TO: Honorable Mayor and Members of the City Council

From: Paul A. Hofmann, City Manager

Date: March 11, 2022

Subject: Weekly Memo, March 7 – March 11, 2022

Upcoming Training

Below are future training opportunities. If you are interested in attending any of the trainings, please notify the City Secretary and she will take care of the registration for you.

TML Newly Elected Officials' Webinars - Interacting Constructively with the Media

Date: April 14

Time: 11:00 a.m. - Noon

Location: webinar

TML Newly Elected Officials' Webinars - Governing Ethically: Understanding Your Influence

Date: April 26

Time: 2:00 p.m. - 3:00 p.m.

Location: webinar

TML Small Town Conference

Date: May 19 - May 20

Time: All Day

Location: Fredericksburg

City Hall Essentials

Municipal Fundamentals Seminar

Date: May 20

Time: 8:30 a.m. - 4:00 p.m.

Location: Webinar

TML-TAMCC Newly Elected City Officials' Orientation

Date: August 11 - 12

Time: All Day

Location: San Antonio

Certificates of Occupancy

488 W. SH 71 – Best Friends Petcare (in Walmart)

489 Agnes Street #114 – Total Men's Primary Care (medical)

292 Industrial Blvd – Water Street Millworks (relocated from downtown)

B3 Code – Chapter 8 Signs

With the direction provided by City Council on March 8 regarding banner signs, draft amendments will be forwarded to the Planning & Zoning Commission on March 31 for a public hearing and recommendation. The amendments with the recommendation will be placed on the April 12 City Council agenda for public hearing and first reading and April 26 agenda for second reading.



Sign Enforcement

The Planning & Development Department began enforcement of prohibited and unpermitted signs on March 1. To manage workload, enforcement is being notified by sign types. On March 7, Notices of Violation were mailed out via Certified Mail for violations of prohibited temporary signage (bandit signs, feather banners, pennant) and sidewalk signs. The notice provides a 10-day period for the property owner to correct the violation before the City files a citation in Municipal Court. The next sign type to be enforced was to be banners, but action will be delayed until after the Sign Code is amended in April.

Disc Gold Course Ribbon Cutting

The Disc Golf Course Ribbon Cutting will be held on April 22 at 2:00 p.m. at Bob Bryant Park. A formal invitation from Ann will be following soon.

Mayor's Prayer Luncheon

Luncheon will be held at the Convention Center on March 15 at 11:30 a.m. if you are interested in attending, please let Ann know.

17th Annual Bastrop Empty Bowl Event

Bastrop County Emergency Food Pantry's 17 Annual Bastrop Empty Bowl Event is Saturday, March 12 at the Bastrop Convention and Exhibit Center from 11 a.m. to 1:30 p.m.

Main Street

The Main Street Advisory Board met on Wednesday, March 9th at 5:30pm. The board received updates from the Table on Main, Sponsorship, and Design committees. Community Impact Manager Candice Butts presented the Downtown Bastrop Recycles action plan which outlines steps to educate the community about the Recycle Program. This includes a one-page informational, QR code placed recycling cans that link to the one-pager, and education at events. The board discussed a Chamber Training Scholarship policy, which is a program that Main Street offers to business to participate in Bastrop Chamber of Commerce education opportunities. In order to be considered for the scholarship, businesses will complete the application and send to the Community Impact Manager. If accepted, she will register the business for the training. Failure to attend the requested training will result in suspension of future training scholarship opportunities for that business. Currently, the Main Street Board has two vacant seats. During the work session, the board brainstormed candidate recommendations to potentially fill the vacancies.

Water/Wastewater Smoke Testing

Smoke testing of the wastewater collection system is performed to locate any breaks or defects in the sewer system. Public Works will be conducting smoke testing in the Hunters Crossing and Home Depot area from Wednesday, March 16, through Friday, March 18. Flyers will be distributed on Monday, March 14 and City's communication's team will push the information on social media.

Our tentative schedule for other areas is:

- 3/23 thru 3/25- Industrial
- 4/4 thru 4/6- Piney Creek

Volunteer Opportunities

Council Member Plunkett requested that we provide him with some volunteer opportunities so we thought they may be helpful to everyone. We will be making this a part of the memo on a monthly basis.

