



Texas City Attorneys Association

Board of Directors Meeting

Austin

January 23, 2015



TCAA Board of Directors 2014-2015

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Agenda

TCAA Board of Directors
Friday, January 23, 2015
10:00 a.m.
Austin City Hall
301 W. Second Street
Austin, Texas

1. Consider the minutes from the October 1, 2014, board meeting.
2. Sixteenth Annual Riley Fletcher Basic Municipal Law Seminar update.
3. Houston conference evaluations.
4. Summer 2016 honorary member inductee list for board consideration:
 - a. Don Cheatham, City of Houston
 - b. Jay Doegey, City of Arlington
 - c. David Blackburn, Temple
5. Approve 2015-2016 TML affiliate services agreement.
6. Approve program for 2015 Summer Conference in Bastrop.
7. Next TCAA Board meeting to be held in Bastrop at 4:00 p.m. on June 17, 2015.
8. Other business.
9. Adjourn.

TAB

1

Minutes

TCAA Board of Directors

Wednesday, October 2, 2014

George R. Brown Convention Center – Houston

Board President Mary Kay Fischer called the meeting to order at 4:10 p.m.

Board members present:

Mary Kay Fischer

Sylvia Firth

Dottie Palumbo

Alan Bojorquez

Ron Stutes

Frank Garza

Tyrone Cooper

Kathy Davis

Paige Mims

Karen Horner

Karen Kennard

TML staff present:

Scott Houston

Heather Mahurin

JJ Rocha

1. Consider the minutes from the June 18, 2014, board meeting.

Motion by Kathy Davis was made and seconded by Frank Garza to approve the minutes and the minutes were unanimously approved.

2. Fifteenth Annual Riley Fletcher Basic Municipal Law Seminar: Approve date and speaker program.

Motion by Kathy Davis was made and seconded by Frank Garza for staff to organize and conduct the seminar on February 5-6, 2015 at the Texas Municipal Center in Austin.

3. TCAA Budget update.

Staff updated the board on the results of the 2013-2014 TCAA budget.

4. TCAA Board applicant list.

A list of the applicants for the one vacant director position is as follows in alphabetical order:

- a. Slater Elza, Underwood Law Firm, Amarillo
- b. Julian Grant, Senior Assistant City Attorney, Corpus Christi
- c. Kayla Landeros, Interim City Attorney, Temple

- d. Kuruvilla Oommen, Deputy City Attorney, Irving
- e. Jennifer Richie, City Attorney, Waco

The nominating committee of Art Pertile, Anita Burgess, and Marcus Norris recommended Kuruvilla Oomen to fill the director position, and the membership unanimously approved the recommendation. The committee also recommended Marcus Norris to fill the TML board representative position, and the membership unanimously approved.

5. 2015 summer conference update.

Staff updated the board on the upcoming summer conference.

6. Other business.

Dottie Palumbo mentioned an appeal that Galveston may want amicus support on. TML staff will review.

7. Adjourn.

The next TCAA Board meeting will be held at a TBD location in Austin on January 23, 2015.

TAB

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The Sixteenth Annual *Riley Fletcher* Basic Municipal Law Seminar

The Texas City Attorneys Association (TCAA) is proud to announce the Riley Fletcher Basic Municipal Law Seminar. The seminar honors Riley Fletcher, who was an attorney for 25 years with the Texas Municipal League. During much of his tenure, Mr. Fletcher was the one and only TML attorney handling dozens of questions from city officials each day. By the time he retired in 1987 at the age of 75, he was a part-time “Special Counsel,” but was still able to answer virtually any question about municipal law by reciting the appropriate statute or court case from memory.

Mr. Fletcher passed away on September 1, 1998. This seminar is our way of letting his memory live on. He was truly loved by Texas city officials and gained the respect, admiration, and affection of thousands of people.

A black and white portrait of a man with a receding hairline, wearing a dark suit jacket over a white shirt. He is looking slightly to his left with a neutral expression.

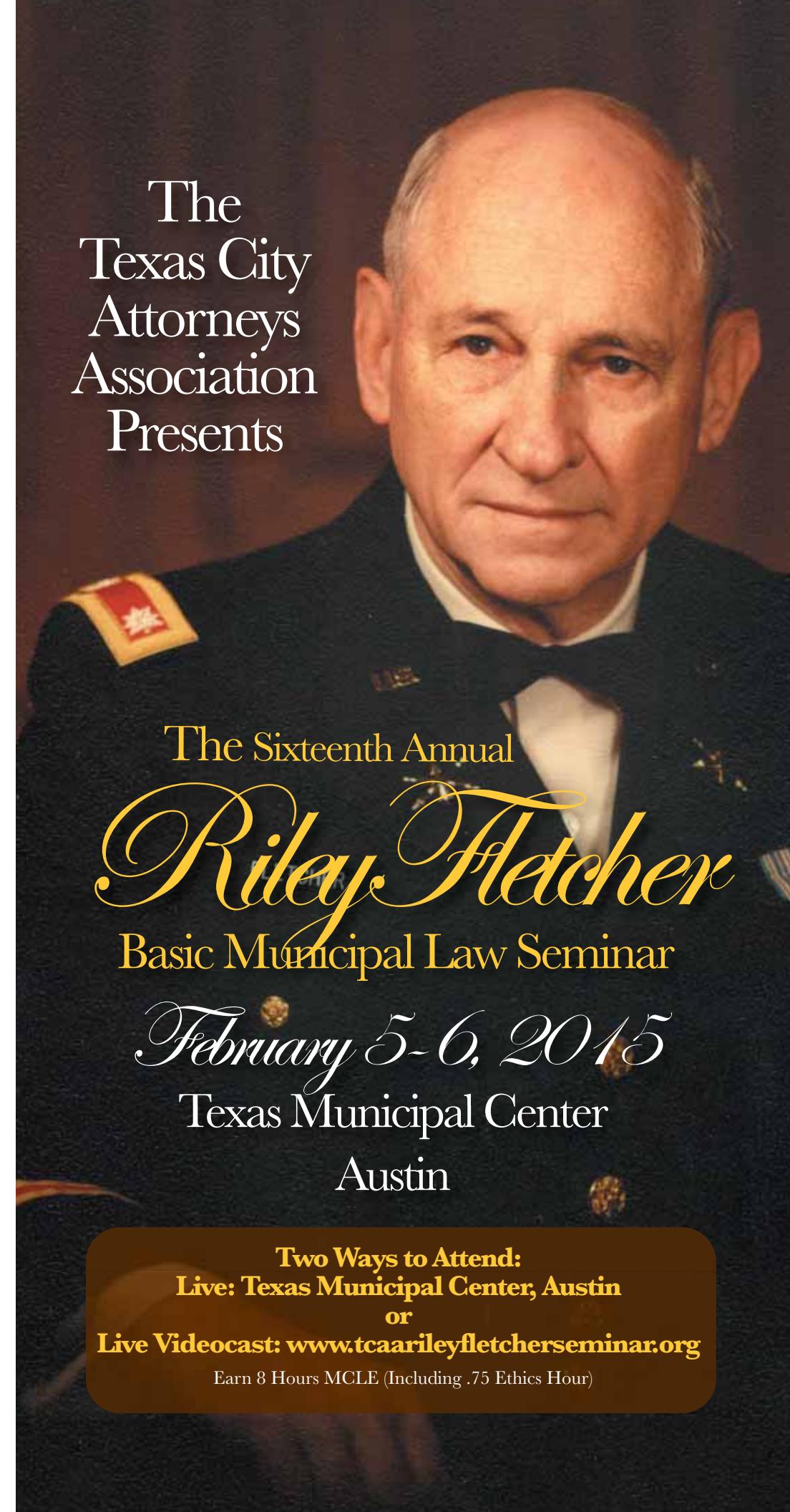
The
Texas City
Attorneys
Association
Presents

