premium efficiency generators. The electricity generated will offset grid power purchased for sewage treatment.

## Benefits:

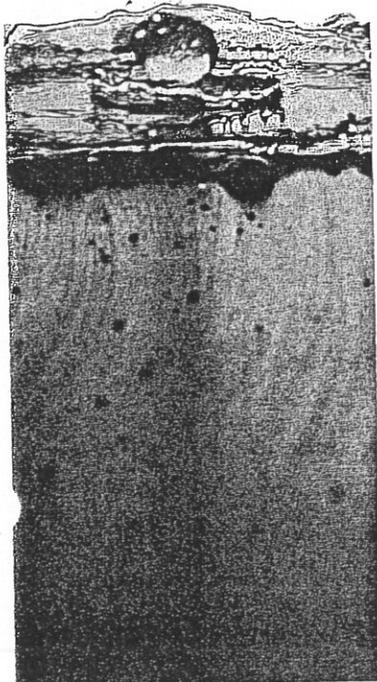
Installation of this system will result in a savings of 5,600 Megawatt Hours per Year of electric power purchased from the El Paso Electric grid, and will reduce carbon dioxide emissions by 7,900 tons per year.



Gas scrubber



Cogeneration system



## RESOLUTION

**WHEREAS**, the topics of immigration reform, border security, and state and federal cooperation on immigration are concerns that are of great importance to state and local government entities of both sides of the United States-Mexico border; and,

**WHEREAS**, border security is critical to the safety, quality of life and economic prosperity of the United States-Mexico border region; and,

**WHEREAS**, though today's immigrants, like yesterday's, may arrive in the United States with no money and speaking foreign languages, they come with an entrepreneurial spirit and desire to live the American Dream; and,

**WHEREAS**, across the world, walls erected to divide peoples and nations are symbols of failed and repressive efforts to thwart human freedom and prosperity; and,

**WHEREAS**, the El Paso/Juarez Community embraces the international nature of our community and believes that our border joins us and does not divide us; and,

**WHEREAS**, the Secure Border Fence Act of 2006 calls for 700 miles of fencing that will only divide the El Paso/Juarez community and do nothing to advance a comprehensive approach to immigration reform; and,

**WHEREAS**, the fence is estimated to cost \$7.5 million per mile, the El Paso/Juarez community could better use those funds to improve conditions at the region's ports of entry; and,

**WHEREAS**, such investment in border infrastructure would allow for enhanced commerce flow; and,

**WHEREAS**, the Putting Our Resources Together ("PORTS") Act provides for additional Customs & Border Protection officers and additional funding for construction at our international bridges; and,

**WHEREAS**, in 2003, trade through the land ports along the U.S.-Mexico Border represented about 83 percent of the trade between the countries. Together, the top 10 ports of entry account for 98 percent of trade passing through the border. El Paso had approximately 20.2 percent of the exports, which put the City only behind Laredo in volume. As to numbers of overall inspections of people, El Paso surpasses all ports of entry in Texas. With \$152 billion in land trade with Mexico, Texas surpassed other states by far: California (\$30 billion), Arizona (\$12 billion) and New Mexico (\$1.1 billion); and,

**WHEREAS**, the balance of the facilitation of trade with the need to make our community secure has long been of principle importance; and,

09 JAN 22 PM 1:14

CITY CLERK DEPT.

**WHEREAS**, the El Paso community has worked with representatives and agencies in Mexico and the United States for many years to create secure trade and traffic programs, including the first Dedicated Commuter Lane ("DCL") AND Free and Secure Trade ("FAST") in Texas; and,

**WHEREAS**, current immigration law does not have timely legal alternatives to allow companies or individuals to employ such essential workers as those needed in the construction, healthcare, restaurant, transportation, hotel, elder care, and child care job sectors, among others; and,

**WHEREAS**, on December 16, 2005, the U.S. House of Representatives passed H.R. 4437, which fundamentally proposes an enforcement only approach to the complex issue of the control of illegal immigration and the improvement of border security.

**THEREFORE, BE IT HEREBY:**

**RESOLVED**, that the complex issues of illegal immigration and a porous border cannot be fixed by an enforcement only approach. Any solutions must take a multi-layered approach to multi-layered issues created over decades of neglect.

**RESOLVED**, that when addressing issues of border security, the emphasis should be on the use of new and emerging technologies that will facilitate legitimate trade and border crossings.

**RESOLVED**, that the Council encourages the federal government to re-examine the construction of the fence along the entire southern border and that the incoming DHS secretary discontinue the practice of waiving environmental protections in order to expedite the project.

**RESOLVED**, that a solution must address allowing the undocumented in the United States who are filling legitimate employment needs a means to obtain legal status without placing them ahead of those who applied to enter the U.S. legally.

**RESOLVED**, that immigration processing backlogs must be reduced for those with valid pending applications.

**RESOLVED**, that new legislation must address document fraud and include severe penalties for those who prey upon undocumented aliens.

**RESOLVED**, that people offering to "assist" an undocumented person in the U.S. by providing food, shelter, counseling, or transportation must not be exposed to criminal penalties if they are not engaged knowingly in smuggling or aiding said individuals to enter into the United States.

**RESOLVED**, that the City of El Paso will continue to work in a collaborative manner with our Sister City, Ciudad Juarez, Chihuahua, and other governmental entities in the El

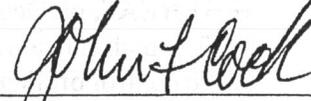
CITY CLERK DEPT.

Paso/Juarez Borderplex to address issues that are unique to the bi-national, multi-cultural community in which we live.

**RESOLVED**, that the City of El Paso will provide input and seek legislation regarding border security and immigration reform that is effective, responsible, humanitarian and not an encumbrance to international commerce.

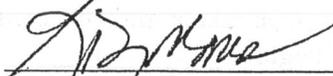
**ADOPTED** this the 13<sup>th</sup> day of January 2009 by the City Council of the City of El Paso.

