

Memorandum



CITY OF DALLAS

DATE February 9, 2017

TO The Honorable Members of the Legislative Ad Hoc Committee: Lee M. Kleinman (Chair), Deputy Mayor Pro Tem Erik Wilson (Vice Chair), Tiffinni A. Young, Adam Medrano, Jennifer S. Gates, Scott Griggs and Rickey D. Callahan

SUBJECT **Proposed City of Dallas Legislative Program for the 115th Congress**

On Monday, February 13, 2017 the Legislative Ad Hoc Committee will receive a briefing on the Proposed Legislative Program for the 115th Session of the United States Congress. The briefing will be presented by Ralph Garboushian, CapitalEdge Strategies, and Brett Wilkinson, Managing Director of the Office of Intergovernmental Services.

The materials are attached for your review.

Please let me know if you have any questions or require additional information.


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PROPOSED CITY OF DALLAS LEGISLATIVE PROGRAM FOR THE 115TH CONGRESS



City of Dallas

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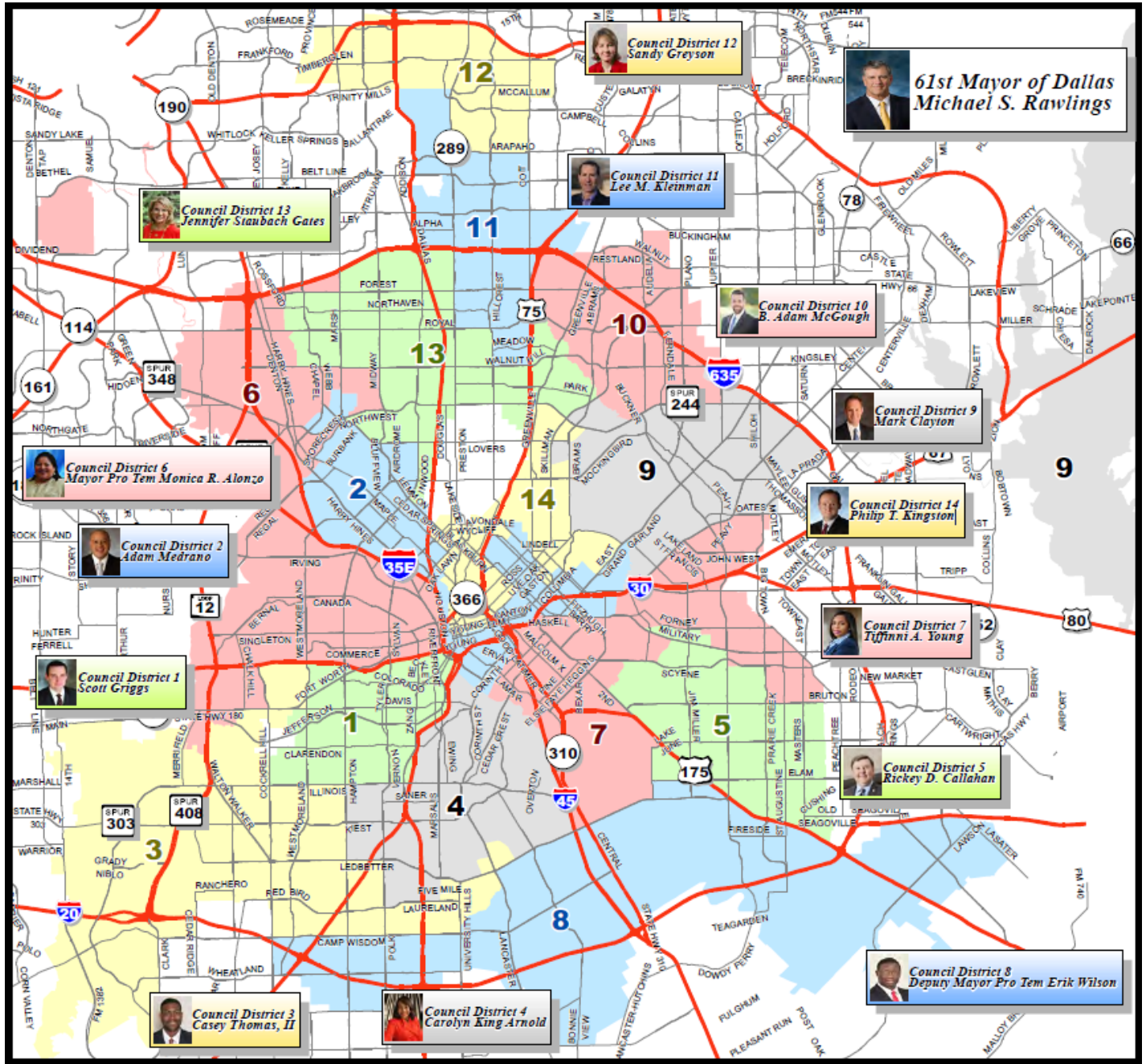
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Mayor and City Council 2015-2017