The Sixteenth Annual
Riley Fletcher
Basic Municipal Law Seminar
February 5-6, 2015

Texas Municipal Center
Austin

Two Ways to Attend:
Live: Texas Municipal Center, Austin
FLETCHER
or
Live Videocast: www.tcaarileyfletcherseminar.org

Earn 8 Hours MCLE (Including .75 Ethics Hour)

A portrait of Riley Fletcher, an elderly man with white hair, wearing a dark suit jacket with a gold肩章 (shoulder emblem) on the sleeve. He is looking slightly to his right with a neutral expression.

The
Texas City
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Agenda

Thursday, February 5, 2015

8:30 - 9:20 a.m.

Registration

9:20 - 9:30 a.m.

Moderator and Welcome

Karen Kennard, City Attorney, Austin and TCAA President

9:30 - 9:45 a.m.

Types of City Government (.25 hour)

Heather Mahurin, Legal Counsel, Texas Municipal League

9:45 - 10:15 a.m.

Open Meetings (.5 hour)

Scott Houston, Deputy Executive Director and General Counsel, Texas Municipal League

10:15 - 10:45 a.m.

Public Information Act (.5 hour)

Christy Drake-Adams, Legal Counsel, Texas Municipal League

10:45 - 11:00 a.m.

Break

11:00 - 11:30 a.m.

Economic Development (.5 hour)

Bill Longley, Legislative Counsel, Texas Municipal League

11:30 a.m. - 12:00 p.m.

Municipal Budget and Tax Rate (.5 hour)

Leela Fireside, Assistant City Attorney, Austin

12:00 - 1:00 p.m.

Box Lunch – Ethics (.75 hour)

Thomas Gwosdz, City Attorney, Victoria

1:00 - 1:30 p.m.

Municipal Finance (.5 hour)

Kuruvilla Oommen, Deputy City Attorney, Irving

1:30 - 2:00 p.m.

Purchasing (.5 hour)

Jeff Moore, Brown and Hofmeister, Richardson

2:00 - 2:30 p.m.

Land Use (.5 hour)

Brad Young, Bickerstaff Heath Delgado Acosta, Austin

2:30 - 2:45 p.m.

Break

2:45 - 3:15 p.m.

Annexation (.5 hour)

Scott Houston, Deputy Executive Director and General Counsel, Texas Municipal League

3:15 - 3:45 p.m.

Municipal Court (.5 hour)

Alan Bojorquez, Bojorquez Law Firm, Austin

3:45 p.m.

Adjourn

Friday, February 6, 2015

8:15 - 8:45 a.m.

Breakfast

8:45 - 9:15 a.m.

Liability (.5 hour)

Ryan Henry, Law Offices of Ryan Henry, San Antonio

9:15 - 9:45 a.m.

Personnel Law (.5 hour)

Laura Mueller, Assistant General Counsel, Texas Municipal League

9:45 - 10:15 a.m.

Election Law (.5 hour)

Bob Heath, Bickerstaff Heath Delgado Acosta, Austin

10:15 - 10:45 a.m.

Dealing with the Media (.5 hour)

John Bender, Communications Consultant, Austin

10:45 - 11:00 a.m.

Break

11:00 - 11:30 a.m.

Ordinances (.5 hour)

David Johnson, Assistant City Attorney, Arlington

11:30 a.m.

Adjourn

Special note on seminar materials: TCAA no longer provides binders for speaker papers or printed materials of any kind. Instead, TCAA will put all speaker papers on the TCAA website at www.texascityattorneys.org under “seminar materials” for attendees to download in advance, if they so desire. No written materials will be provided at the seminar location.

Registration Information: Please use the attached form to register or register online at www.texascityattorneys.org. Register by January 9, 2015, and receive the discounted early registration fee of \$149. For registrations received after January 9, the registration fee is \$169.

- For the on-location seminar, the registration fee includes tuition, access to the handouts online, lunch on Thursday, and refreshment breaks.
- For the Internet Livecast, the registration fee includes tuition, access to the handouts online, and live streaming video.

Cancellation and Substitution Policy: If you are registered and cannot attend, we encourage you to send a substitute. If you cannot send a substitute, a \$35 cancellation fee will be assessed if written cancellation is received by January 22, 2015. No refunds will be honored after that date.

Location: The on-location seminar will be held at the Texas Municipal Center located at 1821 Rutherford Lane, Austin, Texas 78754. Instructions to access the Internet livecast will be sent to registrants prior to the event.

Hotel Information: The following is a link to some hotel options near the seminar location:

Crowne Plaza Hotel-Austin Central – 2.90 miles to the Texas Municipal Center. The Crowne Plaza Hotel-Austin Central, located at 6121 North IH 35, is offering a room rate of \$108, which includes complimentary breakfast, parking, and Internet. You can make reservations online at <http://www.ihg.com/crowneplaza/hotels/us/en/austin/ausgz/hoteldetail> by entering the Corporate ID number (100275493) or call 512-323-5466 and mention the corporate account number (100275493).

