



Webb County, Texas State Legislative Agenda 2021



Webb County, Texas 2021 Legislative Agenda to the 87th Texas Legislature

Honorable Tano E. Tijerina, County Judge
Honorable Jesse Gonzalez, Commissioner Pct. 1
Honorable Rosaura Tijerina, Commissioner Pct. 2
Honorable John C. Galo, Commissioner Pct. 3
Honorable Cindy Liendo, Commissioner Pct. 4

2021 Webb County Legislative Committee

Honorable Jesse Gonzalez, Comm. Pct. 1/Co-Chair
Honorable Cindy Liendo, Comm. Pct. 4/Co-Chair
Adelaido "Lalo" Uribe, III, Budget Officer/Chief Exec. Administrator
Leroy R. Medford, Commissioners Court Exec. Administrator
Nathan Bratton, Civil Legal Division Director
James Flores, Economic Development Director
Chief Steve Landin, Emergency Management Coordinator
Larry Sanchez, Public Information Coordinator
Rhonda M. Tiffin, Planning Director/Floodplain Administrator

Adopted: / /2021

2021 State Legislative Agenda for the 87th Legislature



FORWARD

This document represents Webb County's State Legislative Agenda for the year 2021. Webb County has identified legislative priorities that are specific to county interests and have included these on its Legislative Agenda with detailed information as to the issues and rationale for support.

The information provided in this agenda has been prepared by Webb County's Legislative Affairs Committee, which is comprised of elected officials, directors and administrators with first-hand knowledge of important issues affecting Webb County. The committee has prioritized several key points of legislation for which the county will be petitioning during the 87th Legislative Session.

The Webb County Commissioners Court believes that these legislative initiatives will significantly enhance county government, improve the public well-being and advance the quality of life of the county's residents. Through this document, Webb County seeks the support of the State's 87th Legislature on the following legislative issues.

**RESOLUTION & ORDER
OF THE COMMISSIONERS COURT OF WEBB COUNTY, TEXAS**

ADOPTED **(insert date)**

**SUPPORTING WEBB COUNTY'S PRIORITY LEGISLATIVE AGENDA
FOR THE 87TH LEGISLATURE**

WHEREAS, the Webb County Commissioners Court has adopted a local policy that proposed legislation affecting county government should be brought before the Commissioners Court for consideration and possible action to adopt an official position; and

WHEREAS, the Webb County Commissioners Court has appointed a Legislative Affairs Committee to identify, analyze and recommend priority legislation to address matters of public interest or the enhancement of county government; and

WHEREAS, the county's Legislative Affairs Committee has petitioned the participation of local elected officials and department heads in the development of a proposed legislative agenda; and

WHEREAS, the Legislative Affairs Committee has identified and presented key issues to the Webb County Commissioners Court for consideration in the county's legislative agenda.

NOW, THEREFORE BE IT RESOLVED by the Commissioners Court of Webb County, that:

- I. The Webb County Commissioners Court hereby adopts the following to be included in Webb County's State Legislative Agenda 2021:

Health & Safety

1. Permitting of Hazardous and Municipal Solid Waste Disposal Sites Located in Floodplains
2. Transportation and Access to Hazardous and Municipal Solid Waste Disposal Sites

Local Government

3. Expand the Applicability of the Open Meetings Act to all Boards Relating to County Government Matters
4. Limitations on the County Auditor's Annual Budget
5. Hours of Work of County Employees
6. Limited Ordinance-making Authority for Counties
7. Authority of a County to Request Attorney General Opinion
8. Cancellation of Undeveloped Residential Subdivisions located in Extra-territorial Jurisdiction by Affected Border Counties
9. Sale of residential properties by Counties Regulated by Subchapter B, Chapter 232, Texas Local Government Code

- II. The Commissioners Court hereby directs the Legislative Affairs Committee to prepare the legislative agenda for submission to our state legislators; and
- III. Through this Resolution & Order, the Webb County Commissioners Court respectfully requests the support of our State Legislators to enact passage of the county’s priority legislation for 2021.

