

AN ORDINANCE 2008-10-16-0922

APPROVING THE CITY OF SAN ANTONIO'S LEGISLATIVE PROGRAM FOR THE 81ST REGULAR SESSION OF THE TEXAS LEGISLATURE, WHICH BEGINS JANUARY 13, 2009.

* * * * *

WHEREAS, prior to the convening of each biennial state legislative session, the City of San Antonio identifies policy priorities that it would like the Texas Legislature to address and in August 2008, the City's Intergovernmental Relations Department began working with the City Council Intergovernmental Relations Committee, City Departments and agencies and the community to identify issues for the upcoming session; and

WHEREAS, the result of this work is the pending State Legislative Program ("Program"), containing legislative initiatives, matters related to the protection of municipal interests and legislative endorsements/matters of support; and

WHEREAS, the 81st Legislature is expected to consider a variety of issues that could pose significant opportunities and threats to municipal authority and, therefore, the governmental affairs team will dedicate considerable time working on the following priority items: (1) military affairs; (2) transportation; (3) reauthorization of economic development funds incentive programs; (4); graffiti; (5) land use and vested rights issues; (6) erosion of eminent domain and other home-rule authority; and (7) municipal taxation and revenue; and

WHEREAS, City Council was briefed on the Program in B Session on October 8, 2008, it was presented to the City Council Intergovernmental Relations Committee on October 13, 2008 and it is now being recommended for consideration by the full Council; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

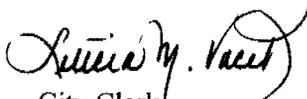
SECTION 1. The City Council hereby approves the City of San Antonio's State Legislative Program for the 81st Legislative Session. A copy of the proposed Program is attached to this Ordinance as Exhibit I.

SECTION 2. Staff is directed to inform the Bexar County Legislative Delegation of the Program and to undertake such steps as are reasonably necessary to obtain passage of the City's various initiatives during the upcoming 81st Legislative Session.

SECTION 3. This Ordinance shall be effective on and after the tenth day after passage.

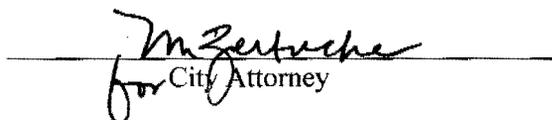
PASSED AND APPROVED this 16th day of October, 2008.

ATTEST:


City Clerk


MAYOR
PHIL HARBERGER

APPROVED AS TO FORM:


City Attorney



Request for
**COUNCIL
ACTION**

City of San Antonio



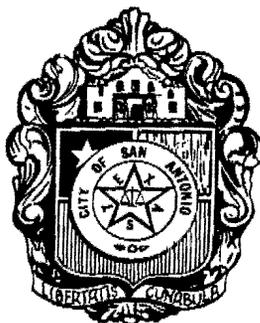
Agenda Voting Results - 4

Name:	4
Date:	10/16/2008
Time:	10:19:20 AM
Vote Type:	Motion to Approve
Description:	Briefing and adoption of the City of San Antonio's 2009 State Legislative Program for the 81st Regular State Legislature. [A.J. Rodriguez, Deputy City Manager, Andrew Smith, Intergovernmental Relations]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				x
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x			x	
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x				
Justin Rodriguez	District 7	x					
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				

Exhibit
I

City of San Antonio



Mayor and City Council

Phil Hardberger
Mayor

Mary Alice P. Cisneros

Sheila D. McNeil

Jennifer V. Ramos

Philip A. Cortez

Lourdes Galvan

Delicia Herrera

Justin Rodriguez

Diane G. Cibrian

Louis E. Rowe

John G. Clamp

Sheryl L. Sculley
City Manager

City of San Antonio

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Executive Summary

Prior to the convening of each regular Texas Legislative Session, the City of San Antonio identifies policy priorities that it would like to have addressed by the Texas Legislature. In August 2008, the City's Governmental Relations Team began working with the City Council Intergovernmental Relations Committee, City Departments and agencies, Texas Municipal League and the community to identify issues for the upcoming session. The initial draft of the program was reviewed by the City's Management Team on September 25, 2008; the City Council Intergovernmental Relations Committee on October 1 and 13, 2008; by the full council in a B Session briefing on October 8th, 2008; and was adopted by the full Council on October 16, 2008.

The 81st Legislature is expected to consider a variety of issues that could pose significant threats to municipal authority or unduly impose new administrative or financial burdens on city government. Consequently, much of the focus of the City's legislative effort this session will be given to the defense or protection of the City's interests. Specifically, the governmental affairs team will dedicate considerable time working on issues such as: 1) military affairs; 2) municipal taxation and revenue; 3) erosion of eminent domain and other home-rule authority; 4) land use and vested rights issues; 5) clean air funding; 6) reauthorization of economic development funds incentive programs; and 7) transportation.

As first utilized in the 77th Legislative Session, the City's legislative program is organized into three distinct issue categories. The first category is Legislative Initiatives. A legislative initiative will be actively supported through the drafting of legislation, finding a bill sponsor, providing testimony, and otherwise actively pursuing its passage. A legislative initiative must meet one of the following criteria: it must be San Antonio-specific; or it must address an issue where San Antonio is disproportionately affected. The second category is Protection of Municipal Interests. This category consists of issues that deal with municipal authority in certain areas, such as revenue generation, eminent domain, and annexation. There have been many attempts over the past several sessions to erode the authority of home-rule cities, and the City of San Antonio will oppose further erosion and will support legislation that recognizes municipal home-rule authority. The third category is Legislative Endorsements/Matters of Support. With an endorsement, the City will not play a primary advocacy role, but may work with other interested parties to communicate its support of the issues.

Throughout the legislative session, the City Council Intergovernmental Relations (IGR) Committee will meet regularly to review the City's priorities and to receive updates from the governmental relations team on pending legislation. The IGR committee is chaired by Councilwoman Shelia McNeil and includes Council members Phillip Cortez, Diane Cibrian and Louis Rowe. As additional legislative issues of interest to the City arise during the session, the committee will review such legislation and submit recommendations to the full Council for its consideration. The work of the Governmental Relations Team is coordinated through the Intergovernmental Relations Department and includes the City Manager's Office, representatives from all City departments and the governmental relations firms of Tristan "Tris" Castaneda of Baker Botts, L.L.P, Former State Senator Buster Brown and Jennifer Brown of Brown Consulting Susan Rocha of Denton, Navarro, Rocha & Bernal, James Jonas of Holland + Knight and Christopher S. Shields, P.C.

Section I – Initiatives

Military Installation Protection Act*

Proposal:

Support the Military Installation Protection Act. This Act will be an omnibus bill to address encroachment and incompatible land use issues that could potentially harm a military installations ability to carry out its mission. Most military installations in Texas are bordered by both incorporated municipalities and unincorporated county property. Consequently, comprehensive community solutions to encroachment near military installations in Texas are constrained.

Background:

Military installations in Texas and throughout the country are increasingly coming under pressure from commercial and residential development. Since Base Realignment and Closure (BRAC) actions began, approximately fifteen installations have been closed due to encroachment pressures that cause them to be unable to carry out their missions.

Fiscal Impact:

The military provides an annual economic impact of \$13 billion and employs over 190,000. BRAC 2005 will provide additional new jobs with an annual \$621 million impact. Fort Sam Houston is the primary recipient of the BRAC actions in San Antonio and will become the home of each military service's combat medic training and military's premiere trauma care and research facility. Fort Sam will host nearly 40,000 students annually and Camp Bullis will become the home for Combat Medic field training. However, Camp Bullis is increasingly coming under encroachment and incompatible land use pressures which could potentially hamper its ability to carryout the mission. If Camp Bullis were to close, it would lead to the loss of thousands of military and civilian jobs.

***Defense Economic Adjustment Assistance Grant
(DEAAG)****

Proposal:

To provide renewed funding of \$30 million for the Defense Economic Adjustment Assistance Grant (DEAAG) program as originally authorized by SB 227 of the 75th Texas Legislature.

Background:

DEAAG was established by the 75th Texas Legislature to assist adversely impacted defense-dependent communities respond to or recover from defense base closures or the realignment of military missions. Since passage, DEAAG has been modified to be used by communities impacted by increased military missions that will be relocated in their communities. The most recent round of BRAC in 2005 will also have a profound affect on a number of military communities across Texas. Communities such as Corpus Christi/Ingleside and Red River will experience base closures, while El Paso and San Antonio will realize significant increase in missions and personnel at their local bases. All of the military communities in Texas are somehow impacted by BRAC 2005, and these military communities are facing a variety of challenges and opportunities. By refunding the DEAAG at \$30 million, grant funds can be made available to specifically assist military communities in providing needed infrastructure improvements and leveraging BRAC changes to create economic development opportunities in partnership with the military.

Fiscal Impact:

The military provides an annual economic impact of \$13 billion and employs over 190,000. BRAC 2005 will provide additional new jobs, \$2.1 billion in new construction and renovation and, once completed, provide the community with an additional annual \$621 million impact. Fort Sam Houston is the primary recipient of the BRAC actions in San Antonio and will become the home of each military service's combat medic training and military's premiere trauma care and research facility.

Transportation*

Proposal:

1) **Authorize large metropolitan areas to levy transportation taxes and fees subject to voter approval and mandate that those approving such levies not lose any state or federal funding in so doing.**

Background:

- The large metro areas are experiencing the most growth, have the most delay from roadway congestion, and have the greatest unfunded transportation needs.
- Local governments and metropolitan areas have very limited authority to raise revenue to fund greater transportation investment.
- Metro areas need the authority and flexibility to determine how best to make transportation investments in their particular areas--they should be able to invest in both roadways and transit.
- Use of the new revenue authority granted metro areas should be subject to voter approval in the region.
- The metro areas should be authorized, with voter approval, to levy a sales tax on gasoline and diesel fuel, a motor vehicle sales tax, a vehicle registration fee, a new resident impact fee (add-on vehicle registration fee), and a transportation property tax.
- The Legislature should commit and mandate that metro areas that approve such additional levies to address their transportation needs not in so doing lose any state or federal funding that they would otherwise receive.