Empty Bowl

When: March 12 from 11:30-1:30 Where: Convention Center

Contact: Tresha Silva at director@bastropfoodpantry.org or 512-303-0033 Ext. 106

Bastrop Chamber of Commerce – Golf Tournament

When: March 24-25

Where: Colovista Golf Course

Contact: Becki Womble at bwomble@bastropchamber.com or 512.303.0558

Sign Up Genius Link: https://www.signupgenius.com/go/60b0948aaa729a3fc1-bastrop2

Bastrop County Health Fest

When: April 2

Where: Smithville Main Street and Recreation Center Contact: Andy Esquivel at aesquivel@ci.smithville.tx.us

Youth Summit

When: April 19

Where: Convention Center

Contact: Krystal Grimes at 1-512-581-4035 or krystal@bastropcares.org

Table on Main

When: May 1

Where: Main Street

Contact: Candice Butts at 512-332-8862 or cbutts@cityofbastrop.org

Spring Fest – Children's Advocacy Center

When: April 23

Where: Fisherman's Park

Contact: Jacelyn Perez at (512)-321-6161 EXT 205 or jacelyn.perez@cacbastrop.org

Time out of Office

I'm planning vacation the week of March 28

Future Agenda Items

March 22, 2022

- Amending Budget FY 2022
- PHI Contract
- Cultural Arts Commission Work Plan
- Board appointments

Attachments

• TML Legislative Update #10



March 11, 2022 Number 10

Texas Speaker of the House Releases Interim Charges

House Speaker Dade Phelan has released <u>interim charges</u> to the committees of the Texas House to study prior to the 2023 legislative session. Many of the relevant city-related charges are highlighted below.

Additionally, the speaker announced the creation of the <u>House Interim Study Committee on Criminal Justice Reform</u> and the <u>House Select Committee on Health Care Reform</u>. City-related interim charges from these newly-formed committees are also reprinted below.

The League will continue to monitor the charges and report on the progress of the charges throughout the interim.

Committee on Business & Industry

Monitor the agencies and programs under the Committee's jurisdiction and oversee the
implementation of relevant legislation passed by the 87th Legislature. Conduct active
oversight of all associated rulemaking and other governmental actions taken to ensure the
intended legislative outcome of all legislation, including the following:

- o <u>SB 22</u>, relating to certain claims for benefits, compensation, or assistance by certain public safety employees and survivors of certain public safety employees;
- Study workers' compensation claims involving public safety employees described by SB 22. This study should include an analysis of medical costs, return-to-work outcomes, utilization of care, satisfaction with care, and health-related functional outcomes.

Committee on County Affairs

- Monitor the agencies and programs under the Committee's jurisdiction and oversee the
 implementation of relevant legislation passed by the 87th Legislature. Conduct active
 oversight of all associated rulemaking and other governmental actions taken to ensure the
 intended legislative outcome of all legislation, including the following:
 - HB 2073, relating to quarantine leave for fire fighters, peace officers, detention officers, and emergency medical technicians employed by, appointed by, or elected for a political subdivision.

Interim Study Committee on Criminal Justice Reform

- Examine the following areas of criminal justice policy:
 - o Policing, including training, use of force, arrest procedures, and alternative responses to nonviolent and noncriminal issues
 - o Criminal procedure and due process from initial detention through appeal, including:
 - Policies and penalties relating to drug offenses
 - Use of prosecutorial discretion
 - Use and conditions of detention and incarceration
 - The civil asset forfeiture process

Committee on Culture, Recreation, and Tourism

- Review the overall state of Texas' travel, tourism and hospitality industry. Make recommendations for statutory and regulatory changes to ensure industry resiliency and vitality. Consider the following:
 - Access to federal recovery programs and efforts that enable the draw-down of federal funding;
 - o Improvement of workforce reliability; and
 - O Use of the supplemental money appropriated to the Governor's Office of Economic Development and Tourism through <u>SB 8</u> (87S3).

Committee on Elections

• Study the laws related to local ballot initiatives and propositions to assess whether reforms are needed to ensure that ballot language is clear and unambiguous and that the process is fair and consistent.

