

**RESOLUTION NO. 2018-04-\_\_\_ (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY,  
TEXAS, AUTHORIZING THE APPROVAL OF THE CITY OF MCKINNEY'S  
2018-19 FEDERAL LEGISLATIVE AGENDA**

**WHEREAS,** the City Council of the City of McKinney, Texas, desires to adopt the 2018-19 Federal Legislative Agenda to provide guidance to the Texas Congressional Delegation and advocates of the City in the legislative process; and

**WHEREAS,** the City desires to promote federal issues, including lobbying, regulatory issues, assistance in obtaining federal funding, federal approval of City projects, and Federal legislative and regulatory initiatives; and

**WHEREAS,** the Texas Congressional Delegation will decide many significant issues that directly and indirectly impact residents and businesses of McKinney, their local government, and their quality of life.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:**

Section 1. The City Council of the City of McKinney, Texas, hereby approves and adopts the 2018-19 Federal Legislative Agenda (Exhibit A).

Section 2. The Mayor and Council hereby direct staff to distribute and communicate the approved 2017-18 Federal Legislative Agenda to its Federal legislative consultant.

Section 3. This Resolution shall take effect immediately from and after the date of passage and is so resolved.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 17th DAY OF APRIL, 2018.**

CITY OF MCKINNEY, TEXAS

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GEORGE C. FULLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney

EXHIBIT A



**City of McKinney**

**FY 2018/2019 Federal Priorities**

**Mayor**  
George C. Fuller

**City Secretary**  
Sandy Hart

222 N. Tennessee Street  
McKinney, TX 75071  
972-547-7500



**Council**  
Mayor Pro Tem Rainey Rogers  
La'Shadion Shemwell  
Scott Elliott  
Chuck Branch  
Tracy Rath  
Charlie Philips

#### **April 2018**

We are pleased to present you with the City of McKinney's Fiscal Year (FY) 2018/2019 Federal Agenda. Thanks to substantial support from the Texas Congressional Delegation, McKinney continues to improve the lives of our residents while maximizing the impact of Federal dollars in a cost effective manner.

With the 2016 Presidential Election impacting every policy discussion in Washington, the City understands the FY 2018 Agenda must be thoughtful and concise.

The FY 2018/2019 Agenda focuses on infrastructure for McKinney, including roads under the implementation of the Fixing America's Surface Transportation Act (FAST) Act, construction projects for McKinney National Airport, and water infrastructure, such as the rehabilitation of dams and construction of the Lower Bois d'Arc Creek Reservoir. Last year, there was a concern that the proposed tax bill would eliminate the tax exempt status of municipal bonds, an important source of local funding for infrastructure projects. Fortunately, cities throughout the country, including McKinney, advised Congress about their opposition and the tax exempt status was maintained.

Our past success with leveraging Federal spending with local dollars has allowed the City to operate efficiently and effectively. The City's Agenda continues to include local needs and projects, especially with a focus on infrastructure, and hopes to match these needs with Federal competitive grant announcements.

The City of McKinney appreciates all that the Texas Congressional Delegation has done and continues to do for our community. We look forward to your feedback on our Agenda and working with the Congressional Delegation to better the lives of our residents.

A handwritten signature in black ink, appearing to read "G.C. Fuller".

George C. Fuller  
Mayor – City of McKinney

A handwritten signature in black ink, appearing to read "P. Grimes".

Paul Grimes  
City Manager – City of McKinney

## City of McKinney FY 2018 Federal Priorities

- I. McKinney National Airport**
  - A. FAA/TXDOT Grant Funding for Airport Projects
    - 1. Extend Runway 18-36 and Parallel Taxiway B by 1,500 feet to 8,500 feet.
    - 2. Relocation of Taxiway B3 Connector & Rehabilitation/Relocation of Taxi Lane A.
    - 3. Repair Erosion Damage and Enhance Storm Water Drainage.
    - 4. Taxilane Construction, Including Land Acquisition.
  - B. Federal Contact Tower Program
  - C. FAA Reauthorization Bill in 2018
    - 1. Federal Contract Tower Program
    - 2. Federal Air Traffic Organization Privatization
    - 3. Federal Grant Program Funding
    - 4. Non-Primary Entitlement Grant Management
  - D. FAA/TXDOT Issue re Discretionary Grant Funding for Texas General Aviation Airports.
- II. Roads**
  - A. Transportation Alternatives Funding
  - B. Congestion Mitigation and Air Quality Improvement Funding
  - C. 10-Year Unified Transportation Program
    - 1. Custer Road (FM 2478)
    - 2. SH 5 (McDonald Street)
    - 3. US 380 Improvements and US 380 Bypass
    - 4. SH 121 (Spur 399) Extension
  - D. Highway Trust Fund
  - E. Federal Infrastructure Plan
  - F. TIGER Grant Program
- III. Transit**
  - A. Federal Transit Administration (FTA) Grant Program
  - B. Section 5339 Bus & Bus Facilities Infrastructure Investment Program
- IV. Water Supply**
  - A. Lower Bois d'Arc Reservoir
  - B. Invasive Species
    - 1. Water from Lake Texoma
    - 2. Water from the Sabine River
- V. Flood Control**
  - A. Natural Resource Conservation Service Watershed Rehabilitation Program
    - 1. DR5093 NRCS Lake 4 Dam Rehabilitation
    - 2. DR4319 NRCS Lakes 15 and 16 Dam Rehabilitation
- VI. Public Safety (Police, Fire, & Emergency Management)**
  - A. Federal Emergency Management Agency
  - B. Homeland Security Grant Program
    - 1. State Homeland Security Program
    - 2. Urban Area Security Initiative
    - 3. Law Enforcement Terrorism Prevention Activities
  - C. Assistance to Firefighters Grant Program
  - D. Staffing for Adequate Fire and Emergency Response Grant Program
  - E. National Fire Fighter Foundation Life Safety Initiatives
- VII. Other Federal Grant Programs**
  - A. Community Development Block Grant Program
- VIII. National Policy Issues**
  - A. Online Sales Tax – Main Street Fairness Act
  - B. Tax Exempt Advanced Refunding