On motion of **Honorable _____**, seconded by **Honorable _____**, duly put and carried, **THIS RESOLUTION & ORDER IS HEREBY ADOPTED** by the Webb County Commissioners Court, duly convened and acting in its capacity as governing body of Webb County, Texas on this ***(insert day)*** day of ***(insert month, year)***.

Honorable Tano E. Tijerina
Webb County Judge

Honorable Jesse Gonzalez
Webb County Commissioner Pct. 1

Honorable Rosaura “Wawi” Tijerina
Webb County Commissioner Pct. 2

Honorable John C. Galo
Webb County Commissioner Pct. 3

Honorable Cindy Liendo
Webb County Commissioner Pct. 4

ATTESTED:

Honorable Margie Ramirez Ibarra
Webb County Clerk

**Webb County General Information
Congressional, Legislative and Local Officials**

CONGRESSIONAL

The Honorable John Cornyn
United States Senator, Texas

The Honorable Ted Cruz
United States Senator, Texas

The Honorable Henry Cuellar
United States Congressman, Congressional District 28

STATE

The Honorable Judith Zaffirini
Texas Senator, Senate District 21

The Honorable Richard Peña Raymond
Texas House Representative, District 42

The Honorable Tracy O. King
Texas House Representative, District 80

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Legislative Affairs Committee**

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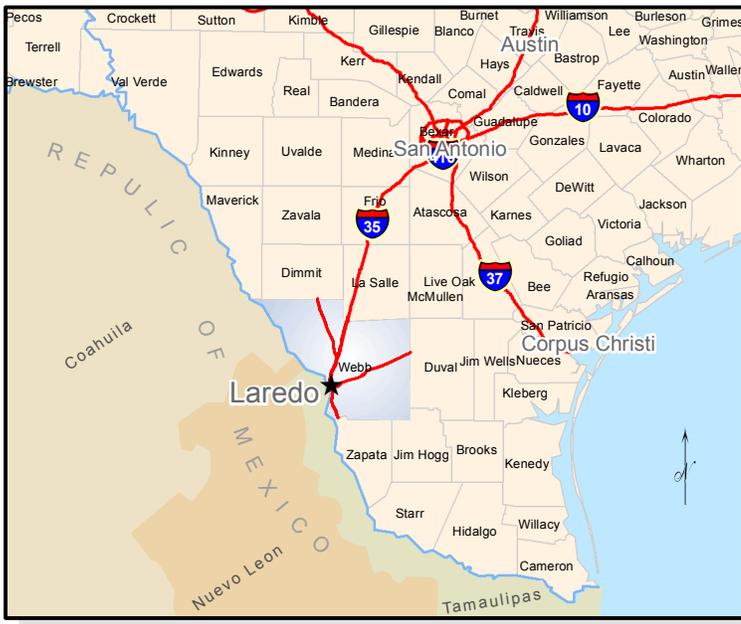
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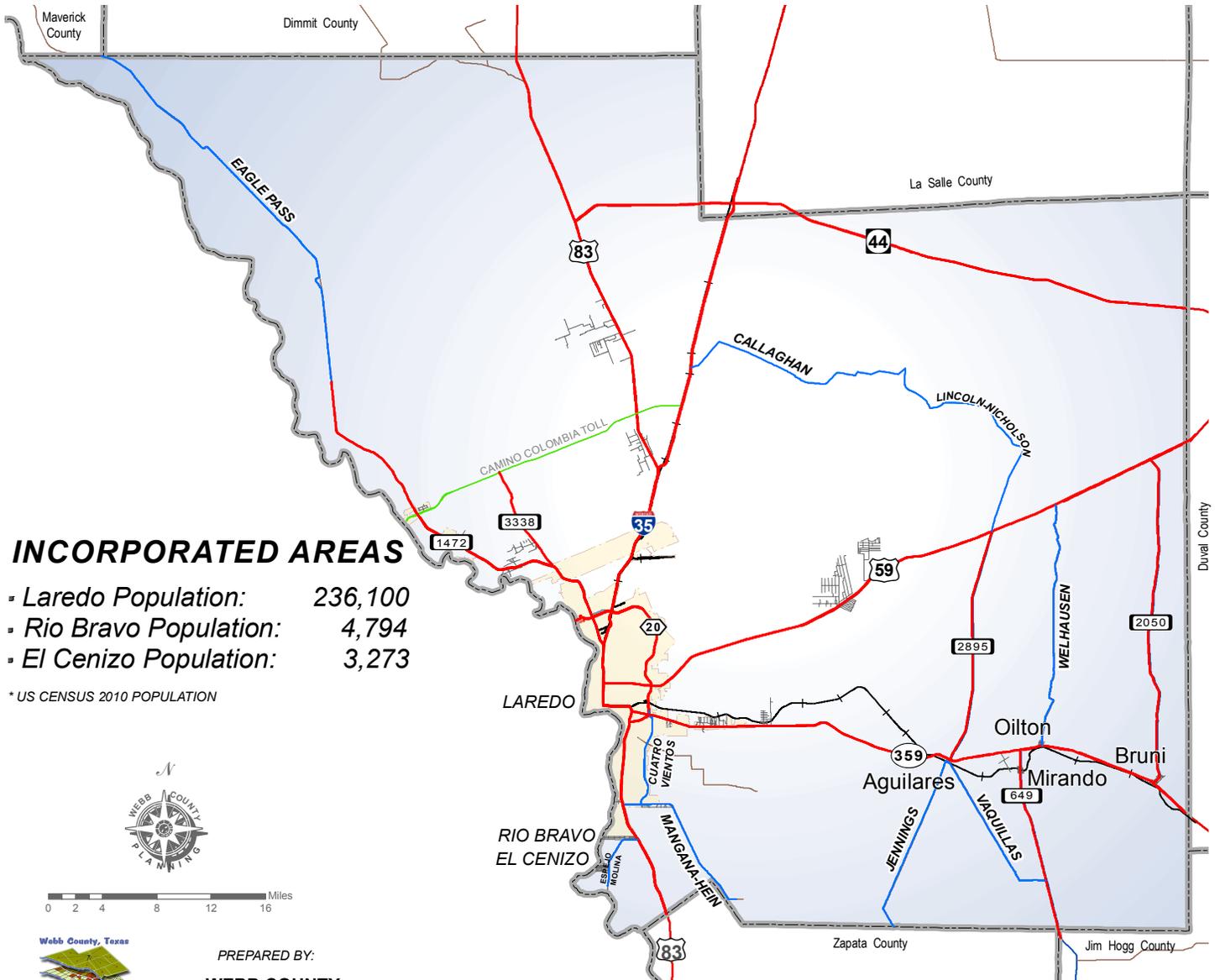