2) **Stop diversions of transportation revenue and funding to the Department of Public Safety.**

Background:

- Revenue from numerous transportation-related taxes and fees continues to be deposited into the General Revenue Fund and not used to fund transportation.
- The Legislature imposes obligations on State Highway Fund 006 that have little or no benefit to roadway construction, maintenance, or support functions. The 80th Legislature increased the amount by \$242,559,528 from the previous to the current biennium. The biennial total is now \$1,573,437,037. The largest diversion is \$1,245,108,574 to fund the Department of Public Safety.

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3) Capitalize the Rail Relocation and Improvement Fund

Background:

- Fund approved by voters in 2005 but the Legislature has never capitalized it.
- \$200 million is needed to capitalize the fund, which will support \$2 billion or more in improvements through bonding and much more when leveraged with private sector investment from the railroad companies.
- Texas has \$17.4 billion in identified freight rail improvement projects in urgent need of funding, including.
 - \$ 3 billion to relocate and upgrade the UPRR in the Austin-San Antonio corridor;
 - \$15.2 million to improve 26 miles of railway serving the port of Corpus Christi;
 - \$7.1 billion to untangle Tower 55 (Fort Worth), the most congested rail crossing in the U.S.;
 - \$900 million in improvements to the rail service between El Paso and Juarez;
 - \$2.3 billion for rail relocations and improvements in Houston.
- Trade is a growing sector of the U.S. economy. It was 13% of GDP in 1990, 26% in 2000 and is expected to be 35% in 2015. More trade means more transport of goods, which means more demands on the freight rail system--freight rail traffic will increase more than 65% over the next 20 years.

4) Authorize \$5 billion in Proposition 12 general obligation bonds to provide funding for highway improvement projects.

Background:

On November 6, 2007, Texas voters approved by a margin of 63 to 37 percent a constitutional amendment (Proposition 12) providing for the issuance of general obligation bonds by the Texas Transportation Commission in an amount not to exceed \$5 billion to provide funding for highway improvement projects. The bonds are to be backed from the state's general revenues rather than from gasoline taxes. The amendment was proposed by unanimous votes in both the House and Senate (S.J.R. 64). Before bonds can be issued and any funding allocated to transportation projects, authorization is required by the Texas Legislature. Approval of the bonds will help alleviate a substantial long-term shortfall of funding for added-capacity projects in our state resulting from a combination of federal rescissions, diversions of transportation funding, rapidly rising construction costs, and reallocation of mobility funds to maintenance and reconstruction. One potential use of the bond proceeds would be to restore funding for the state's pass-through program which leverages traditional state funding with local project financing.

Fiscal Impact

A direct financial impact cannot be developed at this point. Once legislation is filed, staff will be able to determine the fiscal impact to the City.

Texas Municipal Retirement System (TMRS) *

Proposal:

Initiate legislation that would provide the City of San Antonio more flexibility to opt out of TMRS.

Support changes to the investment strategies and funding requirements for TMRS relating to new actuarial funding method, new investment policy, and new amortization policy.

TMRS' legislative packet is necessary but may not be sufficient; City may pursue the following legislative changes:

- Since approximately 80% of additional liability realized by member cities is driven by COLA, members cities need flexibility to implement meaningful changes to annual repeating COLA options
- Ability for member cities to adopt a two-tier structure within TMRS

Background:

The City of San Antonio provides pension benefits for all civilian full-time employees via the state-wide TMRS program, and with 8,900 members, is the largest member. TMRS was created by the legislature in 1957 and has approximately 800 member cities. It is governed by a six member board appointed by the Governor. COSA's Director of Finance, Ben Gorzell, is currently a member of the board.

TMRS has announced it will seek three changes to its investments strategies and funding requirements, which could have significant impact on COSA's budget beginning in FY 2009. TMRS has made the following changes:

New Actuarial Funding Method

- Designed to more accurately project costs retirement plans, particularly those with updated service credits and retiree COLA's
- Transition from Traditional Unit Credit method to the Projected Unit Credit method
- Significantly increased contributions rates for Many Member Cities

New Investment Policy

- Designed to generate higher rates of return on investments; mitigate employer contribution rate increases
 - Historically TMRS invested primarily in bonds

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- Long-term stocks historically out-perform bonds
- Diversification of Assets Underway
 - Target 12% in indexed equities by year-end

New Amortization Policy

- Designed to provide level contributions over time
- Reduces unfunded actuarial liability on a set schedule
- Most cities will transition from a 25-year open period to 30-year closed period

Fiscal Impact:

The City's TMRS Retirement Cost rate for 2009, as provided by TMRS, is 13.07%; this represents an increase of 0.53% over the 2008 Retirement Cost Rate. The cost associated with this increase is approximately \$1.2M for all funds and of this amount \$671K is the cost to the General Fund.

The Retirement Cost rate of 13.07% represents the minimum amount TMRS requires the city to pay in 2009 as part of an eight-year phase-in period of the City's Full Rate Contribution. The City's Full Rate Contribution for 2009 is 16.64% as calculated by TMRS. The cost associated with paying the full rate in 2009 would be approximately \$11.1M for all funds and of this amount, \$6M is the cost to the General Fund. Since the City will be paying a portion of the Full Contribution Rate under the eight-year phase in period plan in 2009, the amount owed to TMRS in 2009 based on current year calculations is approximately \$9.9M.

Economic Development*

Proposal:

Support legislation or rulemaking that promotes, renews, re-authorizes, and funds certain economic development funds and statutes.

Background:

The City of San Antonio is active in efforts to retain its existing employment base and to attract new, high paying jobs and capital investment. Numerous city initiatives are geared toward ensuring that the city has a qualified workforce and provides a competitive economic development package to qualified businesses.

Economic development incentives such as tax abatements and special grants are not the primary factor in attracting new jobs and capital investment, but they are a necessary component of a successful program. San Antonio has benefited from several economic development programs that were put in place by the Texas Legislature over the past several years.

Each legislative year several of these programs require efforts to secure renewed appropriations. Other programs require fine tuning or re-authorization. In this coming year the City of San Antonio supports the following:

1. Renewed funding for the Texas Enterprise Fund, the Emerging Technology Fund and the Skills Development Fund.
2. Re-authorization of Chapter 312 of the Tax Code. This is the statute which authorizes cities and counties to grant tax abatements for economic development. Unless re-authorized, this authority will expire in September 2009. The loss of this program would be a significant setback for the City. We support removal of the sunset date for the program or its extension for at least 10 years. Cities should be able to grant tax abatements on property that they tax if they choose to do so without restriction by the legislature.
3. Re-authorization of Chapter 313, the Texas Economic Development Act, under which certain investments can receive school property tax abatements. This program will also expire at the end of next year unless re-enacted by the legislature. We also support changes to this statute that will resolve pending legal issues that have been raised regarding the availability of this program on leased land.
4. Monitor any other legislation that provides economic development opportunities such as the Enterprise Zone Program, tax increment financing, possible new margin tax credits, dual credit funding for training academies and related provisions for any changes that might benefit or hurt the city's economic development efforts.

Fiscal Impact:

The City has benefited financially from most of the programs outlined above. San Antonio received funds or used economic development tools provided by the state to assist with Toyota, Washington Mutual, RackSpace, and many other economic development projects.

Sports Event Trust Fund*

Proposal:

Support rulemaking authority for the State Comptroller in order to establish administrative guidelines, so the parameters of the program may be more clearly defined events.

Background:

Key legislators and the comptroller have advised that they intend to make some revisions to the legislation related to the sporting and other events trust fund. In particular, it is likely that the legislature will consider distinguishing between large events such as the Final Four and smaller or other kinds of events that now qualify under the law for rebates. These distinctions could help or hurt San Antonio's efforts to remain competitive for major sporting events. The statute that will be addressed is Art. 5190.14 (Vernon's Civil Statutes). This statute was originally drafted at the request of the San Antonio community to assist with our bid effort for the Pan American Games. It has now evolved into a grant fund that has become a critical component of our efforts to secure major sporting events such as the Final Four. The city has received approximately \$12 million over the past two Final Four events that it has used primarily for improvements to the AlamoDome. The city has also received dollars under this program for the Big 12 Championship, and expects additional funding for the Rock 'n' Roll marathon and the upcoming Women's Final Four. The key provision of the statute entitles a city to receive back from the State some of the incremental tax benefit that the State receives when these types of events is held in Texas.

Fiscal Impact:

Without more definite guidelines provided by the Comptroller, there are areas of disagreement as to the interpretation and intent of the legislation. For example, in determining the economic impact of the Big 12 Championship football game, the comptroller's staff took the position that economic activity from in-state patrons had little or no impact on the state's tax collections. Furthermore, they determined that there was a likelihood that one of the teams would be from the state of Texas. Based on these conclusions, the City received half of the rebate that it was entitled to under our interpretation of the statute. Other guidelines that may be set forth in the legislation could impact our rebate in connection with subsequent Final Four events or other major sporting events by as much as \$1 to \$3 million.

Agriculture Operations*

Proposal:

Amend Chapter 251 of the Agriculture Code such that a private land owner who claims to have an “agricultural operation” on his land must use the land for “agricultural use” and have the land appraised under the designation of “agricultural use” as the term is defined under Chapter 23 of the Tax Code.

Background:

To date, a private land owner who has an “agricultural operation” as the term is defined under Chapter 251 of the Agriculture Code may be exempt from governmental requirements such as rules, regulations, ordinances, zoning or other requirements or restrictions enacted by a county or city. Such regulations include those related to land use, drainage, transportation, utilities, public works, etc. The land owner may also be protected from nuisance actions. When a land owner is designated an “agricultural operation” it is often referred to, informally, as getting an “ag exemption.”