[Insert City Council Resolution]

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GENERAL STATEMENTS OF CITY'S LEGISLATIVE FOCUS

The City of Dallas' legislative efforts focus on legislation that the City can influence and that will directly and positively impact the City of Dallas. The City appreciates its long-standing relationship with the congressional delegation to advance its federal priorities.

The City of Dallas supports legislation that:

- Creates more opportunities for individuals and businesses to thrive and prosper;
- Provides an equitable distribution of federal funds; and
- Addresses the concerns and issues confronting large metropolitan center cities, which range from the enhancement of urban transportation to reduction in crime to the availability of affordable housing and the development of neighborhoods that support quality family life.



The City of Dallas opposes any federal legislative action that would erode the home rule authority of municipalities or establish unfunded mandates that effectively constrain the ability of cities to allocate scarce resources to locally determined priorities.

Federal Mandates

The City of Dallas recognizes two basic types of federal mandates: those that impose costs directly on the City and those that, while not directly imposing costs on the City, intrude on the autonomy of the City by interfering with local decision making authority and impacting the allocation of scarce local resources.

The City of Dallas opposes the imposition of either type of federal mandate.

The federal government calls on municipal governments, including the City of Dallas, to administer many federal government programs, requiring municipal governments to absorb all or most of the cost. In the interest of fairness and equity to its municipal government partners, the federal government should provide adequate funding for the local conduct of each of its programs.

Deficit Reduction

The City of Dallas supports a balanced approach to reducing the federal deficit. Elimination of the federal deficit solely through non-defense discretionary spending cuts is impossible and ill-advised.

The reduction of the federal deficit should not disproportionately harm national defense and our troops, safety net programs or our nation's cities. In particular, the City opposes deficit reduction efforts that disproportionately focus on core local government programs or reduce or delay much-needed investments in our nation's infrastructure.

INFRASTRUCTURE

Surface Transportation

The City of Dallas supports legislation to reauthorize federal surface transportation programs that:

- Provide for an equitable distribution of highway and transit funds;
- Maintain a guaranteed funding mechanism that ensures that all Highway Trust Fund revenues are spent on surface transportation programs;
- Maintain a strong metropolitan planning process that maximizes the decision making power of local elected officials and communities;
- Continue and build on the federal investment of the past decade in transit and enables complete local flexibility regarding mode choices;
- Directly provide funds to cities for mode neutral, innovative urban transportation solutions;
- Directly address urban congestion and mobility, including incentives for metropolitan areas and cities that raise revenue and implement innovative financing mechanisms;
- Increase sub-allocation to metropolitan areas;
- Expand mode neutral choices and funding for cities and metropolitan areas;
- Expand sub-allocation via creation of a new program focused on cities and metropolitan areas or through increased sub-allocation of existing programs;
- Robustly fund the Transportation Alternatives Program;
- Fully fund the CMAQ program in order to help metropolitan areas meet federal clean air mandates, and
- Do not increase the required local share of funding for federally-assisted highway or transit projects.