South Texas
Major City
Map



WEBB COUNTY FACTS AND FIGURES

- Geographic Areas: 3,357 sq miles
- 6th Largest County in the State of Texas
- County Seat: City of Laredo
- Established: 1848
- Population: 250,304 (2010 Census)



INCORPORATED AREAS

- Laredo Population: 236,100
- Rio Bravo Population: 4,794
- El Cenizo Population: 3,273

* US CENSUS 2010 POPULATION



0 2 4 8 12 16 Miles



PREPARED BY:
**WEBB COUNTY
PLANNING DEPARTMENT**

WEBB COUNTY, TEXAS



Webb County, Texas
2021 State Legislative Priorities

Health & Safety



Webb County, Texas
State Legislative Agenda 2021
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HEALTH & SAFETY: Permitting of Hazardous and Municipal Solid Waste Disposal Sites Located in Floodplains

Proposal

Prohibit the State's final approval and issuance of a permit to operate a hazardous or municipal solid waste (MSW) disposal facility that is contingent upon the proposed MSW site's subsequent removal from the floodplain or special flood hazard area (SFHA) which is based solely upon the issuance of a Conditional Letter of Map Revision (CLOMR).

Background

Currently, the State acting through the Texas Commission of Environmental Quality (TCEQ) allows a conditional permit to be issued to a proposed MSW disposal site located partially or wholly within the SFHA based on FEMA's issuance of a CLOMR. However, a CLOMR does **not** modify or remove the floodplain designation of an area. A CLOMR is merely a comment letter by FEMA on a **proposed** project that **may**, upon construction, meet the provisions necessary to remove the area from the regulated floodplain **upon submission of the required documentation, "as-built" plans, and other conditions set forth in the CLOMR.**

Sometimes, field conditions or the FEMA imposed "conditional approval requirements" can result in variations to the final results of SFHA designations **which are not consistent with the CLOMR proposal** and thus, result in a MSW disposal facility being located within a SFHA or not adequately protected from the 1% chance or 100-yr flood event. As an example, FEMA requires the local community to adopt an operation and maintenance plan for dams or berms that are utilized for flood protection measures to modify a SFHA. If, for any reason, the local community does not agree to undertake the legal and financial liability for the operation and maintenance of those required flood protection improvements, the applicant will be unable to meet the conditions of the CLOMR which are necessary to modify the SFHA. As a result, the MSW applicant will either have to re-design the proposed MSW disposal facility or the flood protection improvements to ensure the facility is adequately protected from the 1% chance or 100-yr flood event. In either circumstance, design changes will need to be reconsidered by TCEQ and possibly the local community under its responsibilities for floodplain management.

Although TCEQ's issuance of a MSW permit may be "contingent" upon the applicant's compliance with federal law and local regulations, such a scenario often places the State, local community, and the MSW applicant in a contentious relationship. When a local community is enforcing minimum requirements of the National Flood Insurance Program (NFIP) or its local regulations that are contrary to the MSW applicant's desires, such matters can lead to costly litigation. Yet, these scenarios can be avoided if the State modifies its permitting actions to prohibit the issuance of a **final** MSW permit by TCEQ until after the effective date of a FEMA approved Letter of Map Change (LOMC) which officially amends or revises the SFHA through the Flood Insurance Rate Map (FIRM). Consequently, Webb County urges legislative intervention to effectuate a change in state law to prohibit TCEQ's final

approval of a MSW permit to any MSW facility until the MSW applicant has received official FEMA approval of a LOMC which officially revises the FIRM or otherwise protects the proposed site from the 1% chance or 100-yr flood.

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HEALTH & SAFETY: Transportation Standards and Access Routes to Hazardous and Municipal Solid Waste Disposal Sites

Proposal

Establish minimum road specifications and enhanced safety standards for route access to disposal sites, landfills and transfer stations accepting or processing hazardous or municipal solid waste.

Background

Current permitting rules of the Texas Commission of Environmental Quality (TCEQ) do not clearly define the minimum improvement standards for access routes to hazardous or municipal solid waste disposal sites. While TCEQ rules call for “all-weather road access”, such term is subjective and insufficient to ensure uniformity in permitting standards throughout the state. Moreover, the lack of specificity does not adequately address unique safety concerns such as railroad crossings, areas of significant flood-risk, bridges, low-water crossings, cattle guards, sight-distance limitations, or similar features that can present public safety hazards in the event of collision or inclement weather. These public safety concerns are amplified when access routes to these sites are provided through local public or private roadways without the oversight of the Texas Department of Transportation (TxDOT) which include the state’s minimum roadway standards.

Equally, TCEQ permitting rules do not adequately address an operator’s responsibilities relating to access routes when the state permits disposal sites utilizing local public roads. Instead, the local government is burdened with the increased cost of road improvements, safety enhancements and maintenance as well as emergency response to spills caused by collisions or flood events. When local governments challenge the suitability or adequacy of access routes to such disposal sites, TCEQ often takes the position of limited permitting oversight of those facilities located outside the permitted boundary of the disposal site which ultimately results in the local government being held financially liable for access improvements and maintenance.

