**West Texas County Judges and Commissioners Association**

**2018 Resolutions**

*The following resolutions were passed by the West Texas County Judges and Commissioners Association representing 118 counties in the State of Texas on*

*April 26, 2018, during the Association’s Annual Conference.*

#### 1. Thanks to the Host Court

**WHEREAS**, the Annual Conference of the West Texas County Judges and Commissioners Association was conducted in Collin County, Texas, on April 24-27, 2018; and

**WHEREAS**, the Honorable Commissioners Court of Collin County has hosted the West Texas County Judges and Commissioners Association in the most entertaining and excellent manner;

**NOW, THEREFORE, BE IT RESOLVED** that the West Texas County Judges and Commissioners Association expresses its wholehearted thanks and deep appreciation to the Honorable Court of Collin County for its courteous and warm hospitality extended to each of us.

**2. Thanks to the Conference Sponsors and Exhibitors**

**WHEREAS**, the Annual Conference of the West Texas County Judges and Commissioners Association was conducted in Collin County, Texas, on April 24-27, 2018; and

**WHEREAS**, the many sponsors and exhibitors provide significant financial support for the conference and the Association; and

**WHEREAS**, the sponsors and exhibitors provide valuable information to our members;

**NOW, THEREFORE, BE IT RESOLVED** that the West Texas County Judges and Commissioners Association expresses its deep appreciation to our generous conference sponsors and exhibitors.

**3. Thanks to State and Local Associations and Friends of County Government**

**WHEREAS**, the Annual Conference of the West Texas County Judges and Commissioners Association was conducted in Collin County, Texas, on April 24-27, 2018; and

**WHEREAS**, the members of the West Texas County Judges and Commissioners Association wish to acknowledge the expertise of and thank the staff of: James Allison of Allison, Bass & Magee, LLP; the Texas Association of Counties and Executive Director Gene Terry; the Texas Association of Regional Councils and Executive Director Ginny Lewis; the V.G. Young Institute of County Government, a part of Texas A&M AgriLife Extension Service, and Executive Director Dr. Peter McGuill; the Texas A&M AgriLife Extension Service agents’ professional associations; *County Progress* Magazine and Editor Julie Anderson; and the many other state and local associations and people who have all been so helpful to county government;

**NOW, THEREFORE, BE IT RESOLVED** that this Association thanks all of these individuals and their staffs for their past, present and future help on behalf of county government.

**4. Memorial to Deceased Officials and Special Friends**

**WHEREAS**, the following highly regarded members and friends of the West Texas County Judges and Commissioners Association are deceased; and

**WHEREAS**, the Association desires to pay appropriate respect to these members and friends; and

**WHEREAS**, since our last conference, the West Texas County Judges and Commissioners Association has mourned the passing of:

*Former Ector County Commissioner Bob Bryant*

*Crane County Judge John Farmer*

*Former Lipscomb County Commissioner John David Fritzlen*

*Hall County Commissioner James Fuston Sr.*

*Wilbarger County Commissioner Richard Jacobs*

*Former Hutchinson County Commissioner Murry Jennings*

*Former Terry County Judge and Commissioner Don Robertson*

*Former Irion County Commissioner Elder Wayne Smith*

*Lipscomb County Commissioner Johnie Dale Steele*

*Former Palo Pinto County Judge Mickey Dayle West*

**NOW, THEREFORE, BE IT RESOLVED** that the West Texas County Judges and Commissioners Association members pause for a moment of silence and meditation to honor the memory of these respected individuals.

**5. Opposition to Unfunded Mandates**

**WHEREAS**, Texas counties are responsible for the operation and management of many and various governmental programs as required or authorized by state law; and

**WHEREAS**, some county government programs are fully or partially supported with funds disbursed by the State of Texas pursuant to the state appropriations process; and

**WHEREAS**, the State of Texas, acting through the Texas Legislature or through a state agency or executive order, may enact laws or promulgate rules that have the effect of imposing mandatory financial obligations upon Texas counties; and

**WHEREAS**, the State of Texas, through the Texas Legislature or through a state agency or executive order, mandates that counties implement certain governmental programs or perform certain duties and obligations including financial commitments by a county to expend county funds in connection therewith; and

