2017
El Paso County

State
Legislative
Action Agenda
&
Legislative Values
Document

85th Session
of the Texas
Legislature

Regular Session
ABOUT EL PASO COUNTY

El Paso County is the westernmost County in Texas, with a population of over 800,000 residents, making it the eighth-most populous County in Texas and the 19th-most populous City in the United States. El Paso County is known for its presence along the U.S. Mexico Border, the largest bi-national metropolis in the United States. It also has the distinct advantage of being located between three states and two nations, making it the fourth largest manufacturing center on the continent and a unique location which presents both challenges and opportunities alike.

VISION

El Paso County is a leading bi-national community with its key principles of being a vibrant community with a dynamic diverse economy and a world class center for health and providing entertainment for all. El Paso County strives to be a high performance, customer-focused organization that is dedicated to building on our legacy, illuminating innovation and succeeding beyond borders.
Honorable Members of the El Paso State Delegation:

The County of El Paso is pleased to present its Legislative Agenda for the 85th Session of the Texas State Legislature.

As you know, over the last several years, El Paso County’s legislative agenda has focused on reform and efficiency. With the support from each of you, we have and will be able to accomplish our mission. Together we have been able to initiate some milestone legislation and look forward to our continued partnership.

Our agenda includes proposals in the County’s focus areas, which include: Justice, Community/Economic Development, Transportation, Taxation, Public Safety, Health and Welfare. In addition, this document provides a set of guiding values that provide insight on legislative concepts the Commissioners Court is ideologically in support of and opposed to.

We are aware of the important and complex issues you will be addressing in the upcoming session. It is your hard work, the relationships you have built, and your ability to bring people to the table that helps El Paso move our focused community agenda forward. We thank you for your leadership and look forward to the opportunity to once again coordinate our efforts with you.

Sincerely,

Veronica Escobar
El Paso County Judge
Indicate items the Commissioners Court previously approved during the 84th Legislative Action Agenda.

Indicate those items that are still being vetted.

**JUSTICE**

1. Amending the Transportation Code, Section 521.24651, by adding a section regarding an individual’s failure to comply with an ignition interlock requirement when one has been court ordered under the authority of Art. 17.441 and Art. 42.12, Sec. 13 (i) of the Code of Criminal Procedure and/or Sec. 49.09(h) of the Penal Code.

**PROPOSED BY:** El Paso County Sheriff Richard Wiles/William Ellis

**SYNOPSIS:** Currently, there is no specific enforcement mechanism in place should an individual fail to comply with a court ordered ignition interlock requirement. Instances have been reported where individuals required to have an ignition interlock device elect to use another vehicle that doesn’t comply with the order. If an individual is found to be noncompliant this bill allows for law enforcement to take immediate action by taking the individual into custody and impounding the vehicle; and provides a penalty. A first time offense would be classified as a Class B misdemeanor and the second offense would be classified as a Class A misdemeanor.

2. Propose legislation that would expand upon the fees that can be utilized by a County’s law library.

**PROPOSED BY:** Lynn Sanchez, El Paso County Law Library Manager

**SYNOPSIS:** Currently the Local Government Code, Section 323.023 authorizes the County Commissioners Court to impose a fee of no more than $35 to court costs in civil cases in County, District, and Probate courts to fund a County’s law library. Legislation passed in 2007 expanded the jurisdictional limit for Justices of the Peace (JP) from $5,000 to $10,000 which diminished the revenue law libraries were seeing from the filing fees in County, District and Probate courts. Fee waivers have also served as a significant contributor to lost revenue. Between 2014-2016 El Paso County’s Law Library has seen a 20 percent drop in its revenue. To meet these decreases the law library has implemented significant cuts to its print titles, digital access, have left jobs vacant, and have utilized reserves to balance their budget. This proposal restores the fee by imposing it to cases heard by JP’s within the increased $5,000 to $10,000 jurisdictional limit.

