



**City of Boerne**

**2021 Legislative Agenda**

**87<sup>th</sup> Texas Legislative Session**

As approved by the  
Boerne City Council on December 8, 2020

**BOERNE CITY COUNCIL**



**MAYOR TIM HANDREN**



**TY WOLOSIN**



**NINA WOOLARD**



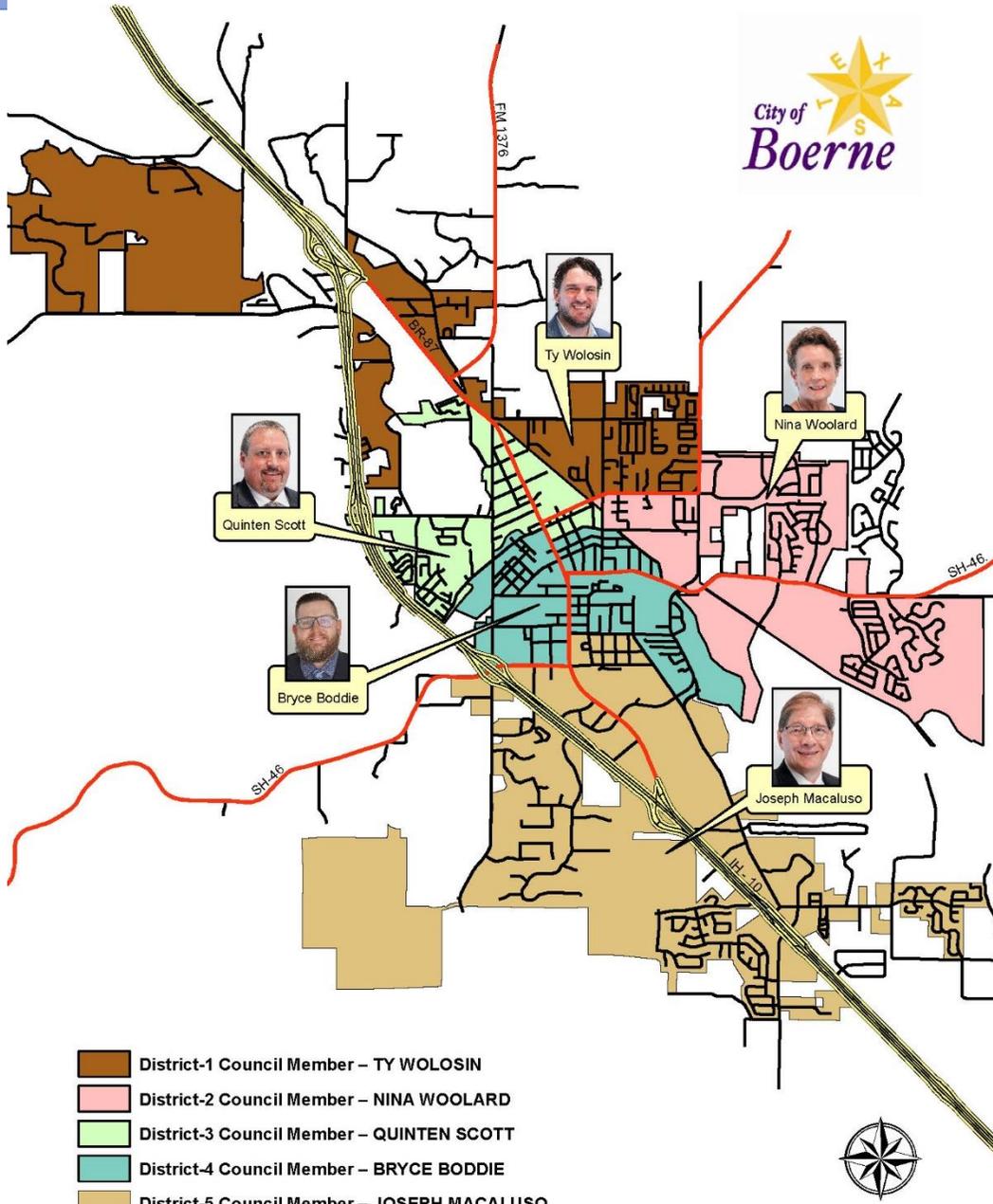
**QUINTEN SCOTT**



**BRYCE BODDIE**



**JOE MACALUSO**





## CITY OF BOERNE, TEXAS

### List of Officials

<b><u>Title</u></b>	<b><u>Name</u></b>
Mayor	Tim Handren
Mayor Pro Tem – District 2	Nina Woolard
City Council Members	
District 1	Ty Wolosin
District 3	Quinten Scott
District 4	Bryce Boddie
District 5	Joseph Macaluso
City Manager	Ben Thatcher
Deputy City Manager/General Manager of Utilities	Jeff Thompson
Assistant to the City Manager/Econ. Development	Nick Montagno
City Attorney	Barbara Quirk
City Secretary	Lori Carroll
Communications/Media Director	Pam Bransford
Community Services Director	Danny Zincke
Convention and Visitors Bureau Director	Larry Woods
Finance Director	Sandy Mattick, CPA CGFO
Fire Chief	Ray Hacker
Fire Marshal	Robert Lee
Information Technology Director	Mike Raute
Chief of Police	James Kohler
Planning and Code Compliance Director	Laura Talley
Development Services Director	Jeff Carroll
Utilities Director	Mike Mann
Library Director	Kelly Skovbjerg
Human Resource Director	Lisa Robles



## GENERAL LEGISLATIVE POLICY

### **STATEMENT OF PRESERVATION**

As a general policy, the City of Boerne seeks to work productively with the Texas Legislature to serve local residents and business constituents. The elected officials of the City of Boerne have the authority and effectiveness to govern at the local level under the concept of home rule authority and the City's voter-approved City Charter. For this reason we take the position that the role of the State Legislature is to focus on key policy issues with statewide implications that cannot be effectively addressed at the local level.

### **Preserve Home Rule Authority/Local Control**

In 1912, Texas voters approved the concept of autonomous home rule governance. Article XI, Section 5 of the Texas Constitution affords municipalities the right and opportunity to adopt any regulation not "inconsistent with the Constitution of the State, or of the general laws enacted by the Legislature of this State." The concept of home rule was developed to address the difficulty faced by the Legislature in resolving complex local issues – such as an increasing demand for public services – arising out of non-rural, more dense and geographically remote areas of the state. Local autonomy allows for truly local representation and accountability; and the concept creates a favorable climate for direct governance of cities by their citizens.



