



Webb County, Texas State Legislative Agenda 2017



Webb County, Texas 2017 Legislative Agenda to the 85th Texas Legislature

Honorable Tano E. Tijerina, County Judge
Honorable Frank Sciaraffa, Commissioner Pct. 1
Honorable Rosaura Tijerina, Commissioner Pct. 2
Honorable John C. Galo, Commissioner Pct. 3
Honorable Jaime Canales, Commissioner Pct. 4

2017 Webb County Legislative Committee

Honorable Tano E. Tijerina, County Judge/Co-Chair
Honorable John C. Galo, Comm. Pct. 3/Co-Chair
Honorable Marco A. Montemayor, County Attorney
Leroy R. Medford, Comm. Court Exec. Administrator
Adelaido "Lalo" Uribe, III, Chief Exec. Administrator
Ricardo D. Martinez, Community Action Agency Dir.
Juan Vargas, Economic Development Director
Nancy Cadena, Indigent Health Director
Rhonda M. Tiffin, Planning Director
Laura A. Govea, Emergency Management Coordinator

Adopted: 11/17/2016



Webb County, Texas
State Legislative Agenda 2017
85th Texas Legislature

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2017 State Legislative Agenda for the 85th Legislature



FORWARD

This document represents Webb County's State Legislative Agenda for the year 2017. 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 85th 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 85th Legislature on the following legislative issues.

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

ADOPTED November 17, 2016

**SUPPORTING WEBB COUNTY'S PRIORITY LEGISLATIVE AGENDA
FOR THE 85TH 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 2017:

Health & Safety

1. Eliminate Conflicts for Disposal of Unidentified Human Remains
2. Continuation of Certain Public Benefits for Persons Incarcerated in County Jails
3. Mandatory Municipal Solid Waste Services in the ETJ by Counties
4. Permitting of Municipal Solid Waste Disposal Sites Located in Floodplains

Local Government


5. Expand the Applicability of the Open Meetings Act to all Boards and Commissions Relating to County Government Matters
6. Include an Alternate for the Removal of a County Auditor
7. Modify the Setting of Salaries for County Auditor and Assistants to Ensure Conformity with Locally Adopted Wage & Classification Pay Plans
8. Expansion of Authorities for Veterans Housing Projects
9. Expansion of Colonia Self-help Center Programs
10. Hours of Work of County Employees
11. Limited Ordinance-making Authority for Counties

Natural Resources


12. Mineral Use of Subdivided Land (Chapter 92, Natural Resources Code)

- I. The Commissioners Court hereby directs the Legislative Affairs Committee to prepare the legislative agenda for submission to our state legislators; and
- II. 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 2017.


On motion of **Honorable Judge Tijerina**, seconded by **Honorable Commissioner Galo**, 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 17th day of November, 2016.




Honorable Tano E. Tijerina
 Webb County Judge



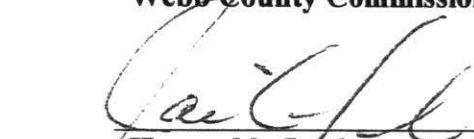
Honorable Frank J. Sciaraffa
 Webb County Commissioner Pct. 1



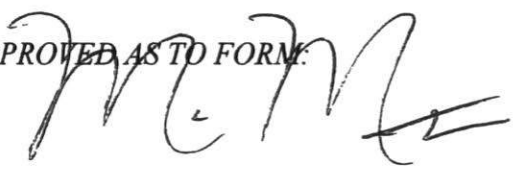
Honorable Rosaura "Wawi" Tijerina
 Webb County Commissioner Pct. 2




Honorable John C. Galo
 Webb County Commissioner Pct. 3



Honorable Jamie A. Canales
 Webb County Commissioner Pct. 4

APPROVED AS TO FORM:


Honorable Marco A. Montemayor
 Webb County Attorney

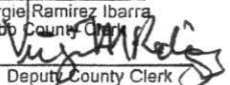
ATTESTED:


Honorable Margie Ramirez Ibarra
 Webb County Clerk



I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office,
 Witness my hand and seal of office on

NOV 29 2016

Margie Ramirez Ibarra,
 Webb County Clerk
 By 
 Deputy County Clerk

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

ADOPTED November 17, 2016

**Supporting Webb County's Priority Legislative Agenda to the 85th Legislature
Relating to Medicaid Benefits Suspension**

Whereas, the growing number of persons with a mental illness being detained in county jails has resulted in profound increases in county jail costs while poorly serving the needs of health needs of these individuals; and

Whereas, this change has resulted in counties taking new approaches and broadening services to many inmates; and

Whereas, Medicaid eligibility is automatically terminated upon an individual's detention or incarceration in a county jail, but termination is not required by federal law; and