CITY OF EL PASO:



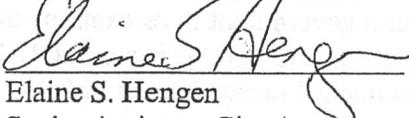
John F. Cook  
Mayor

ATTEST:



Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:



Elaine S. Hengen  
Senior Assistant City Attorney

CITY CLERK DEPT.  
09 JAN 22 PM 1:14

A BILL TO BE ENTITLED  
AN ACT

relating to the use of customs brokers to obtain a refund of sales and use taxes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 111.00455(b), Tax Code, is amended to read as follows:

(b) The following are not contested cases under Subsection (a) and Section 2003.101, Government Code:

(1) a show cause hearing or any hearing not related to the collection, receipt, administration, or enforcement of the amount of a tax or fee imposed, or the penalty or interest associated with that amount, except for a hearing under Section ~~[151.157(f), 151.1575(e), 151.712(g),]~~ 154.1142~~[-]~~ or 155.0592;

(2) a property value study hearing under Subchapter M, Chapter 403, Government Code;

(3) a hearing in which the issue relates to:

- (A) Chapters 72-75, Property Code;
- (B) forfeiture of a right to do business;
- (C) a certificate of authority;
- (D) articles of incorporation;
- (E) a penalty imposed under Section 151.7031;
- (F) the refusal or failure to settle under

Section 111.101; or

(G) a request for or revocation of an exemption from taxation; and

(4) any other hearing not related to the collection, receipt, administration, or enforcement of the amount of a tax or fee imposed, or the penalty or interest associated with that amount.

SECTION 2. Section 151.307(b), Tax Code, is amended to read as follows:

(b) When an exemption is claimed because tangible personal property is exported beyond the territorial limits of the United States, proof of export may be shown only by:

(1) a bill of lading issued by a licensed and certificated carrier of persons or property showing the seller as consignor, the buyer as consignee, and a delivery point outside the territorial limits of the United States;

(2) ~~[documentation:~~

~~[(A) provided by a United States Customs Broker licensed by the comptroller under Section 151.157;~~

~~[(B) certifying that delivery was made to a point outside the territorial limits of the United States;~~

~~[(C) that includes, in addition to any other information required by the comptroller, a statement signed by the person claiming the exemption that states that "Providing false information to a customs broker is a Class B misdemeanor."; and~~

~~[(D) to which a stamp issued under Section 151.158 is affixed in the manner required by that section or Section 151.157;~~

~~[(3)]~~ import documents from the country of destination showing that the property was imported into a country other than the United States;

~~(3)~~ ~~[(4)]~~ an original airway, ocean, or railroad bill of lading and a forwarder's receipt if an air, ocean, or rail freight forwarder takes possession of the property; or

~~(4)~~ ~~[(5)]~~ any other manner provided by the comptroller for an enterprise authorized to make tax-free purchases under Section 151.156.

SECTION 3. Section 151.406(a), Tax Code, is amended to read

as follows:

(a) Except as provided by Section 151.407, a tax report required by this chapter must:

(1) for sales tax purposes, show the amount of the total receipts of a seller for the reporting period;

(2) for use tax purposes, show the amount of the total receipts from sales by a retailer of taxable items during the reporting period for storage, use, or consumption in this state;

(3) show the amount of the total sales prices of taxable items that are subject to the use tax during the reporting period and that were acquired for storage, use, or consumption in this state by a purchaser who did not pay the tax to a retailer;

(4) show the amount of the taxes due for the reporting period; and

(5) ~~[show the amount of sales tax refunded for items exported beyond the territorial limits of the United States after receiving documentation under Section 151.307(b)(2); and~~

~~[(6)]~~ include other information that the comptroller determines to be necessary for the proper administration of this chapter.

SECTION 4. The following provisions of the Tax Code are repealed:

(1) Section 151.157;

(2) Section 151.1575;

(3) Section 151.158;

(4) Section 151.159;

(5) Sections 151.307(c), (d), and (e);

(6) Section 151.712; and

(7) Section 151.713.

SECTION 5. The change in law made by this Act does not affect taxes imposed before the effective date of this Act. Taxes imposed before the effective date of this Act are governed by the law in effect when the taxes were imposed, and that law is continued in effect for purposes of the liability for and collection of those taxes.

SECTION 6. This Act takes effect October 1, 2011.

**From:** <Saved by Windows Internet Explorer 7>  
**Subject:** Witness List Display  
**Date:** Tue, 7 Dec 2010 19:59:01 -0700

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## WITNESS LIST

Redistricting Committee  
(Subcommittee on El Paso Redistricting)

August 16, 2010 - 10:00 AM

Subcommittee on El Paso Redistricting

On: Acosta, Emma (East-Central City Rep. Dist. #3)  
Anchondo, Daniel (El Paso Democratic Party)  
Artalejo, Jorge (Self)  
Bamales, Xavier (LULAC Project Amistad, El Paso, TX)  
Dayoub, Richard (Greater El Paso Chamber of Commerce)  
Gandara, County Commissioner Willie (County of El Paso)  
Grijalva, Robert (State Representative Chente Quintanilla)  
Hernandez, Elvia G. (Texas LULAC)  
Mancera, Ray (LULAC Texas)  
Perez, County Commissioner Anna (El Paso County)  
Potter, Lloyd (Office of State Demographer)  
Rodriguez, Jose (Self)

Registering, but not testifying:

On: Barajas, Lillian (Self)  
Fierro, Art (Self)  
Hisa, Carlos (Ysleta del Sur Pueblo)  
Robles, Belen (Self)

**RESOLUTIONS APPROVED  
BY THE  
MEMBERSHIP OF THE  
TEXAS MUNICIPAL LEAGUE**

**October 29, 2010**

**Corpus Christi, Texas**

## CONTENTS

| <b><u>Resolution Number</u></b> | <b><u>Short Title</u></b>                                 | <b><u>Submitted By:</u></b>                                      |
|---------------------------------|-----------------------------------------------------------|------------------------------------------------------------------|
| 1                               | Committee on Municipal Revenue and Finance                | Committee Chair Webb Melder,<br>Mayor, Conroe                    |
| 2                               | Committee on Eminent Domain/<br>Regulation of Development | Committee Chair Beverly Gaines,<br>Mayor, Webster                |
| 3                               | Committee on Utilities and<br>Transportation              | Committee Chair Nelda Martinez,<br>Councilmember, Corpus Christi |
| 4                               | Committee on General Government                           | Committee Chair Julie Masters,<br>Mayor, Dickinson               |
| 5                               | 7 U.S.C. Section 1926(b)                                  | City of Pflugerville                                             |
| 6                               | Public Information Act                                    | City of San Antonio                                              |
| 7                               | Rights-of-Way                                             | City of San Antonio                                              |
| 8                               | Appreciation/TML Annual Conference                        | TML President Debra McCartt                                      |
| 9                               | Web Site Posting                                          | City of Parker                                                   |
| 10                              | Residential Sprinkler Prohibition                         | Texas Fire Chief's Association                                   |
| 11                              | Burglar Alarm Fines                                       | City of Georgetown                                               |

1.