DoubleTree North Hotel – 2.74 miles to the Texas Municipal Center. The DoubleTree North Hotel, located at 6505 North IH 35, is offering a room rate of \$124 single/double with a complimentary breakfast buffet, self-parking, and high-speed Internet. You can make reservations online at <http://doubletree3.hilton.com/en/hotels/texas/doubletree-by-hilton-hotel-austin-AUSLNDT/index.html> by entering the corporate account number (0560030697) or call 512-454-3737 and mention the Texas Municipal League corporate account number (0560030697).

Holiday Inn Express – Austin North Central – 2.65 miles to the Texas Municipal Center. The Holiday Inn Express, located at 8500 North IH 35, is offering a room rate of \$92, which includes a complimentary breakfast, parking, and high-speed Internet. To receive this rate, call 512-821-0707 and mention the Texas Municipal League.

Hyatt Place Austin-North Central – 2.70 miles to the Texas Municipal Center. The Hyatt Place Austin-North Central, located at 7522 North IH 35, is offering a room rate of \$120, which includes a complimentary continental breakfast with hot items, Internet, and parking. You can make reservations online at http://www.austinnorthcentral.place.hyatt.com/en/hotel/home.html?corp_id=33233 or call 512-323-2121 and ask for the Texas Municipal League rate.

La Quinta Inn Austin North – 2.81 miles to the Texas Municipal Center. La Quinta, located at 7622 North IH 35, is offering the Texas State Rate, which also includes breakfast and free high-speed Internet. To receive this rate, call 866-468-3946 and ask for the Texas State Rate. You can also make reservations online at www.lq.com/txstat.com.

Sleep Inn & Suites-Austin Tech Center – 1.24 miles to the Texas Municipal Center. The Sleep Inn & Suites-Austin Tech Center, located at 8410 Highway 290 E., is offering a room rate of \$89.99, which also includes complimentary hot breakfast, parking, and wireless Internet. To receive this rate, call 512-524-5400 and ask for the Texas Municipal League rate.

Special Accommodations: Let us know if you need special accommodations of any kind. In order to respond to any special requests, we would appreciate as much advance notice as possible.

Continuing Education Credit: MCLE credit is available for this event for up to 8 hours (including .75 ethics hour).

Elected officials (mayors and councilmembers) can earn Texas Municipal League Institute (TMLI) credits for attending this seminar. CEU forms are available online. For further information on the TMLI program, please call us at 512-231-7400 or log on to TML's website at www.tml.org.

Questions: Please call us at 512-231-7400 or email JJ Rocha at jj@tml.org.

Registration

Two Ways to Attend:

- 1. Live at Texas Municipal Center, Austin**
- 2. Live Videocast**

www.tcaarileyfletcherseminar.org

TWO WAYS TO REGISTER:

(Your registration will not be processed until payment is received.)

1 Register online with credit card payment at:
tcaarileyfletcherseminar.org or tml.org

2 Mail this form with payment to:
TML Administrative Services
1821 Rutherford Lane, Suite 400
Austin, TX 78754-5101

You may copy this form as needed for additional registrations.

Registration Information: Register by **January 9, 2015**, and receive the **discounted early registration fee of \$149**. For registrations received after **January 9, 2015**, the registration fee is **\$169**.

- **For the on-location seminar**, the registration fee includes tuition, access to the handouts online, lunch, and refreshment breaks.
- **For the live videocast**, the registration fee includes tuition, access to the handouts online, and live streaming video.

You may pay by mailing in a check or money order, or register online with a credit card.

Cancellation and Substitution Policy: If you are registered and cannot attend, we encourage you to send a substitute. If you cannot send a substitute, a \$35 registration cancellation fee will be assessed if written cancellation is received by **January 22, 2015**. No refunds will be honored after **January 22, 2015**.

Questions: Please email JJ Rocha at jj@tml.org or call us at 512-231-7400.

Two Ways to Attend:

	By January 9	After Jan 9
On-Location Seminar	\$149	\$169
Live Videocast	\$149	\$169

Please type or print below.

Full Name: _____

Badge Name: _____

Title: _____

City/Organization: _____

Address: _____

City: _____ State: _____

Zip: _____ Phone: _____

Fax: _____ E-mail: _____

I need the following special accommodations: _____

Riley Fletcher Basic Municipal Law Seminar-Austin

Kurt Banowsky

Assistant City Attorney
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Garland, TX 75046-9002

Helen Brown

Adjuster
TML Intergovernmental Risk Pool
1821 Rutherford Ln #100
Austin, TX 78754-5101

Scott Curby

Adjuster
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Austin, TX 78767-1088

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Participants Listed 18

Riley Fletcher Basic Municipal Law Live Videocast-

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Theresa Whitehead James

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Jerris P. Mapes

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Killeen, TX 76540-1329

Martha Samuel

Assistant City Attorney - Prosecutor
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Killeen, TX 76540-1329

Participants Listed 5

TAB

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Initial Report

Last Modified: 10/22/2014

1. Please provide your name.

Text Response

Mary Kay Fischer
Robin Cross
Trisha Dang
Natasha Martin
Charles Anderson
Hedrick R. Thomas
Jim Wright
Marcus Norris
Miles Risley
Mike Hayes

Statistic	Value
Total Responses	10

2. Please indicate any topics you would like to be included at future seminars.

Text Response

Please repeat a version of this ethics speaker & his program at the TCAA Annual. It was one of the 2 best ethics seminars I have attended in nearly 30 years of practice.
Substandard Structure - Civil Action, Penalty, and Collection; Code Enforcement Issues (i.e. Identification of Violators)
Cooperative Purchasing Associations--No bidding, but where's the contract?
water utility rates - RV parks

Statistic	Value
Total Responses	4

3. Additional comments regarding the seminar:

Text Response

Would have rated relevancy higher, had something other than Voting Rights been included...
On site staff at the help desk was not very helpful. On three occasions they seemed agitated that I had questions. I understand working the help desk can be stressful, but maybe select more friendly helpers next time.
I only wish TML would give TCAA more time than only one day!
Seminar - Great!! Houston traffic and parking - Yuk!
Need free wifi

Statistic	Value
Total Responses	5

4. Please provide your city or firm if applicable.

Text Response

Angleton
City of College Station
City of Missouri City
Bojorquez Law Firm
City of Irving
Randy Thomas Law
City of Livingston
Amarillo
City of Corpus Christi
Kerrville