The City of Boerne was first incorporated in 1909 and adopted its home rule Charter in September of 1995. The desire of state and local voters in approving the constitutional notion of home rule governance through a municipal charter is testament to the fact that the public favors strong local control. Legislative preemption of local control is antithetical to the will of the people, ignores a century of precedent favoring local self-governance, and constitutes a legislative referendum on measures approved by public vote. The elimination of local control would have the effect of preventing the City from addressing the needs of their citizenry, including the immediate and ongoing need to establish and maintain the public health, safety, morals, and general welfare.



Cities represent the level of government closest to the people. They bear primary responsibility for provision of capital infrastructure and for ensuring our citizens' health and safety. Thus, cities must be assured of a predictable and sufficient level of revenue.

For the reasons described, the City Council of the City of Boerne hereby strongly opposes any curtailment of local control by the legislature and advocates for the self-evident merits of continued robust local governance and accountability. It is the position of the City that members of the Legislature should carefully study any initiative that could have a negative impact on municipal operations and seek the opinions of local elected officials regarding such measures.

### **POSITIONS OF SUPPORT**

The City of Boerne provides services that directly impact the quality of life for its residents, businesses, and visitors.

These services are customized to the unique desires of the people who invest in the community and include basic services such as police protection, fire suppression, garbage collection, provision of high-quality drinking water, and disposal of sewage.

The City also provides customized services as desired by the community, including parks and recreation facilities and programs, land use management, and others.

Through local elected officials, members of the community are able to directly impact the character of their city and plan for its future. In Boerne, a robust planning process is used to identify and memorialize a vision for the City's future, a vision achieved through careful management of resources and strong, inclusive decision-making.

The City supports any legislation viewed as advancing the City's strategic goals; or that improves the health, safety, and welfare of its citizens; or that responsibly increases revenues; or that advances the City's authority to conduct the public's business. In summary, the City welcomes the Legislature's support in helping local elected officials meet the needs of the residents and businesses that call Boerne home.