DART Core Capacity

The City of Dallas fully supports DART's Capital Investment Grant projects:

- Platform Extensions along the Red and Blue Lines (Core Capacity),
- Phase 1 of the Downtown Dallas 2nd light rail alignment (Core Capacity) and
- The Central Dallas Streetcar Link (Small Starts).

High-Speed & Intercity Passenger Rail

The City of Dallas supports the development of high-speed rail between Houston and the North Texas Region. The City's long-term plans envision the area near and around Union Station as an intermodal hub providing travelers with a seamless connection between intercity passenger rail (including high-speed rail), commuter rail, light rail and local surface transit (streetcar and bus). A strong federal-state-regional-local partnership will be needed to make this vision a reality. The City of Dallas also supports the development of a robust national passenger rail system and strongly supports full funding of passenger rail corridor improvement programs.

Water & Wastewater

The City of Dallas supports legislation that provides grants and financing assistance for high priority projects such as combined and separate sanitary sewer overflows and other wet weather projects, security-related projects, repair and replacement of aging infrastructure and water supply acquisition. Increased funding to local water and wastewater utilities for the improvement and maintenance of water and wastewater infrastructure and additional water supplies is of paramount importance. The City of Dallas also supports legislation which sustains and increases funding for, and increases the flexibility of, the Clean Water State Revolving Fund (CWSRF) the Drinking Water State Revolving Fund (DWSRF) and the Water Infrastructure Finance and Innovation Authority (WIFIA) programs, as well as federal funding for dam safety and reservoir modifications that will reduce the potential for structural failure.

Trinity River Corridor Project & Flood Control

The City of Dallas greatly appreciates the Dallas delegation's support of the Trinity River Corridor Project and the strong federal partnership that has developed. Looking ahead, the City desires to continue this strong intergovernmental relationship, including securing federal funding and other needed legislation to keep the project moving forward.

The City understands the level of effort expended towards clarifying authority and supports efforts to address changing environmental conditions, specifically through Executive Order 13690's revisions to the Federal Flood Risk Management Standards (FFRMS) set by the Federal Emergency Management Agency (FEMA). However, the City does not support a one-size-fits all approach. All watersheds behave differently, reflecting different climates, base geology, cover and topography.

National Flood Insurance Program

In general, the City of Dallas supports a long-term and fiscally responsible reauthorization of the NFIP that:

- Provides long-term financial solvency for the program;
- Ensures that flood insurance rate increases do not impose undue hardship on Dallas property owners or stymie central Dallas economic development plans;
- Includes a rate and premium structure that differentiates between flood plains that are protected by certified levees and those that are not;
- Provides remapped areas, newly designated as flood hazard areas, with a grace period before the purchase of flood insurance is mandatory, provided that local officials educate affected property owners about flood risk and flood insurance availability, and develop an evacuation plan for neighborhoods affected by flood hazard remapping; and
- Provides an exemption to the mandatory purchase of flood insurance in areas deemed flood hazard areas due to recently decertified levees, provided that local officials are implementing an approved plan to repair newly decertified levees, educating affected property owners about flood risk and flood insurance availability, and developing an evacuation plan for neighborhoods affected by flood hazard remapping.

Aviation

The City of Dallas supports a reauthorization of federal aviation programs that:

- Maintains a guaranteed funding mechanism that ensures that all Airports and Airways Trust Fund revenues are spent on aviation programs;
- Maximizes the flexibility of the Airport Improvement Program (AIP);
- Maximizes the flexibility of how airports use Passenger Facility Charge (PFC) revenue, and
- Provides local governments and airport authorities with the resources they need to provide for a safe and efficient aviation system.

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MUNICIPAL BONDS

The City of Dallas strongly opposes any efforts to cap or eliminate the tax exemption for municipal bonds. The elimination or capping of tax-exempt municipal bonds would increase City borrowing costs, resulting in delayed infrastructure investment or higher local taxes and utility rates, which would disproportionately impact low- and moderate-income households.

