Agenda Item No.: H-3

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Agenda Topic: TML Affiliate Representative Update

Submitted by: Chance Sparks

A. Background Information:

B. Details: (include additional pages if needed)

Legislative Update

One action this year is to “better tell our story to the membership” of how APATX engages in the legislative process and how our relationship works with the Texas Municipal League. Doug McDonald assisted in creating the following infographics, which will be incorporated into the Legislative Update conference session and online materials. In addition, we are pulling and customizing some materials from APA National to provide practical direction for how planners can engage both during sessions and, perhaps more importantly, the “off season” in between sessions.

As most of the Committee is aware, we are dealing with a much different legislature than in years past. We are now encountering direct attacks on local control. Perhaps more alarming is that fact-based testimony and policymaking have been ceded to emotion & anecdotes as a basis for crafting policy. A key area for discussion moving forward with membership is telling the planning story—blending the facts we thrive on with stories the public & elected officials can relate to.
43 of the 401 bills became law

13 are identified as BAD for cities

Only 13 adverse bills out of 401 being monitored were sent on the Governor.

3%

12 are identified as GOOD for cities

APATX DIRTY DOZEN
Twelve bills that were identified by APA Texas as adverse bills that would negatively affect Planning and Development in cities.

DIRTY DOZEN BILLS PASSED

2

SB1248 Severely affects cities ability to deal with non-conforming Manufactured Home Parks

SB1004 Allows small Cellular Network deployment on City ROW's

SPECIAL SESSION

49 Bills Tracked by APATX
planning and development related bills

2 BILLS PASSED

SB6 Annexation, which significantly and negatively affects cities

HB7 Tree bill, which mainly affects charging mitigation fees for the removal of trees smaller than 10 inches in diameter from residential properties

LEGISLATION NOT PASSED

ITEMS DETERMINED BY APA TEXAS AND TML TO BE DETERIMENTAL TO CITIES AND THEIR REGULATION OF DEVELOPMENT

PROPERTY TAX REFORM

BATHROOMS

SPENDING CAPS

EXPEDITED PERMITTING

PERMIT SUPER-VESTING

TREE REGULATIONS (HB70)
57 HOURS IN THE CAPITAL BUILDING

MEETINGS

6 Direct meetings with State Representatives or State Senators
108 Meetings with State Representative/Senator staff
181 Legislature office visits

Roughly 2/3 State Representative/Senator Staff heard the name: "Texas Chapter of the American Planning Association"

IN-PERSON TESTIMONY

63 Stop-ins with staff, dropped cards for bill hearings. Provided testimony at one hearing

WRITTEN TESTIMONY

63 Written comments sent to committee members
21 Written comments sent to local representatives and other influential/relationship representatives pertaining to bills being heard at hearings

19 HOURS IN THE CAPITAL BUILDING

MEETINGS

2 Direct meetings with State Representatives or State Senators
36 Meetings with State Representative/Senator staff

IN-PERSON TESTIMONY

20 Stop-ins with staff, dropped cards for bill hearings. Provided testimony at one hearing

WRITTEN TESTIMONY

14 Written comments sent to committee members
10 Written comments sent to local representatives and other influential/relationship representatives pertaining to bills being heard at hearings
The 85th Legislature, which included one special session, is over. Cities were especially in the crosshairs for the special session, as most planners were aware of the list of calls for the special session as well as rhetoric coming from state elected leadership. Given the long list, it is somewhat surprising that only two detrimental bills emerged during the special session: SB 6 pertaining to annexation and HB 7 pertaining to tree preservation.

HB 7 was a compromise bill involving TML and a variety of interest groups, and was viewed as a sacrifice bill to stave off a full preemption bill. It primarily involves use of tree credits & creates some exemptions, but notably expressly states municipal rights to regulate trees (essentially making it an enabling legislation).