**I. McKinney National Airport.**

**A. FAA/TxDOT Grant Funding for Airport Projects.**

The Federal Aviation Administration (FAA) has a grant program, known as the Airport Improvement Program (AIP), which funds construction projects at airports nationwide. For general aviation airports, such as McKinney National Airport, the FAA has a program, known as the State Block Grant Program, which allows a State to administer the AIP grants directly. Texas and several other states participate in this State Block Grant Program. The Texas Department of Transportation (TxDOT) Division of Aviation (TxDOT-Avn) administers the Block Grant Program through an agreement with the FAA Southwest Region’s Airport Branch and the FAA’s Texas Airport District Office in Fort Worth. The FAA can also supplement this State Block Grant Program with additional AIP discretionary grants each year. The McKinney National Airport has several construction projects that it has discussed with TxDOT-Avn and for which grant funds will be requested.

**1. Extend Runway 18-36 and Parallel Taxiway B by 1,500 Feet.**

Large based aircraft operators and prospective tenants have indicated a need for additional runway length as current operations are periodically limited due to hot temperatures and/or heavy loads (long stage lengths). A 1,500 foot runway extension is proposed to accommodate needs for aircraft having longer takeoff rolls.

Project Name	Total Cost Estimate	Federal Share	Local Share
Runway/Taxiway Extension	\$16,951,500	\$15,256,350	\$1,695,150

**2. Relocation of Taxiway B3 Connector & Rehabilitation/Relocation of Taxi Lane A.**

This is a safety project. The current Taxiway B3 Connector does not comply with FAA safety design standards as defined in Federal Aviation Administration AC 150-5300-13A (Airport Design) Chapter 4, Section 408c. In addition to the safety enhancements of this project, rehabilitating Taxilane A will strengthen and extend pavement life and remove storm water slot drains to mitigate the possibility of additional propeller strikes and reduce liability. A relocation of the portion of Taxilane A between Taxiway Connectors B2 and B4 will create additional apron space for transient aircraft parking. Taxilane rehabilitation is eligible for AIP funds, as stated in FAA Order 5100.38D, (AIP Handbook) Appendix H, H-2e.

Project Name	Total Cost Estimate	Federal Share	Local Share
Relocation of Taxiway B3 Connector	\$669,000	\$602,100	\$66,900
Rehab Taxilane A	10,162,000	9,145,800	1,016,200
Totals	10,831,000	9,747,900	1,083,100

**3. Repair Erosion Damage and Enhance Storm Water Drainage.**

This project will enhance the management of all storm water flowing on the Airport to meet Federal guidelines that protect airfield equipment, including the Automated Surface Observation System (ASOS) and the Instrument Land System (ILS) components, and storm water channels, including headwalls and culverts, and allow for the routine maintenance of airfield grounds in order to prevent the creation of wildlife habitats. According to FAA Order 5100.38D (AIP Handbook) Table D-1 (Miscellaneous Project Requirements, Rows l and m, 1 thru 4), erosion and storm water systems are eligible for AIP financial assistance because these deficiencies affect other areas eligible for AIP assistance.

Project Cost	Federal Share	Local Share
\$5,000,000	\$4,500,000	\$500,000

**4. Taxilane Construction, Including Land Acquisition.**

The City presently has a request on file with TxDOT-Aviation for AIP funding to acquire land and construct a taxilane. When implemented, the City will acquire 32.5 acres of a 96.8-acre tract (or

the entire 96.8 acres depending on the terms of the sale) currently owned by Encore Wire on the Airport's west side. The tract will be used to construct a 75-foot wide concrete taxilane with a minimum of 150,000 lbs. Dual Wheel (DW) weight-bearing capacity to accommodate the future construction of large box / executive and storage hangars by McKinney Air Center.

