

## RESOLUTION NO. 23-1994

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA AUTHORIZING OPPOSITION TO LEGISLATIVE CHANGES RELATING TO H.B. 866, 1489, 2127, 2266, 2970, 3921 AND S.B. 175, 814, 1412, 1421, 1786, 1787.**

**WHEREAS**, The City of Lago Vista is a small city on the outskirts of a major metropolitan area (Austin) and the Northwest corner of Travis County; a county with more than 300,000 residents; and

**WHEREAS**, due to the topographical features of the Texas Hill Country, the community and its residents are uniquely different from Austin and most of Travis County; and

**WHEREAS**, the City prides itself as a lakefront resort community, situated on the beautiful Eastern edge of the Hill Country and north shore of Lake Travis. The City promotes beautification efforts through Keep Lago Vista Beautiful; a Keep Texas Beautiful Goldstar Affiliate, is a Gold Scenic Certified City with Scenic Texas, works to protect the night skies for present and future generations through the International Dark-Sky Association; and

**WHEREAS**, the City works to provide residents with the open space and wonders of nature that come with this part of Texas; and

**WHEREAS**, the City believes that allowing local residents and community groups to participate in the decision-making process, cities are better able to tailor their policies to the specific needs and preferences of their communities; and

**WHEREAS**, H.B. 866 limits the ability of the City to ensure that “plats” and “plans” that are brought before the Planning and Zoning Commission and City Council meet certain minimum requirements; and

**WHEREAS**, H.B. 1489 limits the usage of certificates of obligation to only in a public emergency, in response to a court order, or to comply with state or federal regulation; and

**WHEREAS**, H.B. 2127 AND S.B. 814 preempts city regulations in a field occupied by the Agriculture, Finance, Insurance, Labor, Natural Resources, and Occupations Code. Property and Finance Code and prohibits a city from regulating licensed animal businesses; and

**WHEREAS**, H.B. 2266 allows a state license holder to bring legal action against a city if city regulation results in adverse economic impact on the license holder; and

**WHEREAS**, H.B. 2970 allows HUD-code homes in all residential under certain circumstances; and

**WHEREAS**, H.B. 3921 and S.B. 1787 undermine the role of local government in shaping the character and quality of their neighborhoods; and

**WHEREAS**, S.B. 175 prohibits cities and other political subdivisions from spending public funds to hire lobbyists or join nonprofit associations (like TML) that represent political subdivisions and contract with individuals who are required to register as lobbyists; and

**WHEREAS**, S.B. 1412 allows an accessory dwelling unit (ADU) in a single-family zoning or un-zoned areas by right, and prohibit much of a city's ability to regulate an ADU; and

**WHEREAS**, S.B. 1421 limits city regulation of agricultural operations and vegetation height restrictions within city limits and the extraterritorial jurisdiction; and

**WHEREAS**, S.B. 1786 modifies approval procedures for property development application review and inspection for cities including allowing for third-party reviews and inspectors; and

**WHEREAS**, the 2023 Texas Legislative Session has begun.

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LAGO VISTA, TEXAS:**

SECTION 1. The City Council opposes legislation that undermines local decision-making authority and disregards the unique needs and circumstances of individual communities.

SECTION 2. The City Council opposes the passage of such Shot Clock Legislation (H.B. 866) as currently drafted.

SECTION 3. The City Council opposes legislation (H.B. 1489) that would limit the circumstances in which a city council could issue a CO to finance certain public works only: (1) to comply with a state or federal law, rule, or regulation if the city is officially notified of its noncompliance; (2) if the city council believes an expenditure on a public work is necessary to mitigate the impact of a public health emergency or natural disaster; or (3) if a court renders a decision that requires the city to construct or improve a public work.

SECTION 4. The City Council opposes legislation (H.B. 2127 and S.B. 814) that undermines the home-rule authority Article XI, Section 5 of the Texas Constitution provides. Broad local control allows City Council to address unexpected and city-specific concerns that affect their neighbors' health and safety. This proposed legislation is an unprecedented attack on local control by distant lawmakers. It will subject cities to a flood of litigation challenging city ordinances based on claims under eight state codes, which will discourage cities from adopting and enforcing ordinances to protect public health, safety, and welfare. It provides little guidance about what a city can or cannot do, and the direction it does provide is left entirely to the courts to interpret.

SECTION 5. The City Council opposes legislation (H.B. 2266) that will unintentionally result in a flood of litigation to prevent enforcement of city ordinances and regulations, such as local health, building, and fire code amendments, designed to protect the health, safety, and welfare of city residents.

SECTION 6. The City Council opposes legislation (H.B. 2970) that would permit the placement of a new HUD-code manufactured home by right in all zoning classifications that allow detached single family or duplexes.