Whereas, upon release, former inmates must submit a new application for Medicaid enrollment and it can take months for benefits to be restored. Such disruptions in care increase an individual's risk of recidivism, re-incarceration and mortality post-release and ultimately increase costs for counties; and

Whereas, swift reinstatement of health care benefits upon release provides for more effective re-entry into the community and promotes the continuity of care for substance abuse disorders, behavioral health issues and other chronic health conditions; and


Whereas, as of December 2014, 12 states had a policy to suspend instead of terminating Medicaid coverage when an individual is incarcerated or detained and the Federal Centers for Medicare and Medicaid Services (CMS) has encouraged states to end the practice of terminating benefits; and

Whereas, suspension of benefits, rather than termination, can only happen if the Sheriff personnel operating the jail take on some new reporting requirements to the State;


NOW, THEREFORE BE IT RESOLVED, that the Commissioners Court of Webb County supports the passage of legislation that will, on local option of the Sheriff, allow the Sheriff to timely provide information to the State regarding persons booked into county jail resulting in suspension of the inmates' Medicaid benefits rather than termination.

On motion of **Honorable Judge Tijerina**, seconded by **Honorable Commissioner Galo**, duly put and carried, **THIS RESOLUTION 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 17th day of November, 2016.



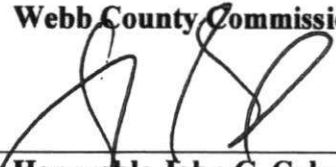
Honorable Tano E. Tijerina
Webb County Judge



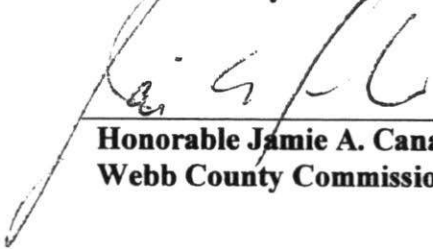
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Honorable Jamie A. Canales
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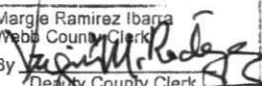
ATTESTED:


Honorable Margie Ramirez Ibarra
Webb County Clerk



I, Margie Ramirez Ibarra, County Clerk, Webb County, do hereby certify that this is a true and correct copy, as the same appears of record in my office,
Witness my hand and seal of office on

NOV 29 2016

Margie Ramirez Ibarra
Webb County Clerk
By 
Deputy 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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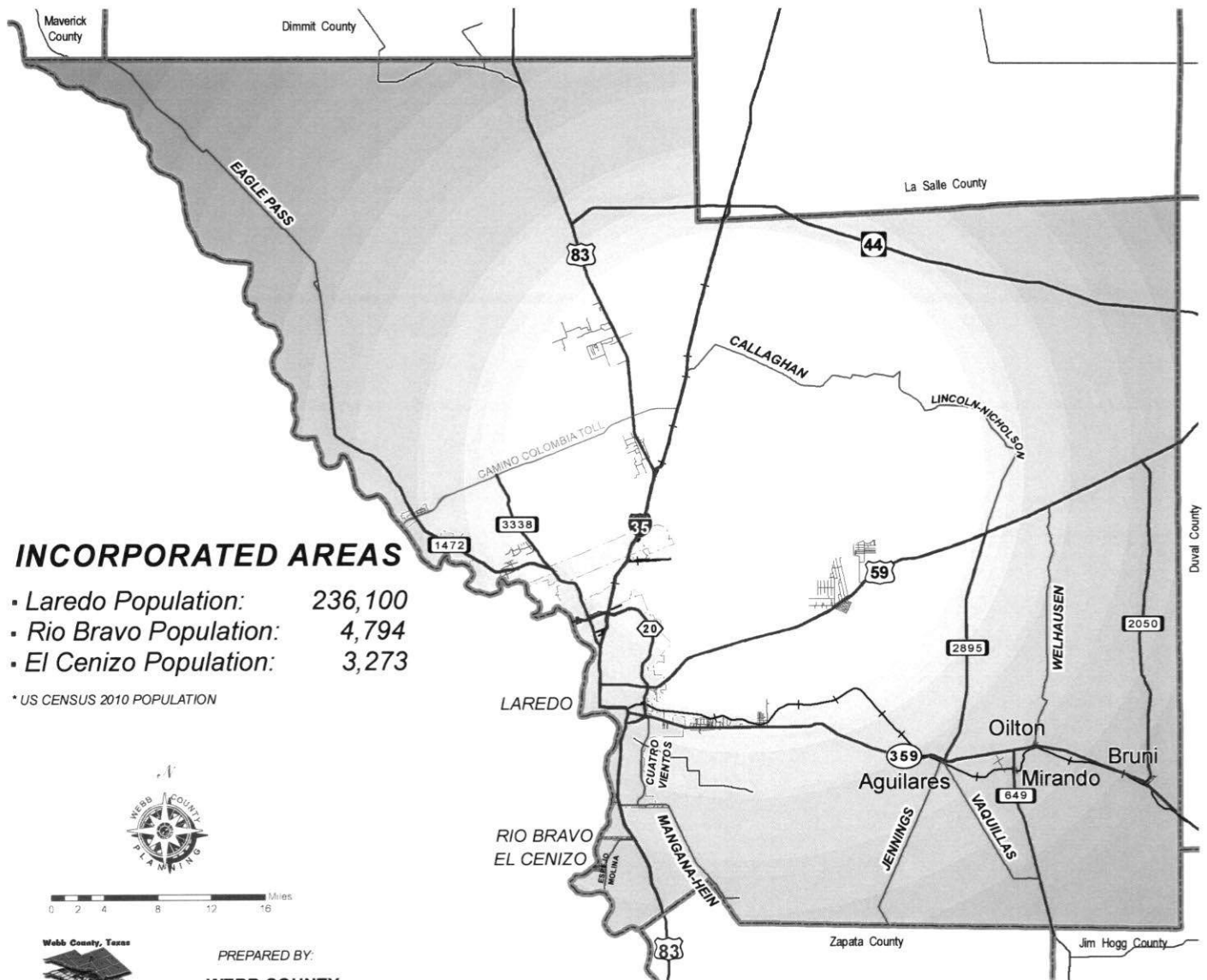