Project Name	Total Cost Estimate	Federal Share	City Share
Acquire Land	\$10,500,000	\$9,450,000	\$1,050,000
Construct Taxilane	5,000,000	4,500,000	500,000
Totals	15,500,000	13,950,000	1,550,000

The FAA's Airport Improvement Program has been funded in the \$3.35 billion range in recent year. In its FY 2018 funding bill, Congress added another \$1 billion, but directed that priority be given to general aviation airports in rural areas and smaller commercial service airports. Although McKinney's airport does not fit these categories, the additional \$1 billion in funding might reduce demands on the general fund, making more grant funding available for other airports, including McKinney.

**Recommendation:** Work with McKinney's Congressional delegation to (1) continue the additional \$1 billion in grant funding in FY 2019 and (2) expand the categories to include general aviation airports that are classified as "national" airports, such as McKinney's airport.

#### **B. Federal Contract Tower Program.**

The FAA provides air traffic control services for most commercial service airports by having FAA employees in the airport control towers. For General Aviation airports that have a high level of aircraft traffic, including McKinney National Airport, the FAA provides air traffic control services through contracts with companies that hire the controllers. This program, known as the Federal Contract Tower Program, has been found to be cost-effective and covers a total of 254 airports from 46 states, including 23 airports in Texas. The Program saves McKinney approximately \$675,000 in annual payments that the City would otherwise have to make in order to have air traffic controllers in the Airport's Control Tower.

**FY 2018 Funding.** Congress provides annual funding for the Contract Tower Program. Congress recently passed the FY 2018 funding bill and provided \$165 million, which will fund McKinney and the 253 other airports in the Program.

**FY 2019 Funding.** In the next several months, Congress will consider funding levels for FY 2019, which begins on October 1, 2018. The estimated funding needed for the Contract Tower Program for FY 2019 is \$172 million, which will fund airports currently in the Program and several airports that are expected to be admitted. It will be important to have Congressional support to ensure that this funding level is maintained.

**Effects of Sequestration.** In 2013, sequestration resulted in large cuts to Federal programs. Due to the way that the Contract Tower Program was funded, the FAA tried to impose disproportionate cuts that would have eliminated funding for 149 control towers, including McKinney's tower. With strong Congressional support, the funding was reinstated for FY 2013 and the control towers were kept open. Congress has since specifically designated the funding for the Program in a way that would protect it from disproportionate reductions under sequestration. Although the recent Congressional budget deal means that sequestration will not happen in FY 2018 or FY 2019, continued Congressional support will be needed to ensure that the Contract Tower Program is not adversely impacted if sequestration does happen in FY 2020 or beyond.

**Recommendation:** Continue to work with McKinney's Congressional delegation and others in Congress to ensure that the FAA's Contract Tower Program is fully funded in FY 2019 and maintains its status as a specifically designated account.

#### **C. FAA Reauthorization Bill in 2018.**

Every several years, Congress passes a multi-year bill that reauthorizes and revises Federal aviation funding programs. Congress had put consideration of the new FAA Authorization Bill on hold, but is expected to take up the bill in the next few months. The issues that may affect McKinney include the following:

##### **1. Federal Contract Tower Program.**

The FAA uses a benefit/cost analysis to determine eligibility for the Contract Tower Program.

The FAA has proposed to revise this benefit/cost analysis and the airport community is concerned that the revisions will force a number of airports out of the Program. In response, the airports have been seeking Congressional support for provisions in the FAA Reauthorization Bill that any such revision reasonably account for the benefits and the costs of being in the Program.

## **2. Federal Air Traffic Organization Privatization.**

The House Transportation and Infrastructure Committee had a proposal to transfer the FAA's Air Traffic Organization (ATO), which includes the Contract Tower Program, to a private entity, which would operate the system. There were serious concerns that such a private entity could decide to close control towers, including towers in the Contract Tower Program. In addition, privatization of the system could mean the imposition of unreasonable fees or other financial and operational burdens on the General Aviation community that would negatively impact air traffic and operations at TKI and other General Aviation airports. However, due to extensive opposition, the House Committee Chairman has decided not to include ATC Privatization in the FAA Bill and it is not currently a concern. However, it is recommended that McKinney continue to monitor the FAA Bill to ensure that the ATC proposal is not reintroduced.

## **3. Federal Grant Funding Program.**

Since McKinney benefits from FAA Airport Improvement Program grants, it is recommended that the City support a fully authorized and appropriated, multi-year Airport Improvement Program under the FAA Reauthorization Bill.