A RESOLUTION  
ADOPTING THE REPORT OF THE  
2010 TML LEGISLATIVE POLICY COMMITTEE  
ON MUNICIPAL REVENUE AND FINANCE

WHEREAS, the 2010 TML Legislative Policy Committee on Municipal Revenue and Finance was appointed by TML President Debra McCartt in early 2010; and

WHEREAS, more than 50 municipal officials from cities of every size across the state served on the Committee; and

WHEREAS, the Committee studied numerous issues relating to revenue and finance; and

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

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2010 Annual Conference of the Texas Municipal League that the attached report of the TML Legislative Policy Committee on Municipal Revenue and Finance be accepted and adopted.

PASSED AND APPROVED by the membership of the Texas Municipal League this 29<sup>th</sup> day of October, 2010, at Corpus Christi, Texas.

APPROVED:



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Debra McCartt  
President

ATTEST:



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Bennett Sandlin  
Executive Director

**TEXAS MUNICIPAL LEAGUE**  
**LEGISLATIVE POLICY COMMITTEE ON**  
**MUNICIPAL REVENUE AND FINANCE**

Final Summary of Actions Taken  
May 7 and August 6, 2010

The committee voted to **seek introduction and passage** of legislation that would:

1. convert the sales tax reallocation process from a ministerial process into a more formalized administrative process that would, at a minimum, require prior notice to all affected parties and impose a time limit of three years on the right of a claimant to request a refund.
2. authorize cities—in relation to annexation, planned annexation, voluntary annexation, or negotiated annexation—to replace some or all ESD sales taxes in an area with city sales taxes, provided an ESD's existing sales tax debt is proportionately and reasonably provided for in some manner.

The committee voted to **support** legislation that would:

1. simplify the effective tax rate calculation for notice purposes only, provided the legislation would have no effect on the underlying effective tax rate and rollback tax rate calculations themselves, nor upon the hold harmless exemptions to those rates.
2. clarify that the “Prop 2” pollution control property tax exemption isn't meant to apply to the environmental characteristics of end products.
3. amend Section 11.1825 of the Tax Code by adding a requirement that community housing development organizations (CHODOs) must receive an exemption from taxation from any affected municipality prior to receiving a tax exempt status from the local property tax appraisal district.
4. return appraisals of oil and gas properties to the pre-H.B. 2982 (2007) methodology.
5. create a new council-option city sales tax for property tax relief that may exceed the two-percent local cap.
6. automatically convert existing sales taxes for property tax relief to any newly-created sales tax for property tax relief that would not count against the two-percent local cap.
7. apply hotel occupancy taxes to RV parks, except for stays of longer than 30 days.

8. expand the sales tax base, but only if the city tax base fully benefits from the expansion.
9. increase future local parks funding.
10. permit cities to share tax proceeds with other cities as part of a voluntary Chapter 380 economic development agreement.
11. permit a city, by vote of the citizens, to withdraw from an ESD, provided the city will provide fire service inside the city's limits.
12. permit a municipal development district's (MDD) sales tax, notwithstanding a competing ESD sales tax, to apply in the ETJ, as current law allows, provided an ESD's existing sales tax debt is proportionately and reasonably provided for in some manner.
13. provide for the popular election of ESD boards of directors.
14. authorize the expenditure of hotel occupancy taxes on the costs of conducting audits of potentially delinquent taxpayers.
15. change the eight-percent statutory interest rate on property tax refunds under Tax Code Section 42.43 to the rate of the 3-month treasury bill, as referenced in other portions of that section, as of the date of settlement.

The committee voted to **endorse** legislation that would:

1. require mandatory disclosure of real estate sales prices.
2. modify the Super Freeport property tax exemption statute to match the related constitutional amendment.

The committee voted to **oppose** legislation that would:

1. mandate a reduction in the current ten-percent cap on annual appraisal growth.
2. erode the concept that appraisals must reflect the true market value of property.
3. impose a revenue cap of any type, including a reduced rollback rate, mandatory tax rate ratification elections, lowered rollback petition requirements, limitations on overall city expenditures, or exclusion of the new property adjustment in effective rate and rollback rate calculations.

4. require mailed notice of tax rates.
5. impose new property tax exemptions that substantially erode the tax base.
6. impose a property tax freeze that can be implemented by any mechanism other than council action.
7. remove the authority of a city to collect its own property taxes.
8. extend the "Prop 2" pollution control property tax exemption to processes, facilities, or end products.
9. impose new mandatory homestead exemptions or exemption increases.
10. impose any sales tax exemption that would substantially erode the sales tax base.
11. lengthen or broaden the scope of the current sales tax holiday.
12. impose a requirement that the adoption of a new sales tax for property tax relief shall result in a lower property tax rollback rate for the adopting city.
13. expand the sales tax base without fully benefitting the city tax base.
14. impose destination-based sales tax sourcing.
15. expand an ESD's sales tax authority within city limits.
16. limit the authority of 4A or 4B sales tax corporations.
17. expand election requirements for issuance of any city debt or that would impose a petition/election procedure where none currently exists.
18. prevent a city from applying hotel occupancy taxes on the final cost of the hotel room to the guest, or prohibit a city from suing any entity necessary to collect such hotel occupancy taxes.
19. cut state appropriations for future local parks grant funding.
20. divert sporting goods sales taxes away from use for parks.
21. create earmarks of local parks grant funds.