The term “agricultural operation” is defined as “cultivating the soil, producing crops for human food, animal feed, planting seed, or fiber, floriculture, viticulture, horticulture, silviculture, wildlife management, raising or keeping livestock or poultry, and planting cover crops or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure.” In the last section of Chapter 251, the owner of “agricultural land” may be protected from liability for construction or maintenance of an agricultural improvement. The last section of Chapter 251 does state, however, that agricultural land “includes any land the use of which qualifies the land for appraisal based on agricultural use as defined under Subchapter D, Chapter 23, of the Tax Code.”

By amending Chapter 251 of the Agriculture Code as suggested, the definition of “agricultural land” used in the last section of Chapter 251 will be applied not just to that last section, but to the whole chapter. Thus, to qualify as an “agricultural operation” on “agricultural land” under the amended Chapter 251 and thereby remain exempt from city and county regulations as well as nuisance liability, private land owners would meet the requirements of the definition of “agricultural use” under Chapter 23 of the Tax Code.

The Tax Code requires a yearly application for the designation of “agricultural use” as well as a requirement that the land owner’s primary occupation and primary source of income be derived from an agricultural occupation. A sworn affidavit regarding use of the land, occupation and income is part of the annual application process. Part of the proposal is to provide cities and counties the opportunity to request submission of the same affidavit. Finally, should a land owner with the “agricultural use” designation sell or change the use of the land to a non-agriculture use, city and/or county regulations would be applied to the land for the five years preceding the change of the use of the land.

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The proposal supports the policy goal, stated in Section 251.001 of the Agriculture Code: “to conserve, protect, and encourage the development and improvement of its agricultural land...” and “reduce the loss to the state of its agricultural resources by limiting the circumstances under which agricultural operations may be regulated or considered to be a nuisance.” Compliance with the policy is better accomplished if a land owner meets the requirements of “agricultural use” as defined under the Tax Code. Land owned by a person who applies for the designation of “agricultural use” each year, including submission of a sworn affidavit regarding use of the land and his primary occupation and income, and who’s land is appraised for “agricultural use” according to the Tax Code, is more likely to be improved for agricultural use, is more likely to remain protected, and is less likely to be diverted to a non agricultural use, subject to regulation, and open to liability for nuisance.

The amendment will provide a notice mechanism regarding change of use of land for political subdivisions, should they request a copy of the affidavit as required under the Tax Code. This further reinforces the policy of the Agriculture Code regarding protection of agricultural land. A land owner who is using the land as agricultural land for agricultural use will not be effected by the amendment whatsoever. A land owner who is continuing to utilize the agricultural use designation while diverting the land to non-agricultural use may be required to comply with the regulations of the city or county in which the land is located. Should a land owner divert the land to non-agriculture use, the amendment provides a five year time period in which the land can be held, after which no liability for city or county regulations would be incurred whatsoever.

Fiscal Impact:

The City will need to analyze filed legislation to determine exact impact.

Clean Air Funding

Proposal:

The City of San Antonio supports existing or increased state financial assistance from Clean Air Account 151 as provided for by Rider 8 in Texas Commission on Environmental Quality's (TCEQ) budget, to support historically near non-attainment communities in meeting National Ambient Air Quality Standard for ozone. In addition, the City supports continuing the Texas Emissions Reduction Plan (TERP) through 2013 for both non attainment and near nonattainment areas as a means to help Texas' major urban areas meet their air quality goal.

Background:

Air quality problems in Texas are a serious statewide problem that are beyond the resources of local jurisdictions. Non-attainment areas, including Houston/Galveston, Dallas/Fort Worth, Beaumont/Port Arthur and El Paso represent 49% of the state population and 62% of the state gross area product for 1999. When the traditionally near nonattainment areas of San Antonio, Austin and Tyler/Longview are included, 67% of the population of the State is directly affected. On March 12, 2008, EPA significantly strengthened its national ambient air quality standards (NAAQS) to .075 for ground-level ozone, the primary component of smog. The previous standard, set in 1997, was 0.08 ppm. The changes are expected to improve both public health protection and the protection of sensitive trees and plants, but places Texas major urban areas in a difficult position to meet the new standards.

Last session, the Texas Legislature passed SB 12, which among other things, provided significant funding to the state's air quality programs, including the Texas Emissions Reduction Plan (TERP) and the Low Income Repair Assistance (LIRAP). Generally, TERP funding, which is generated by various fees, was extended until 2013 delaying deposit of those fees into the Texas Mobility fund. SB 12 also increased the TERP cost-effectiveness cap from \$13,000 to \$15,000 and opened up eligibility of marine vessels and idle reduction technologies to the list of eligible infrastructure projects. Overall, the legislature appropriated \$337,843,188 for TERP, which represented a significant increase of funding for the program.

San Antonio supports continued use of TERP funding and other air quality incentives to help achieve attainment of the changed national air quality standards.

Accurate air quality monitoring is critical to achieving attainment. San Antonio supports reauthorization of dedicated air quality planning funds for near non attainment areas as set forth in Rider #8 in the amount of \$5,075,000 that is split between San Antonio, Austin, Corpus Christi, Longview-Tyler-Marshall, and Victoria. The Legislature should consider adding another \$2 million to help obtain the most accurate science in an effort to avoid being designated non-attainment under the new standard.

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The City supports a combination of technology improvements and a statewide public education program to influence behavioral patterns. Cleaner burning fuels and engines and an old vehicle retirement program should be considered. Local governments, particularly those who have not yet been designated nonattainment, need additional tools at their disposal.

Fiscal Impact:

The total impact has not been determined. However, substantial amounts of federal transportation dollars could be jeopardized if San Antonio fails to meet the requirements of its federal compact. Further, if formally designated a nonattainment area, San Antonio could face stringent federal pollution controls including mandatory use of cleaner-burning gasoline, annual testing of automobiles exhaust systems, installation of expensive vapor-recovery systems at gas pumps and restrictions on the creation or expansion of businesses that produce air emissions. The City will seek to secure at least the same level of funding (\$5.075 million) received in the 77th Legislative Session.

Haven for Hope Funding

Proposal:

The City of San Antonio, in partnership with the Haven for Hope endorses four legislative initiatives to address homelessness, which were identified at the Big City Mayors of Texas, August, 2008 meeting. The initiatives would provide State support toward significantly reducing the homeless population in Texas by improving housing access, supportive services and employment assistance.

Specifically, COSA supports:

- 1) The current Texas Department of Housing and Community Affairs (TDHCA) request to increase the State's investment in the Housing Trust Fund by \$20 million dollars each year;
- 2) A \$30 million annual increase in the funds Texas invests in community-based substance abuse treatment, prevention and case management services;
- 3) A workforce initiative to help 1,000 supportive housing residents per year with work readiness, life skills, job search and job placement assistance; and
- 4) A commitment for the Department of Criminal Justice and the Department of Public Safety to issue a valid state ID card or Driver's License to every inmate before they are discharged from state jail or prison.

Additionally, COSA proposes that funding for housing be allowed for homeless campus administration and operations and be limited to comprehensive homeless efforts that support transformation from homelessness to self-sufficiency -- rather than shelter-only.

Background:

The mayors of large Texas cities met in 2008 to identify serious needs that affect all large cities in our state. This initiative follows the mutually agreed upon recommendations by these mayors. Although homelessness is not an issue that is confined to the urban areas, the overwhelming majority of Texas' homeless population lives in our largest cities. Texas cities are implementing ten-year homelessness plans, development permanent supportive housing, conducting project homeless connect events and implementing rapid re-housing programs. On a single day in January, 2007, 44,492 homeless Texans were counted. An estimated 247,500 Texans become homeless each year.

The City of San Antonio has committed \$15 million in capital funds as well as over \$4 million in local and federal operations funding to support the Haven for Hope, a public/private partnership created to develop a comprehensive homeless campus in San Antonio. If funded, the four initiatives identified above will provide essential operating support to the Haven for Hope campus and will help ensure successful transformation for San Antonio homeless. Additionally,

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it will result in significant savings in local and state expenditures on emergency medical care, police, and jail and prison systems.

Fiscal Impact:

This initiative includes outlays of \$20 million to increase the size of the Housing Trust Fund; \$30 million in substance abuse treatment and prevention; funding to employment assistance; and state issued ID cards for every inmate in Texas. However, research indicates that housing and providing supportive services to chronically homeless persons can result in an overall savings due to decreased use of costly public resources such as emergency hospitalization, jail/prison nights, and inpatient mental healthcare (source: National Alliance to End Homelessness, *Supportive Housing Is Cost Effective*. January 2007).

Impact Fees

Proposal:

Initiate legislation that would expand the services that cities may charge impact fees for to offset costs to the municipality associated with providing all essential public services to the development.

Background:

Currently in Texas law, Local Government Code, §395 is concerned with the assessment of impact fees on new development, which is limited to water supply, treatment, and distributing facilities; wastewater collection and treatment facilities; storm water, drainage, flood control facilities; and roadway facilities. However, cities must provide many other essential services to new development to include fire, police, and quality of life projects such as libraries and parks. New fire stations and police sub-stations may be required in order to guarantee the health and safety of citizens living in the new development, but cost to provide these services falls on existing citizens.

San Antonio/Bexar County is one of the fastest growing regions of the state, and new development is moving further and further from existing fire and police facilities which has the potential to increase response time, which would threaten public health and safety.

Fiscal Impact:

It has long been the policy of the City of San Antonio that new growth should pay for itself, and existing taxpayers/ratepayers should not have to pay for the services necessary to support new development. Expanding the list of projects that cities may charge impact fees for will assist cities in providing basic and essential services to protect the health, safety and welfare of citizens living in newly developed areas.

Meet and Confer for Civilian Employees

Proposal:

Support legislation creating a "meet and confer" process, for municipal employees of the City of San Antonio, that recognizes COSA's form of government, preserves the integrity of the City Charter, and provides flexibility to allow the meet and confer process to be crafted in accordance with local needs and concerns.