South Texas Major City Map



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
2017 State Legislative Priorities



Health & Safety



Webb County, Texas
State Legislative Agenda 2017
85th Texas Legislature

HEALTH & SAFETY: Eliminate Conflicts for Disposal of Unidentified Human Remains

Proposal

Amend current law relating to the cremation of unidentified human remains

Background

Health and Safety Code Section 716.101 states that a crematory establishment may accept for cremation unidentified human remains from a county on the order of (1) the county commissioner's court, or (2) a court located in the county.

As per information presented at the City of Laredo Strategic Planning Workshop held in January 2015, there were 266 public adult spaces, 40 pauper/John Doe spaces, 126 baby spaces, 60 veteran spaces, and 40 cremation spaces which amounted to approximately three (3) years of availability based on current usage rates.

With the lack of additional space for the continued burial of decedents in accordance to Health and Safety Code Section 711.002(e)(2), Webb County is requesting the amendment or repeal of Sec. 49.25(10b) of the Code of Criminal Procedure to authorize the cremation of unidentified human remains as permitted under Health and Safety Code Section 716.101(b)(1).

The Medical Examiner's Office currently maintains a DNA sample from all unidentified decedents in the event an official identification is requested in the future.

Webb County urges legislative support for amending or repealing §49.25(10b), Code of Criminal Procedure to authorize the cremation of unidentified human remains in accordance with Health and Safety Code Section 716.101(b)(1).

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Webb County, Texas
State Legislative Agenda 2017
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HEALTH & SAFETY: Continuation of certain public benefits, including medical assistance, for individuals after release from confinement in a county jail

Proposal

Legislative support for amending Human Resources Code Chapter 32 by adding Section 32.0264 which the Health & Human Services Commission (HHSC) would suspend, rather than terminate, an individual's eligibility for medical assistance while incarcerated and the individual's benefits would be reinstated within 48 hours of their release from custody.

Background

Currently, individuals who receive certain public benefits, including medical assistance such as Medicaid, and are incarcerated in a county jail are automatically terminated from their respective assistance programs. By adding Section 32.0264, these individuals' eligibility would be suspended instead of being terminated while in custody. Once released, their eligibility would be reinstated within 48 hours which would allow them to continue receiving necessary medical services, such as physician consultations, prescription medication, etc. This would prevent unnecessary emergency room utilization and/or hospital admissions as individuals would be able to continue receiving medical care for any medical conditions they may have without further delay in reapplying for public benefits. This would be especially beneficial for individuals with mental health disorders as well as those with chronic health conditions such as diabetes, hypertension, etc. since continuity of care is vital to avoid further health complications.

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Webb County, Texas
State Legislative Agenda 2017
85th Texas Legislature

**HEALTH & SAFETY: Mandatory Municipal Solid Waste Services in the ETJ
(extra-territorial jurisdiction) by Counties**

Proposal

Modify Section 364.011, Health and Safety Code (H&S) to authorize a county to provide, by contract or otherwise, mandatory solid waste disposal services to areas located within the extra-territorial jurisdiction (ETJ) of a municipality.

