

## Item 30



# Travis County Commissioners Court Agenda Request

**Meeting Date:** Tuesday, December 18, 2012  
**Prepared By/Phone Number:** Deece Eckstein, 854-9754  
**Elected/Appointed Official/Dept. Head:** Deece Eckstein, 854-9754  
**Commissioners Court Sponsor:** Judge Biscoe

### **AGENDA LANGUAGE:**

CONSIDER AND TAKE APPROPRIATE ACTION ON ADOPTION OF THE TRAVIS COUNTY LEGISLATIVE AGENDA FOR THE 83<sup>RD</sup> TEXAS LEGISLATURE.

**SUMMARY OF REQUEST AND ATTACHMENTS:** The 83<sup>rd</sup> Texas Legislature will convene on Tuesday, January 8, 2013. As in the past, the Commissioners Court will adopt a Legislative Agenda which will guide the IGR Office and the county's legislative consultant in their dealings with the Legislature. A proposed Legislative Agenda is attached for Court consideration.

**STAFF RECOMMENDATION:** IGR recommends that the Travis County Commissioners Court adopt the Legislative Agenda for the 83<sup>rd</sup> Texas Legislature.

**BACKGROUND:** The Texas Legislature meets in Regular Session for 140 days every two years, commencing on the second Tuesday of January. This year, it will convene on January 8, and remain in session until Monday, May 27.

Each session, the Commissioners Court adopts a Legislative Agenda and modifies and supplements it as needed during the session.

Attached is a draft of the Legislative Agenda document. It is divided into four sections:

- a) **Principles for Legislative Action**, highlighting the key values of the Court with regards to the legislative process;
- b) **Priorities**, the key policy proposals and specific pieces of legislation on which the Court wishes the IGR Office and the legislative consultants to focus their efforts;
- c) **Policy Positions**, the Court's position on issues affecting the County which the Court wishes communicated through the legislative process; and,
- d) **Positions on Other Proposals**, on which independent county elected officials or other groups or organizations have asked the Court to take a position.

Items in black were contained in last session's legislative platform. Items which were in last session's agenda and are being removed are denoted with a ~~strikethrough~~; items in red have been added. Because the Positions on Other Proposals items were adopted in response to specific requests from independent elected officials or outside organizations, they have been removed pending renewal of those requests.

**ISSUES AND OPPORTUNITIES:** The coming legislative session will be marked, as the last one was, by significant turnover in the House (44 new members out of 150). Turnover will be significant in the Senate as well, with six new members out of 31. The only change directly affecting Travis County is the replacement of Senator Jeff Wentworth with Senator-Elect Donna Campbell.<sup>1</sup>

Last session was dominated by budget woes, as the State faced a \$27 billion shortfall in its current services budget. The State addressed that by cutting \$15 billion from the previous biennium's budget.<sup>2</sup> In that process, counties collectively took a \$221 million hit<sup>3</sup> and Travis County sustained about \$3.3 million in cuts.<sup>4</sup>

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<sup>1</sup> However, the redistricting process added two new State Senators to the Travis County legislative delegation: Judith Zaffirini (SD-21) and Troy Fraser (SD-24).

<sup>2</sup> Source: Legislative Budget Board, [Fiscal Size-Up, 2012-13 Biennium](#), accessed 12/11/12.

<sup>3</sup> Source: Texas Association of Counties, [General Appropriations Act - HB 1 \(2012-13 Biennium\): Fiscal Impact on Counties](#), accessed 12/11/12.

<sup>4</sup> Source: Travis County Planning and Budget Office, "Legislature State Grant Worksheet 9-16-11."

The budget picture is improved as we head into the 83<sup>rd</sup> Legislature. State revenue collections during the first two months of this fiscal year are up 10% over last year.<sup>5</sup> While restoration of lost funding from the 2012-13 budget seems unlikely, we do not anticipate pressure for further draconian cuts in the next session.

Two funding-related developments are worth mentioning for their potential impact on counties:

- 1) Since last summer, House Speaker Joe Straus has been urging his colleagues to look at the budget's increasing reliance on budget diversions and to reduce or eliminate them.<sup>6</sup>
- 2) Lieutenant Governor David Dewhurst recently proposed setting aside \$1 billion from the Rainy Day Fund to create a revolving water infrastructure development bank.<sup>7</sup> In a presentation to the Conference of Urban Counties that same day, Senate Transportation Committee Chair Bob Nichols proposed a similar transfer to fund transportation infrastructure.

Again this session, Travis County will work closely with its counterparts in the Conference of Urban Counties and the Texas Association of Counties, and the proposed agenda reflects some of their priorities as well.