Background:

Currently, there is no "meet and confer" process for non-peace officer civilian employees of the City of San Antonio. Furthermore, Texas Government Code, Chapter 617 entitled "Collective Bargaining and Strikes" prohibits a municipality and an employee association from entering into a written contract regarding terms and conditions of employment. However, San Antonio has adopted an employee-management consultation process by ordinance, whereby employees and management may meet to discuss various employment issues.

Under legislation filed last session, neither the municipality nor the employee's association would be compelled to reach any agreement and the bill included a prohibition against strikes.

That legislation provided ample protection for San Antonio's governing bodies (including CPS and SAWS, which were exempted), and maintained local control over issues such as wages, hours, and working conditions.

Fiscal Impact:

A Meet and Confer process will require additional staffing by Human Resources and the City Attorney's Office, and if an agreement is reached and ratified, the terms of the agreement would require additional funds be budgeted during the term of the agreement.

Rezoning Public Hearing Publication Notification Requirements

Proposal:

To allow municipalities to post zoning public hearing notices on their official website as an additional option for meeting the 15-day prior publication/notification requirement for public hearings concerning rezonings.

Background:

Allowing website posting as a way of meeting the publication requirement would eliminate required reliance on a third party for meeting Local Government Code-mandated posting/notification requirements. Too many times the third party makes a mistake and does not publish the notice as submitted by the municipality, thereby causing public hearings to be cancelled and applicants' projects to be delayed. Posting on the website as an option would give municipalities more control over their own meeting agenda scheduling. This proposal would not change the other notification requirements, such as mailing notice to owners of property within 200 feet.

Proposed changes are underlined or stricken-through as follows:

211.006. Procedures Governing Adoption of Zoning Regulations and District Boundaries

(a)...Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in an official newspaper, ~~or a newspaper of general circulation in the municipality,~~ or on the municipality's official website.

211.021. Additional Zoning Regulations

(a)...Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in an official newspaper, ~~or a newspaper of general circulation in the municipality,~~ or on the municipality's official website.

(d)...The zoning council shall conduct a public hearing on the application and must publish notice of the time and place of the hearing in an official newspaper, ~~or a newspaper of general circulation in the municipality,~~ or on the municipality's official website, before the 10th day before the date of the hearing.

Fiscal Impact:

Cities would realize a significant cost savings for newspaper publications which, in San Antonio's case, has been a growing cost. Newspapers charge based on number of words or lines, and the cost of each rezoning request is different depending upon length of publication. San Antonio publishes for two Zoning Commission meetings per month and two City Council meetings per month. Between October 2007 and August 2008, San Antonio spent \$12,214.14 on newspaper publications for rezoning public hearings alone.

Extension of the Diabetes Mellitus Pilot Program

Proposal:

The City of San Antonio proposes legislation that would grant an extension of House Bill 2132, 80th Regular session, for the Diabetes (A1C) Registry Pilot Project in order to continue tracking the prevalence, control efforts and health costs associated with Diabetes Mellitus.

Background:

Diabetes is a chronic disease which has reached epidemic proportions nationwide. In San Antonio, the problem continues to be especially high among the Hispanic population, and is still growing across all gender, age and racial lines. Controlling or preventing more cases of diabetes would greatly improve the overall health of the community and reduce medical costs that affect everyone.

The San Antonio City Council approved more than \$200,000 to begin the Diabetes (A1C) Registry in FY 2008. This response was voluntary as the State of Texas did not appropriate funding for the initial pilot project. Four major laboratories have established technical connections with the Vermedex Diabetes Information System, a patented and exclusive technology system provided by Vermont Clinical Decision Support, Limited Liability Company (L.L.C.) for FY 2008 to electronically collect and report A1C test values to SAMHD. Over a longer period of time and as a large volume of data is collected, it will enable SAMHD to promote more discussion and public information programs about the long-term health care problems associated with diabetes in the community.

An extension of House Bill 2132 for the Diabetes Mellitus Registry for Bexar County and the funding allocation will enable SAMHD to continue to collect Hemoglobin A1C values over a longer period of time, which will provide public health officials with valuable information and data with regard to diabetes that is difficult to obtain and substantiate. With this wealth of information collected overtime, SAMHD will be able to assess and determine to what degree diabetics are managing and controlling their condition as well as make recommendations to establish benchmarks for improvement.

Fiscal Impact:

Ultimately, the financial gain for the entire population would result through a reduction in the number of people afflicted with diabetes and its complications, such as kidney dialysis, end-stage renal disease, amputations, blindness and other conditions through recommended interventions for outreach and public health education.

Mandating MRSA (Staph infections) as a Reportable Disease, Starting with Pilot Program in Bexar County

Proposal:

The City of San Antonio proposes legislation that would grant an extension of House Bill 1082, 80th Regular session, which added Health and Safety Code, Section 81.0445, and relates to a pilot program for reporting infections caused by the bacteria methicillin-resistant *Staphylococcus aureus* (MRSA). Health and Safety Code, Section 81.0445, expire on September 1, 2009.

Background:

San Antonio Metropolitan Health District, Brazos County Health Department, and the Amarillo Bi-City-County Health District have agreed to conduct the pilot program. Originally, the reporting time frame was to occur for one year (July 1, 2008, through June 30, 2009). Physicians and clinical laboratories in Bexar, Brazos, Potter and Randall Counties will be required to report patients with MRSA skin and soft tissue infections and with MRSA invasive disease, e.g. septicemia and meningitis. The rule indicates where to report MSRA infections; what reporting information requirements to submit; and when reporting of MSRA infections shall begin and the date when reporting will end. In response to comments received from stakeholders, the department has reduced the reporting time frame to one month (March 1, 2009, through March 31, 2009).

The proposed rule was published in the March 28, 2008, issue of the *Texas Register*. The department received comments from six individuals during the public comment period. Two of the individuals represented Association for Professionals in Infection Control and Epidemiology (APIC) chapters, two were infection control practitioners at hospitals within one of the three counties and one was a staff member of the Texas Hospital Association. The sixth individual was a physician in private practice. Generally, the commenters were against the rules because of the economic burden for hospital laboratories and hospital staff to comply with reporting. However, the commenters provided recommendations for changes that lessen the economic burden of reporting and the department reduced the reporting time period.

In response to the comments received, the department revised the proposed language by adding a new subsection in Section 97.14(c) (4) that clarifies the responsibility of reporting. The amendment to Section 97.14(e) reduces the required reporting time frame for the pilot program from 12 months to one month that lessens the burden of reporting.

Fiscal Impact:

There are fiscal implications for local health authorities. The program will be conducted by the San Antonio Metropolitan Health District, Brazos County Health Department, and the Amarillo Bi-City-County Health District, and are aware of the resources needed to conduct the program.

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Each local health authority will need various staffing resources to (1) implement surveillance; (2) collect disease reports; (3) manage a database; (4) interview patients; (5) review medical records; and (6) prepare a summary report. All three local health authorities will use present staff to conduct the aspects of the program. Brazos County estimates a cost of \$400 for the one-month program reporting period. Amarillo Bi-City-County Health District estimates approximately \$2,000 to conduct the one-month program reporting period. San Antonio Metropolitan Health District estimates a cost of about \$8,000 to conduct the one-month program reporting period.

Regulate the Sale of Salvia Divinorum to minors

Proposal:

The City of San Antonio supports legislative proposals to make the sale of *Salvia divinorum* to minors a Class C misdemeanor.

Background:

Salvia divinorum is considered a DEA drug of concern. *Salvia* is a perennial herb native to Oaxaca, Mexico. The herb is sold under the street names: Maria Pastora, Sage of the Seers, Diviner's Sage, Salvia, Sally-D, or Magic Mint. Most users of *Salvia* are adolescents and young adults. Users may experience a combination of psychic and physical effects such as hallucinations, dysphoria, dizziness, and or a lack of coordination. To date, there is limited information on the long-term health effects and possible addiction. However, individuals could potentially harm themselves or others while using *Salvia*. Currently, neither *Salvia divinorum* nor its active constituent salvinorin A has an approved medical use in the U.S. As a state, Texas has not yet enacted criminal penalties for possessing *Salvia*. States such as Delaware, Illinois, Louisiana, Missouri, and North Dakota have banned the sale of *Salvia*. Other states such as Maine, Oklahoma, and Tennessee have restricted the sale of *Salvia*.

With passage of the proposed legislation, The San Antonio City Council could then pass an ordinance regulating the sale of *Salvia* to minors. The San Antonio Police Department (SAPD) would enforce the law.

Fiscal Impact:

There is no direct fiscal impact to the City.

Preservation of Court Records

Proposal:

Repeal §30.00226 of the Texas Government Code which provides for specific authority of a Court Reporter operating at the San Antonio Municipal Courts of Record.

Background:

The San Antonio Municipal Courts are courts of record. The Texas Government Code §30.00010 requires that the city provide a court reporter to preserve a record in cases tried in a municipal court of record. This statute also allows municipalities to obtain a record using an electronic recording device instead of a court reporter. San Antonio currently operates on a San Antonio specific statute Texas Government Code §30.00226 requiring the use of court reporter in all cases tried before the court or jury. The San Antonio Municipal Court seeks to repeal §30.00226, and thus follow the general statute of §30.00010. This will allow the court to either continue using court reporters or obtain electronic recording devices to record and preserve records in cases tried in court.

Fiscal Impact:

The San Antonio Municipal Court has in its budget two FTE's, job title 0864-Court Reporter. The total budgetary impact is approximately \$125,980 per fiscal year. The cost to install electronic recording devices in all eight trial courtrooms is approximately \$40,000 to \$50,000. After installation, the court will have savings of \$125,980 per year if the electronic recording devices are selected to be used.

Graffiti

Proposal:

Support legislation to increase the penalties for graffiti in order to deter this type of destructive behavior.