The committee voted to recommend that TML **take no position** on legislation that would:

1. authorize a council-option reduction in the current ten-percent cap on annual appraisal growth.
2. impose small property tax exemptions that serve some social good.
3. modify the Super Freeport property tax exemption (other than legislation that would match the statute to the constitutional amendment).
4. allow a council-option city homestead exemption of up to 30 percent.
5. expand or contract eligibility for the CHODO property tax exemption (other than legislation relating to municipal approval of CHODO exemptions).
6. broaden the authority of 4A or 4B sales tax corporations.
7. align Texas law with the national Streamlined Sales Tax Project (excepting more specific sales tax-related positions taken elsewhere in this legislative program).

In addition, the committee voted to recommend that TML **support** the adoption of the parks study called for by H.B. 12 (2007), thus binding future legislatures to full local parks funding.

2.

A RESOLUTION  
ADOPTING THE REPORT OF THE  
2010 TML LEGISLATIVE POLICY COMMITTEE  
ON EMINENT DOMAIN/REGULATION OF DEVELOPMENT

WHEREAS, the 2010 TML Legislative Policy Committee on Eminent Domain/Regulation of Development was appointed by TML President Debra McCartt in early 2010; and

WHEREAS, more than 40 municipal officials from cities of every size across the state served on the Committee; and

WHEREAS, the Committee studied numerous issues relating to eminent domain and regulation of development; and

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

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2010 Annual Conference of the Texas Municipal League that the attached report of the TML Legislative Policy Committee on Eminent Domain/Regulation of Development be accepted and adopted.

PASSED AND APPROVED by the membership of the Texas Municipal League this 29<sup>th</sup> day of October, 2010, at Corpus Christi, Texas.

APPROVED:



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Debra McCartt  
President

ATTEST:



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Bennett Sandlin  
Executive Director

**TEXAS MUNICIPAL LEAGUE**  
**LEGISLATIVE POLICY COMMITTEE ON**  
**EMINENT DOMAIN AND REGULATION OF DEVELOPMENT**

Final Summary of Actions Taken  
May 21, 2010

The committee voted to **seek introduction and passage** of legislation that would allow a city to collect thoroughfare impact fees in the ETJ.

The committee voted to **support** legislation that would:

1. clarify that cities have authority to enforce building codes in the ETJ.
2. grant immunity from liability for certified municipal building inspectors for damages arising from services provided during an emergency.

The committee voted to **endorse** legislation that would grant counties additional land use authority, so long as municipal authority in the ETJ remains superior to that of the county.

The committee voted to **oppose** legislation that would:

1. further erode a city's ability to condemn property for a public purpose, specifically legislation that would: (a) place eminent domain restrictions on cities that are more burdensome than those placed on the state; (b) provide for retroactive application of any eminent domain provisions; (c) erode municipal authority to engage in urban renewal efforts; (d) provide an excessive amount of damages to a property owner whose property is acquired through eminent domain; (e) enact adverse amendments to current law relating to subsequent repurchase of land acquired through eminent domain; or (f) amend the definition of "public use" to include any restriction on traditional public projects.
2. erode current municipal authority to regulate manufactured or industrialized housing.
3. erode municipal annexation authority.
4. erode municipal zoning authority.
5. restrict a city's ability to adopt or amend zoning regulations, or vest or otherwise create a property right in a zoning classification.

6. establish a standard or process for determining economic loss and related compensation resulting from a regulatory action.
7. further erode a city's ability to regulate religious or charitable organizations.
8. enact adverse amendments to the permit vesting statute (Chapter 245 of the Local Government Code).
9. allow special districts to form in the ETJ without a city's permission, or that would impose additional requirements on cities relating to special districts.
10. reduce municipal authority to require exactions related to and required by new development, or that would erode the authority of cities to adopt and enforce minimum development standards.
11. erode a city's ability to make amendments to model building codes.
12. impose additional time restrictions on the issuance of building permits, or that would erode municipal authority regarding building permits in any way.
13. further restrict a city's ability to impose building fees.
14. erode municipal authority in the ETJ.
15. exempt any entity from paying municipal impact fees.
16. require a city to place a disclaimer of any type on a geospatial data product used by the city.
17. erode municipal authority to regulate renewable energy technology and green building initiatives.

In addition, the committee voted to recommend that TML **support** legislation that would assist cities in providing for a greater quality of life and safe neighborhoods, and that TML **oppose** legislation that would unfairly benefit one property owner to the detriment of the citizens at-large.

3.

A RESOLUTION  
ADOPTING THE REPORT OF THE  
2010 TML LEGISLATIVE POLICY COMMITTEE  
ON UTILITIES AND TRANSPORTATION

WHEREAS, the 2010 TML Legislative Policy Committee on Utilities and Transportation was appointed by TML President Debra McCartt in early 2010; and

WHEREAS, more than 50 municipal officials from cities of every size across the state served on the Committee; and

WHEREAS, the Committee studied numerous issues relating to utilities and transportation; and

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

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2010 Annual Conference of the Texas Municipal League that the attached report of the TML Legislative Policy Committee on Utilities and Transportation be accepted and adopted.

PASSED AND APPROVED by the membership of the Texas Municipal League this 29<sup>th</sup> day of October, 2010, at Corpus Christi, Texas.

APPROVED:



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Debra McCartt  
President

ATTEST:



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Bennett Sandlin  
Executive Director

**TEXAS MUNICIPAL LEAGUE**  
**LEGISLATIVE POLICY COMMITTEE ON**  
**UTILITIES AND TRANSPORTATION**

Final Summary of Actions Taken  
May 14 and August 13, 2010

The committee voted to **seek introduction and passage** of legislation that would:

1. require accurate fiscal notes on rules proposed by state agencies.
2. require an investor-owned utility to refer to right-of-way rental (i.e., franchise) fees as a “fee” rather than a “tax.”

The committee voted to **support** legislation that would:

1. allow for greater flexibility by cities to fund local transportation projects; amend or otherwise modify state law to help cities fund transportation projects; or provide municipalities with additional funding options and resources to address transportation needs that the state and federal governments are unable or unwilling to address.
2. discontinue the diversion of transportation revenues to non-transportation purposes and appropriate all revenues from highway user fees and taxes to fund transportation.
3. provide additional funding to the Texas Department of Transportation for transportation projects that would benefit cities, so long as existing funding formulas are followed.
4. increase state authority over air emissions or water quality as those items relate to gas development, so long as municipal authority in those areas is not eroded.
5. grant cities or counties additional authority to regulate gas wells in a city’s extraterritorial jurisdiction (ETJ), so long as municipal authority in the ETJ remains superior to that of the county.
6. require the TCEQ to consider minimum standards for fire protection for new or amended CCN applications for water providers in a city’s ETJ.