SECTION 7. The City Council opposes legislation (H.B. 3921 and S.B. 1787) that would restrict local authority and reduce compatibility between distinct residential zoning districts by superimposing a one-size-fits-all approach without regard to its appropriateness or impact on established neighborhoods. The City's zoning authority allows it to protect the public welfare and safety by (1) lessening congestion in the streets; (2) securing safety from fire, panic, and other dangers; (3) promoting the health and general welfare; (4) providing adequate light and air; (5) preventing the overcrowding of land; (6) avoiding the undue concentration of population; and (7) facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements. This legislation undermines their ability to maintain orderly development and implementation of a comprehensive plan through zoning ordinances and subdivision regulations that address compatibility concerns such as density, setbacks, desired open space, and tree preservation.

SECTION 8. The City Council opposes legislation (S.B. 175) that would prohibit membership in a non-profit organization that provides many benefits for my city, such as training for city officials and employees, legal assistance on matters of municipal law, and access to a wide array of experts and information – all of which helps us to better serve the citizens of our city. Services which individual cities have neither time, money nor strength to do alone. Local elected officials would lose the ability to meaningfully participate in the statewide discussions that keenly affect local governments and the diverse group of Texans they represent.

SECTION 9. The City Council opposes legislation (S.B. 1412) that would generally restrict a city from adopting or enforcing regulations that prohibit an owner from building, selling, or renting an accessory dwelling unit (ADU), or require owner occupancy of the primary dwelling unit of a lot with an ADU for any lot zoned for single-family or duplex uses with only minimal oversight by the city.


SECTION 10. The City Council opposes legislation (S.B. 1421) that would prohibit a city from imposing a governmental regulation on agricultural operations located anywhere within city limits until certain conditions are met.

SECTION 11. The City Council opposes legislation (S.B. 1786) that would modify approval procedures for property development application review and inspection for cities including allowing for third-party reviews and inspectors.

SECTION 12. For each bill opposed by the City in this Resolution, City Council supports amendments that would make the effects of such legislation inapplicable to home-rule cities with a population of less than 85,000.

SECTION 13. The City Council supports legislation that allows jurisdictions to preserve or craft their own unique local character with traditional land use regulations that recognize a potential need for diverse housing forms and choices.

PASSED AND APPROVED this the 20th day of April, 2023.

  
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Ed Tidwell, Mayor

ATTEST:

  
\_\_\_\_\_  
Lucy Aldrich, City Secretary



On a motion by Mayor Pro-Tem Prince, seconded by Councilor Roberts, the above foregoing instrument was passed and approved.

Thomas Jefferson said, "The government closest to the people serves the people best."

Home Rule was established by Texas voters by amendment to our State Constitution in 1912. Its purpose is to give cities with over 5,000 inhabitants the power to adopt their own charter, thereby giving them the power of self- government. A Home Rule city, such as Lago Vista, can pass any regulations or laws it deems necessary unless the state law specifically prohibits it.

Over the past few years, a powerful contingent of State lawmakers has demonstrated their disagreement with Jefferson and the spirit of our State Constitution. They have taken it upon themselves to severely restrict the ability of local citizens to control the living environment of their local community. These State Representatives and Senators have demonstrated little or no concern about:

- how dense our local population should be;
- little/no concern about how our community is designed to best serve the needs and wishes of our citizens, including consideration of the unique characteristics of our community, such as topography;
- little/no concern about what demands on our local services and infrastructure unwanted growth may require. However, they do want to limit how we can finance this forced excessive spending, paid for with your tax dollars;
- little/no concern about local measures designed to protect our citizens from unscrupulous and/or irresponsible business practices;
- little/no concern about our ability to join with other communities to speak with a common voice against excessive micromanagement of local matters by the State;

Often, these State-mandated limitations on local authority are disguised as protection of individual landowner rights. But when that thin veil of disguise is removed, what we find is legislation designed to encourage the maximization of profit by developers and land speculators at the expense of communities to determine the nature of their local living environment.

What Jefferson said was right – government closest to the people serves the people best. Your city officials are right here with you in Lago Vista, every day, day in and day out. We are your neighbors and friends. We see you at our local markets, restaurants and businesses. We attend church together. Your public schools are our public schools. This is your Council, elected exclusively by the citizens of Lago Vista. It meets every two weeks in public and invites your participation and advice. We provide you with a forum at our meetings to present your thoughts on any matter you desire to raise. Local government is by far the most responsive level of government to the will of the people. Matters may not always be resolved consistent with an individual citizen's position on a particular issue, but the voices of our community are always taken into consideration. Local government's sensitivity to community opinion is far more robust than a State legislature that meets for five months every two years, conducts few, if any, local hearings on issues and makes no meaningful effort to consider your opinion on matters that will greatly effect your everyday life in Lago Vista.

It is for these reasons that I vigorously support this resolution tonight as drafted and I humbly ask that you and my fellow Council members do the same.