

# Webb County, Texas State Legislative Agenda 2023



## Webb County, Texas 2023 Legislative Agenda to the 88th 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

### 2023 Webb County Legislative Committee

Honorable Tano Tijerina, County Judge/Co-Chair  
Honorable John Galo, Comm. Pct. 3/Co-Chair  
Adelaido "Lalo" Uribe, III, Budget Officer/Chief Exec. Administrator  
Leroy R. Medford, Commissioners Court Exec. Administrator  
Nathan Bratton, Civil Legal Division Director  
Marah Mendez, Communication Officer  
Nancy Cadena, Public Health Services Director  
James Flores, Economic Development Director

**Adopted: XX/XX/202X**



Webb County, Texas  
State Legislative Agenda 2023  
88<sup>th</sup> Texas Legislature

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# 2023 State Legislative Agenda for the 88<sup>th</sup> Legislature



## *FORWARD*

This document represents Webb County's State Legislative Agenda for the year 2023. 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 88<sup>th</sup> 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 88<sup>th</sup> Legislature on the following legislative issues.

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

ADOPTED Month XX, 202X

**SUPPORTING WEBB COUNTY'S PRIORITY LEGISLATIVE AGENDA  
FOR THE 88<sup>TH</sup> 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 2023:

***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. Hours of Work of County Employees
4. Sale of residential properties by Counties Regulated by Subchapter B, Chapter 232, Texas Local Government Code
5. Inclusion of Computerized Database Maintenance for Fee Records in Criminal Code of Procedure
6. Cancellation of Undeveloped Residential Subdivisions located in the Extra-territorial Jurisdiction by Affected Border Counties

- 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 2023.

On motion of Honorable X, seconded by Honorable Commissioner X, 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 Xth day of XXX, 2022.

\_\_\_\_\_  
**Honorable Tano E. Tijerina**  
**Webb County Judge**

\_\_\_\_\_  
**Honorable Jesse Gonzalez**  
**Webb County Commissioner Pct. 1**

\_\_\_\_\_  
**Honorable Rosaura "Wawi" Tijerina**  
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\_\_\_\_\_  
**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  
State and Local Officials**

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Texas Senator, Senate District 21

**The Honorable Richard Peña Raymond**  
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**The Honorable Tracy O. King**  
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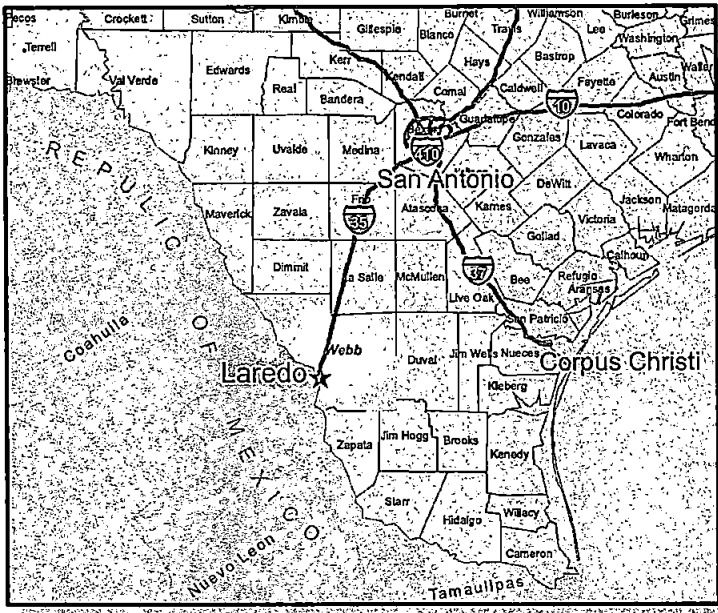
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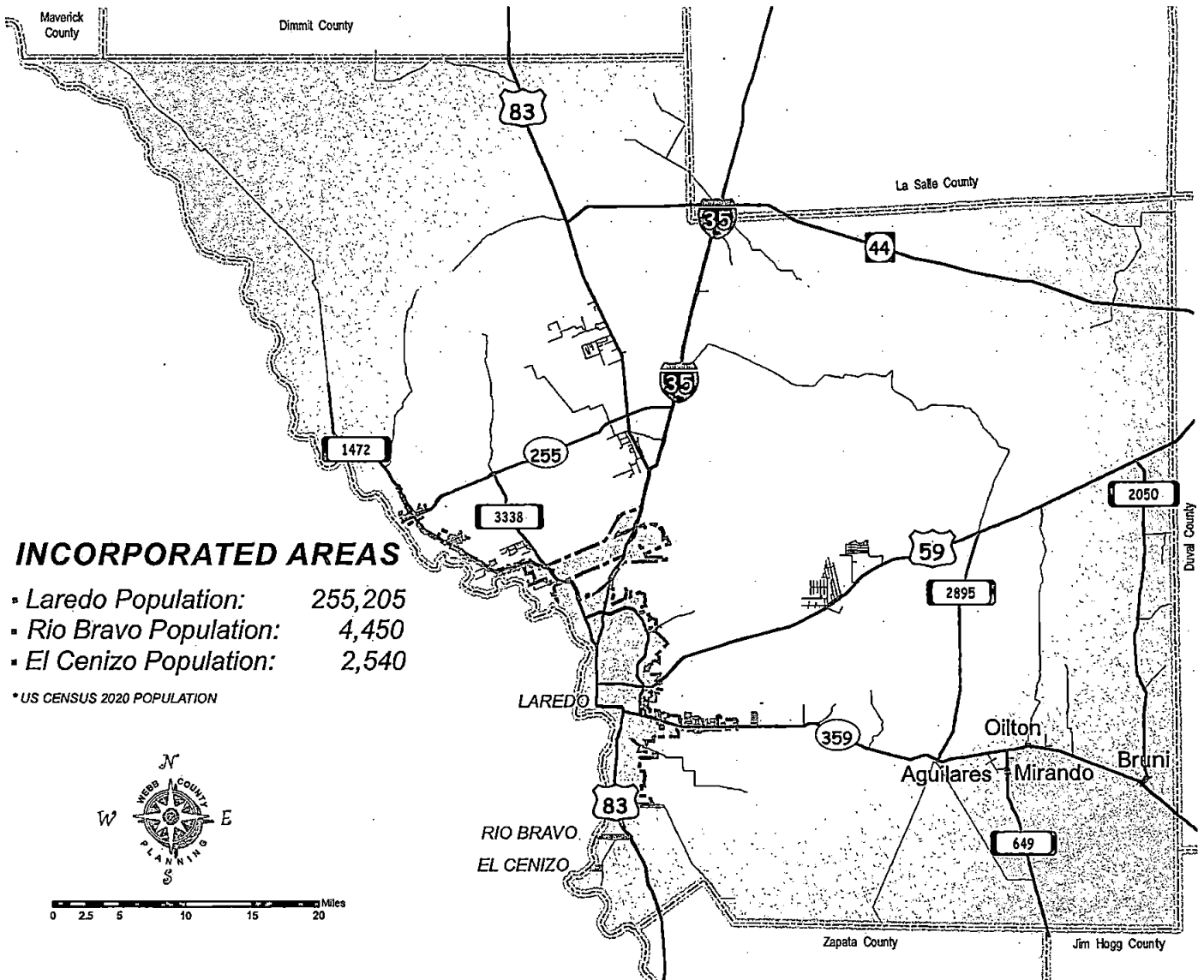