Committee on Energy Resources

- Monitor the agencies and programs under the Committee's jurisdiction and oversee the implementation of relevant legislation passed by the 87th Legislature. Conduct active oversight of all associated rulemaking and other governmental actions taken to ensure the intended legislative outcome of all legislation, including the following:
 - o <u>HB 1520</u>, relating to extraordinary costs incurred by gas utilities relating to Winter Storm Uri and the authority to issue bonds and impose fees and assessments;
 - o <u>HB 3648</u>, which requires the designation of certain natural gas facilities as critical customers or critical gas suppliers during energy emergencies; and
 - o <u>SB 3</u>, relating to preparing for, preventing, and responding to weather emergencies and power outages. (*Joint charge with Committee on State Affairs*)
- Examine ways to increase the production of oil and gas within the state. Review state and local regulations that could directly impact the exploration or production of oil and gas and make recommendations for increasing Texas' energy independence.

Committee on Homeland Security and Public Safety

- Monitor the agencies and programs under the Committee's jurisdiction and oversee the implementation of relevant legislation passed by the 87th Legislature. Conduct active oversight of all associated rulemaking and other governmental actions taken to ensure the intended legislative outcome of all legislation, including the following:
 - o HB 3712, relating to the training of and policies for peace officers; and
 - o <u>SB 24</u>, relating to the procedures required before a law enforcement agency hires a peace officer.
- Study incidents of law enforcement injuries and fatalities to determine those situations that pose the greatest risk to law enforcement. Make recommendations on best practices for increasing and preserving the safety and security of law enforcement officers, including those undercover.
- Compare Texas' incident crime reporting requirements with those of other states and determine whether a standardized reporting requirement should be implemented for Texas law enforcement. Study opportunities to modernize and improve local and statewide data collection and dissemination throughout the criminal justice system to promote transparency and ensure uniform data collection processes.

Committee on International Relations and Economic Development

• Examine current economic development incentive programs and identify opportunities to enhance job creation in Texas. Make recommendations to promote transparency and enhance effectiveness of such programs.

Committee on Land and Resource Management

• Monitor the agencies and programs under the Committee's jurisdiction and oversee the implementation of relevant legislation passed by the 87th Legislature. Conduct active

- oversight of all associated rulemaking and other governmental actions taken to ensure the intended legislative outcome of all legislation.
- Study the effect of governmental land-use regulations and controls on the availability and affordability of residential housing in Texas, including land use and zoning restrictions and related factors that slow or hinder housing development and improvement. Identify viable, free market solutions in lieu of governmental regulation to help Texas meet the current and future housing demands of a growing statewide population.

Committee on Licensing and Administrative Procedure

- Monitor the agencies and programs under the Committee's jurisdiction and oversee the implementation of relevant legislation passed by the 87th Legislature. Conduct active oversight of all associated rulemaking and other governmental actions taken to ensure the intended legislative outcome of all legislation, including the following:
 - o <u>HB 636</u>, relating to the continuation and functions of the Texas State Board of Plumbing Examiners; and
 - o <u>HB 1560</u>, relating to the continuation and functions of the Texas Department of Licensing and Regulation.
- Explore opportunities to strengthen and enforce laws to reduce illegal gaming and the proliferation of unlawful game rooms. Identify how cash-paying game rooms utilizing machines commonly known as "8-liners" have been allowed to proliferate and how the comptroller or other state agencies can assist law enforcement with ongoing investigations.

Committee on Natural Resources

- Examine the condition of Texas' water and flood mitigation infrastructure capabilities and consider future infrastructure needs. Evaluate sustainable funding sources to provide for water project development and infrastructure repair and replacement. Examine and make recommendations for cost-effective improvements that enhance the state's available water supply and improve the state's ability to desalinate seawater.
- Review the adequacy and efficiency of current mechanisms used to compensate water right holders when the Texas Commission on Environmental Quality temporarily transfers a water right under an emergency authorization. Make appropriate recommendations for the protection of private property rights of water right holders.
- Examine the state's groundwater management policy and regulatory framework. Include a review of large-scale water transfers and their impact on groundwater resources. Make appropriate recommendations for legislation or state agency action to:
 - o promote the achievement of planning goals under Chapter 36, Water Code, including those involving desired future conditions;
 - o provide adequate transparency to the permit application process;
 - o further the state's groundwater quality protection efforts, including an assessment of risks posed to groundwater by abandoned and deteriorated water wells and orphan oil and gas wells; and
 - o promote conservation and waste prevention.