Once the Court has adopted a legislative agenda, IGR and the legislative consultants will work to:

- 1) Get bills to accomplish our legislative priorities drafted; and
- 2) Identify and approach bill sponsors from among the Travis County legislative delegation (usually after committee assignments are finalized).

The Court's adoption of its legislative agenda will also lend guidance to the IGR Office as it reviews newly-filed bills and determines which ones to track and which ones to bring to the Court for specific action. In this process, IGR will work with subject matter experts in Travis County government and vet their recommendations with County Executives and elected officials.

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<sup>5</sup> Source: Comptroller of Public Accounts, [Monthly State Revenue Watch](#), accessed 12/11/12.

<sup>6</sup> *Texas Tribune*, "[Straus: Process to End Budget Diversions Starts Now](#)," July 9, 2012. The Tribune has created an interactive [webpage](#) allowing its readers to recover data on specific diversions.

<sup>7</sup> *Austin American-Statesman*, "[Dewhurst: Take \\$1B from rainy day fund for water](#)," November 29, 2012.

**FISCAL IMPACT AND SOURCE OF FUNDING: N/A**

**REQUIRED AUTHORIZATIONS: None.**

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# TRAVIS COUNTY LEGISLATIVE AGENDA

## ~~82<sup>ND</sup>~~ 83<sup>RD</sup> TEXAS LEGISLATURE

Travis County is the fifth-largest county in Texas, with a population of over one million people. Travis County is known for its natural beauty, thriving economy and civic spirit. Home to the state capital and The University of Texas at Austin, Travis County is enriched by its diverse and well-educated population.

As a political subdivision of state government, Travis County requires legislative authority to enhance and improve the services it delivers. The Travis County Commissioners Court desires to enhance the quality of life of all Travis County residents and to provide the maximum return on investment for all revenues entrusted to the County.

### **Principles for Legislative Action**

The Commissioners Court has adopted the following principles for the ~~82<sup>nd</sup>~~ 83<sup>rd</sup> Texas Legislature:

- ★ Travis County is a unique place, and Travis County government should preserve and enhance the human, economic, cultural and natural resources of the area.
- ★ Travis County government acts as a steward of the public trust and of public resources entrusted to its care.
- ★ The Travis County Commissioners Court is committed to providing the maximum value and return on investment for all revenues entrusted to the County.
- ★ The Travis County Commissioners Court believes that local government best understands and responds to the needs of its constituents. Therefore, it seeks maximum flexibility in implementing the policies and programs mandated by the Legislature.
- ★ In a time of dramatic budget shortfalls at the state level, the Travis County Commissioners Court opposes legislation or budgeting decisions that would shift the cost of state-funded programs to local governments.
- ★ The Travis County Commissioners Court believes counties need greater authority and tools to deal with the challenges of a rapidly-urbanizing area in rapidly-changing times.

**Priorities**

*(Items in this list are the legislative priorities for the IGR staff and the legislative consultants, i.e., "blue sheet." The list will be modified throughout the session as the Commissioners Court assigns and reviews those priorities.)*

1. Oppose legislation or budget decisions that would create unfunded mandates or divert county revenues. (TRBA-1)
2. Oppose legislation that would restrict the ability of counties to raise the revenues necessary to provide an adequate level of services to their citizens. Travis County opposes appraisal caps and revenue caps. (TRBA-5)
3. ~~Oppose budget cuts to, and s~~Support additional funding for, programs that provide necessary benefits and services to Travis County residents. (HHS-1)
4. Support legislation that would provide funding and infrastructure to improve the availability and continuity of mental and physical health care between county jails and the community. (JCJ-MH-1)
5. ~~Support legislation that would permit counties to purchase conservation easements.~~ (ENV-3)
6. Support legislation that respects and promotes local control over billboards, including digital electronic billboards, to give Travis County authority to regulate off-premises signs along scenic portions of state and county roads. (ENV-4,-5)
7. Support legislation giving counties the necessary tools to manage growth, protect property values, and preserve quality of life in the unincorporated areas. (GMLU-1)
8. Support equitable additional funding for transportation infrastructure, including rail and mass transit, a constitutional amendment to eliminate or reduce the diversion of Fund 6 money to other agencies. (MTF-2)
9. ~~Clarify the authority of a county commissioners court to designate a person to lift a burn ban under certain circumstances without having to convene a meeting of the commissioners court.~~ (EMS-2)
10. ~~Support legislation that would permit qualifying vehicles registered in a participating county for 12 out of the last 15 months to participate in the "Drive a Clean Machine" (DACM) program.~~ (ENV-5)
11. ~~Support legislation that would expand the powers and duties of Criminal Magistrates in Travis County.~~ (JCJ-AJ-1)

