

**ADVOCATING
FOR YOUR CITY**

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**ABOUT
US**

- **Focused Advocacy** is a lobbying/public affairs firm based in Austin – Brandon Aghamalian, Snapper Carr, Curt Seidlits, Andrew Keefer
- We specialize in representing cities
- We assist cities with:
 - Legislative issues (passing and defeating bills),
 - State agency issues (rules, permits, grants),
 - Utility issues,
 - Economic development projects, and
 - Procurement partnerships



**PREVAILING
ATTITUDES**

*"As opposed to the state having to take **multiple rifle-shot approaches at overriding local regulations**, I think a **broad-based law** by the state of Texas that says across the board, the state is going to **pre-empt local regulations**, is a superior approach... makes it more simple, more elegant,"*

– Gov. Greg Abbott, March 14, 2017 at Texas Conservative Coalition Research Institute

*"...on the topic of **reining in local government**, I am calling for legislation that **reduces, restricts and prohibits local regulations.**"*

– Gov. Greg Abbott, June 6, 2017 in press conference calling a special session of the legislature



FORESHADOWING OF 2019

- Said Dan Patrick in 2017: "People are happy with their governments at the **state** level... They're not with their **cities**... Our cities are still controlled by **Democrats**. Where do we have all our **problems** in America? Not at the state level, run by **Republicans**, but in our **cities** mostly controlled by Democrat mayors and city councilmen. That's where you see **liberal policies**, that's where you see **high taxes**, where you see **high street crimes**. Look at New York, look at Chicago, look at...go around the country. So the only place Democrats have control of is our cities and they're doing a **terrible job**."



RELATIONSHIP BETWEEN CITIES & STATE

- Under Texas law, municipalities are considered "creatures of the state"
 - General Law: may legislate at local level what state law *authorizes*
 - Home Rule: may legislate within the confines of their own local charter and the confines of state law *prohibitions*
- Some of the *most* significant decisions impacting cities are made by the *legislature* -- not municipal officials
- Cities **HAVE** to **lobby** the legislature.... Get comfortable with it



CITY ISSUES AT LEGISLATURE

- Property Taxes
- Sales Taxes
- Court Fines
- Franchise Fees (Phone & Gas)
- Impact Fees
- Hotel Occupancy Taxes
- Setting of Tax Rates & Fees
- Municipal Retirement System
- Land Use & Zoning
- Annexation
- Code Enforcement
- Regulatory Roles
- Economic Development
- Water
- Municipal Courts
- Elections
- Purchasing & Procurement
- Police & Fire
- Emergency Response
- Municipal Jails
- Collective Bargaining
- Open Records
- Open Meeting
- Housing



ARE CITIES ALLOWED TO LOBBY?

- **Yes, you are!!!**
- First amendment and...
- ... State law – specifically Govt. Code Chapter 305.00 (b-1) exempts “... **an officer or employee of a political subdivision** of the state to register (as a lobbyist).”
- So you (municipal employees & officers) have an explicit exception to lobby registration requirements.
- That has been reinforced by the Texas Ethics Commission in their “Lobby Guide” and in an official Ethics Advisory Opinion #112.

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CAN CITIES USE PUBLIC FUNDS TO LOBBY?

- Yes, but...
- “**Public funds** available to a political subdivision **may not be used to compensate or reimburse** the expenses over \$50 of any person for the purpose of communicating directly with a member of the legislative branch to influence legislation, ...” (Govt. Code 305.026)
- “(c) **This section does not apply to a person who is registered under this chapter (a lobbyist), to a person who holds an elective or appointive public office (you), or to a full-time employee of the affected political subdivision (staff).**”

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KNOW THE OPPORTUNITIES TO ADVOCATE

1. Bill Filing
2. Before the Hearing (not an “official” part of the process)
3. **Committee Hearing (both chambers); only chance for public input**
4. Calendars (House); 3/5 Rule (Senate)
5. Floor Debate (both chambers)
6. Governor’s Signature/Veto

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LEGISLATIVE COMMITTEES

- Committees are the backbone of the process -- vast majority of work occurs at this level
- Chairmen of committees wield almost unilateral power
- Committee will (almost always) posts notice of a public hearing
- Voting on a bill is not required – most die without a vote; Last stop for most bills is at the committee level (RIP)
- 3 minutes to testify!

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KNOW YOUR AUDIENCE

1. Everyone's gotta be from somewhere
2. Most have a day job (it's a "part-time, citizen legislature")
3. **4-year** term in Senate; **2-year** term in House
4. Seniority
5. Committee Assignments
6. **R or D**

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CURRENT ENVIRONMENT

- Cities face a very **anti-city environment** (limit revenue, limit regulatory role, limit your voice)
- Governor and Lt. Governor very committed to "capping" city property taxes (and other issues)
- Legislature driven by **organized, outside special interest groups** who challenge municipal expenditures and regulatory roles (TPPF, Empower Texans, Texans for Fiscal Responsibility)
- Cities face critical issues next session

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SO WHAT THE @\$%? IS GOING ON?

1. Gotta have an enemy (can't be the White House if you're a republican)
2. Legislature believes cities don't represent the people (They are looking right through us – dismissing us)
3. They are very persuaded by big business (builders, cable companies, etc.) and to partisan activists (GOP, TPPF, etc.)
4. They aren't vetting the bills, compromising or collaborating
5. They are settling old scores – especially with TML

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SO WHAT SHOULD WE DO?

- Eat our vegetables and brush our teeth three times daily
- Cities need to directly engage:
 - neighborhood leadership
 - regulatory stakeholders (i.e. – the businesses and trade associations we regulate; our natural adversaries)
 - vendors who do business with city hall
 - regional city (neighboring cities)
- Cities need to step up their lobby game with education, staff, effort
- TML needs to step up their efforts to facilitate and empower

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KEYS TO SUCCESS

- Keep lobbying; tell your story and speak the truth
- Increase citizen and business involvement
- Use the power you have: the council agenda and the stakeholders you work with every week to foster a spirit of collaboration and partnership
- Don't let your community leaders/partners (or their trade associations) work against you at the Capitol while getting their way at City Hall

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EFFECTIVE COMMUNICATIONS

- **Develop Relationships Early**
 - Set up appointments with legislators and staff early in the process
- **Produce Written Summaries**
 - Staff can refer to materials long after the meeting
- **Make Yourself and Your Organization a Resource**
 - Review and comment on proposed legislation whether you are asked to or not
- **Make The Ask & Watch the Votes**
 - Don't hesitate to ask for "support" or "opposition" to a specific bill; watch the votes (on-line)

RESOURCES

- **TML Legislative Services (Shanna) 512-231-749**
 - o Weekly Legislative Update
 - o Other publications
 - o Downtown Satellite Office near Capitol
- **Focused Advocacy (Brandon) 512-637-6020**
 - o Legislative issues (passing and defeating bills)
 - o State agency issues (rules, permits, grants)

TLO TEXAS LEGISLATURE ONLINE

www.capitol.state.tx.us

The screenshot shows the Texas Legislature Online website interface. It includes a search bar, navigation menus for 'Texas Issues' and 'Texas Issues', and various informational sections like 'Search Legislation', 'Legislative Activity', and 'Legislative Process'. A red box highlights the 'By Bill' search option.



THANK YOU



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