The committee voted to **endorse** legislation that would:

1. allow municipal wastewater under a “no discharge” permit to be used for irrigation on land that is owned, leased, or otherwise controlled by the wastewater permittee, or upon

land belonging to another person who has agreed to accept and utilize the wastewater in a manner allowed by TCEQ regulations.

2. provide that all electric generators, regardless of size, should be explicitly barred from the unlawful exercise of market power.
3. provide that entities such as cities harmed by wholesale market abuse should be given explicit standing to participate in market power abuse enforcement actions brought by the PUC.
4. increase fines for market abuses in such a way that the PUC can order full restitution to the market, market participants, or parties injured by the violation.
5. prohibit activities defined as market abuse by the Federal Energy Regulatory Commission.
6. modify the statutory purpose of the PUC to require it to harmonize its pursuit of competition with the protection of consumers of electricity.
7. as a condition of conducting business within Texas, require competitive retail electric providers (REPs) to include among their offers one standard electricity package that has PUC-approved terms and conditions.
8. increase the number of consumer representatives on the ERCOT board from three members to six members.
9. assign a seat on the ERCOT board (and on appropriate budget oversight panels within ERCOT) to the state comptroller's office.
10. require the PUC to pre-approve all debt financing by ERCOT.

The committee voted to **oppose** legislation that would:

1. impose mandatory water conservation measures on cities.
2. impose on cities any additional mandates relating to irrigation/sprinklers.
3. impose state "tap fees" or any other type of state charge on municipal water systems.
4. expand the requirements of S.B. 361 (Eightieth Legislature), which relates to emergency water utility generators, to areas outside Harris County.
5. decrease the authority of a city to be adequately compensated for the use of its rights-of-way.

6. erode municipal original jurisdiction relating to the ratemaking authority of electric utilities.
7. negatively affect the provisions of Senate Bill 5 (Seventy-Ninth Legislature, Second Called Session), which relates to cable competition.
8. erode municipal authority to require utility companies to pay the costs of relocating their facilities in a timely manner as required by current law.
9. limit a city's authority to enter into a solid waste franchise.
10. exempt any entity from paying municipal drainage fees.
11. establish the date of payment of a municipal utility bill as a date other than the actual date of receipt of payment by the city.
12. limit current municipal authority relating to the Gas Reliability Infrastructure Program.
13. amend the Gas Reliability Infrastructure Program to allow the recovery of non-capital expenses by a gas utility.
14. apply the Prompt Payment Act to utility bills submitted to a city if the proposed legislation or rules would diminish a city's ability to dispute charges or recover any excess payments, including interest and the cost of recovery.
15. erode municipal authority over billboards or that would place any unfunded mandate on cities relating to billboards.
16. enact any provision of the TxDOT sunset legislation that would be harmful to cities.
17. require cities to act as collection agents for the state or a subdivision of the state, or that would allow the state or a subdivision of the state to usurp municipal revenue.
18. establish model rules relating to municipal regulation of gas wells, gas pipelines, or other gas-related equipment, unless the legislation or rules apply to only county regulation in the unincorporated area of the county.
19. weaken the ability of cities to regulate gas wells, gas pipelines, or other gas-related equipment.
20. with regard to state agency sunset or related legislation, adversely affect the interests of cities, including but not limited to their ability to intervene on matters before the a state commission or a court of law.

In addition, the committee voted to recommend that TML oppose any provision of the TCEQ sunset legislation that would be harmful to all cities, but take no position on provisions that would benefit some cities while harming others.

4.

A RESOLUTION  
ADOPTING THE REPORT OF THE  
2010 TML LEGISLATIVE POLICY COMMITTEE  
ON GENERAL GOVERNMENT

WHEREAS, the 2010 TML Legislative Policy Committee on General Government was appointed by TML President Debra McCartt in early 2010; and

WHEREAS, more than 60 municipal officials from cities of every size across the state served on the Committee; and

WHEREAS, the Committee studied numerous general government issues; and

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

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2010 Annual Conference of the Texas Municipal League that the attached report of the TML Legislative Policy Committee on General Government be accepted and adopted.

PASSED AND APPROVED by the membership of the Texas Municipal League this 29<sup>th</sup> day of October, 2010, at Corpus Christi, Texas.

APPROVED:



Debra McCartt  
President

ATTEST:



Bennett Sandlin  
Executive Director

**REPORT OF THE TML LEGISLATIVE POLICY COMMITTEE  
ON GENERAL GOVERNMENT**

I. **Seek introduction and passage** of legislation that would:

- A. Exempt as many cities as possible from any federal collective bargaining legislation that may become law in the future.
- B. Create additional, flexible cost-of-living adjustment (COLA) options under the Texas Municipal Retirement System that are not retroactive to a retiree's date of retirement, such options to possibly include one-time increases tied to increases in the consumer price index or flat percentage increases.
- C. Repeal the requirement in current law that a city must first offer to remove graffiti free of charge prior to requiring the property owner to remove it.
- D. Enable the use of electronic notice to the public of bid or proposal opportunities.

II. **Support** legislation that would:

- A. Clarify the authority of cities to use handheld radar/laser speed enforcement technology.
- B. Make beneficial amendments to the "Scofflaw Program" (Chapter 702, Texas Transportation Code), including removing the fine cap in current law; expanding the law to allow general law cities to participate; and requiring a county tax assessor-collector to refuse to register a motor vehicle if the assessor-collector or the Department of Motor Vehicles receives appropriate information from the city.
- C. Authorize sobriety checkpoints.
- D. Increase from \$25,000 to \$50,000 the dollar amount at which a city council may delegate contract change order approval to an administrative official.
- E. Allow a city to mandate that pharmacies located within the city participate in a pseudoephedrine reporting program.
- F. Permit local regulations to prohibit the ownership, possession, harboring, maintenance, transportation, or sales of specific breeds of dogs within a local municipality and/or support the repeal of state law that prohibits breed-specific regulations by home rule municipalities and local municipalities.
- G. Make the burglary of a motor vehicle a state jail felony with mandatory deferred sentencing for first time juvenile offenders and mandatory jail time for any offender with multiple offenses.