SB 6 was a classic bad bill that rewrote annexation law in Texas, creating a two-tier system. This bill was defeated in the regular session, but reemerged in the special session. Fighting the bill was incredibly difficult—there is not an effective soundbite or elevator speech that succinctly captures why annexation is important, while annexation opponents had ready "liberty" and "taxation without representation" soundbites. This was not helped by some of the comments made by leadership in key cities, including comments that annexations in progress would increase revenue to improve services in another part of the city (this is not a good narrative). Likewise, several annexations were incredibly large, affecting upwards of 66 square miles and 200,000+ people in a single group of annexation actions. This resulted in a very vocal opposition that was difficult to combat.

Potential for Additional TML Services to Support APATX Administration

As our membership has grown and long-time volunteers have moved on, it seems APATX may find it increasingly difficult for volunteers to handle services for such a large membership organization. Likewise, placing further burden on the Executive Administrator may cause what has been a part-time role to become a full-time obligation. There may be some opportunities, however, to enhance the relationship with TML.

TML provides administrative and conference planning services to a number of other TML affiliate groups: city managers, city attorneys, finance officers, HR, building officials, information officers, and utilities managers. Typically, a conference planning committee of Affiliate members handles the direction of the program (identifying speakers and topics), but TML staff handles the development and management of the program, coordinating with speakers, and all conference logistics (site selection process, conference graphics, conference website, conference promotion, registration, printed program, sponsorship administration (not solicitation), contracts, catering, A/V, etc.).

TML also provides some limited administrative services to the Hispanic city officials group, the African American city officials group, and library directors.

As far as TML events go, they handle all planning in house but do contract out for a show decorator (exhibit hall layout) and A/V at their Annual Conference.

Going back to affiliates, TML has annual service agreements with affiliates that they provide services to. They have some standard fees for membership management and financial services management. This, for example, could address some of our challenges with banking relationships, signature authorities, etc. For various other projects they charge a fee of $37 per hour (for things like website development/maintenance, committees and board management, training events, etc.). All of those fees are estimated and made part of the service agreements.

TML provided a sample agreement to give a better idea of services. Below is a detail of what the base and financial services entail.

A. Base Services to be Provided. TML will provide the services listed under this Section to the Affiliate at a cost to Affiliate of $15 per Affiliate member per year:
   a. Review Affiliate constitution/bylaws to ensure compatibility with TML's constitution.
   b. Assemble and maintain Affiliate membership records.
   c. Design draft versions of Affiliate membership certificates, awards, or recognition plaques.
   d. Design, conduct, and analyze a membership interest survey, upon request.
   e. Conduct the membership dues billing process to include: (1) an initial billing; (2) a reminder mailing after 45 days; (3) and where applicable, a membership suspension letter following Board approval.
   f. Assist in the formulation of membership recruitment strategies.
   g. Assist in the development of prospective membership records and maintain such records.
   h. Design draft versions of appropriate membership recruitment literature including a cover memorandum, membership services information, and an application form.
   i. Conduct one membership recruitment mailing or emailing annually upon request, with appropriate membership promotional literature.
j. With regard to new Affiliate members, mail a membership application acknowledgment to the prospective new member and email or mail a copy of such acknowledgment to the appropriate Affiliate Board member. Email a membership notification letter and a membership packet to the new member after the membership has been approved by the Affiliate Board.

B. Financial Services to be Provided. TML will provide the financial services listed under this Section to the Affiliate at an annual cost to Affiliate of 1% of the Fund Balance as recorded on December 31, 2016. For Affiliate this is $ annually or $ monthly with a balance of $.
   a. Provide the appropriate Affiliate officers with a monthly financial statement to include a balance sheet and line item comparison of actual revenues and expenditures to budgeted revenues and expenditures.
   b. Assist the Affiliate Board with the development of its annual budget and service plan.
   c. Arrange for an annual review of Affiliate financial transactions. If an audit is preferred or required by constitution, TML will obtain a cost estimate from its auditor for the Affiliate’s approval.
   d. Manage Affiliate funds to ensure timely and accurate receipt of revenues, payment of expenses, and maximum investment earnings.
   e. Assist in the preparation and filing of Affiliate tax returns.

C. Action Needed Today:

Action requested today to direct further evaluation of TML additional contract services to support APATX, including identification of individuals who should be involved in the evaluation and at what points.

D. Attachments:

Sample Services Agreement with TML