Statistic	Value
Total Responses	10

5. Please provide your job title.

Text Response

City Attorney
First Assistant Cility Attorney
Assistant City Attorney
Associate Attorney
City Attorney
owner
City Attorney
city atty
City Attorney
City Attorney

Statistic	Value
Total Responses	10

6. Please rank the following sessions:

#	Question	Excellent	Good	Fair	No Opinion	Total Responses	Mean
1	Background Checks – When Are They Permissible (Monte Akers)	2	8	1	1	12	2.08
2	Outdoor Lighting Ordinances (Alan Bojorquez)	5	6	0	1	12	1.75
3	Recent State Cases of Interest to Cities (Ryan Henry)	7	4	0	1	12	1.58
4	Recent Federal Cases of Interest to Cities (Randy Montgomery)	9	1	0	2	12	1.58
5	What's Left of the Voting Rights Act (Bob Heath)	3	6	1	2	12	2.17
6	Ethical Dilemmas with Advising City Officials (Slater Elza)	6	3	0	3	12	2.00
7	Legislative Forecast (Scott Houston, Shanna Igo, and Bennett Sandlin)	7	1	0	3	11	1.91

Statistic	Background Checks – When Are They Permissible (Monte Akers)	Outdoor Lighting Ordinances (Alan Bojorquez)	Recent State Cases of Interest to Cities (Ryan Henry)	Recent Federal Cases of Interest to Cities (Randy Montgomery)	What's Left of the Voting Rights Act (Bob Heath)	Ethical Dilemmas with Advising City Officials (Slater Elza)	Legislative Forecast (Scott Houston, Shanna Igo, and Bennett Sandlin)
Min Value	1	1	1	1	1	1	1
Max Value	4	4	4	4	4	4	4
Mean	2.08	1.75	1.58	1.58	2.17	2.00	1.91
Variance	0.63	0.75	0.81	1.36	1.06	1.64	1.89
Standard Deviation	0.79	0.87	0.90	1.16	1.03	1.28	1.38
Total Responses	12	12	12	12	12	12	11

7. Please indicate your experience with the following elements of the meeting:

#	Question	Excellent	Good	Fair	No Opinion	Total Responses	Mean
1	Relevancy of Session Topics	8	4	0	0	12	1.33
2	Reasonableness of Seminar Pricing	8	4	0	0	12	1.33
3	Publicity	7	3	1	1	12	1.67
4	Location of Seminar	5	5	2	0	12	1.75
5	Meeting Facility	5	6	1	0	12	1.67
6	On-site Staff	7	1	2	1	11	1.73
7	Overall Opinion of the Seminar	9	3	0	0	12	1.25

Statistic	Relevancy of Session Topics	Reasonableness of Seminar Pricing	Publicity	Location of Seminar	Meeting Facility	On-site Staff	Overall Opinion of the Seminar
Min Value	1	1	1	1	1	1	1
Max Value	2	2	4	3	3	4	2
Mean	1.33	1.33	1.67	1.75	1.67	1.73	1.25
Variance	0.24	0.24	0.97	0.57	0.42	1.22	0.20
Standard Deviation	0.49	0.49	0.98	0.75	0.65	1.10	0.45
Total Responses	12	12	12	12	12	11	12

TAB

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TAB

5

**Texas City Attorneys Association
20154-165 SERVICES AGREEMENT**

This agreement is entered into on the day below written by and between the **Texas Municipal League**, hereinafter referred to as "TML", and the TEXAS CITY ATTORNEYS ASSOCIATION, hereinafter referred to as "Affiliate" or "TCAA."

I. **Base Services to be Provided.** TML will provide the services listed under this Section to the Affiliate at a cost to Affiliate of \$15 per Affiliate member per year:

- A. Review Affiliate constitution/bylaws to ensure compatibility with TML's constitution.
- B. Assemble and maintain Affiliate membership records.
- C. Design draft versions of Affiliate membership certificates, awards, or recognition plaques.
- D. Design, conduct, and analyze a membership interest survey, upon request.
- E. Conduct the membership dues billing process to include: (1) an initial billing; (2) a reminder mailing after 45 days; (3) and where applicable, a membership suspension letter following Board approval.
- F. Assist in the formulation of membership recruitment strategies.
- G. Assist in the development of prospective membership records and maintain such records.
- H. Design draft versions of appropriate membership recruitment literature including a cover memorandum, membership services information, and an application form.
- I. Conduct one membership recruitment mailing or emailing annually upon request, with appropriate membership promotional literature.
- J. With regard to new Affiliate members, mail a membership application acknowledgment to the prospective new member and mail a copy of such acknowledgment to the appropriate Affiliate Board member. Mail a membership notification letter and a membership packet to the new member after the membership has been approved by the Affiliate Board.

II. **Financial Services to be Provided.** TML will provide the financial services listed under this Section to the Affiliate at an annual cost to TCAA of 1% of the Fund Balance as recorded on November 30, 20143. For TCAA this is \$1,725,224,674.28 annually or \$143,77139.52 monthly given a balance of \$172,522,19467,428.43.

- A. Provide the appropriate Affiliate officers with a monthly financial statement to include a balance sheet and line item comparison of actual revenues and expenditures to budgeted revenues and expenditures.