State and local governments are responsible for building and maintaining 75 percent of the nation's infrastructure, which is mostly financed through tax-exempt bonds. The tax exemption for municipal bonds represents an ideal federal-state-local partnership, allowing the federal government to assist infrastructure investment in a manner that maximizes local decision making.

In Dallas, municipal bonds finance core infrastructure that is the basis of civilized society and the foundation of our economy: water and wastewater, storm drainage, streets and sidewalks, hospitals, schools and other capital projects. In an era of diminishing grants and expanding mandates on local governments, eliminating or capping the tax exemption for municipal bonds would effectively signal a federal abandonment of infrastructure investment.

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TELECOMMUNICATIONS

Franchising, Rights-of-Way & Zoning

The City of Dallas opposes any legislation or regulatory effort that would erode City authority to manage public rights-of-way and collect reasonable compensation for their use. The City also opposes any federal preemption of City zoning authority.

Franchising is the backbone of local government telecommunications policy. It creates a framework for local management of public rights-of-way, collection of compensation for the use and management of public rights-of-way and resolution of consumer complaints. Federal law specifically preserves the authority of state and local governments to manage public rights-of-way and to collect compensation for their use by telecommunications providers.

A major goal of the telecommunications industry remains federal preemption of local control over public rights-of-way and the preemption of local fees collected from the industry for the use and management of public rights-of-way. In addition, industry has also sought legislation and regulation that would preempt local zoning authority over the location of telecommunications antennae and towers.

The City of Dallas would have to reduce services or raise taxes by more than \$100 million a year if revenue from rent charged to private corporations for the use of public rights-of-way was eliminated. In addition, City control of public rights-of-way and zoning for the placement of telecommunications facilities provides important public safety benefits, preserves City infrastructure investments and ensures that property values will not be impacted by incompatible uses.

MARKETPLACE FAIRNESS ACT

Enactment of the Marketplace Fairness Act remains a top City of Dallas priority.

In 1992, the United States Supreme Court ruled that under the Interstate Commerce Clause of the Constitution, state and local governments cannot compel out-of-state retailers to collect sales tax when making Internet, mail order, or other remote type's sale without congressional consent, putting brick-and-mortar "Main Street" Dallas retailers at a distinct disadvantage. The growth of electronic commerce on the Internet over the past 18 years has exacerbated this disparity. It has also negatively impacted local government budgets. A National League of Cities study estimates that the City lost \$13 million in 2013 in uncollected sales and use tax on remote purchases. The Marketplace Fairness Act would create a level retail playing field in a manner that does not impose any new taxes or bury remote retailers with paperwork. It would simply authorize the collection and remittance of an existing tax in a manner that imposes almost no cost or burden on remote retailers.

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PUBLIC SAFETY & CRIMINAL JUSTICE

Core Grant Programs

The City of Dallas calls on Congress to fully fund public safety assistance programs that directly benefit local governments, including the Justice Assistance Grant (JAG), Community Oriented Policing Services (COPS), the Assistance to Firefighters Grant Program and others. In 2016, public safety assistance programs have provided more than \$1 million to the City.

The City strongly opposes proposals that would consolidate state and local Homeland Security grant programs into a single block grant to the State, or otherwise shift funds away from high-risk, major metropolitan areas. In addition, formulas for the distribution of funding for public safety should emphasize crime data, and homeland security funds should be more targeted based on risk and threat.

Public Safety Broadband Network (FirstNet)

The City of Dallas supports the development of national public safety communication networks and encourages FirstNet to include local input in the structure and framework development process. Large metropolitan cities have already made extensive investments in towers, fiber optic lines and other infrastructure that will be valuable to the deployment of the PSBN.

Prisoner Re-Entry

The City of Dallas supports full funding of Second Chance Act programs and legislation that would provide additional resources for education, training, and work experience during incarceration. Programs authorized by the Second Chance Act provide valuable assistance to state and local governments for a wide array of programs to help ex-offenders reintegrate.