Background:

The presence of graffiti on businesses, homes, privacy fences, and public infrastructure has increased significantly over the years, and current laws and programs are not effectively deterring this type of criminal activity. Penalties for these types of offenses need to be increased in order to deter this type of destructive behavior, and consideration should be given in requiring individuals caught engaging in this activity to be required to pay restitution to the owner of the affected property.

Potential changes to Penal Code Section 28.08, and other changes, could include the following:

1. Enhancing graffiti penalty on municipal and state property to state jail felony if the amount is less than \$20K.
2. Two prior graffiti convictions would result in enhancing a 3rd graffiti offense to one degree higher than the original charge.
3. Mandatory 72 hours in jail for 1st time offense, 6 days for 2nd offense (for misdemeanor offenses only).
4. Restitution
5. Tax surcharge on the sale of all spray paint to be used by local governments to pay for abating graffiti.
6. Suspend driver's license for a first offense.
7. Add penalties for selling or providing minors with spay paint.
8. Require mandatory minimum penalties.
9. Require community service to abate graffiti.

Fiscal Impact:

Currently the City of San Antonio spends over \$600,000 per year to address the problem of graffiti, and that amount is scheduled to increase to \$1.1 million for the upcoming fiscal year. This only accounts for the City's expenditures in abating graffiti on its own infrastructure and does not include what other governmental entities and utility companies (i.e. TxDOT, SAWS, CPS, VIA, Time-Warner, Bexar Met., etc.) spend on their own infrastructure. The U.S. Dept. of Justice has estimated that the overall cost to taxpayers nationally, for graffiti abatement, is in excess of \$12 billion a year. The passage of this initiative would create an opportunity for a reduction in the proliferation of graffiti by creating a greater deterrent to committing this type of offense. Additionally, it would create an opportunity for victims of these offenders to seek

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restitution for the financial burden placed upon them in restoring the property to its original condition prior to the commission of the offense.

Fire Department – “Engineer” Designation

Proposal:

To permit the professional use of the term “engineer” by members of a Fire Department who are responsible for operation of a fire apparatus.

Background:

Title 6, Chapter 1001 of the Texas Occupation Code currently prohibits the professional use of the term “engineer” by anyone not licensed or certified to perform engineering duties as identified and authorized by the Code. The term “engineer” is nationally recognized in the fire service as a designation for any Firefighter whose primary responsibility is the operation of fire apparatus.

The San Antonio Fire Department historically utilized the term “engineer” to identify the rank between Firefighter and Lieutenant, until it was determined that such use was in violation of the Texas Occupation Code.

The Fire Department is therefore proposing the following modification to Title 6, Chapter 1001, Section .004 (e) of the Texas Occupation Code:

Sec. 1001.004. LEGISLATIVE PURPOSE AND INTENT; LIBERAL CONSTRUCTION OF CHAPTER.

(e) This chapter does not:

- 1) prevent a person from identifying the person in the name and trade of any engineers' labor organization with which the person is affiliated;
- 2) prohibit or otherwise restrict a person from giving testimony or preparing an exhibit or document for the sole purpose of being placed in evidence before an administrative or judicial tribunal, subject to the board's disciplinary powers under Subchapter J regarding negligence, incompetency, or misconduct in the practice of engineering;
- 3) repeal or amend a law affecting or regulating a licensed state land surveyor; ~~or~~
- 4) affect or prevent the practice of any other legally recognized profession by a member of the profession who is licensed by the state or under the state's authority; or

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- 5) prohibit or otherwise restrict the professional use of the term "engineer" by members of a Fire Department engaged in operation of fire apparatus, and that are not engaged in engineering practices as otherwise identified by this chapter.

Fiscal Impact:

There is no specific fiscal impact.

Fire Department Personnel Improvements

Proposal 1:

To increase the maximum age allowable to qualify for a beginning position in the Fire Department.

Background:

The maximum age for eligibility for a beginning position in the San Antonio Fire or Police Department is determined by the local Civil Service Commission. The range within which the Commission makes that decision is defined in the Texas Local Government Code, Chapter 143.

Section 143.023 (b), *Eligibility for Beginning Division*, currently prohibits the Commission from certifying an applicant as eligible for a beginning position in a Fire Department if they are thirty-six (36) years of age or older. The San Antonio Firefighters' and Police Officers Civil Service Commission rules currently disqualify an applicant that has reached 34 years of age by the time of examination. This two (2) year "back-up" period is necessary to allow for applicant processing and training time to be completed between examinations and licensing by the Texas Commission on Fire protection. The San Antonio Fire Department believes that the current standard prohibiting the certification of applicants for a beginning position if they are thirty-six (36) years of age or older effectively disqualifies many otherwise suitable applicants.

The Fire Department proposes the following language:

Sec. 143.023. ELIGIBILITY FOR BEGINNING POSITION.

- (b) A person may not be certified as eligible for a beginning position in a fire department if the person is ~~36~~ 45 years of age or older.

While this change would impact many applicants in pursuit of a second career, the Fire Department believes this change would be particularly beneficial to personnel leaving military service.

In order to ensure that this initiative has limited impact on other municipalities, the Department recommends that the change apply only to cities with a population of 1.2 million to 1.5 million.

Fiscal Impact:

There is no specific fiscal impact.

Proposal 2:

To increase the maximum length of time an eligibility list for beginning positions in the Fire Department can remain in effect to twenty-four (24) months.

Background:

The length of an active eligibility list for a beginning position in the San Antonio Fire or Police Department is determined by the local Civil Service Commission. The range within which the Commission makes that decision is defined in the Texas Local Government Code, Chapter 143.

Section 143.025 (h), *Entrance Examinations*, currently requires the Commission to establish an eligibility list that is effective for a period of not less than six (6) months or not more than twelve (12) months. This limitation causes both operational and administrative inefficiencies for the Fire Department.

The San Antonio Firefighters' and Police Officers Civil Service Commission have historically established an eligibility list for twelve months. The first component of the hiring process, after written examination, is the physical ability test. The Fire Department uses the Candidates Physical Ability Test (CPAT) to determine the physical conditioning level of applicants, and tests approximately 600 applicants per year. The CPAT requires 8-12 weeks of work shops to allow applicants the opportunity to prepare for the test, followed by 3 weeks of actual testing. Once CPAT testing has concluded, the Department is left with approximately 9 months with which it can process applicants for hire.

In addition, the Fire Department has historically been able to only process applicants who receive a grade in the low to mid 90's before the expiration of the list. Granting a Commission the discretion to increase the effective life of a list to 24 months will allow many highly qualified applicants, many of whom have been denied the opportunity in the past, to move forward in the hiring process.

The Fire Department proposes the following language:

Sec. 143.025. ENTRANCE EXAMINATIONS.

(h) The commission shall keep each eligibility list for a beginning position in effect for a period of not less than six months or more than ~~12~~ twenty-four months, unless the names of all applicants on the list have been referred to the appropriate department. The commission shall determine the length of the period. The commission shall give new examinations at times the commission considers necessary to provide required staffing for scheduled fire or police training academies.

In order to ensure that this initiative has limited impact on other municipalities, the Department recommends that the change apply only to cities with a population of 1.2 million to 1.5 million.

Fiscal Impact:

This proposal would reduce the requirement to administer an entrance examination every year to every other year. As a result, the City of San Antonio will realize a savings of \$18,000 every other fiscal year.

Public Information Act Amendments

Proposal:

Amend Public Information Act to allow governmental bodies to recoup cost of responding to open records requests which require significant amount of public employee time and resources, particularly in the context of requests for emails.

Additional amendment proposes to reconcile provisions of the Act which require the government to submit a Request for Ruling to Withhold Documents with 10 days of the receipt of an open records request, even while the government is still awaiting a response from requestors regarding the estimate of costs.

Background:

The Public Information Act has been an enormously successful law in providing the public access to government records, and promoting transparency and public confidence in government. The law is very broad and is liberally constructed and construed in favor of requestors seeking information. 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.

Many requests are relatively simple and can be responded to quickly with relatively little expenditure of government resources. Some requests, however, can be extraordinarily burdensome, requiring substantial person hours to complete. The Public Information Act permits governmental entities to impose charges to cover the cost of responding to requests. Texas Administrative Code and Public Information Act set the permissible charges governments may impose on requestors. In some instances, however, certain aspects of the Act do not allow governmental entities to impose charges and operates to require the government to expend substantial public resources at no cost to the requestor.

The juxtaposition of certain deadlines under the act may also result in the considerable and ultimately unnecessary expenditure of public resources. Where anticipated charges exceed \$40, the government must provide the requestor with an estimate of costs. In response to a cost estimate, a requestor may narrow his or her request, or even abandon a request by failing to respond within 10 days of receiving the estimate. The requestor's response will greatly affect the necessity of submitting a Request for Ruling. The Request for Ruling process includes the collection and copying of documents for review by the Attorney General, which in the case of large requests, will require the considerable expenditure of public resources. The proposed amendment would allow 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.

Amendment Proposed to Allow Governmental Bodies to Recoup at Least Some Cost for Production of Email Records for Inspection Only

The City of San Antonio proposes to amend the Public Information Act to acknowledge the considerable time and resources required to compile email records and allow governmental bodies to recoup at least some of the cost of providing this type of information to requestors:

Proposed Amendment to Section 552.002(2) Definitions

(2) "Manipulation" means the process of modifying, reordering, or decoding of information with human intervention; it includes a search through email and text message accounts and the retrieval of emails and text messages responsive to a request for information into a hard copy format or other format which can be provided to or viewed by the requestor.

Proposed amendment to Section 552.272(a) Inspection of Electronic Record if Copy not Requested.