Reduced cost to taxpayers and the enhancement of public safety measures can be achieved if TCEQ permitting rules for waste disposal sites are be modified to:

- provide specific uniform road improvement standards for access routes which include requirements for safe railway crossings, spill containment in high-risk areas, compliant flood-protection provisions; adequate weight/load limits to accommodate the weight of anticipated commercial haulers such as 18-wheelers, suitable sight distance, and appropriate traffic signalization and lighting;
- place responsibility for access route improvement and maintenance on operators as a condition of permitting and operation of a waste disposal facility;
- expand TCEQ oversight to include access routes as part of the operator’s on-going responsibilities for the life of the disposal facility; and
- require operators to provide landfill access through one of the following options:

- public highway;
- a dedicated county road or municipal street;
- an easement owned by the operator in 100% fee simple title; or
- an easement in which all grantors or easement owners have agreed in writing to the use of the easement for ingress and egress to the landfill.

Webb County urges legislative intervention to effectuate changes in state law that clearly defines minimum road standards and shifts the financial burden of improvement and maintenance of access routes associated with waste disposal sites to the operators of such facilities.

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Local Government



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LOCAL GOVERNMENT: Expand the Applicability of the Open Meetings Act to all Boards Relating to County Government Matters

Proposal

Expand the applicability of Chapter 551, Texas Government Code to include all boards related to county government actions so they are subject to the Open Meetings act.

Background

The Texas Open Meetings Act as promulgated by Chapter 551, Texas Government Code does not include a county board of judges or a board of district judges with direct oversight of the county auditor, purchasing agent, or juvenile board even though such boards play a vital role in local county government matters. For purposes of transparency and to ensure that reasonable notice is provided to the public for governmental matters of public interest, it is recommended that any meeting of such boards to consider a matter with a direct or indirect impact on county government operations or budgetary matters be subject to the Texas Open Meetings Act.

Webb County hereby urges legislative intervention to enact changes in State law that require all boards with statutory duties that impact County governmental operations or budgetary matters be subject to the Texas Open Meetings Act to ensure that the public taxpayer is given adequate notice of such actions.

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LOCAL GOVERNMENT: Modify Limitations on the County Auditor's Budget to not exceed the County's Property Tax Rollback Rate

Proposal

Establish additional limitations on increases to the budget of the county auditor or the salary of an assistant auditor under Sections 111.013, 111.044, and 111.074, Texas Local Government Code ("TLGC") to not exceed the county's property tax rollback rate.

Background

Currently, Sections 111.013, 111.044, and 111.074, TLGC allows an annual increase of up to five (5) percent for the county auditor's budget or the salary of an assistant auditor without the approval of the commissioners court. As established by the provisions of 84.021, TLGC, the commissioners court is obligated to fund and pay the salaries of the county auditor's assistants as adopted by the district judges. However, such increases to the auditor's budget could result in detrimental fiscal impacts for those counties encountering budget constraints due to increased demands for public services and/or limitations established on the property tax rollback rates. For example, the district judges could authorize a five (5) percent across-the-board increase to the county auditor's budget and salaries while the rest of the county may be facing budget reductions and lay-offs due limited tax revenues.

While continuing to recognize the district judges' authorities regarding the auditor's budgets and salaries of assistant auditors, Webb County urges legislative relief to minimize potential fiscal impacts by limiting annual increases to the county auditor's budget and salaries to five (5) percent or the percentage rate of the county's property tax rollback rate, whichever is less. Although limiting budget increases of the county auditor in this manner will not address all potential fiscal impacts or budget shortfalls of counties, it can be helpful to counties struggling to meet their public service demands without increasing taxes and/or triggering the tax rollback rate.

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LOCAL GOVERNMENT: Hours of Work of County Employees

Proposal

Modify the applicability of Sec. 157.021(a), Local Government Code (LGC) to include counties that have an operational county civil service system adopted pursuant to Subchapter A, Chapter 158, LCG.

Background

Pursuant to Sec. 157.021(a), LCG, only the commissioners court of counties containing 355,000 inhabitants may adopt and enforce uniform rules on the hours of work of county employees whose compensation is set or approved by the court. However, counties with a population of 190,000 or more may, in accordance with Subchapter A, Chapter 158, LCG, create a county civil service system that includes all employees of the county who are not exempted. To ensure uniformity in the application of rules to all classes of employees under a county civil service system in a county containing less than 355,000 inhabitants, it is necessary to bridge the gap between the population criteria of these two statutes.