- H. Exempt a second-in-command police officer who attends any two-year block in the training program at the Bill Blackwood Law Enforcement Institute of Texas (LEMIT) from any line-level training required by the Texas Occupations Code in the same training block.
  - I. Combine the Texas Municipal Retirement System's Municipal Accumulation Fund (MAF), the Current Service Annuity Reserve Fund (CSARF), and the Employee Savings Fund (ESF).
  - J. Allow a city (for purposes of the Texas Municipal Retirement System (TMRS) return-to-work provision) to define "full time" as 1,000; 1,250; or 1,500 hours annually, so long as such a change would not endanger the federal tax status of TMRS.
  - K. Amend the Texas Public Information Act to except from disclosure an employee's or official's emergency contact information and any reference to the employee's or official's household.
  - L. Amend the Texas Public Information Act to except from disclosure out-of-state driver's license numbers.
  - M. Amend the Texas Public Information Act to except from disclosure a copy of an employee's identification badge.
  - N. Provide that the interest rate on public improvement district bonds is not limited by Section 373.023 of the Texas Local Government Code.
  - O. Authorize the state fire marshal to investigate all line-of-duty firefighter deaths, including those involving training incidents, fire-based emergency medical service, on-duty motor vehicle collisions, and hazardous materials incidents.
  - P. Clarify that peddlers who sell burglar alarm services are not exempt from municipal regulations governing that activity.
- III. **Endorse** legislation that would:
- A. Clarify the authority of general law cities to enact sex offender residency restrictions.
  - B. Make the sale of Salvia divinorum or K2 a state criminal offense.
  - C. Prospectively expand municipal authority relating to interlocal cooperation agreements, so long as such legislation is optional and would not otherwise be detrimental to cities.

D. Provide for a statewide, state-funded, electronic pseudoephedrine database program, so long as cities are not required to participate in the program.

IV. **Oppose** legislation that would:

- A. Erode municipal authority in any way, impose an unfunded mandate, or otherwise be detrimental to cities.
- B. Repeal or limit red light camera authority generally. (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.)
- C. Erode municipal authority to regulate or abate a nuisance in the city limits or ETJ.
- D. Further shift to cities the cost of transporting mental health patients who are under an emergency detention order.
- E. Erode existing municipal authority relating to sex offender residency restrictions, or create a state standard that preempts current or future municipal sex offender residency restrictions.
- F. Prohibit peace officers from making arrests for any offense.
- G. Erode the authority of cities to tow vehicles for no insurance or no driver's license, or exempt motorists from having to pay any vehicle impoundment fee.
- H. Mandate jail standards for city jails or mandate any form of certification for city detention officers.
- I. Eliminate any of the current uniform election dates.
- J. Impose additional state fees or costs on municipal court convictions or require municipal courts to collect fine revenue for the state.
- K. Permit the waiver of appearance at a municipal court trial.
- L. Give state fees and costs precedence over city fees and costs in municipal court.
- M. Substantively change or expand the scope of the current disease presumption law.
- N. Expand the current meet-and-confer law.
- O. Impose expanded collective bargaining rights.
- P. Enact detrimental amendments to the civil service law (Chapter 143 of the Texas Local Government Code).

- Q. Impose healthcare or prescription drug mandates or enhancements.
  - R. Mandate employment benefit enhancements.
  - S. Mandate city-paid leave for city employees for specific purposes.
  - T. Specify what and how cities may regulate with regard to cell phones.
  - U. Repeal existing municipal ordinances relating to cell phone bans or create a state standard that preempts more restrictive current or future municipal cell phone bans.
  - V. Make the sign-posting provisions of H.B. 55 (2009 – relating to prohibiting cell phone use in a school zone) mandatory for all cities.
  - W. Erode city sovereign immunity.
  - X. Restrict or limit indemnification clauses in construction contracts.
  - Y. Limit or prohibit the authority of city officials to use municipal funds to communicate with legislators.
  - Z. Limit or prohibit the authority of the Texas Municipal League to use any revenue, however derived, to communicate with legislators.
  - AA. Require the reporting of lobbying activities beyond the requirements in current law.
  - BB. Impose a statewide smoking ban that would preempt existing or future municipal smoking bans.
  - CC. Ban or limit the ability of cities to engage in proprietary functions.
  - DD. Impose unfunded mandates on cities or city officials related to immigration.
  - EE. Prohibit a city from following its own policies related to immigration.
- V. **Take no position** on legislation that would require a city to grant leave from work for municipal employees provided the leave meets each of the following criteria: (1) it is unpaid; (2) it must be used to address serious family or health issues; and (3) it is of a reasonably short duration.
- VI. **Other**
- A. The committee recommended that, should legislation be filed that would allow cities to adopt a two-tiered plan (one for current employees and retirees and one

for new hires) under the Texas Municipal Retirement System, TML staff seek the guidance of the TML Executive Committee regarding the League's position on such legislation.

- B. The committee recommended that the TML Board and staff carefully monitor any recommendations that may be generated by any legislative committee's study of the Texas Open Meetings Act and that the Board establish legislative positions as appropriate.

5.

A RESOLUTION  
REGARDING 7 U.S.C. SECTION 1926(b)

WHEREAS, the City of Pflugerville and many other cities in Texas have experienced tremendous growth in the last decade and that growth has encroached into once rural areas with water service; and

WHEREAS, rural water supply corporations (WSC) have an exclusive certificate of convenience and necessity (CCN) to serve an area and are often unable to provide adequate fire flow or sufficient amounts of water to serve residential and commercial developments; and

WHEREAS, the inability of cities to serve the water needs of their constituents poses a life, health, and safety risk to our citizens; and

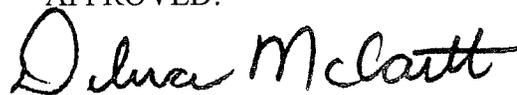
WHEREAS, the inability of cities to serve the water needs of their residential constituents inhibits economic development and job creation.