(a) In response to a request to inspect information that exists in an electronic medium and that is not available directly on-line to the requestor, a charge may not be imposed for access to the information, unless complying with the request will require programming or manipulation of data. Manipulation includes a search through email or text message accounts and the retrieval of emails and text messages responsive to a request for information into a hard copy format or other format which can be provided to or viewed by the requestor. If programming or manipulation of data is required, the governmental body shall notify the requestor before assembling the information and provide the requestor with an estimate of charges that will be imposed to make the information available. A charge under this section must be assessed in accordance with this subchapter.

These amendments would still allow requestors to seek any email records they wish, but allow the government to impose costs which reflect the time required for their production.

Amendment Proposed to Re-Set or Toll the Deadline to Submit a Request for Ruling until the Requestor has Responded to the Cost Estimate

For large requests, the provisions which require the government to produce records "promptly" or submit a Request for Ruling to seek authority to withhold records within 10 business days do not dovetail with the provisions that require the governmental body to await the requestor's response to a cost estimate for up to 10 days. Section 552.221, Section 552.301, Section 552.2615.

The effect of the interplay of these provisions is to compel the government to conduct a search of records in order to meet its obligation to file a Request for Ruling before the requestor has responded to the cost estimate. Where the requestor chooses to modify, narrow, or abandon the request, the government will end up expending resources to locate information ultimately

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not sought by the requestor if it is also working to comply with the 10 and 15-day Request for Ruling deadlines under Section 552.301. The following amendment is proposed to reconcile the application of the cost estimate provisions with the Request for Ruling deadlines.

Proposed Amendment to Section 552.263(e) (Bond for Payment of Costs or Cash Prepayment of Copy of Public Information):

For purposes of Subchapters F and G, if the governmental body's officer for public information or the officer's agent requires a deposit or bond in accordance with this section, a request for a copy of public information is considered to have been received by a governmental body on the date the governmental body receives the deposit or bond for payment of anticipated costs or unpaid amounts, or on the date the requestor advises the governmental body in writing pursuant to Section 552.2615 that he or she will modify, amend, narrow the request. ~~if the governmental body's officer for public information or the officer's agent requires a deposit or bond in accordance with this section.~~

This allows completion of the cost estimate process before the government is required to begin a search for records. If the requestor modifies or amends the request, the government has the opportunity to apprise the requestor of the new costs, if any, again allowing the requestor to fully consider whether he or she wants records at the cost needed to produce them, without prematurely compelling the government to commit resources to responding.

Further, the City of San Antonio proposes to amend Section 552.2615(g) to provide that the deadlines under Section 552.301 for requests in general be tolled (not re-set as with large requests addressed under Section 552.263) while the cost estimate process moves to completion.

The time deadlines imposed by this section toll ~~do not affect~~ the application of a time deadline imposed on a governmental body under Subchapter G from the date the itemized statement or updated statement is considered to have been sent by the governmental body under Section 552.2615(e) until the date the government receives the response from the requestor as required by this section.

It makes sense that smaller requests, those which will cost less than \$100, should have shorter deadlines for response. Accordingly, this proposed amendment only seeks to toll rather than re-set the deadlines.

The City of San Antonio does not seek to impair requestors' access to information, but rather asks that the cost provisions be adjusted so that governmental bodies are not compelled to expend resources to locate and compile information that requestors ultimately choose not to seek.

Financial Impact:

These amendments will allow the City to recoup costs of PIA requests, and will help keep staff from expending extraordinary amounts of public funds to respond to a request that may be ultimately abandoned or narrowed by the requestor.

Omnibus Policy

Proposal:

The City Council supports legislation that would clearly benefit the City and opposes legislation that would clearly be detrimental to the City's interests.

Background:

Historically, a relatively small part of the City's legislative efforts have been devoted to passing beneficial bills that would enable cities to better perform their function. A far greater effort has been expended on preventing passage of detrimental bills. In many cases, these detrimental bills are attempts to change the fundamental authority granted to municipalities.

Due to the large quantity of bills introduced during the legislative session, it is not always feasible for the City Council to consider and adopt formal policy statements of on each piece of proposed legislation. Therefore, the City of San Antonio will endorse legislation that would clearly benefit the City and oppose bills that meet one or more of the following criteria:

- Undermine the principles of self-government
- Mandate increased cost to cities, including environmental mandates
- Result in the loss of revenue to cities or negatively impacts the authority of the City to generate revenues
- Result in diminishing the fundamental authority of cities to operate in a manner consistent with the best interest of the health, safety and welfare of the general public

The adverse impact of each detrimental bill must be determined separately. This policy will assist the City's governmental affairs team in expediting measures to defeat detrimental legislation and play a proactive role in passing beneficial legislation

Section II – Protection of Municipal Interests

*Property Tax Appraisals and Revenue Caps**

Proposal:

Monitor legislation regarding municipal taxation and revenue to determine impact on the City's ability to provide services that protect the health, safety and welfare of the citizens of San Antonio.

Background:

Under the Texas Constitution (Article 8), property taxation must be equal and uniform, and must be administered locally. Section 23.23 of the Property Tax Code currently limits the maximum annual percentage increase in the appraised value of a residence homestead for ad valorem tax purposes to the lesser of the market value of the property or the sum of ten percent (10%) of the appraised value of the property in the last year it was appraised times the number of years since it was last appraised. One of the options considered during the special sessions on school finance reform in 2006 was the possibility of limiting residential property appraisals to an increase of no more than 3-5% per year. Although no changes resulted from this special session, appraisal caps will most certainly be considered again during the 81st Legislature, however, such legislation would require a two-thirds (2/3) vote by the legislation and the approval of a constitutional amendment by the voters. Therefore, legislation during the 81st session is more likely to address revenue caps.

Recent legislation regarding revenue caps would limit the amount of revenue local entities may raise from property taxes to the amount raised the previous year plus an inflation and population growth factor based on CPI. However, revenue caps ignore the real cost of city services, because municipal inflation frequently exceeds consumer inflation. Cities have no control over the cost of gas for vehicles, healthcare for employees, or homeland security mandates and other unfunded mandates.

Fiscal Impact:

Any reduction in the current ten percent maximum annual increase in the appraised value of a residence homestead may challenge the City's ability to provide the current level of basic services in future years. Likewise, limiting the amount of revenue that may be raised from property taxes year to year may have a negative impact. Since the state gives virtually no aid to Texas cities, revenue caps may be unworkable. Most states that have experimented with revenue caps provide some level of funding to cities.

*Vested Rights**

Proposal:

To Protect the City of San Antonio's ability to regulate and manage growth and development and to have the ability to adapt development standards to reflect changing circumstances, including rapid growth, changing patterns of land use, and revisions of federal regulations.

Background:

The statute establishing requirements for the "Issuance of Local Permits" was first enacted in 1987. The statute established requirements regarding the issuance of local permits and generally required that approval or disapproval of a permit for a project be based on the requirements in effect when the first permit for a project was filed. Also, if a series of permits were necessary for the completion of a project, the applicable requirements would be those in effect when the first permit was filed for the project. In effect, rights were established to develop a project under the regulations in effect at the time of the filing of the first permit. Even if a project lay dormant for many years, a city is prohibited from applying any new requirements to an existing project. However, the statute expressly allowed a city to adopt provisions establishing expiration dates for dormant projects. The statute was originally located in the Government Code as Subchapter I of Chapter 481. It was amended in 1989 and 1995, and was inadvertently repealed by an act of the 75th Legislature in 1997.

In 1999 legislation was filed to re-codify certain sections of Subchapter I. The 76th Texas Legislature in its Regular Session of 1999 enacted H.B. 1704, which re-enacted the previous law that prohibited the application of new regulations to existing projects. The statute, codified as Chapter 245, Local Government Code, states that the right to develop a project under the then existing regulations accrues at the time the landowner files the first permit application for a project. During the 79th Legislature, Regular Session of 2005, SB 848 was enacted to clarify the intent of Chapter 245 that rights vest upon filing an application, regardless of local administrative procedural barriers. The amendments included clarification of the following:

- 1) Permit (which triggers the rights) now includes a "contract or other agreement" for the provision of services from a municipally owned water or wastewater utility (like SAWS).
- 2) Permit is "filed" (and thus rights accrue) when application for permit is:
 - a) filed for review for any purpose, including review for administrative completeness; or
 - b) a plan for development of real property or plat application is filed.
- 3) Rights accrue when an original plan is filed that gives the City fair notice of the project and the nature of the permit.
- 4) Application is considered "filed" when delivered to City or mailed.
- 5) City may "expire" the permit application on or after the 45th day after filed if:
 - a) Applicant fails to provide information regarding form and content of application;
 - b) City gives applicant written notice of specific failure of application within 10 business days of filing; and

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- c) Applicant fails to turn in documents.

The City of San Antonio amended its local code to include these provisions and to define what “fair notice” of the project constitutes. The “fair notice” provisions that are now in the City’s Unified Development Code are similar to the “preliminary plat” requirements used by a majority of cities in Texas. The City of San Antonio has not adopted a “preliminary plat” process and therefore could not use a “preliminary plat” as the instrument for “fair notice.”

It is anticipated that the development community will attempt to place a definition of “fair notice” in the statute that will require less compliance with the most current rules and regulation and thus be more favorable to the property owner/developer than that contained in the Unified Development Code the City adopted in 2006.

Fiscal Impact:

Staff will need to analyze filed legislation to determine fiscal impact.

Eminent Domain

Proposal:

Preserve municipal authority to acquire property for public projects through the process of eminent domain, and oppose any further erosion of such powers.

Background:

Cities and other governmental entities must acquire property for a variety of public purposes. If a city is unable to negotiate with a property owner for property acquisition, the city may condemn the property through the process of eminent domain. The city must follow legal procedures, make a determination of public necessity, and it must engage in good faith negotiations with the property owner to acquire the property. If negotiations fail, the city must file a petition for condemnation in court, and the court appoints three special commissioners who hold a hearing where both sides present evidence as to the compensation to be paid. The commissioners must determine the market value of the property at the time of the hearing. If either party is dissatisfied with the property value, then the decision may be appealed and a new trial is conducted.