**WHEREAS**, during each regular session of the Texas Legislature, all state funds that support county programs are reviewed through the state appropriation process and by other state budgetary review systems; and

**WHEREAS**, the aforementioned review process may result in a reduction, or cessation, of state financial support of county government programs causing an unforeseeable disruption and reduction of the county budget and operations; and

**WHEREAS,** Texas counties cannot achieve reliable financial planning and the necessary bond ratings sufficient to support county-related obligations when the state mandates a new program that is not fully funded or under conditions where the state reduces or fully withdraws prior funding and disbursement for county government programs;

**NOW, THEREFORE,** the West Texas County Judges and Commissioners Association and its 118 current member counties do hereby resolve that for the foregoing reasons, it is in the best interests of Texas counties and their taxpayers to support and favor the passage of legislation in the form of an amendment to the Constitution of the State of Texas that would expressly prohibit the imposition of a mandatory governmental program on Texas counties, whether by an act of the Texas Legislature or a state agency or by executive order, unless the State of Texas has fully funded and disbursed all necessary funds to enable Texas counties to operate said governmental program.

**6. Support for Local Decision Making and Opposition to Revenue Caps**

**WHEREAS**, the Texas Legislature has previously considered and rejected proposals for additional revenue caps on counties; and

**WHEREAS,** 54 percent of the average taxpayer’s property tax burden is due to school taxes while only 16 percent is due to county taxes; and

**WHEREAS**, revenue caps would diminish local decision making and tie the hands of county officials and limit their ability to provide essential services to address the needs and emergencies of their citizens; and

**WHEREAS**, county government is already struggling to meet the demands of under-funded and unfunded state mandates such as indigent health care and indigent defense and federal mandates such as the Help America Vote Act and the Clean Air Act; and

**WHEREAS,** the demands on county budgets continue to increase including health care, motor fuel, road materials, and all other products and services purchased by counties; and

**WHEREAS,** artificial revenue caps will result in a shift of taxes from fluctuating properties to those remaining relatively stable in value, such as residential properties; and

**WHEREAS,** revenue caps will not necessarily result in a reduction of property taxes but will result in a severe impact on county services; and

**WHEREAS**, it would be inequitable for the Texas Legislature to impose additional revenue caps on local governments without alternative funding sources;

**NOW, THEREFORE, BE IT RESOLVED** that the West Texas County Judges and Commissioners Association does hereby express its opposition to efforts to limit local decision making and does hereby oppose any attempts to impose revenue caps upon Texas counties, and the West Texas County Judges and Commissioners Association expresses its deep appreciation to all legislators who oppose these unsound measures.

**7. County Local Option Revenue Sources**

**WHEREAS,** county revenue sources are extremely limited; and

**WHEREAS,** under current statutes, counties are forced to rely upon property taxes to fund necessary services; and

**WHEREAS,** county taxpayers should have the option to adopt a local sales tax, a local severance tax, a local motor fuel tax, an increase in local vehicle registration fees, and other revenue sources to reduce property taxes;

**NOW, THEREFORE, BE IT RESOLVED,** that the West Texas County Judges and Commissioners Association requests that the Legislature amend the tax statutes to allow the adoption of a county local option sales tax, a local option severance tax, a local option motor fuel tax, an increase in local vehicle registration fees, and other revenue sources for the reduction of property taxes without imposing any additional revenue caps.

**8. Indigent Health Care**

**WHEREAS,** revisions have been proposed regarding the Texas system of indigent health care; and

**WHEREAS,** some revisions propose an assessment upon counties to support a regional indigent health care system; and

**WHEREAS,** such assessment would constitute an unfunded mandate, requiring property tax increases in those counties; and

**WHEREAS,** such regional systems would not be efficient or responsive to local taxpayers; and

**WHEREAS,** the present Section 1115 Waiver provides voluntary opportunities to participate in health care innovation projects;

**NOW, THEREFORE, BE IT RESOLVED** that the West Texas County Judges and Commissioners Association opposes any attempt to impose a mandatory assessment upon Texas counties to fund a regional or statewide health care system and instead supports the continuation of the voluntary Section 1115 grants.