~~12. Support redistricting legislation that:~~

- ~~a. respects the one man-one vote constitutional standard;~~
- ~~b. respects the integrity of Travis County as a community of interest as much as possible, and~~
- ~~c. preserves the right of Travis County minority voters to join in coalition with other like-minded voters to elect the candidate of their choice.~~

8. Support legislation to effectively plan and manage groundwater and surface water as a single resource. (ENV-9,-10,-12,-13)



**Policy Positions**

*(Items in this list are the legislative policy positions of Travis County.)*

***Emergency Services***

1. Support legislation to amend the medical examiners' statutes to promote best practices throughout the State while preserving local control and flexibility.
2. ~~Clarify the authority of a county commissioners court to designate a person to lift a burn ban under certain circumstances without having to convene a meeting of the Commissioners Court.~~
3. Support legislation to preserve county regulatory authority over fire sprinklers in residential housing larger than three units.
4. Support legislation or budgeting decisions that would tie Medicaid reimbursement rates for air ambulance services to federally established Medicare reimbursement rates.
5. ~~Support restoration of 9-1-1 funding for the CAPCOG region through the State Commission on Emergency Communications.~~

***Environment and Natural Resources***

1. Oppose legislation eliminating or diluting Travis County's authority to "...take any necessary and proper action to comply with the requirements of the storm water permitting program under the national pollutant discharge elimination system."
2. Support legislation to increase funding for the Texas Recreation and Parks Account Local Park Grant Program and the Texas State Park System.
3. ~~Support legislation that would permit counties to purchase conservation easements.~~
4. Support legislation to give Travis County authority to regulate off-premises signs along scenic portions of state and county roads.
5. Oppose legislation that would reduce or eliminate local control over the placement and usage of digital electronic billboards.
6. ~~Support legislation that would permit qualifying vehicles registered in a participating county for 12 out of the last 15 months to participate in the "Drive a Clean Machine" (DACM) program.~~
7. Support legislation to increase ratepayer protection in water supply corporation and water utility proceedings before the Texas Commission on Environmental Quality.
8. Support allowing counties to recover costs and attorney's fees from a utility if they intervene on behalf of rate payers in unincorporated areas in water supply rate cases.
9. Support legislation that would reconcile the incompatibility in the legal treatment of groundwater and surface water, recognizing that they are one and the same.  
~~Support legislation to promote local control over the planning and management of both surface water and groundwater resources.~~
10. Support modification of the State water planning process to include ground water modeling, which should include a regional component.
11. Support funding of the State water plan through a fair and equitable mechanism.

- 12. Support establishment by a State agency of a consistent set of water conservation standards for the state.
- ~~10-13.~~ Support measures to improve the effectiveness of ground water management by Ground Water Conservation Districts.
- ~~11-14.~~ Support full funding for the Low Income Repair Assistance, Retrofit and Accelerated Vehicle Retirement Program and the Local Initiative Projects.
- ~~12-15.~~ Support legislation that would improve the ability of the County to enforce clean air, water and other environmental laws.

**Growth Management/Land Use**

- 1. Support legislation giving counties the necessary tools to manage growth, protect property values, and preserve quality of life in the unincorporated areas.
- 2. Support legislation allowing counties to adopt a long-range comprehensive plan for land development within the unincorporated areas of the county.
- 3. Support legislation allowing counties to adopt regulations that would buffer sensitive areas like schools, churches and residences from incompatible industrial uses.
- ~~4. Support legislation allowing counties to require public utility operators to commit to a schedule for relocating their facilities within county rights-of-way and establish penalties for their failure to perform.~~
- 5. Support legislation that would restrict the ability of a homeowners' association to prohibit the use of qualifying sustainable technologies ~~the installation of solar panels~~ on ~~a home~~s or property within their jurisdiction.

**Health and Human Services**

*Changes to the MHMR, DSHS, DFPS*

- 1. ~~Oppose budget cuts to,~~ and sSupport additional funding for, health and human services programs that provide necessary benefits and services to Travis County residents.
- 2. Support legislation and budgeting decisions that will fully fund necessary mental health services provided by county MHMR departments.
- 3. Oppose expansion of mandatory participation in private mental health managed care programs, leaving counties the option to participate.

**Juvenile and Criminal Justice**

*Mental Health*

- 1. Support legislation that would provide funding and infrastructure to improve the availability and continuity of mental and physical health care between county jails and the community.
- 2. Support additional funding for both state-run mental health facilities and for counties to provide mental health services in their facilities.