On June 23, 2005, the U.S. Supreme Court issued its opinion in *Kelo v. City of New London, Connecticut*, which left the decision to use eminent domain authority for economic development with local officials, and those authorized those officials to determine whether using such authority serves a "public use." The Court did say that states may limit a cities ability to exercise eminent domain for economic development, and during the one of the special legislative session in 2005, several attempts were made to do so. H.J.R. 19 (passed the House, but not the Senate) would have amended the Texas Constitution to prohibit a political subdivision of the state (but not the state) from condemning property "for the primary purpose of economic development." In the end, no constitutional amendments were passed, but a comprise bill, S.B. 7, did place restrictions on cities when using eminent domain for economic development. S.B. 7 created an interim committee to study the use of eminent domain, so additional legislation next session is almost guaranteed.

In some cases, cities need to use eminent domain for urban redevelopment projects in order to improve blighted areas. Improving such areas is in the public's best interest and many times deteriorating buildings pose public safety problems.

Fiscal Impact:

The negative fiscal impact to units of local government related to changes would vary depending on the number of situations in which the entity would seek to exercise its eminent domain authority, costs associated with and imposed by court proceedings, and the number of parcels of land involved in initial condemnation or in repurchase by the

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previous owner or their heirs. However, Harris County reports having condemned 460 parcels at an aggregate market value of \$108 million between calendar years 2002 and 2006. Regarding costs associated with damages for loss of access or diminished access

Annexation Reform

Proposal:

To oppose legislation that would further restrict or eliminate municipal annexation authority.

Background:

Cities pay for a wide array of services and facilities that benefit entire regions and are centers of employment, health care, entertainment, transportation, and merchandising used by non-city-residents throughout the region. Cities must support public safety services and a physical infrastructure sufficient to serve a daily influx of visitors from throughout the metropolitan region.

Most states recognize that cities should be assisted in making these expenditures that benefit entire regions and the whole state. Virtually every state transfers state-generated revenue to cities to assist in the provision of services and facilities. They do this in recognition of the fact that cities are making expenditures that benefit all residents of the state. In Texas, there is virtually no state aid to cities. However, the state allows cities to bring adjacent areas into the city and into the system through which cities finance the services and facilities that benefit the region and state through annexation.

Also the 78th Legislature considered legislation that would have restricted municipal annexation authority, including prohibiting annexations unless those who live in the area to be annexed approve of the action. This issue is likely to be considered again during the upcoming session.

Fiscal Impact:

To erode or eliminate municipal annexation authority without considering the issues of municipal revenue and intergovernmental relations would cripple cities. If annexation authority were eliminated, Texas would become the only state in the nation that denies both state financial assistance and annexation authority to its cities. Opponents of annexation cannot point to a single state that has restricted annexation authority without implementing fiscal assistance programs under which the state helps cities pay for the infrastructure on which the entire state depends.

Municipal Court Collection of State Fees

Proposal:

To oppose legislation that would require municipal courts to collect additional state fees.

Background:

Municipal courts in Texas collect funds on behalf of the state for a variety of programs. For these collection efforts, cities are generally allowed to keep the interest earned as a reimbursement for the costs incurred to collect these fees and to remit them to the state. However, the structure of state court costs and fees is complex and time consuming to administer. In addition, state costs and fees have been increased, or new fees added, in each legislative session since 1981. Additionally, state fees must be collected before the City may begin to collect its portion of fees.

Fiscal Impact:

The City of San Antonio, like many cities, could be adversely affected in two ways. First, court costs imposed by the state are difficult to administer. While a city can keep a small percentage of the cost as an administrative fee, this amount is usually not enough to cover the costs to implement mandated changes, which includes purchasing new ticket books, computer programming costs, and time to train staff. Second, the state requires that in the event of a partial payment, the state court costs must be paid first before a city can collect any portion of the fine(s). In essence, cities are still required to collect fines for the state, but do not get any revenue until the state court costs have been paid.

Section III – Endorsements

Detox and Intensive Outpatient Treatment for Serial Public Inebriates in Texas Cities

Proposal:

The City of San Antonio endorses legislation that provides funding for detoxification and intensive outpatient programs offering public safety triage and ongoing follow-up treatment for serial public inebriates. The Bexar County Center for Healthcare Services (CHCS) will initiate legislation to this end.

Background:

In October, 2007, CHCS, in partnership with Haven for Hope and the City of San Antonio, began a two year pilot program to provide detox and intensive outpatient care (IOP) for public inebriates in San Antonio. Some of these are serial inebriates who are picked up by law enforcement on an almost daily basis—sometimes as many as 3-5 times daily. Serial inebriants drain public resources at an abnormally high rate. Law enforcement and health professionals must deal with them due to the safety risks they present to themselves and others. Bexar County studies show that public inebriants cost the County approximately \$40 million dollar annually to process through the criminal justice system.

Initial Public Safety Triage and Detox Center (PSTD) program results show that the money saved on criminal justice and healthcare costs for the serial inebriates outweighed the cost of the program. The Center for Health Care Services wants to promote the adoption of programs modeled on the San Antonio facility to replicate the public safety triage and ongoing follow-up treatment for serial public inebriates. The PSTD is an integral component of the transformation process for the homeless individuals and families that will be served by the Haven for Hope.

Fiscal Impact:

Although this program will require a total state investment of approximately \$8 million for the large municipalities in Texas, the results of the San Antonio two year pilot program show a significant reduction in dollars spent on chronic substance abusers in the areas of criminal justice and healthcare.

County Fireworks Regulations

Proposal:

Support Bexar County Commissioners Court's request that the State of Texas give authority to counties to enable them to ban the sale of all fireworks during certain environmental conditions.

Background:

The authority to ban the sale of all fireworks when adverse environmental conditions such as a Burn Ban and Red Flag Warnings are in effect would be a tremendous tool in protecting public safety and property; however, while cities may ban fireworks within the city limits, counties may not ban fireworks in unincorporated areas. It was found that during the 2008 New Year Season, the City of San Antonio and Bexar County received approximately 778 calls for service. The prevailing cause was due to the illegal use of fireworks along with the ideal environmental conditions for starting fires.

Fiscal Impact:

There is no direct fiscal impact as a result of supporting the ban of all fireworks during certain environmental conditions.

Sales Price Disclosure of Real Property

Proposal:

To amend the Tax Code by requiring disclosure of real property sales to county appraisal districts.

Background:

According to the International Association of Assessing Officers, 35 states currently have mandatory sales price disclosure of real property. Texas, however, is one of a handful of states that does not require price disclosure.

It is well understood that to achieve an equitable property tax system, it is essential to have fair market value data. Some appraisal districts in Texas have access to sales data through realtor databases, such as the Multiple Listing Service (MLS), while others do not. This has caused appraisal inequities between counties. The accuracy of sales price data is vital to equitably allocate funds for public schools.

The proposed legislation would require that actual sales price data be disclosed on a form at the time of closing on the sale of real property and then forwarded to the appraisal district and the state Comptroller's Office. The data could only be used in a protest hearing and for the comptroller's annual property value study.

Fiscal Impact:

The proposed change to the Tax Code would not have a fiscal impact on state or local units of government.

Motion Picture Production Incentive

Proposal:

Support legislation that will increase the effectiveness of the Texas Production Incentive, by increasing the percentage of the current motion picture production grant program to become competitive with other states, and to increase the appropriation for the program.

Background:

Proposed legislation will not impact the *way* we do business, but will significantly *increase* the number of film productions in the City, resulting in increased economic benefit from this industry.

Texas currently has a modest motion picture, television and commercial incentive in the form of a grant. The incentive was enacted when HB1634 (Dukes, Austin) was signed into law by Governor Perry in June of 2007. The companion bill in the Senate was carried by Bob Deuell (Mesquite).

The law allows for feature films with Texas spending of \$1M or more, to qualify for a 5% grant payable upon completion of the film. San Antonio qualifies for the "underused" area clause, which gives filmmakers an additional 1.25% for filming outside of Dallas or Austin.

Fiscal Impact:

Over the nine year period from 1996-2004, statewide spending for motion picture production has averaged \$191.8M annually, and spending in San Antonio has averaged \$4.3M annually. With new legislation and an annual appropriation at an anticipated \$30M, San Antonio stands to benefit from an additional \$8.3M in production spending, more than doubling our nine year average.

Texans for the Arts

Proposal:

To support the Texans for the Arts (the official arts advocacy organization for Texas) 2008/2009 Legislative Agenda that will advocate for the development and implementation of statewide public policy that supports a strong and vibrant arts and cultural industry.

Municipal Hotel Occupancy Tax Use for the Arts

To protect the current provisions of the Texas Tax Code regarding the authorized use of municipal hotel occupancy tax for the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.

Background:

Since the adoption of the "Lalor Law" in 1977, Chapter 351 of the Texas Tax Code has specifically permitted the use of the municipal hotel occupancy tax for the encouragement, promotion, improvement and application of the arts. The allocation of these funds is decided by municipal governments who are best suited to determine the appropriate uses of the local tax.

According to a study conducted by the Texas Commission on the Arts in 2004, changes to the tax law since the Lalor Law was passed in 1977 have significantly restricted the ability of municipalities to spend the HOT revenue they collect. Further restrictions to the existing provisions will be detrimental to the arts industry of the state.

Fiscal Impact:

City of San Antonio can continue to allocate municipal hotel occupancy tax to promote and encourage the arts and further Texas' economic creative industries and its national reputation as a lively cultural tourism destination. FY 2009 is expected to invest 8.5 million of Hotel tax in art and cultural industry.

Municipally Owned Utility Protections

Proposal:

Oppose legislation that negatively impacts CPS Energy, including but not limited to:

- Any changes to the provisions in Senate Bill 7 (76th Session) that protect the city's local control of its municipally owned utility.
- Any provisions to tax or otherwise restrict power production by CPS Energy.