**COMMUNITY & ECONOMIC DEVELOPMENT**

3. Support legislation that enhances El Paso County’s ability to address the need for storm water management in the unincorporated areas of El Paso County, in collaboration with necessary municipalities and other necessary stakeholders.

**PROPOSED BY:** El Paso County Commissioners Court

**SYNOPSIS:** Certain areas of El Paso County are subject to periodic inundation, which can result in the loss of life and property, creates health and safety hazards, disrupts commerce and governmental services and requires extraordinary public expenditures for flood protection and relief. El Paso County Commissioners Court recognizes the personal hardships and economic distress caused by flooding, desires to promote the public interest by providing appropriate protection against the perils of flooding and encourages sound land use by minimizing exposure of property to flood losses. Texas counties do not have the rule/ordinance making authority that municipalities do nor do they have the capacity to levy fees to implement structural flood control systems. This item seeks to support options being discussed with our State delegation to help
address flooding within the unincorporated areas of El Paso County, to include the imposition of a fee for use in addressing the need for storm water management infrastructure.

4. Amend Tax Code: Section 352.002 a(2) to ensure that El Paso County is able to continue collecting the Hotel Occupancy Tax.

PROPOSED BY: El Paso County Commissioners Court

SYNOPSIS: Currently El Paso County has the ability to collect the Hotel Occupancy Tax via the Tax Code: Section 352.002 a(2) given we have a population over 90,000, are on the U.S./Mexico Border, and do not have three municipalities with a population over 17,500. Population brackets for purposes of statutes are based off the most recent decennial census. In 2010, El Paso adhered to the bracket given it had less than three municipalities under 17,500. However in 2020, that will change given growth in Horizon City, which in 2015 was projected to have a population of 19,288. The recommended amendment to a(2) would be: county that has a population of 90,000 or more, border the United Mexican States, and does not have three four or more cities that each have a population of more than 17,500.

TRANSPORTATION

5. Amend the Texas Transportation Code, Chapter 457 to include allowing a participating municipality to pledge the amount equal to the tax rate collected by the city transit department by the principal municipality via the general fund governed by an interlocal agreement. In addition amend Section 457.053 (b) indicating that the election for the creation of the authority is not to be held in the territory of the principal municipality OR any other municipality already at the half cent cap and utilizing another funding mechanism.

PROPOSED BY: El Paso County Commissioner Vincent Perez, Pct. 3

SYNOPSIS: Currently, statute indicates that once the County/Regional Transit Board has been created, the initial tax rate must be the same rate created by the principal municipality, which in El Paso's case is half a cent. The service plan/rate must then call for an election to approve both. The proposed amendment would allow for the County and other jurisdictions within the County to participate via utilizing general fund dollars as opposed to a separate tax/tax increase given some entities within El Paso County may already be at the two percent cap specified under Texas Transportation Code 457.302. In the event that general fund dollars are utilized, an election does not need to be held for that entities participation. An election is only held in the event that an entity has the capacity to increase their sales tax. In that case the election for the tax would only be held within that area/municipality. Communities across the state have formed regional transportation systems like the Dallas Area Rapid Transit, Corpus Christi Regional Transportation Authority and the Metropolitan Transit Authority of Houston and Harris County, all of which provides transportation options in the City/County and surrounding municipalities.

6. Amend the Texas Transportation Code, Sec 501.033, paragraph E to increase the current fee a county law enforcement agency can collect when it conducts an inspection from $40 to $60. The increase is meant to help defray the agencies cost associated with the inspection.

PROPOSED BY: El Paso County Tax Assessor Collector Ruben Gonzalez

SYNOPSIS: Currently, the County's auto theft unit under the Tax Assessor/Collectors Office can impose a fee of $40.00 to defray the cost associated with an auto inspection for the purposes of providing an individual with a Vehicle Identification Number (VIN). This request comes when the VIN has been removed, altered, obliterated or has never been assigned. The cost to perform these inspections has increased since the start of the program in 2009. Currently, the County's expense in performing the inspection is $52.30. Furthermore, if we were to adjust the 2009 dollars to 2015 dollars by using the Consumer Price Index (CPI),
the adjusted fee would be $53.20. The current fee collected of $40 against a cost structure of $52.30 leaves the County in the red by $12.30 per inspection.