*Re-Entry Programs*

1. Support legislation to enhance employment readiness and job opportunities for people with criminal histories.
2. Support legislation that would provide people with felony drug convictions the same access to food stamps as afforded other ex-offenders.
3. Support legislation that would promote kinship care for children whose parents are incarcerated to reduce the impact on the foster care system.

*Jail Population Management*

1. Support legislation to reduce or eliminate the financial and operational burdens of state-supervised offenders in county correctional facilities.
2. Support legislation to reimburse counties for all expenses incurred in housing state-supervised offenders such as parole violators.
3. Support legislation to allow for the release of technical parole violators on bond.
4. Support legislation to increase opportunities for the use of technology (e.g., GPS monitoring, SCRAM devices) in jail diversion strategies.

*Pretrial Release on Personal Bonds*

1. Oppose legislation that would eliminate or reduce local courts' discretion with respect to the use of personal bonds.

*Administration of Justice*

- ~~1. Support legislation that would expand the powers and duties of Criminal Magistrates in Travis County.~~

***Mobility and Transportation Funding***

1. Support increased funding for the Texas Department of Transportation for transportation and other mobility needs, including rail and mass transit.
2. Support equitable additional funding for transportation infrastructure, including rail and mass transit. ~~a constitutional amendment to eliminate or reduce the diversion of Fund 6 money to other agencies.~~
3. Support legislation enabling counties, on a local option basis, to levy taxes or fees to support mobility infrastructure.
4. Support legislation to enable Travis County to levy a Transportation Project (Mobility) Fee to construct new and widen existing arterial roadways within the unincorporated areas.
5. Support legislation to enable Travis County to levy an impact fee upon new land development within the unincorporated area to pay for arterial roadway improvements serving the development.

***Taxation, Revenues, Budget and Administration***

1. Oppose legislation or budget decisions that would create unfunded mandates or divert county revenues.
2. Oppose legislation that would limit the County's ability to meet the needs of its citizens by artificially capping appraisal values or county revenues.
3. Support legislation that would allow counties to offer specialized retirement packages to early retirees.

4. Support constitutionally-based unfunded mandate protection for local governments that allows counties to opt out of a mandate until funding is provided.
5. Oppose legislation that would restrict the ability of counties to raise the revenues necessary to provide an adequate level of services to their citizens. Travis County opposes appraisal caps and revenue caps.
- ~~6. Support legislation authorizing appropriate use of public-private partnerships in funding for and utilization of publicly-owned and -controlled facilities.~~
- ~~7. Support legislation that would require TEA to include the option of offering the "Alive @ 25" driver safety course to the driver education curriculum.~~
8. Support legislation giving counties greater freedom and flexibility in providing procurement legal notices to their residents.
9. Support legislation that would give Travis County more options for storage and maintenance of paper records.
10. Support legislation that encourages economic development while preserving the authority and discretion of the commissioner's court in negotiating economic development incentives.
11. Support TCDRS as a prudently and conservatively structured defined contribution pension plan with hybrid components appropriate for counties.
12. Support legislation to allow Travis County to impose a filing fee of up to \$15 for all civil cases, with proceeds dedicated to helping pay for a new civil and family court courthouse.
13. Support legislation to amend the Open Meetings Act to update references to "tape" recordings of public meetings and conform them to modern technology.
14. Support legislation that would amend the Government Code to allow political subdivisions to implement the same loan, Roth and automatic enrollment provisions as state agencies, if in compliance with the Internal Revenue Code.
- ~~10.~~ Support legislation to clarify the geographic extent of ad valorem tax liens on business personal property.
- ~~11.~~ 15. Oppose legislation that would diminish the authority or discretion of a commissioner's court and would not serve a court-approved public purpose.

### **Positions on Other Proposals Before the 82<sup>nd</sup> Texas Legislature**

*(Items in this list are legislative positions regarding initiatives of other Travis County elected officials or other groups or organizations.)*

- ~~1. Support legislation that would strengthen licensing requirements and oversight regulation of payday and auto title lenders.~~
- ~~2. Support legislation that would establish a recycling refund system for beverage containers in Texas.~~
- ~~3. Support legislation that would establish a recycling collection program for discarded electronic products.~~
- ~~4. Support legislation to establish a recycling payback program for mercury-containing products.~~

- ~~5. Support legislation to increase the amount of the fee paid by a defendant for a peace officer's services in executing or processing an arrest warrant, capias, or capias pro fine from \$50 to \$75.~~
- ~~6. Support legislation clarifying the authority of the Travis County Healthcare District (d/b/a Central Health) to enter into leases without prior approval of the Travis County Commissioners Court.~~