Asset Forfeiture

The City of Dallas urges Congress to continue the Asset Forfeiture program. Without the Asset Forfeiture program, it will be challenging for the City to sustain the current level of staffing and capabilities we have implemented towards narcotic and other imperative police operations.

In Dallas, funds from the civil asset forfeiture and the Department of Justice Equitable Sharing Program fund critical narcotic and vice operations, overtime for law enforcement officers that are tasked with tracking drug and human traffickers, drug and medical analysis services, maintenance of cameras in high crime areas, the intelligence fusion center, and equipment for the officers in the Dallas Police Department. In addition, these funds also provide funding for State and local agencies that could not otherwise afford to participate in Federal task forces. These funds allow Dallas Police to continue necessary public safety programs that suffer from funding gaps.

Urban Areas Security Initiative Grants

Dallas and its regional partners also benefit from the Urban Area Security Initiative (UASI). UASI provides targeted assistance to major metropolitan areas and has helped ensure that the Metroplex is prepared to respond to a terrorist attack or other catastrophic incident. These programs have promoted regional cooperation and greatly improved readiness.

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ECONOMIC DEVELOPMENT

Brownfields

The City of Dallas supports full funding of federal brownfields grant programs and continuation of the Brownfields Tax Incentive.

The Brownfields Program and the Brownfields Tax Incentive put property in the City of Dallas on a more level playing field with raw undeveloped properties, encouraging economic development and neighborhood revitalization. The City of Dallas enjoys a strong national reputation for its innovative projects that have redeveloped several formerly abandoned sites. Dallas has used these programs to redevelop several sites and has been designated by the EPA as one of its Brownfield Showcase Communities in recognition of the City's success in redeveloping Brownfields.

New Markets Tax Credit/Community Development Financial Institutions

The City of Dallas supports additional rounds of NMTC and full funding of other CDFI programs.

The New Markets Tax Credit (NMTC) and other programs administered by the Community Development Financial Institutions (CDFI) Fund at the Department of Treasury provide important incentives for private investment in historically disadvantaged and economically impacted localities. Since its 2009 award, the Dallas Development Fund (DDF) has provided a total of \$124 million in tax credit allocation to 12 projects aimed at improving low income communities. Total project cost of these 12 projects is greater than \$195 million. Projects include the Hatcher Station Parkland Clinic, the Lancaster Urban Village, Serta/Dormae manufacturing facility and Cristo Rey School. These projects have added high paying jobs or neighborhood services to their communities and have aided in the revitalization of their neighborhoods.

GrowSouth

GrowSouth is a comprehensive strategy to build a foundation for sustainable growth and outlines five key projects to jumpstart growth in key areas over the next three years. GrowSouth aims to strengthen and engage neighborhoods, develop a "culture of clean", debunk the myths and rebrand South Dallas, and create a financial and investment fund to promote opportunities in South Dallas. The City of Dallas supports legislation that allows the City, stakeholders, and investors to take full advantage of the opportunities through GrowSouth.

EB-5 Program

The Employment Based Immigrant Investor Visa and Regional Center Programs (EB-5) are the nation's fastest growing federal programs to attract foreign investment into local development projects. Through the program, the City of Dallas Regional Center (CDRC) is able to identify investment opportunities, spur local economic development and attract investors for targeted development projects. The City of Dallas urges Congress and the Administration to reauthorize EB-5 and support additional rounds of funding for the program.

SOCIAL SECURITY

The City of Dallas requests that the federal government work closely with local jurisdictions on the fiscal impacts of mandatory inclusion of local government employees in Social Security, especially as it relates to the potential impacts on local pension systems and budgets.

The Social Security Act of 1935 excludes state and local employees from mandatory participation in Social Security. The Federal Advisory Commission on Social Security has called for including all newly hired local government employees in Social Security. Doing so could have major implications on state and local governments and their taxpayers.