## **4. Non-Primary Entitlement Grant Management.**

TxDOT-Aviation has been advocating a legislative proposal that would ease restrictions on the State's management of so-called Non-Primary Entitlement grant funds, i.e., an annual \$150,000 that many General Aviation airports receive under the FAA's grant program. TxDOT-Aviation's proposal could substantially increase Federal funding available for the highest and best use within the Texas Airport System.

**Recommendation:** Continue to work with McKinney's Congressional delegation and others in Congress to implement the foregoing initiatives in order to continue and improve the Federal Contract Tower Program and the FAA's grant program, both of which benefit the McKinney National Airport.

### **D. FAA/TxDOT Issue re Discretionary Grant Funding for Texas General Aviation Airports.**

Funding for the McKinney National Airport's projects may continue to be tied up in Federal and State funding issues that were being addressed through the joint efforts of the North Texas Council of Governments (NCTCOG), its Air Transportation Advisory Committee, and the Texas Airports Council. *TKI is represented in these efforts as members of both the Air Transportation Advisory Committee and Texas Airports Council.*

The Texas Airports Council represents the interests of General Aviation airports in the State of Texas. The Air Transportation Advisory Committee of the NCTCOG represents the interests of airports in the Dallas – Fort Worth Metroplex and advises the NCTCOG (the local metropolitan planning organization) on matters pertaining to air transportation. Most Air Transportation Advisory Committee members are also members of Texas Airports Council.

In response to developments relating to the Texas airport capital improvement program and grant funding for General Aviation airports in the State of Texas, the Texas Airports Council and the Air Transportation Advisory Committee established a set of goals for changes in Texas General Aviation airport capital improvement planning, programming, and grant funding. Of concern were funding levels and methods by which projects are selected for funding, with a focus on accountability and transparency of the project selection process.

The key goals in this process are as follows:

- a. Increase Federal Airport Improvement Program Discretionary Grant Funding for Texas General Aviation Airports.
- b. Enhance the Airport Project Funding Selection Process to ensure transparency and fair and equitable allocation of grant funds.
- c. Increase the TxDOT Aviation Division's professional staff to achieve optimum service levels.

These goals will all benefit McKinney's future Airport projects.

**Recommendation:** Continue working with TxDOT and the FAA and, where applicable, Congress to improve the grant process and to increase the overall amount of grant funds available to Texas General Aviation airports, including McKinney National Airport.

## **II. Roads.**

McKinney's population has dramatically increased over the past several years and is expected to continue to increase at a sizable rate for the next 15 to 20 years. Transportation is an ever increasing issue for McKinney in order to provide adequate roadways to transport McKinney and non-McKinney residents to and through the City.

Current projects that are slated to have Federal dollars to assist in funding include:

### **A. Transportation Alternatives Funding.**

Pedestrian Safety Enhancement at Various Locations in Proximity to Schools – The goal of this project is to enhance pedestrian safety at various school sites along four-lane divided roadways. McKinney is installing additional signage and constructing missing links of sidewalks.

### **B. Congestion Mitigation and Air Quality Improvement Funding.**

Eldorado Parkway at Custer Road (FM 2478) Intersection Improvements –This project will add a second westbound left turn lane on Eldorado Parkway at Custer Road (FM 2478). There are significant traffic volumes along both roadways and the goal of the project is to add additional capacity to the intersection.

### **C. 10-Year Unified Transportation Program.**

Funding Approved by the North Central Texas Council of Government's Regional Transportation Council and forwarded to the Texas Transportation Commission for consideration.

#### **1. Custer Road (FM 2478) – From US 380 to North of FM 1461.**

Texas state funding has been earmarked for land acquisition and construction. Custer Road in its current state as a two-lane rural roadway is nearing capacity. There are safety concerns related to the speeds on the roadway and no shoulders with growing traffic volumes. The new roadway will support additional development that is occurring in the City's northwest sector.

#### **2. SH 5 (McDonald Street) – From McKinney's Southern City Limits to McKinney's Northern City Limits.**

This roadway needs improvements in several sections to address additional capacity requirements. Through the heart of McKinney, the infrastructure is aging and needs replacement. The enhancement of the roadway would support economic growth that has been started by the redevelopment of the City's Historic Town Center.

#### **3. US 380 Improvements and US 380 Bypass.**

US 380 is at capacity and a conversion to a controlled access facility is needed. The Bypass of US 380 is needed to avoid significant displacement of residential and commercial properties through McKinney. A feasibility study of the US 380 corridor through McKinney is currently underway by the Texas Department of Transportation (TxDOT) to evaluate several alignment alternatives for US 380 including the current alignment.

#### **4. SH 121 (Spur 399) Extension – From SH 5 to US 380 East of Princeton.**

This is an extension of the Sam Rayburn Tollway (SRT) as a non-tolled controlled access facility to help alleviate the congestion on US 380. The evaluation of this extension has been included with the US 380 feasibility study by TxDOT as previously discussed.