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2010 Annual Conference of the Texas Municipal League that the League adopt a resolution joining with the National League of Cities to amend 7 U.S.C. Section 1926(b) to allow municipalities to pay off the federally insured debt of rural water supply corporations so that they may exercise their constitutional powers of eminent domain when necessary for the life, health, safety and economic vitality of their citizens and city.

In addition, the City of Pflugerville requests that TML's resolution include a provision to support legislation that would allow landowners to opt out of a federally indebted rural water supply corporation's CCN when the WSC cannot provide adequate fire flow of at least 1,000 gallons per minute for single family residential developments with at least 50 lots and 2,500 gallons per minute for multifamily and commercial property.

PASSED AND APPROVED by the membership of the Texas Municipal League on this 29<sup>th</sup> day of October, 2010, at Corpus Christi, Texas.

APPROVED:



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Debra McCartt  
President

ATTEST:

  
Bennett Sandlin  
Executive Director

A RESOLUTION  
REGARDING THE PUBLIC INFORMATION ACT

WHEREAS, the Public Information Act has been a successful law in providing the public access to government records, and in promoting transparency and public confidence in government; and

WHEREAS, the law is broad and is liberally construed in favor of requestors seeking information, and, for the most part, the City of San Antonio and other governmental entities have developed procedures to receive and process these requests within the deadlines imposed by the Act.

WHEREAS, many requests are simple and can be responded to with relatively little expenditure of government resources, but some requests require substantial time to complete; and

WHEREAS, requests for entire email accounts or requests for emails on broad topics that reach many employees in multiple departments can be burdensome and require many employee hours to print and assemble; and

WHEREAS, the Public Information Act allows governmental entities to charge requestors for copy costs and employee time to make copies of email records, but if a requestor asks to view or inspect these same records, the government cannot charge for the printing costs or personnel time, even though preparing copies for release rather than inspection would require the same time and resources; and

WHEREAS, the City of San Antonio proposes to amend the Public Information Act to allow governmental bodies to charge for employee time needed to compile email records for “inspection-only” requests, still permitting requestors to seek any email records they wish, but allowing the government to impose costs which reflect the time required for their production; and

WHEREAS, when a request is anticipated to cost more than \$40, the government is required to provide the requestor with a written estimate of costs, and the requestor has 10 business days to accept the estimated cost, narrow his or her request to reduce the cost, or abandon the request by failing to respond; and

WHEREAS, if the government wishes to seek authority from the Attorney General to withhold any of the requested records, it must submit a request for ruling arguing the exceptions to disclosure, and providing copies of all the records at issue; and

WHEREAS, the request for ruling must be submitted no later than the 10<sup>th</sup> business day after the request is made, and if the deadline is missed, the exceptions are waived and the information must be released unless there is a federal or state law that mandates confidentiality of the records; and

WHEREAS, for large requests, the interplay of the cost estimate process and the deadline to submit a request for ruling can compel the government to conduct a search for records before the time to respond to the cost estimate has expired; and

WHEREAS, while the government is working to meet the 10-day deadline to submit a request for ruling, the requestor may choose to narrow the request or abandon the request entirely by failing to respond. In these instances, the government may expend resources to locate and copy information that is ultimately not sought by the requestor; and

WHEREAS, the City of San Antonio proposes an amendment to the Public Information Act that would toll the deadline to submit a request for ruling until the time for the cost estimate process has elapsed, allowing the government to know the final scope of a request before staff begins compiling records for release to the requestor or review by the Attorney General;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2010 Annual Conference of the Texas Municipal League:

Section 1. The League should support legislation which would amend the Public Information Act to allow governmental bodies to recoup costs of responding to "inspection-only" requests for emails that require a significant amount of public employee time and resources and allow for tolling of the 10-day period to seek Attorney General Request for Ruling while the Requestor responds to cost estimate.

Section 2. City staff is directed to take all necessary steps to obtain the support of the Texas Municipal League (TML) and the inclusion of this matter on TML's legislative agenda.

Section 3. This Resolution shall be effective on and after the tenth day after passage.

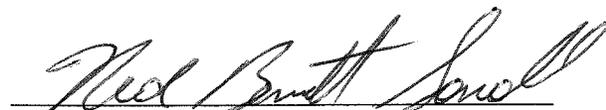
PASSED AND APPROVED by the membership of the Texas Municipal League this 29<sup>th</sup> day of October, 2010, at Corpus Christi, Texas.

APPROVED:



Debra McCartt  
President

ATTEST:



Bennett Sandlin  
Executive Director

A RESOLUTION  
REGARDING MUNICIPAL RIGHTS-OF-WAY

WHEREAS, under Chapter 283 of the Texas Local Government Code, cities are entitled to receive compensation for the use of municipal rights-of-way by providers of voice communications in the form of “access line” fees; and

WHEREAS, voice communications providers, including the telecommunications and cable companies, have historically mischaracterized compensation for use of municipal ROW is a “tax” and favor a compensation methodology based on the cost of maintaining the ROW; and

WHEREAS, the Texas Supreme Court has ruled that municipal compensation for the use of municipal rights-of-way are not taxes, but rental fees for the use of public property; and

WHEREAS, a compensation methodology based on the cost of maintaining rights-of-way would short-changes cities by only reimbursing the administrative cost of managing providers’ activities in the rights-of-way and the damage caused by providers to the rights-of-way, ignoring any rental value of the public property in strict violation of the anti-gift provisions of the Texas Constitution.

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2010 Annual Conference of the Texas Municipal League:

Section 1. City Council opposes legislation that would reduce the amount of compensation it receives from voice communications providers for the use of public rights-of-way or that erode municipal authority over the management and control of its rights-of-way.

Section 2. City staff is directed to take all necessary steps to obtain the support of the Texas Municipal League (TML) and the inclusion of this matter on TML's legislative agenda.

Section 3. This Resolution shall be effective on and after the tenth day after passage.

PASSED AND APPROVED by the membership of the Texas Municipal League this 29<sup>th</sup> day of October, 2010, at Corpus Christi, Texas.