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HOUSING, COMMUNITY DEVELOPMENT, AND HEALTHCARE

CDBG, HOME, HOPWA & Homeless Assistance

The City of Dallas calls on Congress and the Administration to fully fund CDBG, HOME, HOPWA and Homeless Assistance Grants. The City opposes any effort to limit the City's flexibility in using these funds. The City also strongly opposes any effort to shift control of these programs away from the local level or decrease the cap on administrative and planning costs.

In FY 2016, the City of Dallas received \$13.2 million from CDBG, \$4.1 million from HOME, \$6.4 million from HOPWA and \$4.2 million in Homeless Assistance Grants. Despite immense positive impact that these flexible, locally controlled programs have had on the nation's cities, they have been inadequately funded for many years. CDBG and HOME have an especially long and successful track record of providing quick, flexible and effective assistance to cities and states. In Dallas, they bolster City efforts to stabilize and sustain neighborhoods, preserve and expand the supply of affordable housing, expand economic opportunities, meet critical social needs and fund other critical needs in low- and moderate-income neighborhoods. The City of Dallas would be hard-pressed to meet these needs without direct and flexible federal assistance.

Affordable Housing

The City of Dallas supports the preservation and expansion of federal programs and tax incentives that support City efforts to expand and preserve affordable housing. The City specifically supports full funding of the Affordable Housing Trust Fund and preservation of the Low-Income Housing Tax Credit.

Affordable housing remains a critical issue for the nation's cities. In Dallas, the City is developing a robust plan to address the City's housing needs. The focus of the plan would be to maximize City resources by alleviating poverty, empowering neighborhoods, addressing concentrations of blight, and enhancing rental options. The City is also aiming to attract and retain the middle class by pursuing initiatives that will expand homeownership.

Social Services Block Grant & Community Services Block Grant

The Social Services Block Grant (SSBG) is a flexible source of funds that states use to support a wide variety of social services activities. SSBG is an important main source of federal funds for protective services, which benefit elderly and disabled adults, and child protective services.

The Community Services Block Grant (CSBG) funds the delivery of services to low income Texas residents in all 254 counties. These funds support a variety of direct services to residents whom are among the most vulnerable in the community.

While the City of Dallas does not directly oversee the SSBG and CSBG, the funds they provide are important to the community and work to protect the City's most vulnerable populations. Any decrease in SSBG and CSBG funds will only place additional stress onto the City's taxpayers, and defenseless residents.

Healthcare

The City of Dallas urges Congress to take into consideration the effect that national health care legislation has on the nation's cities; to build upon, not tear down, the progress that has been made in recent years to the healthcare system; and to ensure that none of the 20 million newly covered individuals are left without health care coverage. In addition, the City encourages the new Administration and Congress to include mental health in any comprehensive health care reform measures.

Municipalities share a responsibility for the health and well-being of communities, which includes ensuring access to comprehensive and affordable health care. The City of Dallas has one of the highest rates of uninsured residents in the nation and seeks solutions that will provide its residents with easy access to health insurance. The City opposes health care programs that deny desperately needed access to care to individuals and families; place an undue burden on local hospitals; and do not provide safeguards for patients currently suffering from chronic and terminal illnesses.

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CLEAN AIR & HEALTHY ENVIRONMENT

The City of Dallas looks forward to working with our partners in the Dallas-Fort Worth Metropolitan Area to meet air quality goals outlined by the Clean Air Act and water quality goals outlined by the Clean Water Act. Our nation faces the challenges of ensuring protection of public health, air, and water supply while continuing to encourage economic growth and energy independence. Although the challenges created by pollution and energy security are international and national in scope, local governments are well placed to implement policies and pursue innovations to meet those challenges, especially if they are given the resources and authority to do so.