**9. State Funds for Indigent Criminal Defense**

**WHEREAS,** the right to assistance by legal counsel is guaranteed by the U.S. Constitution; and

**WHEREAS,** the State of Texas is required to implement this right and provide legal counsel to indigent criminal defendants; and

**WHEREAS**, the Texas Fair Defense Act, adopted by the Texas Legislature in 2001, implements this right and requires certain procedures and attorney appointments; and

**WHEREAS,** the Texas Legislature has failed to provide sufficient funding to offset the costs of the Fair Defense Act and has shifted this cost to county taxpayers; and

**WHEREAS,** county expenditures for indigent criminal defense have increased over 140 percent since the adoption of the Fair Defense Act; and

**WHEREAS,** the state funding is totally inadequate, providing approximately 12 percent of the indigent defense costs; and

**WHEREAS,** indigent criminal defense is a state responsibility that should be adequately funded on a statewide basis, not a burden overwhelmingly borne by local property taxpayers;

**NOW, THEREFORE, BE IT RESOLVED** that the West Texas County Judges and Commissioners Association does hereby request that the Texas Legislature fully fund the costs of indigent criminal defense which has cost local taxpayers over $2.6 billion from 2001 through 2017.

**10. Juvenile Probation Funding**

**WHEREAS,** the supervision of juvenile offenders is a responsibility of the State of Texas; and

**WHEREAS,** the Texas Legislature has consistently failed to appropriate sufficient funding to meet this responsibility; and

**WHEREAS,** Texas counties have increasingly met this burden by funding juvenile probation services and facilities; and

**WHEREAS,** Texas counties and their local taxpayers are now providing over 75 percent of the costs of juvenile probation; and

**WHEREAS,** current state funding formulas will continue to shift additional costs to county taxpayers unless addressed by the State of Texas;

**NOW, THEREFORE, BE IT RESOLVED** that the West Texas County Judges and Commissioners Association does hereby request that the Texas Legislature fully fund the costs of supervision of juvenile offenders, including the costs for juvenile probation services.

**11. Mental Health Patients**

**WHEREAS**, Texas counties have been forced to hold mentally incompetent prisoners for up to six months while awaiting court-ordered transfer to a state mental facility for treatment; and

**WHEREAS**, each of these pre-trial inmates costs the local taxpayer approximately $9,000 during this period of incarceration; and

**WHEREAS**, the county jail is not an appropriate facility for the mentally ill, and these prisoners pose a high risk of injury to themselves, the jail staff and other prisoners; and

**WHEREAS**, a State District Court in Travis County ordered the Department of Health Services to receive these prisoners within 21 days of a judge’s order; and

**WHEREAS**, instead of accepting its responsibility, the State appealed this order; and

**WHEREAS**, this delay by the State is increasing the cost to our taxpayers and continuing this improper practice;

**NOW, THEREFORE, BE IT RESOLVED** that the West Texas County Judges and Commissioners Association hereby requests that the State of Texas implement additional funding for mental health services and implement the state mental health plan to ensure the efficient and effective use of these resources.

**12. Opposition to Diversion of Dedicated Funds**

**WHEREAS,** the Legislature has committed certain funds for dedicated purposes; and

**WHEREAS,** unfortunately these funds have been improperly withheld from these needed functions and used to balance the general state budget; and

**WHEREAS,** the state leadership has proposed to end this diversion of funds;

**NOW, THEREFORE, BE IT RESOLVED** that the West Texas County Judges and Commissioners Association expresses its opposition to any state diversion of dedicated funds and supports the state leadership’s commitment to end this practice.

**13. Emergency Services Program**

**WHEREAS,** citizens of Texas desire access to 9-1-1 emergency services in an efficient manner, as evidenced by approval of the monthly fee on business and residential phone bills; and

**WHEREAS,** the 9-1-1 emergency services dispatch and response depends on equipment which must function reliably on a continuous basis; and

**WHEREAS,** older equipment reaches a point of being high maintenance and becomes unreliable; and

**WHEREAS,** technology continues to improve, necessitating upgrading hardware and software for reverse 9-1-1 services and other needs;

**NOW, THEREFORE, BE IT RESOLVED** that the West Texas County Judges and Commissioners Association urges our state legislators to provide full funding to the Emergency 9-1-1 Services Program for maintenance and improvement; and