### **D. Highway Trust Fund.**

In 2015, Congress passed a five-year transportation bill, the FAST Act. However, the bill did not fully address major near-term and long-term funding problems for the Highway Trust Fund. Congress has begun holding hearings on this important issue and additional hearings are expected to be held later this year.

### **E. Federal Infrastructure Plan.**

The Administration recently released its Infrastructure Plan. Although the Plan proposes \$1.5 trillion in funding over a ten-year period, only \$200 billion would be from the Federal government, i.e., \$1.3 trillion would have to come from State and local government. Thus, the Plan would provide only \$20 billion a year in Federal funding, far short of the nationwide needs. The Plan also proposes to



streamline Federal regulatory procedures, which would enable projects to come on-line more quickly.

Congressional legislation will be needed to enact any such Infrastructure Plan and it is unclear whether Congress will take up a broad infrastructure initiative this year. While Congress seems interested, the funding issue, i.e., how to pay for it, will be critical in whether or not an Infrastructure Plan moves forward.

#### **F. TIGER Grant Program.**

Notwithstanding the funding issues for a broad Infrastructure Plan, Congress took steps to increase funding for several programs in the FY 2018 appropriations bill. In particular, the DOT has a highly-popular grant program, known as the TIGER program, which has provided \$500 million in grants annually for transportation infrastructure projects nationwide. Although the Administration proposed to eliminate the TIGER grants in FY 2018, Congress increased funding to \$1.5 billion. The Administration has proposed to eliminate the TIGER program again for FY 2019.

**Recommendation:** Monitor developments in Congress and work with McKinney's Congressional delegation and others in Congress to: (1) support an Infrastructure Program with appropriate funding mechanisms, (2) ensure continued funding under the Highway Trust Fund, and (3) support FY 2019 funding for the TIGER grant program.

### **III. Transit.**

#### **A. Federal Transit Administration Grant Program.**

The Federal Transit Administration (FTA) apportions Federal transit funding to rural and urbanized areas throughout the nation. As a small urban area within Texas, the McKinney Urbanized Area (MUZA) was allocated approximately \$2.6 million in FY 2017 in Section 5307 Urban Area Formula funds for the Federal share of eligible expenses for transit-related capital, planning, and operating activities which occur within the MUZA.

Upon receiving FTA's approval for direct recipient status in 2017, the MUZA is participating in a collaborative process between FTA, the Texas Department of Transportation (TxDOT), and the local Metropolitan Planning Organization (the North Central Texas Council of Governments), to maintain direct recipient status and provide transit services within Collin County. Within six months of launching Collin County Transit, the McKinney Urban Transit District (MUTD) has provided approximately 2000 trips spanning over 18,000 miles across Collin County.

The continued support from FTA and Section 5307 funds will allow McKinney to expand and enhance transit services for residents throughout Collin County.

#### **B. Section 5339 Bus & Bus Facilities Infrastructure Investment Program.**

The purpose of the Bus and Bus Infrastructure Program is to assist in the financing of buses and bus facilities capital projects, including replacing, rehabilitating, purchasing or leasing buses or related equipment, and rehabilitating, purchasing, constructing or leasing bus-related facilities. Funds from this program is helping the MUTD improve and increase bus services that meets the needs of the community.

**Recommendation:** Continue to work with the FTA to maintain direct recipient status in the years ahead. Work with McKinney's Congressional delegation and others in Congress to ensure adequate funding for the FTA's transit programs in FY 2019 and beyond.

### **IV. Water Supply.**

#### **A. Lower Bois d'Arc Reservoir.**

The North Texas Municipal Water District (NTMWD) is planning to build the Lower Bois d'Arc Reservoir (Reservoir) in order to meet the increasing water needs of North Texas. The Reservoir is a critical component in the region's long-range water supply plan. This new source will provide much needed water to meet growing demands and also enable the NTMWD to maximize its existing water supplies.

In order to build the Reservoir, the NTMWD needed a Section 404 permit from the Army Corps of Engineers. During the past several years, McKinney supported the NTMWD's efforts in Washington, which included strong Congressional support and legislation directing the Army Corps to expedite the processing of the Section 404 permit. As a result, the Army Corps issued the permit earlier this year and the Reservoir project is now moving forward with construction getting under way. The NTMWD is continuing to work with its Congressional delegation to address potential issues that might arise in the future.

**Recommendation:** Continue to support the NTMWD's efforts in Washington to ensure that the Reservoir project continues to move forward, which will ensure future water supplies for the City of McKinney.