7. Amend the Code of Criminal Procedures, Article 2.12: Who Are Peace Officers to include El Paso County’s Tax Assessor-Collector’s Office Peace Officers who hold a peace officer’s license issued under Chapter 1701 of the Occupations Code.

**PROPOSED BY:** El Paso County Tax Assessor Collector Ruben Gonzalez

**SYNOPSIS:** Currently the County's Tax Assessor Collector's (TAC) office has five inspectors, which are designated peace officers under the auspices of the District Attorney's office. This would allow the inspectors the same authority they have now, however, under the auspices of the TAC office. This allows the inspectors to work more efficiently by being able to directly access necessary enforcement files under the National Insurance Crime Bureau, National Crime Information Center and Texas Crime Information Center without relying on access via the District Attorney's office. Individuals who work as investigators in the TAC office already undergo the necessary training and obtain the required certification to serve as peace officer.

8. Amend Texas Transportation Code, Section 501.052 - Hearing on Refusal for Issuance/Revocation/Suspension of Title, to allow a county tax assessor-collector to charge a $15 administrative fee for hearings held under this section.

**PROPOSED BY:** El Paso County Tax Assessor Collector Ruben Gonzalez

**SYNOPSIS:** When a citizen is denied or there is a revocation/suspension/cancellation of their title by the Department of Motor Vehicles (DMV) he/she can either request an administrative hearing with the County Tax Assessor-Collector or secure a surety bond through the DMV. If the individual seeks a bonded title, the state charges a $15 fee. If the individual elects to have an administrative hearing the Tax Assessor-Collector's office reviews documents, conducts a hearing, and makes a determination. Currently, the state statute does not allow the Tax Assessor-Collector to collect a fee to cover the administrative cost of holding such a hearing which can take considerable time given the need to review each case for unsigned title documents, outstanding liens, lack of documentation, etc. The proposal would allow for a County Tax Assessor-Collector to charge a $15 fee for said hearing which mirrors the $15 fee enjoyed by the DMV when a bonded title is requested.

**LAND USE**

9. Relating to the county regulation of lots in platted subdivisions that have remained undeveloped for 25 years or more.

**PROPOSED BY:** El Paso County Commissioners Court/Public Works Department

**NOTES:** The proposal amends the Local Government Code to authorize the Commissioners Court of a county with a population of more than 800,000 that is adjacent to an international border by order to implement a process applicable to a subdivision in which 50 percent or more of the lots are undeveloped or unoccupied on or after the 25th anniversary of the date the plat was recorded with the county and through which the county, to the extent practicable, may apply to the subdivision more current street, road, drainage, and other infrastructure requirements. The legislation requires a regulation or standard adopted by a county under the bill’s provisions to be no less stringent than the minimum standards and other requirements under the applicable Texas Water Development Board model rules for safe and sanitary water supply and sewer services and any other minimum public safety standards that would otherwise be applicable to the subdivision. Currently, any lots purchased and platted prior to September 1st, 1989 are not subject to model subdivision rules.
10. Propose legislation that addresses fractionalized lots in East El Paso County by identifying an entity that can research the issue and ultimately establish a process for acquiring the parcels and conveying them to a developer/entity that will ensure development that is in compliance with model subdivision rules.

**PROPOSED BY:** El Paso County Commissioners Court/Public Works Department

**SYNOPSIS:** El Paso County has a strong need for a useable inventory of land which may be developed into residential and commercial uses to address future growth. However, this growth is being stymied by land which, because of prior sales practices, can't be profitably developed. Unless a solution is found, thousands of acres will remain undeveloped, and instead remain in the hands of local government trustees and off-market by private citizens. It is estimated that there over 54,000 acres of lots that fit this category within El Paso County. Given lots were subdivided to such a high degree or “fractionalized” among various owners individuals/entities are unable to provide coordinated infrastructure to the area. Therefore the lots have and will remain undeveloped and there is currently no viable mechanism to develop these bundles of lots on a reasonable economic basis.