Committee on Pensions, Investments, and Financial Services

Review the impact of investments by public retirement systems of their endowment and
other trust funds in businesses and funds owned or controlled by the Russian government
or Russian nationals, and determine the need for investment restrictions. Consider the
impact of any proposed investment restrictions on fund performance.

Committee on State Affairs

- Monitor the agencies and programs under the Committee's jurisdiction and oversee the implementation of relevant legislation passed by the 87th Legislature. Conduct active oversight of all associated rulemaking and other governmental actions taken to ensure the intended legislative outcome of all legislation, including the following:
 - o HB 5, relating to the expansion of broadband services to rural areas;
 - HB 1505, relating to attachments for broadband service on utility poles owned by an electric cooperative and establishing and funding a pole replacement program for deployment of certain broadband facilities;
 - o <u>SB 2</u>, relating to the governance of the Public Utility Commission of Texas, the Office of Public Utility Counsel, and the Electric Reliability Council of Texas; and
 - o <u>SB 3</u>, relating to preparing for, preventing, and responding to weather emergencies and power outages. (*Joint charge with Committee on Energy Resources*)
- Examine the efforts of power generation facilities to weatherize their facilities.
- Review the status of projects intended to reduce transmission congestion within the electrical grid.
- Study the status and adequacy of cybersecurity preparedness among state agencies and contractors. Make recommendations that enhance cybersecurity measures considering evolving threats to Texas' information technology infrastructure.

Committee on Transportation

- Study current and future transportation needs and consider improvements to ensure that Texas is adequately planning for the state's population growth forecasts. Evaluate the impacts of the COVID-19 pandemic on transportation projects and investment decisions.
- Study the impacts that increased federal funding, formula changes, and new programs authorized in the Infrastructure Investment and Jobs Act will have on state transportation projects. Evaluate strategies to ensure Texas communities can maximize receipt of federal grant funds.
- Study the impact of the increasing sale and use of electric and alternatively fueled vehicles on revenue predictions for the state highway fund. Recommend a road use revenue equalization methodology to create fairness and parity between gasoline, electric and alternatively fueled vehicles.

Committee on Urban Affairs

• Monitor the agencies and programs under the Committee's jurisdiction and oversee the implementation of relevant legislation passed by the 87th Legislature. Conduct active

- oversight of all associated rulemaking and other governmental actions taken to ensure the intended legislative outcome of all legislation.
- Evaluate the availability of workforce housing to support the dynamic economic growth of the state. Study the use of public-private partnerships and other tools to incentivize the development of housing that meets Texas' expanding workforce demands. Develop and include measures to ensure accountability and transparency associated with these tools.
- Review the Municipal Management District Legislative Template with respect to representation and accountability. Make recommendations for improving the template.
- Study the effects of local governance, planning, and administration on the current state of municipal water and wastewater infrastructure. Examine the measures municipally owned utilities have taken and the costs required to maintain and improve that infrastructure. Make recommendations for cost-effective solutions to ensure reliable infrastructure and uninterrupted municipal utility services, especially during a severe weather event.
- Study municipal fees with respect to the function of the fee and the relationship of the fee to the cost of providing an associated municipal service. Make recommendations to address municipal fees that are disproportionate or unrelated to the cost of providing the associated service.