South Texas  
Major City  
Map



## WEBB COUNTY FACTS AND FIGURES

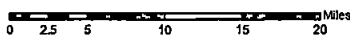
- Geographic Areas: 3,357 sq miles
- 6th Largest County in the State of Texas
- County Seat: City of Laredo
- Established: 1848
- Population: 267,114 (2020 Census)



### INCORPORATED AREAS

- Laredo Population: 255,205
- Rio Bravo Population: 4,450
- El Cenizo Population: 2,540

\* US CENSUS 2020 POPULATION



# WEBB COUNTY, TEXAS





**Webb County, Texas**

**2023 State Legislative Priorities**

# Health & Safety



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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;

- o a dedicated county road or municipal street;
- o an easement owned by the operator in 100% fee simple title; or
- o 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: 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: 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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**CODE OF CRIMINAL PROCEDURE: Inclusion of Computerized  
Recordkeeping for Bill of Cost**

***Proposal***

Add language to Article 103.009 (d) Fee Records in the Code of Criminal Procedure (CCP) addressing the need to incorporate the itemized fees contained in the fee record/bill of cost within the financial section of the County's computerized case management system.

***Background***

The Code of Criminal Procedure was modified during the 84<sup>th</sup> Legislative Session with Senate Bill 287 to add Article 103.001 (b), as follows:

(b) In a court other than a justice or municipal court, a cost is not payable by the person charged with the cost until a written bill containing the items of cost is:

- (1) produced;
- (2) signed by the officer who charged the cost or the officer who is entitled to receive payment for the cost; and
- (3) provided to the person charged with the cost.

As enacted, the Article does not recognize the utilization of computerized case management and financial systems made available to court clerks for the maintenance of bill of cost items and subsequent payments.

Although court clerks may maintain a computerized image of the written bill of costs, the individualized cost items are not separately recorded in the computerized case management and financial system; allowing for incomplete financial records.

To ensure reporting options include compatibility with counties that have implemented a computerized case and financial management system, we are requesting the amendment to add language to Article 103.009(d) to harmonize these two articles.

Art. 103.009. FEE RECORDS. (a) Each clerk of a court, county judge, justice of the peace, sheriff, constable, and marshal shall keep a fee record. The record must contain:

- (1) a statement of each fee or item of cost charged for a service rendered in a criminal action or proceeding;
- (2) the number and style of the action or proceeding; and
- (3) the name of the officer or person who is entitled to receive the fee.

(b) Any person may inspect a fee record described by Subsection (a).

(c) A statement of an item of cost in a fee record is prima facie evidence of the correctness of the statement.

(d) The county shall provide to officers required to keep a fee record by this article equipment and supplies necessary to keep the record. If the County has provided a computerized case and financial management system, the officer shall maintain the detail of the information listed in Subsections (a) (1)-(3) in the system and shall provide a hardcopy of the complete computerized fee record as required by Article 103.001.

Webb County urges legislative support to enact an amendment for a recordkeeping provision to allow computerized reporting in addition to written bill.

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LOCAL GOVERNMENT: **Cancelation 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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# 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
  - j. Affordable Housing
  - k. Colonia Comprehensive Planning
- 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