The City of Dallas, and the Dallas-Fort Worth Metropolitan Area has invested hundreds of millions of dollars into the regional transit system, converted municipal fleets to alternative fuels, and made public buildings more energy efficient. In addition, the City of Dallas supports the development of high-speed rail between Houston and the North Texas Region and other large transit-related infrastructure projects that provide a positive impact on our quality and might mitigate the impact of mobile source emissions on public health. The City of Dallas has been a national leader in this area, implementing a number of nationally-recognized and replicated sustainability programs that have decreased the City's operating and energy costs along with its environmental impact.

Direct Federal assistance is crucial to local governments that are well suited to meeting the challenge of protecting the environment. Local governments benefit from direct federal assistance that can be used to promote energy efficiency and conservation, alternative fuel, public education initiatives and other programs to reduce ozone and other air pollutants. The City urges Congress and the Administration to empower the U.S. Environmental Protection Agency, Department of Transportation, and the Department of Energy, as well as the Texas Commission on Environmental Quality, so they may protect air quality at a broader, regional level. The City also urges EPA to explore national, carbon-free energy solutions that would result in economic growth and enhanced protection of public health and the environment.

The City of Dallas encourages Congress and the Administration to pursue imaginative solutions using reliable, peer-reviewed sources of scientific information in the effort to address clean air and energy security. The City further urges Congress to fully fund any mandates it imposes on local governments to meet these challenges.

In particular, the City reiterates its disappointment that the Energy Efficiency and Conservation Block Grant (EECBG) was only funded once and calls on Congress to fully fund this innovative and forward looking federal-local partnership. Additionally, the City requests that Congress robustly fund the Transportation Alternatives Program, and fully fund the CMAQ program in order to help metropolitan areas meet federal clean air mandates.

EDUCATION, AFTER SCHOOL CARE, CHILD NUTRITION & EARLY CHILDHOOD EDUCATION

The City of Dallas urges Congress and the Administration to provide schools with the resources (including technology) they need and to reauthorize, expand and fully fund early childhood, extended learning time, child nutrition programs and to maximize resources and flexibility for out-of-school time and other education programs.

A strong public education system is crucial to the economic health and future of the City of Dallas and requires a strong federal investment in schools and children. Out-of-school time and child nutrition programs are a vital component of a strong educational system and play an important role in preventing youth crime and delinquency.

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TRAVEL, TOURISM, ARTS & CULTURE

The City of Dallas is a major global city that attracts millions of visitors each year. Dallas-Fort Worth International Airport is among the busiest in the world, serving over 65 million passengers a year and providing direct connections to 162 domestic and 55 international destinations. The Dallas-Fort Worth Metropolitan Area is home to 22 Fortune 500 companies, hosts hundreds of major conventions each year and draws tourists from around the world for its world-class cultural offerings.

As the business and cultural hub of the nation's top exporting state and with plans for a major intermodal transportation hub to handle international freight traffic, the Dallas economy relies more than ever on international business and vacation visitors.

In addition, the arts have played a central role in the renaissance of downtown Dallas and are a cornerstone of the downtown Dallas economy. The federal government plays a small but important role in fostering and promoting the arts. The City supports the missions and the adequate funding of the National Endowment for the Arts, the National Endowment for the Humanities and the Institute of Museum and Library Services.

The City of Dallas further encourages federal policies, including tax policies, which foster the arts and recognize the important role they play in tourism and central city economies. The City also calls for federal policy that recognizes the role that art education plays in fostering artists and audiences.

2020 CENSUS AND AMERICAN COMMUNITY SURVEY

The City of Dallas supports funding for, and continuance of, the decennial Census, particularly the upcoming 2020 Census, the American Community Survey, Economic Census, Census of Governments, Annual Population Estimates, and other relevant surveys and statistics that would benefit municipalities.

The City of Dallas is vitally concerned that the U.S. Census Bureau is able to maintain production of quality data products. Several City programs and services, including planning and urban design, economic development, and the general allocation of municipal resources, rely heavily on data provided by the U.S. Census Bureau. Furthermore, the statistics produced by the Census are pivotal to the allocation of federal and state grants.

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