

**A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, APPROVING THE TOWN'S LEGISLATIVE AGENDA FOR THE 87<sup>TH</sup> TEXAS LEGISLATIVE SESSION; AUTHORIZING CERTAIN PERSONS TO REPRESENT AND COMMUNICATE THE TOWN'S LEGISLATIVE INTERESTS; AUTHORIZING THE MAYOR AND TOWN MANAGER TO SIGN ALL LETTERS, PETITIONS, AND/OR OTHER DOCUMENTS ON BEHALF OF THE CITY TO PROMOTE THE CITY'S LEGISLATIVE AGENDA; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the 87<sup>th</sup> Texas Legislature convenes in January 2021; and

**WHEREAS**, the Texas Legislature and its administrative agencies will consider many measures and actions that may affect the Town of Prosper, Texas; and

**WHEREAS**, Town staff has prepared and recommends approval of the Town of Prosper's 2021 Legislative Agenda, attached hereto as Exhibit "A"; and

**WHEREAS**, the Town Council finds that the 2021 Legislative Agenda represents the issues and priorities that are in the best interest of the Town and its citizens, should be adopted, and should be forwarded to the Town's Legislative delegation for consideration; and

**WHEREAS**, the Town Council is of the further opinion that the Mayor, the Town Manager and/or the Town Manager's designee should be authorized and directed to take action with regard to the 2021 Legislative Agenda as outlined below.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:**

**SECTION 1**

The Town of Prosper 2021 Legislative Agenda, attached hereto as Exhibit "A," is hereby adopted and approved.

**SECTION 2**

The Mayor, the Town Manager, and/or the Town Manager's designee are authorized to communicate the items included in the Town's Legislative Agenda to members of the Texas Legislature, in general, and/or to the appropriate legislative committees, committee members, and other persons or groups that may influence the 87<sup>th</sup> Legislative Session.

**SECTION 3**

For those items designated as "support," the Mayor, the Town Manager and/or the Town Manager's designee are directed to actively pursue passage of the appropriate legislation if it is introduced by some other entity. Efforts to obtain passage of the legislation may include drafting

appropriate legislation, seeking a sponsor, and actively pursuing passage of such legislation by providing testimony and through other means.

**SECTION 4**

For those items designated as "oppose," the Mayor, Town Manager, and/or the Town Manager's designee are directed to oppose the passage of any such legislation.

**SECTION 5**

The Mayor and the Town Manager are specifically authorized to sign any and all letters, petitions, and/or other documents on behalf of the Town in order to promote the Town's 2021 Legislative Agenda.

**SECTION 6**

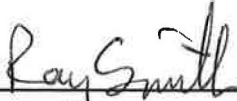
When testimony before various committees is needed to support or oppose a bill, the Mayor, the Town Council Members, the Town Manager, or the Town Manager's designee are authorized to testify so long as the testimony is consistent with the approved 2021 Legislative Agenda.

**SECTION 7**

This Resolution shall become effective from and after its passage.

**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS THE 24<sup>TH</sup> DAY OF NOVEMBER, 2020.**

**APPROVED:**

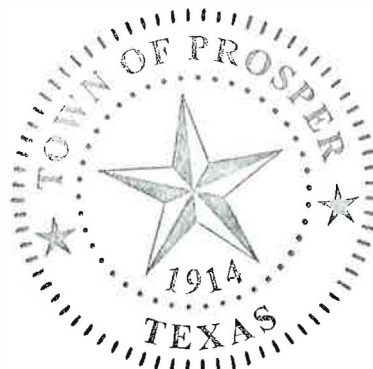
  
\_\_\_\_\_  
Ray Smith, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Melissa Lee, Town Secretary

**APPROVED AS TO FORM AND LEGALITY:**

  
\_\_\_\_\_  
Terrence S. Welch, Town Attorney



## EXHIBIT "A"

# TOWN OF PROSPER 2021 LEGISLATIVE AGENDA

## LEGISLATIVE PHILOSOPHY

The following Legislative Agenda represents the Town of Prosper's legislative initiatives and priorities for the 87<sup>th</sup> Legislative Session and establishes the Town's position on key legislative issues. The Town of Prosper is committed to providing efficient and effective municipal government services to its residents, businesses, visitors, and community stakeholders.

The Town will support legislation that protects home rule authority, advances the principles of local decision-making, protects or enhances municipal revenue sources, and enhances the health, safety and welfare of its residents in the spirit of self-governance. Conversely, the Town will oppose legislation that preempts or erodes municipal authority on local matters, impedes the Town's ability to allocate resources to locally determined projects and services, or is otherwise detrimental to the Town and its constituents.

Throughout this document, it is understood that a position statement supporting a legislative action also establishes opposition to legislative measures that would have the opposite effect, and vice versa.