**HEALTH & WELFARE**

11. Support legislation that increases funding for the Texas Water Development Boards (TWDB) Economically Distressed Areas Program (EDAP).

**PROPOSED BY:** State Representative Mary Gonzalez, House District 75

**SYNOPSIS:** Through its Economically Distressed Areas Program (EDAP) the Water Development Board provides financial assistance in the form of a grant, or a combination grant/loan, to economically distressed areas to plan and construct water and wastewater systems. These systems benefit Texas residents without service and help address existing systems that do not meet minimum state standards. EDAP has existed for over 25 years and through two voter approved constitutional amendments has been authorized to issue $500 million in General Obligation (GO) bonds. Currently, the remaining authorized but unissued EDAP GO bonds stands at roughly $51 million. There is currently $160 million in identified EDAP needs across the state. This includes $37 million for the Montana Vista Wastewater Planning project and $1.5 million for the Canutillo Water and Wastewater projects. The Montana Vista project is currently the state’s largest unfinished EDAP project. The combined $38.5 million in needs rank El Paso County as the second largest county in total need. If general obligation bonds are not approved this legislative session the Texas Water Development Board (TWDB) will be unable to meet the EDAP needs the agency has identified and projects like Montana Vista and Canutillo may not be funded and completed. Representative Gonzalez has asked the El Paso County Commissioner’s Court to consider supporting the TWDB issuing an additional $200 million in general obligation bonds to meet the state’s needs.

12. Amend Chapter: Civil Practice and Remedies Code, relating to the authority of certain counties to bring a suit to abate certain common nuisances and create a nuisance abatement fund.

**PROPOSED BY:** County Commissioner David Stout

**SYNOPSIS:** Currently, Chapter 125.0015(a) of the Civil Practice and Remedies Code gives counties the authority to file lawsuits on places where specific crimes are committed habitually. The proposed amendment adds crimes to the list so that crimes that commonly occur in a vacant lot may trigger a Chapter 125 lawsuit. The offenses that will be added include: criminal trespass, disorderly conduct, arson, criminal mischief and a graffiti offense. In addition, the legislation seeks to amend Section 125.002 to allow a county the ability to create a nuisance abatement fund, authority that is currently only provided to municipalities.
13. Amend Chapter 54 of the Local Government Code dealing with general enforcement authority of municipalities, creating subchapter D regarding county enforcement of certain ordinances.

PROPOSED BY: County Commissioner David Stout

SYNOPSIS: Currently, Chapter 54 outlines the enforcement authority a municipality has in regards to certain ordinances. This piece of legislation proposes to add subchapter D which allows a county attorney’s authority to enforce certain municipal ordinance violations applicable to buildings, upon approval by the municipality.

APPRAISAL PROCESS

14. Amend the Texas Tax Code Sec. 42.43 to reflect an interest rate tied to the United States prime interest rate as opposed to the current 9.5 percent interest rate.

PROPOSED BY: El Paso County Judge Veronica Escobar

SYNOPSIS: The Texas Tax Code Sec. 42.43 states that when a final determination of an appeal that decreases a property tax owner’s liability after payment, the taxing entity must pay the difference within 60 days or is then required to pay 9.5 percent interest rate, calculated from the delinquency date for the taxes until the date the refund is made. The interest rate tied to this section of the code was previously at the U.S. prime interest rate plus 1 percent, later changed to 7 percent and recently to 9.5 percent. This item seeks a legislative fix that would change the 9.5 percent interest rate to one that reflects the United States prime interest rate which is currently at 3.5 percent.