## **B. Invasive Species.**

### **1. Water from Lake Texoma.**

Zebra mussels are a highly invasive freshwater species that can have a devastating impact on the environment and the economy. Zebra mussels were first detected in our Lake Texoma water supply in 2009. Due to an error in revising the boundary line between Texas and Oklahoma, the line was moved south to include NTMWD's water pump station on the Oklahoma side of Lake Texoma. Since the Federal government's Lacey Act prohibits the transportation of invasive species across state lines, NTMWD had to immediately cut off our water supply from Lake Texoma to prevent a violation of Federal law. To regain access to our water supply, our Congressional delegation obtained the enactment of an exemption to the Lacey Act that allowed NTMWD to use water from Lake Texoma. This required NTMWD to construct a 46-mile, \$300 million pipeline from Lake Texoma to our Wylie Water Treatment Plant where the water could be treated for zebra mussels before allowing it to mix with other water supplies.

The next step in this process is to have the boundary line between Texas and Oklahoma adjusted so that NTMWD's intake plant is once again solely within the State of Texas.

**Recommendation:** Continue to work with the NTMWD to obtain Congressional support for correcting the boundary line between Texas and Oklahoma so that NTMWD's intake plant is once again solely within the State of Texas.

### **2. Water from the Sabine River.**

The NTMWD is seeking to resolve similar issues involving restrictions under the Lacey Act that impact the use of water from the Sabine River.

**Recommendation:** Support the NTMWD's efforts to enact legislation concerning the use of water from the Sabine River.

## **V. Flood Control**

### **A. Natural Resources Conservation Service Watershed Rehabilitation Program.**

The mission of the Natural Resources Conservation Service (NRCS) is to improve, protect, and conserve natural resources on private lands through a cooperative partnership with state and local municipalities. While its primary focus has been agricultural lands, it has made many technical contributions to soil surveying, classification and water quality improvement.

Since 1948, NRCS has assisted local sponsors in constructing more than 11,900 dams. The Watershed Rehabilitation Program helps project sponsors, such as the City of McKinney, rehabilitate aging dams that are reaching the end of their 50-year design lives. This rehabilitation addresses critical public health and safety concerns.

If the City agrees to take over operation and maintenance, the NRCS will provide 65% of the funding. Since 2002, McKinney has received over \$6.5 million to rehabilitate eight NRCS dams (in addition to those shown below) in McKinney to address critical public health and safety concerns. McKinney recently completed one dam rehabilitation project and the rehabilitation of another dam is currently under way. McKinney also has plans to rehabilitate additional dams. Below is a summary of three projects.

**1. DR5093 NRCS Lake 4 Dam Rehabilitation.**

Currently under design and preparing for construction. Construction expected from 2018 to 2019. Estimated total cost: \$5,600,000. Estimated NRCS contribution: \$3,600,000.

**2. DR4319 NRCS Lakes 15 and 16 Dam Rehabilitation.**

Anticipated Cost: \$2,260,000. The plan is to request grant funding from the NRCS and contributions from a developer. The design work for these dams is expected to begin in 2021 and the construction is expected to begin in 2022.

The Administration proposed to eliminate the NRCS Program in FY 2018. McKinney requested Congressional support for the Program and the recent FY 2018 funding bill provides \$10 million to keep it in place. For FY 2019, the Administration has again proposed that the Watershed Rehabilitation Program be eliminated.

**Recommendation:** Work with the NRCS to obtain grant funding for McKinney's upcoming dam rehabilitation projects, including significant hazard structures and high hazard structures as being eligible for funding. Work with McKinney's Congressional delegation and others in Congress to ensure adequate funding for the NRCS's Dam Rehabilitation Program in FY 2019 and beyond.

**VI. Public Safety.**

**A. Federal Emergency Management Agency.**

As a current member of International Association of Emergency Managers (IAEM), the McKinney Office of Emergency Management supports the following key policy positions for consideration as outlined by IAEM in the past:

1. The FEMA Administrator must have the authority to coordinate Federal government disaster response on behalf of the President, with the elevated role as principal advisor to the President for emergency management. The authority is critical for effective disaster management and coordination of the Federal government.
2. All functions of the emergency management cycle (preparedness, response, recovery, and mitigation) must remain intact within FEMA. Duplicate offices should not be created in other parts of DHS or other Federal agencies.
3. Congress should protect the use of the Disaster Relief Fund (DRF) for its intended purpose of providing disaster response and recovery assistance to state and local governments and should oppose efforts to amend the Stafford Act to allow redirection of funds to other departments and agencies for Federal activities.
4. Congress should continue to build emergency management capability and infrastructure at the state and local levels by increasing funding for the Emergency Management Performance Grant (EMPG) Program for FY 2019. The EMPG Program, which provides important support for local government emergency management, has been appropriated \$350 million annually since FY 2014 and should be increased as soon as it is feasible to do so. In addition, EMPG is, and should continue to be, a separate grant program and should not be combined with any other grant program.
5. Congress should increase funding for the Emergency Management Institute (EMI), which delivers high quality emergency management training through EMI's academies.