Background:

In 1999 (76th Session), the Texas Legislature passed Senate Bill 7, which provided the framework for restructuring the retail electric utility industry in Texas. SB 7 provided municipally owned utilities the ability to choose when to opt-in to the competitive market. This decision is vital for municipally owned utilities within the state. The legislation also includes various protections to maintain the financial integrity of municipally owned utilities, and provides appropriate customer protections for the citizens of San Antonio.

In future legislative sessions, the Texas Legislature will likely continue looking for ways to increase state funding for schools and other services, without raising property taxes. In prior sessions, there have been proposals calling for a coal severance or use tax, as well as, taxes on air emissions. Such taxes would discourage the use of coal and lignite relative to natural gas, harming CPS Energy's fuel diversity, which is critical to price stability and overall reliability. In addition, these taxes would be passed forward to consumers, and CPS Energy customers would ultimately pay more for electricity.

CPS Energy tries to lessen the impact of a volatile fuel market by utilizing a diverse mix of fuels to generate electricity. Currently, CPS Energy is evaluating if more nuclear energy is affordable, and if it is compatible with the utility's fuels diversification program. CPS Energy owns 40 percent of the South Texas Project (STP) nuclear power plant, and is examining proposals to add two more nuclear-fueled electrical generating units next to two existing units at STP. The STP site near the coastline in Matagorda County and the plant's 7,000-acre cooling-water reservoir can accommodate additional generating units. However, legislative proposals affecting water rights and usage could significantly impact the operations of STP. Therefore, CPS Energy opposes legislation that would negatively impact or alter STP's water rights, supply or usage.

Fiscal Impact:

Significant changes to SB 7, specifically Chapter 40 affecting municipally owned utilities, could result in a loss of municipal control over rates, terms, revenues and policies, and consequently have an adverse impact on municipal finances, small businesses and residential customers.

***University of Texas at San Antonio,
Life Science Institute (SALSI)***

Proposal:

San Antonio Life Science Institute (SALSI) - \$4M/yr, \$8M over 2 yrs

Authorized by the 77th Legislature but not funded, an initial investment from The UT System, SALSI is a partnership between the University of Texas at San Antonio (UTSA) and the University of Texas Health Science Center–San Antonio (UTHSC-SA) created to develop and implement joint doctoral and master's degree programs in biotechnology. The institute establishes synergistic research and educational programs, leveraging each university's strengths to become the model for synergistic collaborative research for the state. SALSI will enable the development of initiatives to stimulate the growth of the related industries and economic development in San Antonio and South Texas. The outcome ultimately will enhance research funding and provide new advanced degree opportunities for students.

Background:

The initial SALSI funding of \$4.5 million for operating expenses came from both universities (UTHSCSA and UTSA each contributed \$1 million) and from The University of Texas System (\$2.5 million). Faculty at both universities have been very receptive to this concept and suggest that this structure will not only substantially and synergistically enhance the relationship between the two universities, but will also serve as a successful paradigm for future interactions between other UT System academic and health components (see Impact below). Based upon the overwhelmingly positive response, **we are requesting a combined request of \$16 million total over the biennium (\$8 million each for UTSA and the UTHSC-SA)** to help establish SALSI as a permanent ongoing entity that will continue to promote joint interactions between UTSA and the UTHSCSA and its partners. These funds will be used by SALSI primarily to increase the institutions' research funding base through support of the development of inter-institutional programmatic/thematic as well as translational research and educational efforts. The requested funding would also be used in support of infrastructure such as institution wide core research facilities required for collaborative program activities and/or purchase of equipment essential for the development/execution of collaborative research efforts. Finally, the requested funds would also be used to support academic development crucial for the furthering of programmatic goals between the partner institutions. This would include faculty recruitment/retention crucial to a specific targeted joint research and educational program.

Fiscal Impact:

There is no direct fiscal impact as a result of supporting this endorsement.

Texas A&M University

Proposal:

To support the Texas A&M University's-Kingsville System Center – San Antonio request of \$6,277,304 (biennial amount).

Background:

Texas A&M University-Kingsville System Center – San Antonio has offered upper-level classes to students on the Southside of San Antonio since fall 2000. The Center's enrollment began with 126 students and had risen to 1000 by spring of 2008. At the end of the spring 2008 term, the System Center had graduated more than 1300 students. Given the present enrollment trends, it is expected that the 2008 fall enrollment will increase to over 1400.

- Program offerings include criminology, psychology, sociology, biology, communications, political science, management, interdisciplinary studies, computer information systems, accounting, finance, marketing, English, history, mathematics, kinesiology, and the bachelor of applied arts and sciences.
- The System Center also offers master's degrees in business administration, early childhood education, bilingual education, reading and special education and has a master's level alternative teacher certification program. New master's programs will include educational administration and counseling and guidance.

Benefit to the State / Results:

- Although we have delivered on the initial legislative mandate to provide academic programs and services to the people in San Antonio and surrounding areas, additional funding will be required to ensure continued success. Additional funding is requested to achieve a full-time equivalent enrollment of 1500. The request includes funds for 24 additional tenure-track faculty members, 20 additional student support staff and 7 additional administrative support staff. Requested funding for FY 2010-2011 is reduced by anticipated formula funding for courses taught.
- By making higher education available to a traditionally underserved population in San Antonio and surrounding areas, the System Center contributes to economic development by preparing graduates for high tech jobs, as well as filling the shortage of high school and elementary teachers in the area and the state. This program is making a major contribution to the goals of "Closing the Gaps". The Center serves the special needs of an older population of students whose average age is 32 years.

Fiscal Impact:

There is no direct fiscal impact as a result of supporting this endorsement.

State Health Programs

Proposal:

The City of San Antonio supports public health programs that are preventative and will lead to a healthier Texas. The City endorses the following:

- A statewide awareness campaign on childhood obesity;
- The Fresh Fruit and Vegetable Snack Program;
- Teen pregnancy prevention programs, such as COSA's Project Worth that emphasizes youth development, abstinence, and parent communication. Goals of such programs should be to help teens make positive choices and avoid risky behaviors;
- Improvements in the Texas Women's Health Program and Safety-Net Women's Preventive Care programs to prevent unplanned pregnancy among young adults;
- Statewide guidelines for the management of students with life-threatening allergies, including the emergency administration of epinephrine by auto injector.
- Neonatal Abstinence Syndrome Programs;
- Increase resources for Child Protective Services;
- A statewide Underage Drinking and Driving Under the Influence (D.U.I.) prevention campaign;
- A statewide Health Promotion/Chronic Disease Program;
- Continued Blood-Lead Testing;
- Posting of Basic Nutritional Information menus;
- A statewide Firearm Safety and Education Campaign.

Fiscal Impact:

In July, 2008, the Trust for America's Health (TFAH) released a report entitled "Prevention for a Healthier America: Investments in Disease Prevention Yield Significant Savings, Stronger Communities." The study concludes that an investment of \$10 per person per year in proven community-based programs to increase physical activity, improve nutrition, and other disease prevention efforts could save the country more than \$16 billion annually within five years. This is a return of \$5.60 for every \$1 invested nationally.

The TFAH report indicates that with a State investment of \$10 per capita in disease prevention efforts, Texas specifically will realize a return on investment of \$4.67 for every dollar spent in five years and \$5.22 in ten years.



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # 4
Council Meeting Date: 10/16/2008
RFCA Tracking No: R-4037

DEPARTMENT: Intergovernmental Relations **DEPARTMENT HEAD:** Andrew Smith

COUNCIL DISTRICT(S) IMPACTED:
City Wide

SUBJECT:
Briefing and adoption of the 2009 State Legislative Program

SUMMARY:
Briefing and adoption of the City of San Antonio's 2009 State Legislative Program for the 81st Regular State Legislature.

BACKGROUND INFORMATION:

Prior to the convening of each regular Texas Legislative Session, the City of San Antonio identifies policy priorities that it would like to have addressed by the Texas Legislature. In August 2008, the City's Governmental Relations Team began working with the City Council Intergovernmental Relations Committee, City Departments and agencies and the community to identify issues for the upcoming session.

As first utilized in the 77th Legislative Session, the City's legislative program is organized into three distinct issue categories. The first category is Legislative Initiatives. A legislative initiative will be actively supported through the drafting of legislation, finding a bill sponsor, providing testimony, and otherwise actively pursuing its passage. A legislative initiative must meet one of the following criteria: it must be San Antonio-specific; or it must address an issue where San Antonio is disproportionately affected. The second category is Protection of Municipal Interests. This category consists of issues that deal with municipal authority in certain areas, such as revenue generation, eminent domain, and annexation. There have been many attempts over the past several sessions to erode the authority of home-rule cities, and the City of San Antonio will oppose further erosion and will support legislation that recognizes municipal home-rule authority. The third category is Legislative Endorsements/Matters of Support. With an endorsement, the City will not play a primary advocacy role, but may work with other interested parties to communicate its support of the issues.

ISSUE:

The 81st Legislature is expected to consider a variety of issues that could pose significant opportunities and threats to municipal authority. Specifically, the governmental affairs team will dedicate considerable time working on issues such as: 1) military affairs; 2) transportation; 3) reauthorization of economic development funds incentive programs; 4) graffiti; 5) land use and

vested rights issues; 6) erosion of eminent domain and other home-rule authority; and 7) municipal taxation and revenue.

ALTERNATIVES:

The City could decide not to formally adopt a state legislative program and react to filed legislation.

FISCAL IMPACT:

The City will need to analyze filed legislation to determine any fiscal impact.

RECOMMENDATION:

Staff recommends adoption of the 2009 State Legislative Program.

ATTACHMENT(S):

File Description	File Name
Legislative Plan	Legislative Plan.pdf
Voting Results	
Ordinance/Supplemental Documents	200810160922.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Andrew Smith Director Intergovernmental Relations

APPROVED FOR COUNCIL CONSIDERATION:

A.J. Rodriguez Deputy City Manager