Background

As communicated in Attorney General Opinion GA-0988, a county may not provide mandatory solid waste services in a municipality's ETJ unless the county is permitted to provide those services through a cooperative agreement with the municipality. However, many municipalities have taken the position that they possess no authority or obligation to regulate or provide solid waste disposal services beyond their corporate limits and thus, are hesitant or outright opposed to entering into any agreement that implies any such authority or obligation to the ETJ area. Unfortunately, when a municipality refuses to enter into such an agreement, the ETJ area goes unserved resulting increased pollution, illegal dumping, trash burning and a general threat to public health and safety when no private waste haulers are available to serve the areas.

Webb County urges legislative support to modify Section 364.011, Health and Safety Code (H&S) to either:

1. expand county authority to provide mandatory solid waste services to the entirety of the unincorporated area of the county; or
2. establish an alternate procedure irrespective of a cooperative agreement by which a county can provide those services to areas in the ETJ that are not served by a municipality.

Such legislative amendment should include clear language that the county's authority to provide mandatory solid waste services ceases immediately upon the effective date of an area's incorporation or annexation into a municipality.

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Webb County, Texas
State Legislative Agenda 2017
85th Texas Legislature

HEALTH & SAFETY: Permitting of Municipal Solid Waste Disposal Sites Located in Floodplains

Proposal

Prohibit the State's final approval of a permit to operate a municipal solid waste (MSW) disposal facility that is contingent upon the site's subsequent removal from the floodplain or special flood hazard area (SFHA).

Background

Currently, the State, acting through the Texas Commission of Environmental Quality (TCEQ), allows a conditional permit to be issued to a MSW disposal site located partially or wholly within the SFHA based FEMA's issuance of a Conditional Letter of Map Revision or CLOMR. However, a CLOMR does NOT modify or remove the floodplain designation of an area. A CLOMR is only a comment by FEMA on a proposed project that may, upon construction, meet 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 issues" can result in changes to the final plans that do not reflect the CLOMR approved plan and thus, may result in the MSW disposal facility still being in a SFHA. For instance, FEMA requires an operation and maintenance plan for detention basins and berms that are utilized to modify the SFHA to remove certain areas from the floodplain. If the local community or a third-party affected person/entity does not agree to the operation and maintenance, the applicant will be unable to meet the conditions of the CLOMR and unable to move forward. The applicant will either have to re-design and submit changes for consideration or leave the property in the floodplain. In either circumstance, design changes will need re-consideration by the TCEQ.

Although TCEQ's issuance of a MSW permit may be "contingent" upon the applicant's compliance and approval of a Letter of Map Change (LOMC) from FEMA to remove the site from the SFHA, such a scenario often places the State, local community, and the MSW applicant in a contentious relationship. When the local community is enforcing minimum NFIP (National Flood Insurance Program) and local floodplain management regulations that are contrary to the MSW applicant's desires or needs, such matters can lead to costly litigation.

These scenarios can be avoided if the State modifies its permitting procedures to prohibit final permit approval by TCEQ until after the effective date of a FEMA approved LOMC which officially removes an affected area from the floodplain. Therefore, Webb County urges legislative intervention to effectuate a change in state law to prohibit TCEQ's final approval of a MSW permit to a facility that is restricted from being located in a flood hazard area until the MSW applicant has received official FEMA approval of a LOMC which officially removes the affected area from the floodplain.

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Local Government



Webb County, Texas
State Legislative Agenda 2017
85th Texas Legislature

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

Proposal

Expand the applicability of Chapter 551, Government Code to include all boards and commissions related to county government actions so they may be considered a “Governmental body” that must adhere to the Open Meetings act.

Background

The Open Meetings Act as promulgated by Chapter 551, 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, juvenile board, or a community justice counsel even though such boards play a vital role in local county government matters. For purposes of transparency and to ensure the proper documentation of decisions made by all local county officials, it is recommended that the meetings of those boards with a direct impact on county government and budgetary matters be subject to the Open Meetings Act.

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Webb County, Texas
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LOCAL GOVERNMENT: Include an Alternate for the Removal of a County Auditor

Proposal

Include language to Section 84.009(a) of the Local Government Code to include an alternate, such as the State Attorney General, in addition to the district judges for the removal of the County Auditor.

Background

As per Chapter 84 of the Local Government Code, the board of district judges has sole discretion and is the only body that has statutory authority to appoint or remove a County Auditor. Pursuant to Section 84.003(a), there is an alternate procedure for the appointment of a county auditor in the absence of a majority agreement by the district judges. However, there is no alternate procedure in the removal of a county auditor in the absence of an agreement of the district judges' pursuant to Section 84.009(a), Local Government Code.