**Recommendation:** Work with FEMA and McKinney's Congressional delegation in support of the International Association of Emergency Managers' policy positions, as set forth above.

**B. Homeland Security Grant Program.**

The purpose of the Homeland Security Grant Program (HSGP) is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. The HSGP provides funding to implement investments that build, sustain, and deliver the 32 core capabilities essential to achieving the National Preparedness Goal of a secure and resilient Nation.

The HSGP consists of three grant programs: State Homeland Security Program (SHSP); Urban Area Security Initiative (UASI); and Operation Stonegarden (OPSG).

## **1. State Homeland Security Program.**

The State Homeland Security Program (SHSP) grants enhance local, State and Tribal preparedness activities that address high-priority preparedness gaps across core capabilities where an association to terrorism exists.

The SHSP is intended to support investments, organized around five (5) mission areas – Prevention, Protection, Response, Recovery and Mitigation, that improve the ability of jurisdictions to:

- Prevent a threatened or an actual act of terrorism;
- Protect its citizens, residents, visitors, and assets against the greatest threats and hazards;
- Respond quickly to save lives, protect property and the environment, and meet basic human needs in the aftermath of a catastrophic incident;
- Recover through a focus on the timely restoration, strengthening, accessibility and revitalization of infrastructure, housing, and a sustainable economy, as well as the health, social, cultural, historic, and environmental fabric of communities affected by a catastrophic incident; and/or
- Mitigate the loss of life and property by lessening the impact of future catastrophic events.

Although McKinney does not have any pending grant applications, the program is an important one and the City might have future projects.

## **2. Urban Area Security Initiative.**

The Urban Area Security Initiative (UASI) Program assists high-threat, high-density Urban Areas in efforts to build, sustain, and deliver the capabilities necessary to prevent, protect against, mitigate, respond to, and recover from acts of terrorism. The Dallas/Ft. Worth/Arlington area received \$15,302,000 in FY 2016 funding under this program.

**Recommendation:** Work with McKinney's Congressional delegation and others in Congress to ensure adequate funding for FY 2019 and beyond for The Urban Area Security Initiative (UASI) Program.

## **3. Law Enforcement Terrorism Prevention Activities.**

At least 25% of funds allocated under HSGP must be dedicated towards Law Enforcement Terrorism Prevention Activities (LETPA). The allocation can come from SHSP, UASI, or both. The LETPA grants support preparedness initiatives that build law enforcement capabilities to prevent, avoid, or stop a threatened or actual act of terrorism.

The Administration's initial Budget Proposal plans to reduce or eliminate funding for the Homeland Security Grant Programs. The exact nature of the reductions will be known once the detailed Budget Proposal is released in the next several weeks.

**Recommendation:** Work with McKinney's Congressional delegation and others in Congress to ensure adequate funding for FY 2019 and beyond for the State Homeland Security Program, the Urban Area Security Initiative Program, and the Law Enforcement Terrorism Prevention Activities Program.

## **C. Assistance to Firefighters Grant Program.**

The Assistance to Firefighters Grant (AFG) Program, which is administered by FEMA, provides grant funding to fire departments for critically needed resources to equip and train emergency personnel to recognized standards, enhance operational efficiencies, and foster interoperability.

Although McKinney does not have any pending grant applications, the program is an important one and the City might have future projects.

**Recommendation:** Work with McKinney's Congressional delegation and others in Congress to ensure adequate funding for FY 2019 and beyond for FEMA's Assistance to Firefighters Grant Program.

## **D. Staffing for Adequate Fire and Emergency Response Grant Program.**

The Staffing for Adequate Fire and Emergency Response (SAFER) grant program, which is

administered by FEMA, assists local fire departments with staffing and deployment capabilities in order to respond to emergencies, and assure that communities have adequate protection from fire and fire-related hazards.

**Current Projects:** Applied for FY2017 SAFER grant for nine firefighters and currently awaiting a response. The program is an important one and the City might have future projects.

**Recommendation:** Work with McKinney's Congressional delegation and others in Congress to ensure adequate funding for FY 2019 and beyond for FEMA's staffing for Adequate Fire and Emergency Response Grant Program.

#### **E. National Fire Fighter Foundation Life Safety Initiatives.**

The Firefighter Life Safety Initiatives were developed in 2004 at a Firefighter Safety Summit. The 16 Initiatives inform the emerging safety culture in the U.S. fire service today and serve as the foundation for the McKinney Fire Department to ensure that firefighters and medics return home safely after every shift. Initiative #6 is highlighted below.