Boerne elected officials respectfully request the members of the Texas Legislature recognize the value of local governance and decision-making. City leaders support State legislative actions that would:

1. Improve the health, safety, and welfare of Boerne citizens;



2. Support or advance the principles of local control, or the ability of local elected officials to govern communities to meet unique needs, limiting preemption on key policy issues;
3. Protect a local municipality's ability to manage municipal revenues (such as property taxes, sales taxes, right-of-way revenues and court fines) as a means of conducting the public's business;
4. Simplify and accurately notify taxpayers of the levy and impacts of adopted property tax rates, including property taxes meant to support State of Texas objectives;
5. Improve the City's ability to attract economic development, or improve the City's ability to recruit and retain a quality workforce;
6. Provide funding for water projects;
7. Protect the City's previous and future investments in the Texas Municipal Retirement System or creates non-retroactive and flexible cost-of-living (COLA) adjustments;
8. Appropriate funds for or directly benefits public parks, recreation, open space, and trails;
9. Appropriate funds for or directly benefits tourism;
10. Clarify and improve the disclosure and filing requirements regarding the City's and the State's process of contracting with business entities;
11. Improve the City's ability to provide public services or reduces the costs of providing services by optimizing the use of technology;
12. Make beneficial amendments to the equity appraisal statute;
13. Convert the sales tax reallocation process from a ministerial process into a more formalized administrative process;



14. Make beneficial amendments to H.B. 3167, the subdivision platting shot clock bill;
15. 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 cities with additional funding options and resources to address transportation needs that the state and federal governments are unable or unwilling to address;
16. Provide additional funding to the Texas Department of Transportation for projects that would benefit cities and provide local, state, and federal transportation for rail as one component of transportation infrastructure support regionally;
17. Allow a city to have more control over speed limits on City streets;
18. Require city consent before TCEQ is authorized to issue a standard permit for a rock crushing operation, cement crushing operation, or any similar activity that may be authorized under a standard air permit from TCEQ within the corporate limits or ETJ of a city. (Alternatively, or in addition, such legislation may: (a) authorize a city to restrict, prevent, or regulate the locating of such activities in the city's corporate limits or ETJ in other manners, such as imposing minimum distance from such operations and schools, hospitals, churches, and residences; (b) require TCEQ to provide notice of applications for standard permits to cities for activities proposed in the city's corporate limits or ETJ and require TCEQ to address any and all comments received from the City as required by Sec. 382.112 of the Texas Health & Safety Code; or (c) prohibit TCEQ from issuing a standard permit for activities proposed in the city's corporate limits or ETJ unless the city verifies that the proposed activity is authorized under the city's zoning ordinance or comprehensive plan to locate at the proposed location;
19. Promote pay-as-you-go financing for capital projects by authorizing a dedicated tax rate that is classified similarly to the debt service tax rate in property calculation;
20. Allow cities the option of using either an official newspaper or a website for the publication of legal notices;
21. Authorize a city to annex across a road to bring a voluntarily-requested area into the city limits;



22. Allow a city official to submit a request for an attorney general letter ruling under the Public Information Act by email at no charge;
23. Make beneficial amendments to H.B. 2439, the building materials bill; and
24. Make confidential and not subject to disclosure under the Public Information Act certain information related to a city's cybersecurity technology.

### **POSITIONS OF OPPOSITION**

The City will oppose any initiatives that seek to erode municipal authority or that otherwise have a negative impact on municipal operations, including but not limited to legislation that would:

1. Erode the authority of the City to govern municipal affairs or diminishes the authority of the City to provide municipal operations;
2. Undermine the principles of home rule and local control or seeks to unnecessarily preempt or prohibit the City from regulating an activity or business entity that directly affects the public's health, safety, and well-being;
3. Applies a one size fits all solution to complex local policy issues;
4. Detrimentally affects the health, safety, and welfare of our citizens;
5. Nullifies or undermines the City's existing charter, ordinances, resolutions, or master plans;
6. Damages the City's financial position by reducing revenues or negatively impacts potential revenue growth including legislation that:
  - a. Creates property or sales tax exemptions or "freezes" that unfairly shift the tax burden to other taxpayers;
  - b. Limits the use of hotel occupancy taxes or requires additional reporting;
  - c. Erodes the overall tax base or ability to fairly generate revenue;
  - d. Restricts the ability of the City to issue debt through either General Obligation or Certificates of Obligation bonds or cause unnecessary complex public notification requirements;