An alternate method by which a county auditor can be removed from office under the provision of Section 84.009, Local Government Code, would be to include the State Attorney General in the following manner:

Sec. 84.009. REMOVAL. (a) A county auditor may be removed from office and a successor appointed if, after due investigation by the district judges who appointed the auditor, or by the Attorney General's office, it is proven that the auditor:

*(1) has committed official misconduct; or
(2) is incompetent to faithfully discharge the duties of the office of county auditor.*

(b) The district judges who appointed a county auditor under Section 84.002(b)(2) or Section 84.008 may discontinue the services of the auditor after the expiration of one year after the date of the appointment if it is clearly shown that the auditor is not necessary and the auditor's services are not commensurate with the auditor's salary.

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LOCAL GOVERNMENT: Modify the Setting of Salaries for County Auditor and Assistants to Ensure Conformity with Locally Adopted Wage & Classification Pay Plans

Proposal

For counties that have adopted a wage and classification pay plan, mandate that the setting of salaries for the county auditor and the auditor's assistants conform to locally adopted pay plans.

Background

Sections 84.003 and 84.021, Local Government Code, establish that the board of district judges set and approve the county auditor's salary and the salaries of the auditor's assistants. However, the setting of salaries by the district judges is often times incompatible with the salary pay scale structures implemented by counties through a wage and classification pay plan. To eliminate inconsistencies and to follow a standardized pay scale, it is recommended that the setting of salaries by district judges conform to locally adopted pay plans.

The Webb County Commissioners' Court hereby urges legislative support for legislation to modify sections 84.003 and 84.021, Local Government Code, as necessary to mandate compliance with locally adopted wage and classification pay plans.

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Webb County, Texas
State Legislative Agenda 2017
85th Texas Legislature

LOCAL GOVERNMENT: Expansion of Veterans Housing Programs by county and municipal housing authorities

Proposal

Expansion of the applicability of veterans housing provisions for county and municipal housing authorities located within counties with a population less than 500,000

Background

Under current law, only those county and municipal housing authorities which are located within a county with a population of more than 500,000 can operate under the expanded powers available for housing projects that benefit veterans pursuant to the applicability provisions of 392.067, Local Government Code.

With the lack of affordable housing in general, there is a widespread need for housing in the Webb County area. Unfortunately, the demands for housing in Webb County far exceed the capabilities of the Laredo Housing Authority and such demands for housing has negatively impacted local veterans in finding safe and sanitary housing.

Webb County is interested in creating a county housing authority to augment the Laredo Housing Authority by providing an additional resource to address veterans housing needs in the Laredo/Webb County area. Unfortunately, under current law the area of operation for a county housing authority would be limited to the unincorporated area outside the extra territorial boundaries of Laredo – in an area of the county where water and wastewater facilities, transportation services and public amenities are extremely limited or non-existent. However, if the applicability provisions of §392.067, Local Government Code as enacted for housing programs which benefit veterans were broadened to include counties such as Webb, the limitations on operational areas would be eliminated and a county housing authority could undertake projects to address veterans needs within areas of the county in which vital public infrastructure and services are available.

Webb County urges legislative support for amending §392.067, Local Government Code to expand housing authorities which benefit veterans in counties containing a population of 500,000 or less.

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Webb County, Texas
State Legislative Agenda 2017
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LOCAL GOVERNMENT: Expansion of Colonia Self-help Center Programs

Proposal

Amend current law relating to the services by a colonia self-help center.

Background

The Texas Legislature authorized the creation of colonia self-help centers (SHCs) in 1995. Specifically, it directed the Texas Department of Housing and Community Affairs (TDHCA) to establish at least five colonia SHCs in counties near the Texas-Mexico border where colonias are prevalent. The authorizing legislation charged SHCs with offering housing assistance to colonia residents.

Seven SHCs currently are in operation and offer a variety of services aimed at helping colonia residents improve their housing conditions. SHC program administrators report significant success in helping persons and families in colonias to finance and implement housing improvements. Between 2008 and 2013, SHCs provided home repair or home ownership services to 1,584 families.

Still, the majority of colonia residents have income levels significantly below the federal poverty line. Despite receiving assistance to improve and stabilize their housing situations, colonia residents face barriers to improving their economic situations, including lack of access to capital and educational opportunities. SHCs, having been present in border counties for nearly 20 years, are in a unique position to offer services related to improving economic opportunity among colonia residents.

Webb County's SHC desires to offer services that would assist colonia residents with securing employment, establishing and growing small businesses, and managing personal finances. While such activities are allowable under the federal funding source supporting SHC activities, current state law only authorizes the SHCs to provide housing-related services. Webb County urges legislative support to expand eligible services of its SHC to improve economic opportunities for our colonia residents.

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Webb County, Texas
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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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Natural Resources



Webb County, Texas
State Legislative Agenda 2017
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NATURAL RESOURCES: Mineral Use of Subdivided Land (Chapter 92, Natural Resources Code)

Proposal

Amend the applicability provisions of Chapter 92, Natural Resources that includes Webb County as an eligible county area so that the county's real property surface owners can petition for the creation of "qualified subdivisions" under said provisions for the proper and orderly development of both mineral and land resources in Webb County, Texas.