##### **Life Safety Initiative #6: Medical and Physical Fitness.**

*Develop and implement national medical and physical fitness standards that are equally applicable to all firefighters, based on the duties they are expected to perform.*

Initiative #6 seeks to increase awareness of the need for medical and physical wellness programs. According to *Patterson et al. BMC Cardiovascular Disorders (2016)* research study, "the leading cause of death among firefighters in the United States (U.S.) is cardiovascular events (CVEs), such as sudden cardiac arrest and myocardial infarction. From 1995 to 2004, nearly half of all on-duty fatalities were linked to sudden cardiac death. Data show that firefighters experience a disproportionately higher rate of CVEs and mortality than individuals in other occupations, including police and other public safety workers." The study concluded that, "wellness-fitness programs may be a cost-effective solution to preventing CVE among firefighters compared to real-time physiologic monitoring or doing nothing."

Firefighting also exposes firefighters to a wide variety of hazards and known carcinogens. Independent scientific research continues to show a strong correlation between firefighting and instances of occupational cancer.

**Recommendation:** Support legislation that supports fire fighter life safety initiatives, and seek funding streams enabling McKinney to offer a wellness-fitness program that includes base-line physicals for all firefighters and annual sustainment thereby decreasing the instances of CVEs and occupational cancer amongst firefighters.

### **VII. Other Federal Grants Programs.**

#### **A. Community Development Block Grant Program.**

The Community Development Block Grant (CDBG) is one of the most vital community development programs in the country. Administered under the U.S. Department of Housing and Urban Development, CDBG is an effective use of taxpayer dollars and provides direct local government resources to improve or expand housing investments, public services, infrastructure and economic development programs. With more than 1,200 grantees that includes states and municipalities, it has proven to be effective for expanding local economies and providing public service and employment training resources to families, veterans, seniors, the disabled and children with proven results.

Although the CDBG program has taken cuts in recent years, local governments like McKinney, continue to utilize what is available and leverage to the benefit of the community and respond to local needs. Every \$1.00 of CDBG leverages an additional \$4.09 in private, non-CDBG funding. McKinney received \$667,000 in FY 2017-18 CDBG funding. During National Community Development Week (April 2-5, 2018) and throughout the month of April, the City will showcase how McKinney uses all its community development resources to impact citizens through successful projects and support the need of this funding.

The Administration proposed to eliminate the CDBG Program for FY 2018. However, in the recent funding bill Congress continued the Program with \$3.3 billion in funding. For FY 2019, the Administration has again proposed that the CDBG Program be eliminated.

##### **Recommendations:**

Work with McKinney's Congressional delegation and others in Congress to ensure adequate funding for HUD's Community Development Block Grant Program for FY 2019 and beyond.

- Work with the CDBG Coalition and support funding of at least \$3.3 billion to support the entire CDBG program.
- Join the Coalition in celebrating the impact of CDBG programs during National Community Development Week. The CDBG Coalition is a network of 28 national organizations dedicated to the support and funding of the CDBG program. CDBG was enacted in 1974 under the Housing and Community Development Act. It remains one of the most important resources for State and local governments and their partners to use in devising flexible solutions to meet community development needs.

## **VIII. National Policy Issues.**

### **A. Online Sales Tax – The Marketplace Fairness Act.**

The brick-and-mortar businesses in our cities strengthen our local economies, provide needed jobs and sales tax revenues, and give our streets character. However, these businesses currently compete at a five to ten percent disadvantage to online sellers by collecting legally required sales tax at the time of purchase— something online retailers are not compelled to do. This imbalance hurts local businesses and our cities. The dollar value of sales conducted online has increased exponentially. If main street retailers cannot keep up as a result of this growing disadvantage, the ripple effect in lost jobs and revenue will threaten our communities' sustainability.

By enacting e-fairness legislation (i.e. The Marketplace Fairness Act) that allows local governments to collect sales taxes due from on-line sellers, Congress can provide a more level playing field for brick-and-mortar businesses and provide additional revenues for communities for local services. It is estimated that that this could recover an additional \$23 billion in annual sales tax revenue nationwide.

Congress is expected to begin considering a major tax reform bill later this year and there might be an opportunity to obtain a provision in the bill that allows local governments to receive revenues from an online sales tax.

**Recommendation:** Work with McKinney's Congressional delegation and others in Congress obtain the enactment of a provision that allows local governments to receive revenues from an online sales tax such as the Marketplace Fairness Act.

### **B. Tax Exempt Advanced Refunding**

Tax Exempt Advanced Refunding allows McKinney and other local governments to obtain the benefit of lower interest rates when the outstanding bonds are not currently callable. The refunding bonds are secured by the same sources of taxes or revenue previously pledged to the payment of the outstanding bonds. This Federal tax break ended in December 2017, eliminating any new advanced refunding bonds. Currently Congress is considering a new bill that would save state and local governments millions of dollars, allowing them to invest in infrastructure and lower taxes.

**Recommendation:** Work with McKinney's Congressional delegation and others in Congress to ensure that advanced refunding be reinstated under Federal tax law.