- e. Imposes a mandate without a commensurate level of compensation; or
  - f. Requires the City to generate revenues for the State including additional state fees on municipal court convictions.
7. Impairs economic development tools including but not limited to:
- a. Economic Development Corporations (EDCs),
  - b. Property tax abatements,
  - c. Tax Increment Reinvestment Zones (TIFs or TIRZ),
  - d. Public Improvement Districts (PIDs),
  - e. Chapter 380 agreements,
  - f. Texas Enterprise Fund,
  - g. Skills Development Fund,
  - h. Texas Enterprise Zones,
  - i. Event Trust Fund; and,
  - j. Texas Moving Image Industry Incentive Program.
8. Diminishes the City's authority to regulate development through:
- a. land use and zoning regulations (including billboard regulations, tree and landscape regulations, and short-term rentals),
  - b. building codes,
  - c. planning requirements,
  - d. impact, building permit, or other fees,
  - e. annexation, or
  - f. eminent domain.
9. Establishes a requirement for compensation resulting from regulatory actions or expands vested permits;
10. Exempts any entity from paying municipal drainage fees;
11. Allows special districts to form inside the City or ETJ without the City's permission;
12. Erodes the City's authority to manage and control public rights-of-way and publicly owned land or limits the City's ability to receive fair market compensation for use of public rights-of-way or erodes municipal authority to require companies to pay for the costs of relocating their facilities;



13. Erodes the City's previous and future investments in the Texas Municipal Retirement System;
14. Imposes expanded collective bargaining rights or expands the current meet and confer laws or expands the scope of the current disease presumption law or detrimentally amends civil service laws;
15. Expands the open meetings and public information laws;
16. Requires the reporting of lobbying activities beyond the current requirements or limits or prohibits the City to use funds to communicate or advocate with legislators or limits or prohibits the authority of cities to partner with other cities or groups to communicate or advocate mutual interests with legislators;
17. Erodes municipal governmental immunity;
18. Erodes the City's ability to enter into franchise agreements;
19. Impose new property tax or sales tax exemptions that substantially erode the tax base;
20. Further erode local control as it pertains to retirement issues;
21. Require candidates for city office to declare party affiliation in order to run for office;
22. Eliminate any of the current uniform election dates;
23. Impose additional state fees or costs on municipal court convictions or require municipal courts to collect fine revenue for the state;
24. Require preclearance of city ballot propositions by a state agency;
25. Erode the authority of the City to govern its own local affairs;
26. Diminish City revenue;
27. Impose state mandates that do not provide commensurate levels of compensation;
28. Take away the authority of local governments to declare local disasters or public health emergencies, to respond to or issue orders related to disasters and public



health emergencies, or to implement recovery measures following such situations;  
or

29. Otherwise be detrimental to cities, especially legislation that would:

- provide for state preemption of municipal authority in general.
- impose further revenue and/or tax caps of any type.
- erode the ability of a city to issue debt.
- erode municipal authority related to development matters, including with respect to the following issues: (1) annexation, (2) eminent domain, (3) zoning, (4) regulatory takings, (5) building codes, (6) tree preservation, and (7) short-term rentals.
- erode the authority of a city to be adequately compensated for the use of its rights-of-way and/or erode municipal authority over the management and control of rights-of-way, including by state or federal rules or federal legislation.
- limit or prohibit the authority of city officials to use municipal funds to communicate with legislators; or limit or prohibit the authority of the Texas Municipal League to use any revenue, however derived, to communicate with legislators.

## **PARTNERSHIPS**

The City may form strategic partnerships with cities, political subdivisions, and private sector entities that share common goals with the City.

Additionally, the City will work in coordination with organizations such as the Texas Municipal League when their adopted positions are in line with the legislative objectives and goals of the City, and other agents who are formally authorized to represent the City's legislative interests, as defined by this legislative agenda. The City's staff and its governmental relations team are authorized to act accordingly and work within the Texas legislative process to actively advocate for the passage or defeat of legislation according to these positions adopted by the City Council.

The formation of strategic partnerships and coordinated efforts is intended to provide the City with a stronger presence in the legislative process.



## **GOALS OF CITY LEGISLATIVE ACTIVITIES**

The City of Boerne has formally adopted strategic priorities and objectives as outlined in the Master Plan adopted in August of 2018 which will soon be implemented by the City's newly created Unified Development Code (UDC). The UDC will guide the City Council in the ongoing process of evaluating legislative positions on the key issues of the 87th Session of the Texas Legislature. If a legislative issue arises that is not specifically addressed in this agenda, the City will rely on adopted strategic priorities to guide the formation of an opinion.