Webb County, a county with less than 355,000 inhabitants but having an operational county civil service system, urges support for legislation to bridge the population gaps between Sec. 157.021(a), LGC and Subchapter A, Chapter 158, LCG to ensure uniformity in the application of employee rules of affected counties. One method of resolution could be the inclusion of counties with civil service systems in the applicability of Sec. 157.021(a), LCG, in a manner similar to the following:

Sec. 157.021. HOURS OF WORK OF COUNTY EMPLOYEES.

In a county with a population of 355,000 or more, or a county that has an operational county civil service system adopted pursuant to Subchapter A, Chapter 158, the commissioners court may adopt and enforce uniform rules on the hours of work of department heads, assistants, deputies, and other employees whose compensation is set or approved by the court.

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Webb County, Texas
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LOCAL GOVERNMENT: Limited Ordinance-making Authority for Counties

Proposal

Support legislative initiatives to grant counties limited ordinance making authority to address public health and safety issues and increased demands for public services.

Background

Counties only possess powers expressly granted to them by the constitution or by statute. As such, counties often find themselves unable to address local concerns regarding public health and safety matters until legislative intervention. Moreover, with increased population growths in unincorporated territories, the demand for counties to extend public services historically regarded as municipal services continue to increase.

Texas counties need greater authority to address local public health and safety concerns and to meet challenges of continually increasing demands for non-traditional county services.

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LOCAL GOVERNMENT: Legal Counsel for a County Commissioners Court to Request an Attorney General’s Opinion under Texas Government Code §402.043

Proposal:

Expand language of §42.043 of the Texas Government Code to include a full-time “in-house” civil attorney employed to carry out the county’s civil affairs as an authorized person who may seek an Attorney General Opinion provided that such counsel does not infringe on the statutory duties of the district or county attorney.

Background:

§402.043 of the Texas Government Code limits access to district and county attorneys to seek an Attorney General Opinion on issues in which the State is an interested party. Such language does not include a county that has employed a full-time legal counsel for their civil issues that are not specified as a duty of their respective district or county attorney.

Such a limitation hinders those counties with a civil legal department to seek legal guidance from the State’s Counsel. The alternative currently is to seek an opinion through a third party that is listed in §402.042 or §402.043 of the Texas Government Code.

To ensure that all applicable counties whose governmental bodies have created a civil legal department are afforded equal access to and guidance by the State’s Counsel, legislative intervention is necessary to include the county’s lead counsel of a civil legal department.

Webb County has created a county civil legal department with dedicated “in-house” counsel to address civil affairs not specified as a duty of the district or county attorney. It is imperative that Webb County secures access to the State’s Legal Counsel on matters on which the state has an interest. Consequently, Webb County urges legislative intervention to effectuate a change in state law to address this matter.

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LOCAL GOVERNMENT: Cancellation of Undeveloped Residential Subdivisions located in Extra-territorial Jurisdiction by Affected Border Counties

Proposal

Amend Section 232.0085, Local Government Code (“LGC”) to include a municipality’s extra-territorial jurisdiction (ETJ) unless the area is regulated by a municipality under an agreement with the county.

Background

In conjunction with other regulatory measures enacted to stop the proliferation of colonias, Section 232.0085, LGC, authorized an affected border county to cancel a subdivision plat filed before September 1, 1989 for which improvements had not begun and the commissioners court, after notice and hearing, made a finding that the land in question would likely be developed as a colonia. However, the county’s authority under this provision was limited to subdivisions located outside the extra-territorial jurisdiction (ETJ) of a municipality and no comparable authority exists for a municipality to cancel such areas.

To ensure uniform application of regulatory measures intended to stop the proliferation of colonias, the ETJ of a municipality should be included within the county’s regulatory jurisdiction unless the subject area is regulated by a written agreement under Section 242.001, LGC that authorizes the municipality to regulate subdivision plats and approve related permits in the municipality’s extraterritorial jurisdiction.

