



TEXAS MUNICIPAL LEAGUE

President Leonard Reed, Mayor, Willis
Executive Director Bennett Sandlin

August 30, 2012

MEMORANDUM

TO: Officers and Members of the TML Legislative Policy on Personnel and Pension Reform

FROM: Laura Mueller, Assistant General Counsel

SUBJECT: Summary of Actions Taken at the Two Committee Meetings
(June 1 and August 24, 2012)

Attached is a summary of all recommendations made at either of the two committee meetings. The recommendations are divided into the following categories:

- **Support** – for these initiatives, the committee recommended that the League actively attempt to obtain passage of the appropriate legislation if it is introduced by some other entity.
- **Endorse** – for these initiatives, the committee recommended that TML make its support known as time allows.
- **Oppose** – for these initiatives, the committee recommended that the League actively and vigorously oppose the passage of related legislation.
- **Take No Position** – for these initiatives, the committee recommended that the League take no position or no action on related legislation.

The attached summary of recommendations is, in effect, your Committee Report. It will be put into resolution form and submitted to the 2012 TML Resolutions Committee when it meets in Grapevine on Tuesday, November 13, 2012, in conjunction with the TML Annual Conference. The membership of the Committee on Utilities and Transportation will be well represented on the Resolutions Committee to ensure that the attached Committee Report gets appropriate consideration.

If you have any questions or comments, please feel free to contact us at any time.

cc: TML Officers
Municipal Intergovernmental Liaisons

TEXAS MUNICIPAL LEAGUE
LEGISLATIVE POLICY COMMITTEE ON
PERSONNEL AND PENSION REFORM

Summary of Actions Taken

1. **Disease Presumption**

The Committee voted to recommend that TML **oppose** legislation that would substantively change or expand the scope of the current disease presumption law.

2. **Meet and Confer/Collective Bargaining**

The Committee voted to recommend that TML **oppose** any state or federal legislation that would make meet and confer mandatory or expand the current meet and confer law.

The Committee voted to recommend that TML **oppose** any state or federal legislation that would make collective bargaining mandatory or impose expanded collective bargaining rights.

3. **Civil Service**

The Committee voted to recommend that TML **oppose** legislation that would enact detrimental amendments to the civil service law (Chapter 143 of the Texas Local Government Code).

4. **Mandated Health Benefits**

The Committee voted to recommend that TML **oppose** legislation that would impose healthcare or prescription drug mandates or enhancements.

5. **Mandatory Leave**

The Committee voted to recommend that TML **oppose** legislation that would mandate city-paid leave for city employees for specific purpose.

The Committee voted to recommend that TML **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.

6. **Police Officer Termination Reports**

The Committee voted to recommend that TML **support** legislation that would remove the requirement that cities come to the State Office of Administrative Hearings in Austin to oppose disputed police termination reports.

7. EMT Training

The Committee voted to recommend that TML support legislation that would allow high school students to serve as EMT trainees while earning dual credit towards their high school diploma and EMS certification.

8. Defined Benefit v. Defined Contribution

The Committee voted to recommend that TML oppose legislation that would further erode local control as it pertains to retirement issues.

10. Flexible Cost of Living Adjustments (COLAS)

The Committee voted to recommend that TML endorse legislation that would create additional, flexible cost-of-living adjustment (COLA) options 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 (CPI) or flat percentage increases.

11. Threshold for Participation in TMRS

The Committee voted to recommend that TML support legislation that would allow a city (for the purpose of TMRS participation) to define "full time" as 1,000; 1,250; or 1,500 hours annually.

12. Gain-Sharing Options

The Committee voted to recommend that TML oppose legislation that would mandate gain-sharing between cities and employees as it relates to investment earnings of TMRS.

13. Two-Tiered Plans

The Committee voted to recommend that TML take no position on legislation that would allow cities to adopt a two-tiered plan within the framework of its retirement system.

14. Collective Bargaining/TMRS

The Committee voted to recommend that TML oppose legislation that would provide that collective bargaining and meet and confer statutes preempt the Texas Municipal Retirement System statute (as they pertain to retirement matters).



TEXAS MUNICIPAL LEAGUE

President Leonard Reed, Mayor, Willis
Executive Director Bennett Sandlin

August 30, 2012

MEMORANDUM

TO: Officers and Members of the TML Legislative Policy Committee on General Government

FROM: Scott Houston, General Counsel

SUBJECT: Summary of Actions Taken at the August 24 Committee Meeting

Attached is a summary of all recommendations made by the committee at our August 24 meeting. The recommendations are divided into the following categories:

- **Seek Introduction and Passage** – for these initiatives, the committee recommended that the League draft appropriate legislation, seek a sponsor for that legislation, and actively pursue passage of such legislation by providing testimony and through other means.
- **Support** – for these initiatives, the committee recommended that the League actively attempt to obtain passage of the appropriate legislation if it is introduced by some other entity.
- **Endorse** – for these initiatives, the committee recommended that TML make its support known as time allows.
- **Oppose** – for these initiatives, the committee recommended that the League actively and vigorously oppose the passage of related legislation.
- **Take No Position** – for these initiatives, the committee recommended that the League take no position or no action on related legislation.