ELECTIONS

15. Proposal to allow any eligible voter to request to vote via absentee mail ballot during any election.

PROPOSED BY: El Paso County Elections Administrator Lisa Wise

SYNOPSIS: In Texas, to vote via absentee mail ballot an individual must: be over the age of 65, traveling outside of the County, be disabled, or be incarcerated and awaiting trial or incarcerated for a misdemeanor. Currently, at least 22 states have provisions that allow for certain elections to be conducted entirely by mail. Three of the 22 states – Oregon (2000), Washington (2011) and Colorado (2013) – hold elections entirely by mail. Other states permit all-mail elections in certain circumstances, such as for special districts, municipal elections, or when candidates are unopposed. For these elections, registered voters receive a ballot in the mail well in advance of an election (hence voters have an election period, not just an election day), the voter makes their selection(s), returns the ballot in a secrecy envelope/sleeve, which is accompanied by a signed affidavit. The envelope is then mailed.
This general statement of principles provides El Paso County’s positions on a broad range of issues that may arise during the upcoming legislative session.
Those items highlighted in green indicate items the Commissioners Court previously approved for the 84th Legislative Action Agenda.

**JUSTICE/PUBLIC SAFETY**

**Support:**
1. Support Legislative Appropriations Requests for the Texas Indigent Defense Commission, specifically in ensuring Texas counties are provided additional funding to offset the cost of providing indigent defense.
2. Support additional funding to the Department of Public Safety for crime labs. (Conference of Urban Counties)
3. Support legislation that provides county jails the ability to take necessary action that results in the suspension of Supplemental Security Income (SSI) & Medicaid benefits and their re-instatement on release, rather than termination of those benefits. (Conference of Urban Counties)
4. Support additional state funding for juvenile probation departments if the age of criminal responsibility is raised to 18. If passed, El Paso County would see a $2 million increase in personnel given the need to hire 39 new employees and capital costs of $25-$30 million to expand the detention center to meet the new number of juveniles entering the system. (Juvenile Probation Department)
5. Support state payment to counties for costs of detaining in county jails technical parole violators and new–offense parole violators held solely for parole revocation purposes.

**Oppose:**
1. Opposes reductions to funds supporting local juvenile justice functions or a shift of funding to incarceration over cost effective and outcome driven local treatment alternatives.
2. Opposes legislation that increases the cost of law enforcement without demonstrating improved outcomes.
3. Oppose any increase in fees to be paid to attorneys appointed to represent indigent criminal defendants until the adoption of the next county budget and require at least 90 days notice of the proposed increase to be provided to the commissioner's court.

**COMMUNITY & ECONOMIC DEVELOPMENT**

**Support:**
1. Maintains support for efforts to preserve the state's historical and archeological heritage through the Texas Historical Commission and its various programs and services.
2. Supports legislation which grants counties regulatory authority around military facilities in certain circumstances to prevent unnecessary encroachment on military installations or the creation of incompatible land use or otherwise interfere with the military's capacity to sustain its mission.
3. Support legislation that increases funding and mechanisms for local governments to work toward eliminating illegal dumping of tires, bulk items, household hazardous waste, etc.
4. Support using TERP and LIRAP fund balances for congestion relief transportation projects as long as it does not impair SIP compliance, it is done in non-attainment and near non-attainment areas; and is in addition to transportation funding for those areas.
5. Support capital construction needs for research/academic facilities and programs for the University of Texas at El Paso, the Texas Tech – El Paso Campus (to include preserving the special line item appropriation and formula funding) and El Paso Community College.

**Oppose:**
1. Oppose any legislation that would endanger the State's ability to be competitive by discriminating against certain segments of our State's population. (Commissioners Court)
Oppose any legislation that would detract from a local community’s ability to implement community identification programs for their residents. (County Commissioner David Stout)

TRANSPORTATION

Support:
1. Support a higher priority for transportation funding in the state’s budget process and increased funding for the Texas Department of Transportation for state highways. (Commissioners Court)
2. Support eliminating tolling options if state funding for highways is increased sufficiently to replace lost toll revenues. (Conference of Urban Counties)