Committee on Ways and Means

- Monitor agencies and programs in the Committee's jurisdiction and oversee the implementation of legislation passed by the 87th Legislature. Actively oversee associated rulemaking and agency actions to ensure the intended legislative outcome of all legislation, including the following:
 - o <u>HB 2404</u>, relating to creating and maintaining a database of information regarding certain local economic development agreements;
 - SB 2 (86R the Texas Property Tax Reform and Transparency Act of 2019) and related property tax reform legislation passed by the 87th Legislature, including <u>HB</u> 1869, <u>HB</u> 2429, <u>HB</u> 2723, and <u>SB</u> 1438;
- Study and consider methods of providing additional property tax relief, including the use of \$3 billion in available American Rescue Plan Act funds that were held for future tax relief by the 87th Legislature, and other sources of revenue. Explore options to reduce business property tax burdens and options for limiting the growth of property tax bills.
- Study Texas' property tax appraisal system and make appropriate recommendations to improve the appraisal system. The study should include:
 - Assessing the accuracy of appraised values and operational effectiveness of appraisal districts;
 - o Evaluating methods of selecting chief appraisers, appraisal review boards, and appraisal district directors; and
 - o Evaluating existing appraisal protections for taxpayers and ease of taxpayer participation in the appraisal process
- Conduct a comprehensive review of the impact of not renewing Chapter 313, Tax Code. Evaluate tax incentives offered by other states and make recommendations for incentivizing manufacturers and other capital-intensive businesses to locate to Texas.
- Evaluate the impact of shifting to destination sourcing for local sales and use tax purposes, including the benefits of reduced taxpayer confusion. Monitor the implementation of the

Comptroller's amendments to 34 Texas Administrative Code §3.334, relating to local sales and use taxes, and the Comptroller's Sales Tax Rate Locator. Make recommendations for legislation to improve Texas' local sales and use tax sourcing.

Get Involved in TML's Legislative Process: Volunteers Needed

Texas Municipal League (TML) advocacy efforts are based on a legislative program that is developed by member city officials. The program is essential to the legitimacy of the League's advocacy efforts. To develop the program, city officials provide input in primarily two ways.

First, a member city, TML region, or TML affiliate may submit a resolution for consideration at the business meeting of each year's annual conference. Each city is asked to provide one delegate to serve as its liaison at the meeting. The delegates will be briefed on the content of the resolutions and given a chance to discuss and vote on whether they merit inclusion in the legislative program. The resolutions form the basis of a fixed legislative program, under which – each session – modifications to the program will be made as needed.

Second, member city officials can participate in the League's Municipal Policy Summit as well as any topic-specific policy committees. The reports of the summit and committees take the form of a resolution that is submitted to the annual conference in interim years. The summit and committee participants will be appointed by the TML President in early 2022 based on volunteers and others chosen to balance the demographics of the TML membership at large.

The summit will be an intensive, two-day workshop during which League staff briefs the participants on the issues faced by cities. Most will be issues that arise each session, but several will consist of issues brought by city officials. After each subject-matter briefing, the participants will make concise recommendations on the issues. Those recommendations are placed into resolution form and submitted to the League's annual business meeting, discussed above.

The somewhat complex policy development process is necessary to ensure that the League advocates as directed by its members. The League is nothing without the involvement and expertise of its members, and participation in the process is an invaluable part of protecting municipal authority.

The process starts in earnest this spring, and TML President Martha Castex-Tatum, Vice Mayor Pro Tem of the City of Houston, is seeking volunteers to provide input. No particular expertise is needed. Volunteers need only have a willingness to learn and the ability to come to Austin for the Municipal Policy Summit and other necessary committees.

If you have questions or would like to volunteer for the Municipal Policy Summit or other committees, please contact JJ Rocha, TML Grassroots and Legislative Services Manager, at jj@tml.org by April 1, 2022.

Please include your full contact information in your email. Due to space limitations and other considerations, not all those who apply will be appointed to a committee but will certainly be considered for future volunteer opportunities.

Reminder: COVID-19 First Responder Disease Presumption <u>Law</u>

<u>Senate Bill 22</u> by Senator Drew Springer, which was signed by the governor and became effective June 14, 2021 (and retroactively applies to a COVID-19 diagnosis on or after the date of the governor's declaration on March 13, 2020), provides a disease "presumption" for first responders diagnosed with COVID-19. Senator Springer asked that we share the following information with you, and that you ensure that any first responder employed by your city receives it as well.

What is a disease presumption? In 2005, during a nationwide trend, the Texas Legislature enacted Subchapter B of Chapter 607 of the Texas Government Code. The law provides that certain diseases contracted by first responders are presumed to have been contracted while on duty for workers' compensation purposes.