The attached summary of recommendations is, in effect, your Committee Report. It will be put into resolution form and submitted to the 2012 TML Resolutions Committee when it meets in Grapevine on Tuesday, November 13, 2012, in conjunction with the TML Annual Conference. The membership of the committees will be well represented on the Resolutions Committee to ensure that the attached Committee Report gets appropriate consideration.

If you have any questions or comments, please feel free to contact us at any time.

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Municipal Intergovernmental Liaisons

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

- I. **Seek introduction and passage** of legislation that would exempt candidate forums from the definition of a “meeting” in the Texas Open Meetings Act.
- II. **Support** legislation that would:
- A. Appropriate funds from the Law Enforcement Officer Standards and Education Fund to their intended purpose so that law enforcement agencies can continue to meet mandatory state training requirements.
 - B. Provide that, in relation to a police officer termination report: (1) a State Office of Administrative Hearings judge is the person to sign a report that overturns a police chief’s reason for termination; and (2) legal costs for cities in dispute are reduced.
 - C. Authorize sobriety checkpoints and other driving while intoxicated (DWI) prevention and enforcement tools without limitation to population, including the use of ignition interlocks on those convicted of a DWI offense.
 - D. Appropriate funds from the Emergency Radio Infrastructure Account to their intended purpose.
 - E. Authorize a city using the design-build method of procurement to choose a “guaranteed maximum price” cost structure.
 - F. Permit the redaction of sensitive information in local official financial statements prior to disclosure.
 - G. 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.
 - H. Authorize a home rule city to seek injunctive relief for the violation of any municipal ordinance.
- III. **Endorse** legislation that would:
- A. Clarify the authority of general law cities to enact sex offender residency restrictions.
 - B. 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.
 - C. Enhance the penalty for hacking into a government-owned computer.

- D. Enhance the penalty under the "failure to stop and render aid" law when a fatality results from an accident.
- E. Increase the maximum fine amount for class C misdemeanors, including municipal ordinance violations.
- F. Expand or remove the population bracket in Section 253.103 of the Local Government Code, which relates to the donation of real property in certain, limited circumstances.
- G. Encourage the recreational use of land that is owned by a railroad and/or a public utility by limiting the liability of the railroad and/or public utility for such use.
- H. Provide procedures for the disposition of a weapon that is confiscated pursuant to an emergency detention order.
- I. Authorize the Texas Alcoholic Beverage Commission to consider evidence of criminal prosecutions when assessing penalties against violators.

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. Expand the definition of "public information" that is held by a private entity.
- 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. Meanwhile, the League should encourage the state to properly appropriate funds from dedicated accounts that are funded from court fees.
- 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. Specify what and how cities may regulate with regard to cell phones.
- N. 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.
- O. Erode municipal sovereign immunity.
- P. Restrict or limit indemnification clauses in construction contracts.
- Q. Limit or prohibit the authority of city officials to use municipal funds to communicate with legislators.
- R. Limit or prohibit the authority of the Texas Municipal League to use any revenue, however derived, to communicate with legislators.
- S. Require the reporting of lobbying activities beyond the requirements in current law.
- T. Preempt or prohibit the regulation of payday and auto title lenders by a city.
- U. Preempt existing or future bans on the use of plastic bags in a city.
- V. Impose a statewide smoking ban that would preempt existing or future municipal smoking bans.
- W. Ban or limit the ability of cities to engage in proprietary functions.
- X. Erode current municipal authority over establishments that are licensed by the Texas Alcoholic Beverage Commission to sell alcohol.
- Y. Prevent law enforcement from utilizing mandatory blood draws for driving while intoxicated enforcement.

V. Take no position on legislation that would:

- A. Mandate a DNA sample from any person arrested for a class B misdemeanor or greater offense.

- B. Require additional, mandated training for municipal fire chiefs (including any Texas Commission on Fire Protection administrative rule that would impose the requirement):
- C. Modify a city's process for releasing and discussing information related to requests for proposals to the public and competing offerors.

VI. **Other**

- A. The committee recommended that, should legislation be filed that relates to immigration and that would affect cities, TML staff seek the guidance of the TML Executive Committee regarding the League's position on such legislation.
- B. The committee recommended that, should legislation be filed that would modify the "thirty-percent" budget limitation relating to traffic fine revenue for cities under 5,000 population, TML staff seek the guidance of the TML Executive Committee regarding the League's position on such legislation.