APPROVED:



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Debra McCart  
President

ATTEST:



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Bennett Sandlin  
Executive Director

A RESOLUTION  
OF APPRECIATION TO THOSE  
WHO CONTRIBUTED TO THE SUCCESS  
OF THE 2010 TML ANNUAL CONFERENCE

WHEREAS, the Texas Municipal League has concluded a conference that was highly informative and enjoyable; and

WHEREAS, the delegates to this conference wish to express their sincere appreciation to the city officials and citizens of the City of Corpus Christi and to others who contributed to the success of our conference;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2010 Annual Conference of the Texas Municipal League that the following officials and organizations be given particular thanks and appreciation for time and services rendered abundantly both prior to and during the conference:

1. The Honorable Joe Adame, Mayor of the City of Corpus Christi; members of the Corpus Christi City Council; and other officials and employees of the host city, all of whom contributed to the success of the 2010 TML Annual Conference.
2. Speakers and program participants who so ably addressed our various sessions and served as discussion leaders, the city officials who presided over sessions of the League and affiliate organizations, members of committees and the Board of Directors of the Texas Municipal League, members of the League staff, and all others who participated in the preparation of the conference program.

PASSED AND APPROVED by the membership of the Texas Municipal League this 29<sup>th</sup> day of October, 2010, at Corpus Christi, Texas.

APPROVED:



Debra McCartt  
President

ATTEST:



Bennett Sandlin  
Executive Director

A RESOLUTION REGARDING WEBSITE POSTING

WHEREAS, Local Government Code, Section 52.004, requires the selection each year of an official newspaper for the municipality; and

WHEREAS, the law requires municipalities to publish in the official newspaper, at significant expense, many required published notices, for certain meetings, hearings, ordinances, tax disclosures, public bids, and other required messages; and

WHEREAS, many municipalities have invested substantial sums in developing the municipality's own official website; and

WHEREAS, posting all of the same required notices for the official newspaper on the official website would provide a more efficient, less expensive, and well-organized means of publication of all required notices; and

WHEREAS, posting on the municipality's official website allows the notices to be organized, and archived, for both current and historical information with electronic ease;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2010 Annual Conference of the Texas Municipal League:

Section 1. The City of Parker, by and through its duly elected city council, respectfully requests the Texas Municipal League to support legislation that would allow municipalities the option of selecting either an official newspaper, or an official website, for the municipality's publication of official notices required by law.

Section 2. The City of Parker respectfully submits to the Texas Municipal League that adoption of changes to the statute will provide a savings to the tax payers of significant newspaper publication fees, increased speed of publication, a single centralized source for all of the municipality's required notices, and less expensive and swifter access to such notices by not only the residents of the municipality, but anyone with internet access. The result is a far greater availability of the official notice of the municipality than a newspaper can provide.

PASSED AND APPROVED by the membership of the Texas Municipal League this 29<sup>th</sup> day of October, 2010, at Corpus Christi, Texas.

APPROVED:

*Debra McCartt*

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Debra McCartt  
President

ATTEST:

*Bennett Sandlin*

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Bennett Sandlin  
Executive Director

A RESOLUTION RELATING TO

SEEKING REPEAL OR BENEFICIAL AMENDMENTS TO SECTION 130.01.551(E) OF THE TEXAS OCCUPATIONS CODE, WHICH PROHIBITS A CITY FROM ENACTING AN ORDINANCE, BYLAW, ORDER, BUILDING CODE, OR RULE REQUIRING THE INSTALLATION OF A MULTIPURPOSE RESIDENTIAL FIRE PROTECTION SPRINKLER SYSTEM OR ANY OTHER FIRE SPRINKLER PROTECTION SYSTEM IN A NEW OR EXISTING ONE- OR TWO-FAMILY DWELLING.

WHEREAS, by appendix to the 2009 version of the International Residential Code (IRC), the International Code Council (ICC) adopted code provisions that allow cities to require the installation of residential fire sprinkler systems in residential dwellings; and

WHEREAS, the 2012 version of the IRC will include a requirement that residential fire sprinkler systems be installed in residential dwellings; and

WHEREAS, in spite of the broad government and industry input that led to the ICC's inclusion of the residential sprinkler provisions of the IRC, the Texas Legislature passed legislation in 2009 (S.B. 1410) that prohibits the enforcement of any such provision; and

WHEREAS, the legislative prohibition was added as an amendment in the final days of the 2009 legislative session; and

WHEREAS, a number of cities asked the governor to veto the legislation, all to no avail; and

WHEREAS, residential fire sprinklers have a proven history of saving lives and make conditions safer for firefighters.

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2010 Annual Conference of the Texas Municipal League that the League support legislation that would repeal or provide beneficial amendments, relating to local control of residential fire sprinklers, to Section 1301.551(e) of the Texas Occupations Code.

PASSED AND APPROVED by the membership of the Texas Municipal League this 29<sup>th</sup> day of October, 2010, at Corpus Christi, Texas.

APPROVED:



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Debra McCart  
President

ATTEST:



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Bennett Sandlin  
Executive Director

A RESOLUTION REGARDING BURGLAR ALARMS FINES

WHEREAS, the City of Georgetown incurs costs in responding to numerous false alarm calls; and

WHEREAS, Section 214.197 limits the amount that municipalities can charge in false alarm penalties; and

WHEREAS, amending Section 214.197 to allow municipalities to increase the false alarm penalties would help municipalities cover the costs incurred in responding to a large number of false alarm calls; and

WHEREAS, the citizens of the City of Georgetown are represented in the Texas State Senate by Senator Steve Ogden and in the Texas State House by Representatives Diana Maldonado and Dan Gattis; and

WHEREAS, the Texas Municipal League has also assisted Texas municipalities before the Texas Legislature;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2010 Annual Conference of the Texas Municipal League that the City of Georgetown respectfully requests that the Texas Municipal League support legislation making beneficial amendments to Section 214.197 relating to false burglar alarm penalties.

PASSED AND APPROVED by the membership of the Texas Municipal League this 29<sup>th</sup> day of October, 2010, at Corpus Christi, Texas.

APPROVED:



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Debra McCartt  
President

ATTEST:

A handwritten signature in cursive script, appearing to read "Bennett Sandlin", is written over a horizontal line.

Bennett Sandlin  
Executive Director