Webb County urges legislative support to ensure regulatory uniformity throughout the county’s jurisdiction through an amendment to the Local Government Code in a manner similar to the following:

Sec. 232.0085. CANCELLATION OF CERTAIN SUBDIVISIONS IF LAND REMAINS UNDEVELOPED. (a) Except as provided by subsection (a-1), this section applies only to real property considered to be in the jurisdiction of a county that is located:

(1) outside the corporate limits of municipalities and the extraterritorial jurisdiction of municipalities, as determined under Chapter 42; and

(2) in an affected county, as defined by Section 16.341, Water Code, that has adopted the model rules developed under Section 16.343, Water Code, and is located along an international border.

(a-1) Land in a municipality’s extraterritorial jurisdiction is not considered to be in the jurisdiction of a

county for purposes of this section if the municipality and the county have entered into a written agreement under Section 242.001 that authorizes the municipality to regulate subdivision plats and approve related permits in the municipality's extraterritorial jurisdiction.

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DRAFT



Webb County, Texas
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LOCAL GOVERNMENT: Sale of residential properties by Counties Regulated by Subchapter B, Chapter 232, Texas Local Government Code

Proposal

Amend the appropriate provisions of the Tax Code to ensure compliance with the provisions of Section 232.0315, Local Government Code (“LGC”), if applicable.

Background

In conjunction with other regulatory measures, Chapter 232, Subchapter B, LGC, enacted sales prohibitions for residential property without adequate water and sewer services in compliance with the model rules to prevent the proliferation of colonias. Section 232.0315, LGC was enacted to carve out an exception for counties to sell residential property when such sales were conducted as a result of tax delinquencies.

Currently, if property is presumed to be for residential use as established by the provisions of Section 232.022, LGC then, Section 232.0315 establishes the procedures and notices that must be followed by counties when selling said property pursuant to: Section 34.01, Tax Code; or Section 3, Part VI, Texas Rules of Civil Procedure, and Chapter 34, Civil Practice and Remedies Code taken by virtue of a writ of execution.

To ensure compliance, Subsection 232.0315(d) was enacted to render **a sale void if conducted in violation of Section 232.0315 requirements.**

Webb County remains supportive of this exception so that entities merely enforcing taxing obligations are not also burdened with the financial responsibility to install water and sewer services as a condition of sale. The problem arises however when a taxing entity – other than the county (i.e., a school district, drainage district, etc.) – initiates an enforcement action and is either unaware of or resistant to compliance with the exception criteria set out in Section 232.0315, LGC.

To avert unintended consequences of voided sales under Subsection 232.0315(d), LGC, Webb County urges legislative support to amend the appropriate provisions of the Tax Code to establish or reference compliance with Section 232.0315 provisions when applicable to the sale of property intended for residential use as established by Section 232.022, LGC and/or governed by the regulatory provisions of Chapter 232, Subchapter B, LGC.

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Monitoring



**Webb County, Texas
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MONITORING

In addition to legislative issues affecting county government generally or border counties specifically, Webb County has identified the following issues for specific monitoring:

- 1) Appraisal Boards and Taxation Issues
- 2) Border and Homeland Security Issues
- 3) Colonia Issues
- 4) County Permanent School Lands
- 5) County Subdivision Regulation
- 6) District Court Redistricting (Single Member Districts)
- 7) Floodplain management
- 8) Funding Issues
 - a. Courts
 - b. County Roads & Bridges
 - c. Flood planning and flood mitigation programs
 - d. General & Border County Funding Issues
 - e. Law Enforcement/County Sheriff
 - f. Nutrition (Elderly & Meals on Wheels)
 - g. Rural Transportation & Transit
 - h. Utility Assistance
 - i. Weatherization
- 9) Oil & Gas Production or Eagle-Ford Shale Issues Affecting Counties and Region
- 10) Erosion to County Sovereign Immunity/Tort Claims Act
- 11) Indigent Health Care
- 12) Open Government (open meetings, public records, posting and notices, etc.)
- 13) Regional Water Plans
- 14) Regulatory or Development standards (including building codes) made applicable to Counties
- 15) High Speed & Rural Rail Transportation Districts
- 16) Transportation and Regional Mobility Authority issues
- 17) Unfunded Mandates
- 18) Water Resources