Background

As promulgated by Chapter 92, Natural Resources (N.R.), surface property owners can petition the Railroad Commission for approval of a "qualified subdivision" which establishes designated "operation sites" for the exploration and production of minerals which ensures full and efficient utilization and development of both mineral and land resources. However, only surface property owners of subdivision developments located in a county having a population in excess of 400,000, or in a county having a population in excess of 140,000 that borders a county having a population in excess of 400,000 or located on a barrier island can avail themselves of the orderly development authorized by the provisions of Chapter 92, N.R.

The population limits imposed by Chapter 92, N.R., do not take into consideration those counties that may not meet the population thresholds but are experiencing significant oil or gas production activities – such as Webb County with the Eagle Ford Shale production. Local land developers have become hesitant in further developing land for residential, commercial and industrial uses as a result of the uncertainties of how future mineral production activities will affect them. Such hesitations in land development opportunities negatively impact the growth of property tax revenues of the state and local governments and do not support the full exploitation of all land resources of the State of Texas.

Webb County hereby urges legislative support for an amendment to the applicability provisions of Chapter 92, N.R. that will result in Webb County being an eligible county for surface property owners to create "qualified subdivisions" that will ensure the proper and orderly development of both mineral and land resources in Webb County, Texas.

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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) Crime Laboratories
- 7) District Court Redistricting (Single Member Districts)
- 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) Rural Rail Transportation Districts
- 16) Transportation and Regional Mobility Authority issues
- 17) Unfunded Mandates
- 18) Water Resources



Appendix



Webb County, Texas
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APPENDIX LIST

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A. Agenda Item No. 2 (Continuation of Certain Public Benefits for Persons Incarcerated in County Jails)
- sample of HB No. 144 filed by Representative Menendez in 84th Legislature.

A BILL TO BE ENTITLED
AN ACT

relating to the continuation of certain public benefits, including medical assistance, for individuals after release from confinement in a county jail.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0264 to read as follows:

Sec. 32.0264. SUSPENSION, TERMINATION, AND AUTOMATIC REINSTATEMENT OF ELIGIBILITY FOR INDIVIDUALS CONFINED IN COUNTY JAILS. (a) In this section, "county jail" means a facility operated by or for a county for the confinement of persons accused or convicted of an offense.

(b) If an individual is confined in a county jail because the individual has been charged with but not convicted of an offense, the department shall suspend the individual's eligibility for medical assistance during the period the individual is confined in the county jail.

(c) If an individual is confined in a county jail because the individual has been convicted of an offense, the department shall, as appropriate:

(1) terminate the individual's eligibility for medical assistance; or

(2) suspend the individual's eligibility during the period the individual is confined in the county jail.

(d) Not later than 48 hours after the department is notified of the release from a county jail of an individual whose eligibility for medical assistance has been suspended under this section, the department shall reinstate the individual's eligibility, provided the individual's eligibility certification period has not elapsed. Following the reinstatement, the individual remains eligible until the expiration of the period for which the individual was certified as eligible.

SECTION 2. Subchapter C, Chapter 351, Local Government Code, is amended by adding Section 351.046 to read as follows:

Sec. 351.046. NOTICE TO CERTAIN GOVERNMENTAL ENTITIES. (a) The sheriff of a county may notify the Health and Human Services Commission:

(1) on the confinement in the county jail of an individual who is receiving medical assistance benefits under Chapter 32, Human Resources Code; and

(2) on the conviction of a prisoner who, immediately before the prisoner's confinement

in the county jail, was receiving medical assistance benefits.

(b) If the sheriff of a county chooses to provide the notices described by Subsection (a), the sheriff shall provide the notices electronically or by other appropriate means as soon as possible and not later than the 30th day after the date of the individual's confinement or prisoner's conviction, as applicable.

(c) The sheriff of a county may notify:

(1) the United States Social Security Administration of the release or discharge of a prisoner who, immediately before the prisoner's confinement in the county jail, was receiving:

(A) Supplemental Security Income (SSI) benefits under 42 U.S.C. Section 1381 et seq.; or

(B) Social Security Disability Insurance (SSDI) benefits under 42 U.S.C. Section 401 et seq.; and

(2) the Health and Human Services Commission of the release or discharge of a prisoner who, immediately before the prisoner's confinement in the county jail, was receiving medical assistance benefits.

(d) If the sheriff of a county chooses to provide the notices described by Subsection (c), the sheriff shall provide the notices electronically or by other appropriate means not later than 48 hours after the prisoner's release or discharge from custody.