**BE IT FURTHER RESOLVED** that funds generated by the 9-1-1 surcharge will not be used by the Legislature as money set aside to balance the state budget; and

**BE IT ALSO RESOLVED** that any such funds set aside be fully appropriated for the Emergency 9-1-1 Services Program.

**14. Opposition to Granting Powers to Municipal Utility Districts and Special Utility Districts**

**WHEREAS**, Texas is one of the fastest-growing states in the Union; and

**WHEREAS,** city government and county government should have appropriate authority to regulate growth in their respective counties and cities; and

**WHEREAS,** special water districts and private water corporations have the means to furnish water and provide for growth in rural areas of the counties; and

**WHEREAS,** municipal utility districts and special utility districts have been improperly used by certain developers to avoid compliance with county and city infrastructure plans;

**NOW, THEREFORE, BE IT RESOLVED** that the West Texas County Judges and Commissioners Association opposes the granting of additional powers to municipal utility districts and special utility districts and requests that the approval of the county be required before any further districts are created.

**15. Support for County Road Grant Fund**

**WHEREAS**, constitutional amendments have been approved by the voters to increase dedicated funding for public roadways; and

**WHEREAS**, these constitutional amendments will provide additional funding to be used only for constructing, maintaining, and acquiring right of way for public roadways other than toll roads; and

**WHEREAS**, these constitutional amendments provide needed support for public highways without increasing taxes; and

**WHEREAS**, the county road system is eligible for assistance from this funding; and

**WHEREAS**, county roads are being devastated by overweight trucks to enhance the production of oil and gas; and

**WHEREAS**, the oil and gas severance tax should be equitably shared with counties to repair this damage;

**NOW, THEREFORE**, **BE IT RESOLVED** that the West Texas County Judges and Commissioners Association does hereby request that additional funding be appropriated to support the county road grant program.

**16. Uranium Mining Regulation**

**WHEREAS,** uranium mining creates a special hazard for local groundwater; and

**WHEREAS,** uranium mining places a high demand upon local groundwater resources; and

**WHEREAS,** groundwater pollution by uranium mining cannot be recovered or rehabilitated and creates a permanent loss of groundwater; and

**WHEREAS,** county and groundwater conservation districts have very limited power to regulate uranium mining under current law;

**NOW, THEREFORE, BE IT RESOLVED** that the West Texas County Judges and Commissioners Association requests that state law be amended to require a due process permit proceeding and approval by the local Commissioners Court and groundwater conservation district before any permit is granted for uranium mining.

**17. Sludge Waste Disposal**

**WHEREAS,** human waste and other toxic materials are contained in municipal, domestic and commercial sludge; and

**WHEREAS,** this sludge waste contains harmful bacteria, viruses and chemicals that may contaminate local water supplies; and

**WHEREAS,** the current rules of the Texas Commission on Environmental Quality are inadequate to protect the water supply and adjacent landowners from the improper disposal of sludge waste; and

**WHEREAS**, disposal of these materials should be a matter of local regulation;

**NOW, THEREFORE, BE IT RESOLVED** that the West Texas County Judges and Commissioners Association hereby requests that no permits be issued for the disposal of sludge waste without the approval of the Commissioners Court and that the Texas Legislature clearly authorize local control of all sludge waste permits.

**18. Fireworks Regulations**

**WHEREAS,** counties currently have limited authority to regulate fireworks;and

**WHEREAS,** due to the continued danger of drought and the concern for public safety, such regulations are necessary to protect life and property;

**NOW, THEREFORE, BE IT RESOLVED** that the West Texas County Judges and Commissioners Association is opposed to any legislative action that would remove current county authority to regulate fireworks.

**19.** **Oil and Gas Waste Disposal Facilities**

**WHEREAS**, the Texas oil and gas industry is a vital part of our economy; and

**WHEREAS**, this industry requires the use of disposal facilities, such as waste injection wells, to operate in an efficient manner; and

**WHEREAS**, the operation of these disposal facilities can pose a substantial risk to the groundwater supply; and

**WHEREAS**, protection of the groundwater is also essential to the economy and health and safety of Texas citizens; and

**WHEREAS**, adequate information should be provided to Texas counties and their citizens to ensure the safe operation of oil and gas waste facilities and protection of the groundwater;

**NOW, THEREFORE**, **BE IT RESOLVED** that the West Texas County Judges and Commissioners Association does hereby request that the Texas Legislature and the Texas Railroad Commission require that Texas counties, their citizens and groundwater conservation districts be provided all available information concerning proposed oil and gas waste facilities in their area and a full opportunity to participate in the evaluation of any application for additional facilities; and

**BE IT FURTHER RESOLVED** that the Texas Railroad Commission be required to evaluate and consider the full local infrastructure impact and effect on local communities before voting on any such permit.