- B. Assist the Affiliate Board with the development of its annual budget and service plan.
 - C. Arrange for an annual review of Affiliate financial transactions. If an audit is preferred or required by constitution, TML will obtain a cost estimate from its auditor for the Affiliate's approval.
 - D. Manage Affiliate funds to ensure timely and accurate receipt of revenues, payment of expenses, and maximum investment earnings.
 - E. Assist in the preparation and filing of Affiliate tax returns.
- III. Additional Services to be Provided. TML will provide the following additional services to Affiliate at the following cost to Affiliate.
- | A. **TCAA Newsletter - Web and e-newsletter.** Compensation: In consideration for work on the TCAA e-newsletter, the Affiliate will compensate TML for TML's actual costs. The Affiliate's obligation to reimburse TML for actual costs not to exceed \$14,280 annually. The appropriate Affiliate account will be debited monthly for the costs following publication/distribution. ([408 hours at \\$35 per hour](#))
 - | B. **Meeting planning/coordination on-site logistical assistance for TCAA Mid-Year Conference.** Compensation: In consideration for meeting planning services, the Affiliate will, in addition to direct conference expenses such as postage, speaker expenses, food and beverage costs, etc., reimburse TML for its staff time (estimated at \$3,990.00), plus actual staff travel expenses. (114 hours at \$35 per hour)
 - | C. **Board and Committee Meeting planning/coordination assistance.** Compensation: In consideration for board and committee planning and coordination, the Affiliate's obligation to reimburse TML for actual costs of \$1,260 annually, plus actual staff travel expenses. This amount is calculated upon the preparation and attendance of three Board meetings. (36 hours at \$35 per hour)
 - | D. **Meeting planning/coordination on-site logistical assistance for the Riley Fletcher Basic Municipal Law Seminar.** Compensation: In consideration for meeting planning services for the Riley Fletcher Basic Municipal Law Seminar, the Affiliate will, in addition to direct conference expenses such as postage, speaker expenses, food and beverage costs, etc., reimburse TML for its staff time (estimated at \$1,890.00), plus actual staff travel expenses. (54 hours at \$35 per hour)
 - | E. **TCAA Webs-Site Maintenance** Compensation: In consideration for maintenance, and monitoring of TCAA site for one-year with an estimated cost of \$840. The appropriate Affiliate account will be debited monthly for these costs. (24 hours at \$35 per hour)
 - | F. **TCAA LisTCAA Listserv** Compensation: The Affiliate will reimburse TML for the annual fee of \$600 (\$50 per month). The appropriate Affiliate account will be debited monthly.
 - | G. **Blast E-mail Notifications (estimate for budgeting purposes only)** TML will prepare and send blast e-mail notifications at the request of TCAA. These notifications will be billed at \$105 per blast e-mail. These blast e-mails are outside of

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the e-mails for publicity of programs and activities detailed in this agreement. TCAA and TML agree that this work will be done on an as needed basis and billed accordingly. (for budgeting purposes - estimating \$525.5 blast e-mails per year for a total of 15 hours at \$35 per hour)

H. **Graphics and Videography Services**

Affiliate will reimburse TML separately for graphics and videography services associated with a project.

IV. **Terms of Agreement.** The programs and activities identified in this Agreement are activities which TML will indemnify the TCAA for liability arising out of errors, omissions, or other actions by the TCAA at or during such activities and programs. For any other programs or activities performed or provided by the TCAA which are not set forth in this Agreement or which are excluded from coverage under the coverage provided to TML by the Texas Municipal League Intergovernmental Risk Pool, TML does not indemnify the TCAA, and the TCAA agrees to indemnify TML for any such errors or omissions or other actions.

This agreement will be in full force and effect until June 30, 20165. On June 30, 20165, and on June 30th of each year thereafter, this agreement will be automatically renewed for a term of one year. However, this agreement may be terminated by either TML or Affiliate on June 30th of any year, beginning with June 30, 20165, provided written notice of such termination is received by the other party on or before March 1st of that year.

In the event of termination, all expenses incurred by TML for the provision of services relative to and as authorized by this agreement shall be paid by Affiliate. No expenses shall be incurred by TML on behalf of Affiliate after TML receives written notice to terminate this agreement.

V. **Required Changes to this Agreement.** This agreement shall be amended, upon 30 days written notice, to conform the agreement to any policy adopted or amended by the TML board or membership.

VI. **Notice of Changes/Termination.** A written notice of any changes or termination provided under the provisions of Section IV of this agreement shall be sent certified mail, return receipt requested. Such notice shall be deemed to have been received when the receiving party signs the return receipt. Notices must be addressed to the respective, current contact persons. Presently, these persons and their addresses are:

Texas City Attorneys Association

Karen KennardMary Kay Fischer

City Attorney

TML

Scott Houston

TML Deputy Executive Director and General Counsel

City of AustinAngleton

P.O. Box 1088421 S. Velasco St.

AustinAngleton, TX 7876777515-6023

Texas Municipal League

1821 Rutherford Lane, Suite 400

Austin, TX 78754

VII. **Additional Work Projects.** Other activities that fall outside of the programs and activities identified in this Agreement may be performed, after approval by TCAA, at a rate of \$35 per hour. TML will provide TCAA an estimate of hours for the new programs and/or activities and an estimate of the costs to perform the new program and/or activities.

VIII. Miscellaneous Provisions

- A. TML and Affiliate shall each designate a primary contact person for communications related to matters addressed in this agreement. It is understood that TML's primary contact person will enlist the support of other TML staff members to assist with the implementation of activities in this agreement. TML's primary contact person for Affiliate is Scott Houston, TML Deputy Executive Director and General Counsel. The Affiliate's primary contact person is the current Affiliate President. Either party may change contact persons by providing the other party with written notice in compliance with Section VI.
- B. This agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties under this agreement are performable in Travis County, Texas.
- C. If any one or more provisions of this agreement shall be held invalid, illegal, or unenforceable, the other provisions shall not be affected.
- D. TML has allocated resources to provide the services outlined in this agreement. Therefore, following this agreement's execution, TML shall be paid the full amount detailed in this agreement, regardless of the Affiliate's decision to undertake or not undertake all the activities included in this Agreement. The Affiliate has the latitude to make any adjustments within projects and project line items it deems necessary. If any adjustments are made to the projects in this Agreement, the Affiliate shall immediately notify TML's primary contact person.

| Executed this _____ day of _____, 20154.

| By: Karen KennardMary Kay Fischer, Affiliate President

By: Bennett Sandlin, TML Executive Director

TCAA Services Agreement

Current Agreement FY 14-15	Proposed Agreement FY 15-16
Base Services 500 members @\$15 per member = \$7,500.00	Base Services 500 members @\$15 per member = \$7,500.00
Financial Services 1% of \$167,428.43= \$1,674.28	Financial Services 1% of \$172,522.19= \$1,725.22
User Fees at \$35 per hour Newsletter (12) 34 hours each = \$14,280 Summer Conference 114 hours = \$3,990 Board Meetings (3) 12 hours each = \$1,260 Riley Fletcher Seminar 54 hours = \$1,890 Web site maintenance 24 hours = \$840 Listserv = \$600 Email blasts as needed 5 at \$105 each = \$525 Total User Fees approx. 668 hours = \$23,385.00	User Fees at \$35 per hour Newsletter (12) 34 hours each = \$14,280 Summer Conference 114 hours = \$3,990 Board Meetings (3) 12 hours each = \$1,260 Riley Fletcher Seminar 54 hours = \$1,890 Web site maintenance 24 hours = \$840 Listserv = \$600 Email blasts as needed 5 at \$105 each = \$525 Total User Fees approx. 668 hours = \$23,385.00
Total Agreement = \$32,559.28	Total Agreement = \$32,610.22 (\$50.94 increase or 00.16%)
\$32,559.28 as a percent of TCAA budget of \$90,505.00 = 35.98%	\$32,610.22 as a percent of TCAA budget of \$162,985.00 = 20%