The new COVID-19 presumption, which expires September 1, 2023, applies to peace officers, firefighters, emergency medical service employees, and detention and custodial officers only if various conditions are met. It applies only when the first responder:

- is employed during a gubernatorially-declared disaster and contracts the disease during that time.
- is employed on a full-time basis and diagnosed with COVID-19 using a test authorized or approved by the U.S. Food and Drug Administration.
- had been on duty within 15 days before being diagnosed.
- if deceased, had been diagnosed using a U.S. Food and Drug Administration-approved test or by another means, including by a physician.
- if deceased, had been on duty within 15 days before the diagnosis, began to show symptoms, or was hospitalized for such symptoms.

The bill has some retroactive effect. The Risk Pool began accepting claims in March of 2020. This means that most Risk Pool-covered first responders have already been processed. Cities that are self-insured or covered by others should pay careful attention to the retroactivity.

For example, a first responder who filed a claim between March 13, 2020, and June 14, 2021, and whose claim was denied, is entitled to request reprocessing of the claim under the new presumption. A request to reprocess a claim must be filed no later than June 14, 2022 (one year after the effective date of the bill).

If a first responder contracted COVID-19 between March 13, 2020 and June 14, 2021, and never filed a claim, he or she was entitled to file a claim no later than December 14, 2021. The Texas

Workers' Compensation Division has provided a <u>first responder FAQ</u> related to the COVID-19 presumption.

The above is a short summary of the new COVID-19 presumption. Each individual case must be reviewed in accordance with the facts surrounding it and other minutiae in the law. Risk Pool city officials should contact their <u>Member Services Manager</u> with questions. Other city officials should consult with local legal counsel and the TML <u>Legal Services Department</u>.

Governor's Office Adopts Law Enforcement Funding Rules for Large Cities

On March 7, 2022, the governor's office announced the adoption of <u>rules</u> related to reduction of funding by certain cities to their police departments. This rulemaking implements <u>H.B. 1900</u>, which was adopted during the 87th Legislative session, and applies to cities with a population of more than 250,000. We previously reported on the proposed rules <u>here</u>.

Specifically, the adopted rules: (1) require the Public Safety Office (PSO) of the Office of the Governor to annually review budgets of all applicable cities following each fiscal year beginning on or after September 1, 2021 to determine whether a city has reduced its appropriation to its police department in comparison to the preceding fiscal year; (2) provide guidance to cities that seek an exception for certain budget reductions related to the cities' police departments; and (3) establish criteria that the PSO will use to approve exceptions to proposed budget reductions.

Federal Infrastructure Bill Update

In November 2021, the federal Infrastructure Investment and Jobs Act (IIJA) was signed into law. The IIJA is altogether a \$1.2 trillion bill that will invest in the nation's core infrastructure priorities including roads, bridges, rail, transit, airports, ports, energy transmission, water systems, and broadband.

The League will monitor state and federal agencies and work with the National League of Cities (NLC) to access the latest information relating to the IIJA. We will be providing periodic updates in the Legislative Update on resources for Texas cities on how to access IIJA funding for local infrastructure projects.

White House

The White House has launched "Infrastructure School," which is a series of webinars that go into detail on IIJA programs using the <u>Bipartisan Infrastructure Law Guidebook</u> as a reference. The remaining March Infrastructure School calendar of webinars is as follows (click links below to register):

- Tuesday, March 15, 2022 at 3pm-4pm CST: Water
- Thursday, March 17, 2022 at 3pm-4pm CST: Resilience
- Tuesday, March 22, 2022 at 3pm-4pm CST: Environmental Remediation
- Thursday, March 24, 2022 at 3pm-4pm CST: Broadband

National League of Cities (NLC)

NLC is regularly posting explainer videos that address what city officials need to know about the IIJA. These videos can be accessed <u>here</u>.

National Telecommunications and Information Administration (NTIA)

The NTIA announced that it will be holding a series of technical assistance webinars from March-May on five new broadband grant programs funded under the IIJA to help potential applicants understand the process. The programs are: The Broadband Equity, Access, and Deployment Program; the Enabling Middle Mile Broadband Infrastructure Program; and the Digital Equity Act Programs, which include the State Digital Equity Planning Grant Program, State Digital Equity Capacity Grant Program, and Digital Equity Competitive Grant Program.

More on the webinars, including dates and registration information, can be found <u>here</u>.

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