**20. Rural Public Transit**

**WHEREAS,** 37 Rural Transit Districts serve all the counties throughout Texas; and

**WHEREAS,** Rural Transit Districts provide access to needed goods and services, jobs and medical services throughout the rural counties of Texas; and

**WHEREAS,** Rural Transit Districts traveled 31,381,803 miles and provided 6,336,451 one-way trips to the citizens of rural Texas in 2014; and

**WHEREAS,** Rural Transit Districts have not received an increase in state funding since the year 2000; and

**WHEREAS,** on average, bus fleets for Rural Transit Districts are at 130 percent of their established lifecycle; and

**WHEREAS,** funding opportunities for large federal and state grants have historically left qualified rural projects underfunded; and

**WHEREAS,** without increased funding, in order to meet increasing service demands and costs in rural areas, services to those most in need in rural Texas will suffer;

**NOW, THEREFORE, BE IT RESOLVED** that the West Texas County Judges and Commissioners Association expresses its support for a meaningful increase in funding for Rural Transit Districts

**21. Opposition to Rules Adopted by the Texas Department of Motor Vehicles That Decrease County Revenues, Increase County Costs, and Reduce Local Control and Local Services**

**WHEREAS**, the county tax assessor-collector is charged with collecting vehicle registration fees which provide for certain legislative authorized revenues to offset costs associated with collecting and dispersing these fees for the Texas Department of Motor Vehicles; and

**WHEREAS**, the 83rd State Legislature created the Texas Department of Motor Vehicles Fund, authorized the Texas Department of Motor Vehicles to establish certain fees by board rule, authorized the board to direct certain fees to the fund, and allowed for county revenues to be set by board rule; and

**WHEREAS**, the Texas Department of Motor Vehicles has adopted rules setting title transfer and registration processing and handling fees for its own funding and has further adopted fees and changes for the county tax assessor-collectors and the various deputy classification types; and

**WHEREAS**, the county tax assessor-collector may deputize full-service title companies to provide titling and registration services and limited service companies to provide registration services, which increases access and locations for these services by citizens; and

**WHEREAS**, the rules adopted by the Texas Department of Motor Vehicles will decrease county revenues, increase county cost, and reduce local control and local services;

**NOW, THEREFORE, BE IT RESOLVED** that the West Texas County Judges and Commissioners Association opposes the rules as adopted by the Texas Department of Motor Vehicles amending Title 43 of the Texas Administrative Code Chapter 217.

**22. Full Funding of DPS Labs**

**WHEREAS**, the State of Texas through the Texas Department of Public Safety (DPS) provides for the testing of controlled and illegal substances for criminal cases; and

**WHEREAS**, while the service is valuable to the prosecutorial process, it is not timely as most tests require 6-9 months before results are rendered; and

**WHEREAS**, many alleged and formerly convicted violators must be released after 90 days with the high probability that they will reoffend and further endanger the public and further burden law enforcement; and

**WHEREAS,** the recent reduction in state funding will reduce the effectiveness of the DPS labs and result in further delays in the administration of justice;

**NOW, THEREFORE, BE IT RESOLVED** that the West Texas County Judges and Commissioners Association requests full funding, staffing and equipping of the labs to return results in the required legal time to serve justice.

**23. County Homestead Exemption**

**WHEREAS,** the current constitutional provisions limit the ability of counties to a percentage of the appraised value of homesteads; and

**WHEREAS,** the current limitations prevent the adoption of a homestead exemption to provide greater benefit to lower-priced properties; and

**WHEREAS,** additional discretion should be granted to counties to determine the homestead exemption;

**NOW, THEREFORE, BE IT RESOLVED** that the West Texas County Judges and Commissioners Association requests that a constitutional amendment be adopted to allow counties to grant discretionary homestead exemptions based upon a dollar amount of the taxable value of the property.