TAB

6

fSPEAKER AGENDA

Texas City Attorneys Association
Summer Conference – Hyatt Lost Pines Resort - June 17-19, 2014
13 Hours MCLE Credit, Including 2 Ethics Hours

Reception Sponsors

Bickerstaff Heath Delgado Acosta, LLP
Denton, Navarro, Rocha, Bernal, Hyde & Zech P.C.
McKamie Krueger, LLP

Gift Sponsor

Lloyd Gosselink Rochelle & Townsend, P.C.

Additional Sponsors

Bojorquez Law Firm, PLLC
Boyle & Lowry, L.L.P.
Brown & Hofmeister, L.L.P.
Davidson, Troilo, Ream & Garza, P.C.
Drayovitch, P.C.
Herrera & Boyle, PLLC
Law Offices of Ryan Henry, P.L.L.C.
McKibben & Villarreal, L.L.P.
Messer, Rockefeller and Fort, PLLC
Municipal Code Corporation
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
Olson & Olson, L.L.P.
Potter Minton, P.C.
Ross, Banks, May, Cron & Cavin, P.C.
Russell & Rodriguez, L.L.P.
Taylor, Olson, Adkins, Sralla & Elam, L.L.P.
Texas Municipal League Intergovernmental Risk Pool
Wolfe, Tidwell & McCoy, LLP

Wednesday, June 18 (3 hours)

12:30 - 4:00 p.m.

Registration and Refreshments

1:00 - 2:00 p.m.

Federal Environmental Rules Update (Waters of the U.S. and Clean Power Plant), Andre Monette, Best Best & Krieger, Washington DC (.5 hour)

2:00 - 2:30 p.m.

NEED SESSION, Mick McKamie, McKamie Krueger, San Antonio (.5 hour)

2:30 - 3:00 p.m.

Substandard Structures Update, Janet Spugnardi, Assistant City Attorney, Irving

3:00 - 3:30 p.m.	Municipal Law Jeopardy , Terry Welch, Brown & Hofmeister, Richardson (.5 hour)
3:30 - 4:00 p.m.	State Utility Issues Update , Thomas Brocato and Georgia Crump, Lloyd Gosselink, Austin (.5 hour)
4:00 - 5:30 p.m.	TCAA Board of Directors Meeting
5:30 - 7:30 p.m.	Welcoming Reception at Lost Pines hosted by Bickerstaff Heath Delgado Acosta, LLP

Thursday, June 19 (6.5 hours)

7:30 a.m.	Registration and Breakfast
8:00 - 8:45 a.m.	Opening Remarks , Karen Kennard, City Attorney, Austin and TCAA President, Jo Christy Brown, City Attorney, Bastrop
	Awards Presentations
8:45 - 9:15 a.m.	Municipal Environmental Enforcement , Daniel Ray, Scott and Ray, Greenville (.5 hour)
9:15 - 10:00 a.m.	Recent Federal Cases of Interest to Cities , Randy Montgomery, D. Randall Montgomery and Associates, Dallas (.75 hour)
10:00 - 10:15 a.m.	Break
10:15 - 11:00 a.m.	Recent State Cases of Interest to Cities , Laura Mueller, Assistant General Counsel, Texas Municipal League (.75 hour)
11:00 - 11:30 a.m.	Officer Involved Shootings: Shades of Gray , Jack Smith, City Attorney, Orange (.5 hour)
11:30 a.m. - 12:45 p.m.	Lunch on Your Own
12:45 - 1:15 p.m.	Early Dismissal Options in Municipal Litigation , Kurt Banowsky and Matt Durham, Assistant City Attorneys, Garland (.5 hour)
1:15 - 2:15 p.m.	Employment Law Update , Sheila Gladstone, Lloyd Gosselink, Austin (1 hour)
2:15 - 2:30 p.m.	Break
2:30 - 3:00 p.m.	Neighborhood Empowerment Zones , Meredith Ladd, City Attorney, Carrollton (.5 hour)
3:00 - 3:30 p.m.	Ethics – Conflicts Issues for City Attorneys , Art Pertile, Olson and Olson, Houston (.5 hour)

3:30 - 4:00 p.m. **Criminalized Information Flow**, Miles Risley, City Attorney, Corpus Christi (.5 hour)

4:00 – 5:00 p.m. **Legislative Update**, TML Staff (1 hour)

5:00 p.m. **Adjourn**

5:30 - 7:00 p.m. **Reception** hosted by McKamie Krueger, L.L.P.

5:30 - 10:00 p.m. **Parent's Night Out** - *Hotel has this every day and night for a fee

Friday, June 20 (3.5 hours)

8:00 - 8:30 a.m. **Breakfast**

8:30 - 9:30 a.m. **Ethics in Municipal Law**, Ed Voss, Brown & Hofmeister, Richardson

9:30 - 10:15 a.m. **Police Officer Terminations – F5 Issues and More**, Slater Elza, The Underwood Law Firm, Amarillo (.75 hour)

10:15 - 10:30 a.m. **Break**

10:30 - 11:15 a.m. **Construction Contract Drafting** (.75 hour), Jeff Chapman, The Chapman Firm, Austin and Chuck Thompson, Executive Director, IMLA, Maryland

11:15 - 11:45 a.m. **Ethics – The Opportunity of Service for Lawyers**, Ebb Grindstaff, City Attorney, Ballinger (.5 hour)

11:45 - 12:15 a.m. **Regulation of Wireless Towers**, Ashley Dierker, Taylor, Olson, Adkins, Sralla and Elam, Fort Worth (.5 hour)

12:15 a.m. **Adjourn**

5:30 - 7:00 p.m. **Reception** hosted by Denton, Navarro, Rocha, Bernal, Hyde & Zech, P.C.