The fundamental goal of all City of Boerne legislative activities is to produce positive outcomes for the citizens of the City and to preserve the legislative authority of the governing body of the municipality. Numerous proposals in the Texas Legislature have the potential to seriously impact the ability of the City to carry out its overall mission. By taking a proactive role in monitoring and commenting on proposals in the Texas Legislature, we are working to ensure that the citizens of the City can continue to enjoy the quality of life they have come to expect and deserve.



## LEGISLATIVE ISSUES

### Local Budgeting, Authority, Revenue Sources and City Debt

As it relates to this position, the City will:

Support legislation that:

- Simplifies tax rate calculations and notice requirements;
- Provides additional tools to local authorities for providing tax relief to the community, as appropriate for local conditions; or
- Improves the approach for state funding of education.
- The City supports open and transparent governance, but not legislation which implements measures at tax-payer expense which disadvantage the position of the City in negotiations. The City will support legislation which allows city councils, boards and commissions to go into executive session to receive information on contract negotiations where the city would otherwise be disadvantaged in negotiations by holding these briefings in public. The City will support legislation allowing city councils, boards and commissions to go into executive session to receive information which is confidential by law.

Oppose legislation that:

- Establishes a State-mandated municipal revenue cap;
- Further restricts or caps annual appraisal increases;
- Imposes a State-mandated tax freeze or tax cap;
- Imposes any unfunded mandates;
- Restricts a municipality's ability to impose and collect municipal impact fees from new developments;
- Imposes any requirement to raise current state fees on local fines;
- Imposes new fees that result in the City collecting funds on behalf of the State;



- Establishes new exemptions from or diminishes the City's ability to collect sales or property taxes, or municipal fees;
- Results in a significant reduction to the City's tax base; or,
- Restricts the City's ability to issue debt as a means of funding its capital improvement program or imposes unnecessary and costly burdens on the taxpayers to issue debt.

As a municipal government which provides important and essential services to its citizens, the City will monitor any legislation that would unduly restrict the ability of the City Council to set its own budget or raise the necessary revenue to provide services to City residents and businesses.

Additionally, the City will closely monitor State taxation (e.g., the use of local property tax dollars for school finance) since local taxpayers are impacted by the use of this revenue source as well.

### **Local Control of Land Use Planning, Zoning, Annexation, and Development Regulation**

As it relates to this position, the City will:

Support legislation that:

- Preserves local land use, zoning, annexation, and development regulatory authority;
- Reverses legislation which has eroded municipal power in recent years, such as limits on annexation authority and the thirty-day shot clock on plans and permits;
- Provides greater ability to cities and counties to control development density outside of the corporate limits of cities.

Oppose legislation that:

- Erodes local land use authority by restricting the ability of cities to zone or rezone properties;
- Restricts a city's ability to adopt or amend zoning regulations, or otherwise create a property right in a zoning classification;



- Preempts a city from adopting development regulations it deems necessary for the preservation of the community's quality of life (e.g., tree preservation); and/or,
- Increases vested rights of developers in previous versions of regulations, restricting the City's ability to apply current regulations.
- Further reduces a city's ability to annex.

The ability of most cities to manage growth and development is based on the Texas Constitution's home rule provisions. Cities are allowed to amend charters and pass ordinances as long as they do not conflict with the Constitution or general laws enacted by the State Legislature. The bottom line means that each home rule city can make its own decisions about what planning tools and techniques are most appropriate to its situation unless those tools have been proscribed by the Texas Legislature.

In Boerne, growth, development, and all of the related issues are a top priority to residents who interact with Council frequently on these matters. This, and transportation related issues, are the subjects of the most active citizen engagement in our community.

### **Transportation Infrastructure and Systems**

The City of Boerne believes that the ability of the Hill Country and San Antonio region to work cooperatively is essential to the viability of this community and that of the entire region. A primary element of regional cooperation is a transportation system that seamlessly allows movement of people and goods throughout the area.

The City's partnership with the Texas Department of Transportation is also a vital aspect of addressing the ongoing need for additional roadway capacity and intersection improvements.

Working with various transportation partners, the City has been able to methodically provide congestion relief to local residents and commuters whose trips originate in Boerne or who are simply passing through the community during peak travel periods.

Projections provided by the Alamo Area Council of Governments present a sobering picture of the region's congestion for the future.

Traffic management is a high priority for the City of Boerne, including capacity enhancements, traffic control, public information, and implementation of alternative modes of transportation. This is particularly true as the growth of the region has impacted traffic counts on all of the City's primary roadways.