HEALTH & HUMAN SERVICES

Support:
1. Preserves effective enforcement authority to prevent the creation of substandard housing in unincorporated areas of the county.
2. Preserves “build-it-or bond it” authority that ensures an adequate infrastructure for water, sewer and roads in unincorporated areas of the county.
3. Supports legislation that provides resources to counties to expand basic services required by population growth in unincorporated areas.
4. Maintains sufficient state funding for community mental health services to provide treatment outside of hospital emergency rooms or jails.
5. Supports innovative measures to address overcrowding in county jails, the impact of homelessness on jail populations and the needs of inmates requiring detoxification from drugs and alcohol or treatment for a mental illness.
6. Promote the opportunity for counties to receive the authority to participate in Medicaid expansion to reduce the financial burden of their uncompensated care on local taxpayers.

REVENUE/TAXATION

Support:
1. Protects the ability of local units of government to issue certificates of obligation.
2. Support legislation to better assure appraisals on commercial property, appraisal district legal fee reform, equity appeals reform, require sales price disclosure so that appraisers have the tools they need to establish a property’s market value and legislation that establishes increased minimum qualifications for members serving on an Appraisal Review Board.
3. Support legislation that ensures that values arrived at through equal and uniform appeals are more reflective of market value, such as capping the size of adjustments that can be made under equal and uniform appeals to no greater than 10 percent reduction from market value. (County Commissioner Vincent Perez/Texas Association of Appraisal Districts)
4. Support efforts to ensure County Clerks are able to continue charging the $10 Records Management and Preservation Fees. (County Clerk’s Office)

Oppose:
1. Opposes substitution of expanded sales tax base for property tax.
2. Opposes legislation that caps the County’s ability to generate revenue to fund its operations or that endangers its bond ratings.
3. Opposes the elimination of funds consolidation to balance the state budget if that elimination requires deeper cuts in education or health and human services.
4. Oppose Revenue Caps. (Commissioners Court)
5. Oppose all new property tax exemptions, expansion of existing exemptions, or any other narrowing of the tax base unless approved by Urban Counties. (Commissioners Court/Conference of Urban Counties)
GOVERNMENT EFFICIENCY/TRANSPARENCY

Support:
1. Enables local units of government to seek relief when existing statutory fees fail to cover the cost of a necessary public service.
2. Promotes opportunities for local units of government to consolidate functions to streamline and reduce the cost of services to local taxpayers.
3. Support legislation that will make changes to Ethics Form 1295 that will make it less burdensome for counties and the vendors seeking to do business with counties. (Human Resources)
4. Support legislation that provides financial accountability/metrics to measure border security and the effectiveness of increased appropriations.

Oppose:
1. Opposes legislation that shifts the cost of state funded programs or services to local government resource.
2. Oppose restrictions on the ability of local governments to effectively and efficiently communicate with the legislature and other state and federal entities.

ELECTIONS

Support:
1. Support the creation of an online voter registration system.
2. Support any efforts to expand the types of electronic ballots that can be utilized in elections. (Elections Department)

Oppose:
1. Opposes bills that constrain voting opportunities for eligible individuals.

MISCELLANEOUS

Support:
1. Support the Texas County and District Retirement System (TCDRS) and any other public retirement system that is a prudently and conservatively structured defined contribution pension plan that provides flexibility and local control.
2. Support legislation that promotes fairness in employment by supporting the removal of barriers to employment for individuals with certain convictions. (Human Resources)
3. Support legislation that allows counties to regulate the carrying of weapons on county premises.

Oppose:
1. Opposes legislation that requires the County to perform a federal function.
2. Opposes efforts to constrain reliable retirement benefits from responsibly funded plans that are savings based and provide local flexibility and control.
3. Oppose legislation that would further limit county authority to regulate fireworks to protect public health and safety; preserve current authority granted to counties to restrict or ban the sale and use of fireworks during drought conditions and when included in a local disaster declaration. Oppose the creation of a new fireworks season unless commissioners’ courts are granted discretion over the sale of fireworks in that county for the new season. (Commissioners Court/Conference of Urban Counties).