INCLUDED IN DRAFT AGENDA

Barney Knight, Knight & Partners

Scott: A few weeks ago I observed Art Pertile giving an approximate 30 minute CLE program (Texas Bar CLE) as part of an ethics presentation. His presentation regarded the ethical and representational responsibilities of the city attorney. I thought it was a very good program. I also thought it would be good if TML could obtain that program and make it available to all the members. It would be good for small and large cities, the city councils and the city attorneys.

Chuck Thompson, Executive Director and General Counsel, IMLA

I recently gave a presentation to the Pennsylvania Boroughs' attorneys on the issue of the IRS finding local government attorneys to be "employees" for withholding and FICA/Medicare purposes. It is attached. If you would be interested in having me present on this issue or do a Supreme Court update at one of your meetings, let me know. I also am working on developing a presentation for the Alabama Municipal Attorneys on the IMLA Construction Contract Drafting Initiative and would be happy to speak on that topic as well. As to the latter, you may know that we have a workgroup that has offered model amendments to various AIA documents which we have copyrighted and we are working with AIA to be able to offer our amendments to our members for free if they have an AIA license for the underlying documents. We are studying whether to offer the documents to non-members and if so, for what fee. We are really delighted with the result of this work and believe the resulting contracts will be a great boon to our members. Chuck

Ebb Grindstaff, Grindstaff & Grindstaff

Your announcement of the Summer Conference came upon the eve of a couple of days of thinking about writing you and offering to speak at noon or any other occasion and the subject matter would be along the lines of as follows:

- A. Some Humor.
- B. The Opportunity of Service for Lawyers.
- C. Some of the Humanitarian Experiences throughout the World and the Opportunities to meet with many of the Leaders of the World and their reactions therefrom.
- D. I could throw in some ethics if necessary.

This would be different, but I believe it would be interesting and if you would like for me to more or less outline maybe what might be involved, I would be glad to do so.

However, If I never hear from you again on this subject, it will be of no consequence to me because I don't recall any such program that I have been to in the last several years but I've noticed that 2 or 3 of the State Bar Presidents in the last 4 or 5 years have mentioned something about service.

If you are interested, okay, if you are not interested and I don't hear from you, okay, because I will probably still come anyway.

Elizabeth Hundley, Assistant City Attorney, Corpus Christi

Speaker: Daniel Ray w/Scott & Ray – Greenville

Topic: Municipal environmental litigation and damage recovery

Great topic of interest, assuming no legislative changes occur during the upcoming session.

Jack Smith, City Attorney, Orange

I am the City Attorney for Orange. I am also in private practice and I am a Board Certified Trial Lawyer. In July of 2011 a black off duty Orange police officer shot and killed a white Iraq War Marine veteran over an altercation at a local auto parts store. The victim was unarmed and had PTSD. There was a huge furor over the incident, an investigation by the Texas Rangers, and a submission to the Orange County Grand Jury which resulted in no indictment, just like Ferguson Mo. and New York City. The officer was fired by the police chief, which resulted in a five day fact finding hearing, a district court appeal and two federal court suits, which were settled by the City and The TML insurance pool. The story was extensively reported in the local media, and was the subject in the February issue of the Texas Observer, entitled "Shades of Grey in Orange, Texas". I was intimately involved in all the proceedings, and tried the five day fact finding hearing. I think I can shed some light on this very timely topic, and offer some advice and insight to other City Attorneys who may face this awful problem, which can happen anywhere, any time. The fact that a black officer shot a white man makes this situation even more paradoxical. I am willing to talk about my experience in this case. Let me know if you are interested.

Janet Spugnardi, Senior Assistant City Attorney, Irving

I wanted to thank you for your willingness to be a reference for me for the Arlington City Attorney job. I was one of the top three finalists, but was not ultimately selected by Council. They went with the internal candidate. Regardless, it was a great experience and I appreciate your support.

Now that I am not going to be a city attorney anytime in the immediate future, I want to continue to work on my career growth. I would certainly be interested in any speaking opportunities so if you ever have a need for a speaker, please let me know.

Kurt Banowsky, Senior Assistant City Attorney, Garland

I am a Senior Assistant City Attorney with the City of Garland. Matt Durham, Assistant City Attorney with Garland, and I have been discussing a possible presentation. Matt and I would also present the topic. The City of Garland has been very successful in getting cases dismissed early in litigation early motions, such as a plea to the jurisdiction in state court and motions to dismiss in federal court. This has saved the City money and time by avoiding the more costly aspect of litigation – discovery. I have noticed that, at times, other cities settle cases very similar to cases the City of Garland has been successful in getting dismissed pre-trial. We would rely heavily on cases we have actually won – with specific factual examples -- as well as the cases cited in our motions.

This topic would be litigation-specific, which may or may not be a “hot topic” for many. But for city attorneys that handle their own litigation docket, or work closely with outside counsel, this

could be a topic of interest. (On the other hand, outside counsel may not be interested in the city attorneys knowing that cases can be dismissed without too much discovery/litigation).

This topic would, by its nature, cover recent developments in both state and federal law with regards to these early-litigation motions, but would not be such an in-depth discussion to interfere with other topics on recent developments, which has been a staple of this conference for years.

On the state law side, there would also necessarily be discussion of the Tort Claims Act, as well as the effect of TCPRC 101.106 when a plaintiff sues both the city and a city employee. Again, we would not go too far into these statutes so as to interfere with any planned presentations specific to those topics.

The City of Garland handles its own police matters, so on the federal side, the topics would include discussions of Section 1983 and a municipality's liability for the actions of its employees. Therefore, it may be that this topic overlaps some of the other topics that would be more in-depth on this particular issues. However, our discussion would focus on how those cases effect actual litigation. Also on the federal side, we would discuss the line of cases that basically halts all discovery pending the determination of an employees qualified immunity msj.

There would also be a discussion of Motions for Summary Judgment in both state and federal court, although not anything past summary judgment, since the concept is early dismissal.

There could even be some level of ethics discussion, when discussing the political side of the issues presented. For instance, the City Council for the City of Garland has made a policy decision to litigate certain matters. Other cities may not have made such a policy decision. We may discuss the ethical obligations of a city attorney in executing the policies implemented by the city council.

The topic would be something along the lines of "Early Dismissal Opportunities: Pleas to the Jurisdiction, Motions to Dismiss and Motions for Summary Judgment in Municipal Litigation."