## LEGISLATIVE INITIATIVES

- Support legislation that eliminates the \$1.5 million cap on certain municipal competitive sealed proposals, codified in Section 252.043(d-1) of the Texas Local Government Code, and expands the use of the competitive sealed proposal method of procurement for road and utility (horizontal) infrastructure projects.

## LEGISLATIVE PRIORITIES

### TRANSPORTATION

- Support legislation that seeks to fund local transportation projects.
- Support legislation that provides funding to maintain and rehabilitate existing and aging infrastructure.
- Support legislation that promotes innovative financing tools for the construction, rehabilitation, and maintenance of local transportation and infrastructure projects.
- Support legislation that promotes pay-as-you-go financing for capital projects by authorizing a dedicated property tax rate that is classified similarly to the debt service tax rate in property tax rate calculations.

### DEVELOPMENT

- Support legislation that seeks to repeal, or makes beneficial amendments to, H.B. 2439 from the 86<sup>th</sup> legislative session (the building materials bill), now codified in Chapter 3000 of the Texas Government Code.
- Support legislation that seeks to limit state intrusion in the land development process by making beneficial amendments to H.B. 3167 regarding platting procedures (the 30-day shot clock bill).

## **EXHIBIT “A”**

- Oppose legislation that preempts municipal authority related to land use and zoning, local amendments to building codes, local building permit fees, tree preservation, short-term rentals, and eminent domain.

### **PUBLIC SAFETY**

- Support legislation and measures that strengthen the integrity, effectiveness, and transparency of local law enforcement, and oppose any measures that weaken the same.
- Support legislation that preserves qualified immunity for public safety personnel acting within the bounds of departmental policies and procedures in the performance of their official duties.
- Support legislation that clarifies the roles of state, county and municipal governments in emergency management, and their respective authority, powers, and duties during a local state of disaster.

### **ECONOMIC DEVELOPMENT**

- Support legislation that preserves all economic development programs and tools currently available under state law.
- Support legislation and programs that retain and attract new and existing businesses.
- Support legislation that promotes new and innovative financing tools that would leverage state funds to create jobs.
- Support legislation that would maintain funding for grants and programs that improve workforce training.

### **FINANCIAL STRENGTH**

- Support legislation that would preserve the Town’s use of certificates of obligation (COs) to fund necessary capital projects, and for the debt from COs to continue to be funded from the Town’s interest and sinking (I&S) tax rate.
- Support legislation that preserves the Town’s ability to control, manage, and collect reasonable compensation for the use of municipal rights-of-way.
- Oppose legislation that imposes further revenue caps or tax caps that restrict the Town’s capacity to generate the revenue needed to provide the high level of municipal services expected by Town of Prosper residents.

### **SMART CITIES/BROADBAND ACCESS**

- Support legislation that removes barriers that restrict the provision of broadband service as a utility.
- Support legislation to incentivize and recognize the importance of smart cities and the application of technology solutions through grants, awards, and other means.
- Support legislation that develops plans and resources needed for greater broadband connectivity to enhance public access to education, healthcare, employment, information, and services.

### **WATER RESOURCES**

## **EXHIBIT “A”**

- Support legislation that provides ample funding for developing affordable and reliable water resources across North Texas.
- Support legislation that provides funding for the construction, maintenance, and rehabilitation of new and aging water utility infrastructure.

### **RECREATIONAL AND CULTURAL RESOURCES**

- Support amendments to the hotel occupancy tax statute that expand the use of hotel occupancy tax revenue for the construction or expansion of municipal parks, trails, and facilities to promote tourism within the Town.
- Support legislation that directly benefits public library services that support workforce, cultural, and educational programs.

### **OPEN GOVERNMENT**

- Support legislation that simplifies the budget and tax rate notification and adoption process with the goal of improving transparency.
- Support legislation that would allow required legal notices to be published on the Town website rather than requiring publication in an official newspaper.
- Support legislation that enhances and makes permanent the beneficial amendments made to the Texas Open Meetings Act to allow for the expanded use of teleconference and videoconference technology in public meetings.

### **ELECTIONS**

- Oppose legislation that eliminates the May or November uniform election dates.
- Oppose legislation that requires candidates for a Town office to declare party affiliation in order to run for office.

### **LOCAL CONTROL**

- Support legislation that preserves local control and the right of Prosper residents to govern themselves, and to work with their municipal government to adopt and enforce ordinances that address the health, safety, and welfare of the community.
- Support legislation that preserves local authority for property taxation and appraisal decisions.
- Oppose legislation that limits or prohibits the Town’s current ability to use municipal funds to communicate or advocate with legislators.
- Oppose legislation that creates unfunded mandates at the city and/or county level.