(e) If the sheriff of a county chooses to provide the notices described by Subsection (c), at the time of the prisoner's release or discharge, the sheriff shall provide the prisoner with a written copy of each applicable notice and a phone number at which the prisoner may contact the Health and Human Services Commission regarding confirmation of or assistance relating to reinstatement of the individual's eligibility for medical assistance benefits, if applicable.

(f) The Health and Human Services Commission shall establish a means by which the sheriff of a county, or an employee of the county or sheriff, may determine whether an individual confined in the county jail is or was, as appropriate, receiving medical assistance benefits under Chapter 32, Human Resources Code, for purposes of this section.

(g) The county or sheriff, or an employee of the county or sheriff, is not liable in a civil action for damages resulting from a failure to comply with this section.

SECTION 3. Sections 32.0264(a)-(c), Human Resources Code, and Section 351.046(a), Local Government Code, as added by this Act, apply to an individual whose period of confinement in a county jail begins on or after the effective date of this Act, regardless of the date the individual was determined eligible for medical assistance under Chapter 32, Human Resources Code.

SECTION 4. Section 32.0264(d), Human Resources Code, and Section 351.046(c), Local

Government Code, as added by this Act, apply to the release or discharge of a prisoner from a county jail that occurs on or after the effective date of this Act, regardless of the date the prisoner was initially confined in the county jail.

SECTION 5. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 6. This Act takes effect _____.



TEXAS Conference of
Urban Counties

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Veronica Escobar
El Paso County

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Robert Hebert
Fort Bend County

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Rockwall ~ San Patricio

Smith ~ Tarrant

Travis ~ Webb

Williamson ~ Wise

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November 14, 2016

To: Urban Counties Members

From: Windy Johnson, Program Manager

Re: **Inmate Benefits Suspension**

Attached is a sample resolution of support for legislation to suspend instead of terminate Medicaid coverage when a person is incarcerated.

In Texas, Medicaid eligibility is automatically terminated upon an individual's detention or incarceration in a county jail, but termination is not required by federal law. Instead, federal law only prohibits the use of federal funds for individuals while they are incarcerated, with the exception of 24-hour inpatient care.

Offenders frequently enter jail or prison with a substance use disorder and/or a mental illness and have high rates of chronic medical conditions and infectious diseases. Care continuity can be especially critical with the treatment of behavioral health conditions.

Upon release, former inmates must submit a new application for Medicaid enrollment and it can take months for benefits to be restored. Such disruptions in care increase an individual's risk of recidivism, re-incarceration and mortality post-release and ultimately increase costs for counties. The Centers for Medicare and Medicaid Services (CMS) has encouraged states to end this practice.

As of December 2014, 12 states had a policy to suspend instead of terminating Medicaid coverage when an individual is incarcerated or detained. When a state terminates instead of suspends coverage, it can take months for an individual to be reapproved for Medicaid upon release from detention. This creates a break in access to needed medical, mental health and addiction treatment when inmates reenter their community, which can impact health outcomes and lead to re-arrest. Medicaid allows for—and the federal government encourages—continued eligibility for coverage for a person who is incarcerated.

Swift reinstatement of health care benefits upon release provides for more effective re-entry into the community and promotes the continuity of care for substance abuse disorders, behavioral health issues and other chronic health conditions.

- Support for legislation to provide a mechanism by which certain public assistance benefits can be suspended, rather than terminated, while a person receiving those benefits in a county jail.
- Support to give local sheriffs the option to participate in a program to notify the Health and Human Services Commission of an individual's confinement.

- Support for HHSC to terminate or suspend an individual's benefit as appropriate.
- Support for HHSC to reinstate benefits for an individual upon release within 48 hours as appropriate.

The Urban Counties policy platform already contains support for allowing, optionally, county sheriff's to take action that would result in eligibility suspension rather than termination.

It is recommended that urban county commissioners courts adopt the attached resolution and forward it to their legislative delegations.

Resolution on Medicaid Benefits Suspension

Whereas the growing number of persons with a mental illness being detained in county jails has resulted in profound increases in county jail costs while poorly serving the needs of health needs of these individuals; and

Whereas this change has resulted in counties taking new approaches and broadening services to many inmates; and

Whereas medicaid eligibility is automatically terminated upon an individual's detention or incarceration in a county jail, but termination is not required by federal law; and

Whereas upon release, former inmates must submit a new application for Medicaid enrollment and it can take months for benefits to be restored. Such disruptions in care increase an individual's risk of recidivism, re-incarceration and mortality post-release and ultimately increase costs for counties; and

Whereas swift reinstatement of health care benefits upon release provides for more effective re-entry into the community and promotes the continuity of care for substance abuse disorders, behavioral health issues and other chronic health conditions; and

Whereas as of December 2014, 12 states had a policy to suspend instead of terminating Medicaid coverage when an individual is incarcerated or detained and the Federal Centers for Medicare and Medicaid Services (CMS) has encouraged states to end the practice of terminating benefits; and

Whereas suspension of benefits, rather than termination, can only happen if the Sheriff personnel operating the jail take on some new reporting requirements to the State;

Therefore, be it resolved that the Commissioners Court of _____ County supports the passage of legislation that will, on local option of the Sheriff, allow the Sheriff to timely provide information to the State regarding persons booked into county jail resulting in suspension of the inmates' Medicaid benefits rather than termination, with benefits resuming upon discharge from incarceration.