The City of Boerne is committed to finding transportation solutions to facilitate movement to, from, and through Boerne and the surrounding area. As it relates to this position, the City will:

Support legislation that:

- Allows 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 options and resources to address transportation needs that the State and/or Federal government are not addressing.
- Provides additional funding to the Texas Department of Transportation for transportation projects that would benefit cities, so long as existing funding formulas are followed.

A primary element of regional cooperation is a transportation system that seamlessly allows movement of people and goods throughout the area.

The City's partnership with the Texas Department of Transportation is a vital aspect of addressing the ongoing need for additional roadway capacity and intersection improvements.

Working with various transportation partners, the City has been able to methodically provide congestion relief to local residents and commuters whose trips originate in Boerne or who are simply passing through the community during peak travel periods.

Traffic management is a high priority, and the City is committed to this and to finding transportation solutions.

### **Protection of Local Economic Development Authority**

Over the years, the City of Boerne has utilized many different economic development tools and efforts to bring new investment to Boerne. During each legislative session these varying tools are the subject of much consideration and debate. It is in the City's interest to closely monitor these discussions and legislative activities as it potentially impacts our ability to use resources in building effective economic development programs and offer incentives to attract community investment. As it relates to this position, the City will:

Support legislation that provides local governments the ability to expand local economic development efforts.



Oppose legislation that would eliminate or limit current authority to participate in local economic development projects, including but not limited to, the ability to provide tax abatements and Chapter 380 economic development agreements.

During each legislative session economic development tools are the subject of much consideration and debate. It is in the City's interest to closely monitor these discussions and legislative activities as it potentially impacts our ability to use resources in building effective economic development programs and offer incentives to attract community investment.

### **Texas Municipal Retirement System**

The City of Boerne desires that an appropriate retirement system be provided to its current and former employees through the Texas Municipal Retirement System, one in which the needs of retired employees are balanced with the needs of taxpayers. To achieve this end, the City supports legislative changes which will provide cities participating in the Texas Municipal Retirement System with the flexibility needed to adequately balance these needs.

### **Water and Other Utilities**

Access to long-term, adequate water supply is essential to the health and vitality of the community. Recent challenges related to drought conditions underscored the need for long-term planning related to supply and distribution, not only for Boerne, but for the region and the State. Ensuring that we have an adequate supply of clean, affordable water protects public health and the economy.

Support legislation that advances the implementation of the State Water Plan and any of the following goals:

- Maintaining local control of municipally owned utilities (MOU's) and maintaining or increasing the ability of MOUs to issue debt, set rates and policies for payment, disconnection and other matters.
- Cyber security for protection of electric substations, water plants.
- More local control or input on creation of WCIDs and MUDs.



Oppose legislation that:

- Limits or increases regulation of rates set by MOU's.
- Forces MOUs to opt into competitive sales markets.

### **Public Safety**

The City of Boerne has a few major traffic corridors within its boundaries such as State Highway 46, Farm to Market Road 474, and Farm to Market Road 1376. The City also seeks to have a safe and secure roadway system and as such the City would support legislation that enhances this goal. Fine revenue has been used to enhance traffic safety, such as making improvements in school zones and with crosswalks.

As it relates to this position, the City will:

Support legislation that:

- Authorizes local decision-making for law enforcement; and
- Improves school safety.

Public Safety funding is essential to the Boerne community.

As it relates to the advancement of such funding, the City will support legislation that appropriates funds for, or directly benefits public safety.

The City will Oppose Legislation that:

- Limits the defense of qualified immunity of police, fire, and other emergency responders in lawsuits.
- Reduces or restructures police budgets.

### **Parks and Recreation**

Open space and recreational opportunities are a key quality of life component. As it relates to the advancement of parks, recreation, and open space development, the City will support legislation that appropriates funds for, or directly benefits public parks, recreation, open space, and trails.



### **Broadband Services for Cities**

Broadband services have become a necessary part of daily life but are still not available to many. The City recognizes this need and will support legislation that provides for broadband services to all citizens.

### **Cyber Security**

The City supports any legislation which provides the City with additional funding and ability to protect cyber security.



## CONCLUSION

City of Boerne elected officials and professional staff work to meet the needs of the local population by enacting and implementing local policies to meet quality of life goals for the community. Using data obtained through formal surveys, public hearings, and other citizen interactions, the City offers a high value service palette, designed specifically for the Boerne community. This legislative agenda has been prepared to focus attention on successful governance and the need to preserve local options.