**24. Texas Department of Criminal Justice Inmates**

**WHEREAS,** currently counties are required to hold inmates who have been committed to the Texas Department of Criminal Justice (TDCJ) for up to 45 days; and

**WHEREAS,** counties are required to hold parolees who are awaiting a revocation hearing before the TDCJ Parole Board; and

**WHEREAS,** the TDCJ does not provide adequate transportation of its inmates from county jails to its facilities; and

**WHEREAS,** the cost to county taxpayers for the failure of the State of Texas to meet its responsibilities for state inmates is approximately $100 million per year;

**NOW, THEREFORE, BE IT RESOLVED** that the West Texas County Judges and Commissioners Association requests that the State of Texas fully reimburse counties for all costs incurred for the confinement and transport of TDCJ inmates.

**25. Optional County Road and Bridge Fee**

**WHEREAS,** the current maximum county optional road and bridge fee has been frozen at $10 since 1991; and

**WHEREAS,** the cost of construction and maintenance of the county road system has increased tremendously in recent years; and

**WHEREAS,** as the population of Texas continues to grow, the need for efficient county transportation systems will increase;

**NOW, THEREFORE, BE IT RESOLVED** that the West Texas County Judges and Commissioners Association requests that the maximum county optional road and bridge fee be raised to $20 per vehicle.

**26. Voting Machine Costs**

**WHEREAS,** the Federal Help America Vote Act requires that counties provide an electronic voting system at each voting location; and

**WHEREAS,** the current voting systems have serious security and maintenance issues; and

**WHEREAS,** replacement of these systems will require a great expenditure of public funds; and

**WHEREAS,** the purchase, programming of, and maintenance of these systems is a state and federal responsibility;

**NOW, THEREFORE, BE IT RESOLVED** that the West Texas County Judges and Commissioners Association requests full funding from the federal and state government for the replacement of all voting systems, programming, and maintenance.

***West Texas County Judges and Commissioners Association***

***2018 Resolutions Committee***

*Tarrant County Judge Glen Whitley – Chairman*

*Oldham County Judge Don Allred*

*Parmer County Commissioner Kirk Frye*

*Wichita County Judge Woodrow W. “Woody” Gossom Jr.*

*Hale County Commissioner Harold King*

*Taylor County Commissioner Chuck Statler*

*In addition to the above-adopted resolutions, the West Texas County Judges and Commissioners Association Resolutions Committee requests that the following items be recommended for future study and consideration.*

1. County responsibility for cost of transport, autopsy and disposition of dead bodies.
2. State responsibility for drug-resistant tuberculosis cases and HIV medications.
3. Maintain local control and recovery of cost of reproduction of clerk’s digitized records and e-filing.
4. Proper tax valuation of compressor equipment, refineries and new oil and gas production facilities, and exclusion of new oil and gas interests from the effective tax rate.
5. Full funding for school vaccination program.
6. Require vehicles to reduce speed and/or yield a traffic lane to county road and bridge vehicles and equipment.
7. Require Commissioners Court representation on Regional Water Planning Groups.
8. Request legislation to require state reimbursement for court-appointed attorneys in child protective services cases.
9. Restore full funding for the Texas Historic Courthouse Preservation Grant Program.
10. State funding for all state special elections.
11. Additional funding for sales tax support on fireworks dedicated for local use.
12. More local authority on the regulation of fireworks.
13. Additional county authority over vehicle inspection and licensing procedures.
14. Local retention of asset forfeiture funds.
15. Abuse of the Public Information Act.
16. Abolish the excessive driver’s license fees assessed under the Driver Responsibility Act while maintaining support for trauma centers and EMS.
17. Support and restore county authority to regulate all county buildings and property.
18. Support an exemption from state motor fuel taxes for county equipment and vehicles.
19. Affirm county control of weapons in county courthouses.
20. Support full state funding for lost revenue from disabled veterans and surviving spouses exemption.
21. Review of the equity of ad valorem tax exemptions and the property appraisal process to facilitate a more equitable tax system.
22. State provide transportation for female prisoners or full reimbursement of the cost.
23. Change the day of statewide elections to Saturday.