Tano E. Tijerina
Webb County Judge

July 25, 2016

State Representative Tracy O. King
Room GW.07
P.O. Box 2910
Austin, TX 78768

Representative King,

I am seeking your leadership and support for legislative relief to address a serious health concern that has developed in the Laredo-Webb County area, or more particularly, within the extra-territorial jurisdiction (ETJ) of Laredo. The root of the issue lies in the provisions of Section 364.011(a) of the Health and Safety Code (H&S) as further emphasized by Attorney General Opinion GA-0988 in which a county may not provide mandatory solid waste services in a municipality "or a municipality's ETJ" unless, as provided by Section 364.031, H&S, the county is permitted to provide those services in the ETJ through a cooperative agreement with the municipality.

During our preparation of a county order to implement mandatory solid waste disposal and adopt fees for services, we discovered the prohibitions to county authority as it relates to the ETJ – even though we had already been providing service to the area. Upon discovery, we originally requested the City of Laredo to enter into an inter-local agreement for a joint-management plan to contract with a third-party, sole-service provider to serve the entirety of the unincorporated area in which customers would be billed directly through the provider. Regrettably, our request was misinterpreted as being a request for the city to provide the services in the ETJ. Since then, we have modified our request to the city to be delegated the full authority, through an inter-local agreement, for the county to provide mandatory solid waste services in the ETJ.

Unfortunately, we have reached an impasse with the city with their position being that they have no responsibilities in the ETJ and that they will not entertain any agreement that implies that they do. The city manager has stated through correspondence that we have the city's concurrence to continue to provide service without the city's objection. However, such correspondence from the city manager is not adequate to fulfill the requirements for a cooperative agreement as articulated in GA-0988 or set-out under Section 364.031,

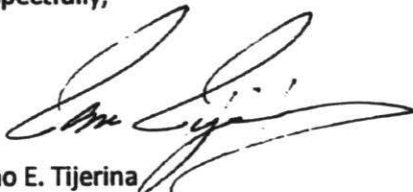
H&S. Equally, it does not grant the county the needed authority for the county to charge for those services or implement requirements regulating or managing solid waste. And thus, we find ourselves in the undesirable position of having to discontinue services to the ETJ areas since we are moving forward with the adoption of rules and fees for the unincorporated areas beyond the ETJ within the county's jurisdiction.

While I certainly would not want to involve you in any local disagreements, I am quite disheartened at the dire circumstance that the residents within the ETJ now find themselves; yet, the county has no legal authority under the statutes to remedy. The pollution, illegal dumping, trash burning and overall threat to public health and safety in these areas will only worsen with each passing day. I respectfully plead on behalf of the residents and Webb County for your intervention to implement legislative changes that will grant county authority to provide mandatory solid waste disposal service in a municipality's ETJ when the municipality does not provide for the service.

Resolution of this matter is of the utmost importance to Webb County. If we continue to be at a stalemate with the city, the only resolution to this matter would be legislative amendment to grant county authority to provide mandatory solid waste services in the ETJ of municipalities in the absence of municipal services or management.

Your attention to this matter is greatly appreciated. I am confident that through your leadership, we will find resolution to this issue, and for that, I am truly grateful.

Respectfully,



Tano E. Tijerina
Webb County Judge

Cc: Hon. Senator Judith Zaffirini



Tracy O. King
State Representative

August 8, 2016

The Honorable Tano E. Tijerina
Webb County Judge
1000 Houston Street, 3rd Floor
Laredo, Texas 78040

Dear Judge Tijerina:

Thank you for the recent correspondence regarding solid waste services in an ETJ. It is my understanding that an agreement has been reached and services are being provided at this time.

In the meantime, there is still the matter of the Health & Safety Code as it relates to providing services within an ETJ. As we prepare for the next legislative session, we will gather more information and research this section of the statute thoroughly for possible solutions.

The opportunity to represent you in the Texas House of Representatives is an honor and a privilege that I take very seriously. Again, thank you for that opportunity and please feel to contact me anytime I may be of assistance.

Respectfully,

A handwritten signature in black ink, appearing to read "Tracy O. King".

Tracy O. King