This is probably more than you needed to know about the topic, but it just kind of ended up that way.

Feel free to contact me if you have any questions or want to discuss the matter.

Lloyd Gosselink

We have assembled some topics for the TCAA summer conference that we would like to propose to the TCAA board. Thank you for submitting these on our behalf.

Thomas Brocato and Georgia Crump propose:

Utility Update. This presentation will provide an update on major activities at the Public Utility Commission, the Railroad Commission, and the courts that impact cities. Topics will include an update on the current status of the transfer to the Public Utility Commission of water and sewer utility economic regulation, and municipal participation before the Railroad Commission and the

Public Utility Commission. It will also include a discussion of significant utility-related legislation that occurred in the 84th Legislative Session.

Sheila Gladstone proposes:

Employment Law Update. This will be an update (year in review) on employment law affecting cities, including Sec. 1983 cases, ADA accommodations, retaliation, workplace harassment, FMLA, effect of changing definition of “spouse” and other hot topics.

Meredith Ladd, City Attorney, Carrollton

I would like to be considered as a potential speaker at this year's TCAA conference. I would like to present on Neighborhood Empower Zones. Thanks!

Mick McKamie, McKamie Krueger, LLP

I would like to speak again this year.
Can make up a topic.

Miles Risley, City Attorney, Corpus Christi

Criminalized Information Flow - The Prosecution of Public Officials for Violations of Information Management Statutes (ie. TPIA, OMA, Records Retention Act, etc.)

Wayne Olson, Taylor, Olson, Adkins, Sralla & Elam, LLP

Recent changes to FCC rules regarding municipal regulation of wireless towers – Ashley Dierker

Al Alvardo, Brown & Hofmeister

Good afternoon! Two of my partners at Brown & Hofmeister would like to speak at the 2015 TCAA Summer Conference in Bastrop. Mr. Ed Voss would like to present the following paper: Ethics in Municipal Law. Mr. Terry Welch would like to present the following paper: Current Issues in Municipal Law. Mr. Welch's presentation will follow the Jeopardy game show format and will involve audience participation.

Slater Elza, Underwood Law Firm, Amarillo

- Policemen – From termination through the appeal of the F5 adverse discharge.

I think this is especially relevant at this time. I am getting calls from municipal attorneys that are seeing more and more of these. A review of the administrative decisions shows the terminated officers are winning the overwhelming majority of the matters tried. Cities that walk away and cave are seeing complaints filed against their police chiefs for “filing a false government document”. This aggressive approach by the law enforcement groups will lead to more of these matters being tried. This topic will also help municipal attorneys focus their clients on taking the necessary steps to best protect their cities before the filing of the F5 report.

NOT INCLUDED IN DRAFT AGENDA

Brandon S. Shelby, City Attorney, Sherman

I don't know what the protocol is for speaking at the TCAA convention, but I have a topic I've been looking into and was wondering how to get on the program. My title is "Don't Fear the Reefer". I am researching and proposing ways to handle marijuana legalization, both medicinal and recreational. Please let me know what I need to do to move forward.

I've been researching the topic of marijuana legalization, both medicinal and recreational, and the way it has been handled by other states. I am very interested in presenting at the TCAA convention. My title would be "Don't Fear the Reefer." The takeaway will be that if Texas follows the model of other states, regulation will be heavily localized, but that isn't something to be nervous about because it will also look very familiar to those of us with municipal experience.

Julian Grant, Assistant City Attorney, Corpus Christi

Cities' fights against windfarms, supplemented by other affordable energy topics. Affect on development, airport radar, broadcast signals, etc. Corpus Christi is involved in such a fight and has used its largest annexation in its history to do so, but looks for legislative action for actual regulatory power in its ETJ.

The MCDC disclosure issue; the deadline is Dec. 1 for municipal self-reporting to the SEC but aggressive enforcement continues against city officials. Related is the changing world of municipal finance/bond ratings after the 2008 great recession.

Kenneth Bennight, Author, Texas Law of Streets and Alleys: A Handbook

I am a former Assistant City Attorney with the City of San Antonio, and Norbert Hart suggested I contact you. I realize I am too late for the 2014 TML CLE conference, but I would be happy to give a presentation at the 2015 conference if you think it worthwhile.

I have written *Texas Law of Streets and Alleys: A Handbook*, and I have given a couple of CLE programs locally on the topic covered by the book. Here is the link to the book: http://www.amazon.com/Texas-Law-Streets-Alleys-Handbook/dp/1937345629/ref=sr_1_1?ie=UTF8&qid=1408488271&sr=8-1&keywords=Kenneth+Bennight

I would be happy to answer any questions you may have about this. I appreciate any consideration you give this.

Leela Fireside, Assistant City Attorney, Austin

Hi Heather – I'd love to speak if you want me.

I can update the fee talk;

Do my budget and tax talk;

Or the bond (James Bond) talk if you want any of them.

Other topics I can write up:

public-private partnerships;
what can and can't be done with hotel occupancy tax;
The major and regular event trust funds – looking the gift horse in the mouth.
-Leela

Linda Sjogren, City Attorney, Big Spring

Just wanted to let the legal staff at TML and TCAA know that these RV groups are again providing false information and attempting to get cities that may be unaware of their tactics to change their water rate structures.

Maybe this is something we could discuss at the fall meeting.

Lloyd Gosselink

We have assembled some topics for the TCAA summer conference that we would like to propose to the TCAA board. Thank you for submitting these on our behalf.

Martin Rochelle would like to present:

Implementing the State Water Plan in a Time of Drought. One of the principal responsibilities that cities have is affording adequate water supplies to their citizens. With a possible historic drought of record gripping much of Texas, this presentation will address the Legislature's efforts to secure implementation of the State Water Plan, where more than 50% of the supplies required to be developed are for municipal use, due in large measure to the projected near doubling of the State's population by 2060.

Brad Castleberry would like to present:

Environmental Audits : An Often Overlooked Tool for Cities. The Audit Privilege Act is a tool used frequently by industry to self-audit activities that have environmental consequences. The purpose of the Act is to allow a regulated entity to self-reflect on what they are doing, determine the risk liability of any potential noncompliant activities, and then self-disclose, or not, all under a protected privilege. Industry uses this tool, in part, to avoid fines and enforcement for anything they may find during the audit process. The noncompliant events are disclosed, a corrective action schedule is developed, and the industry is brought back into compliance. Municipalities have yet to fully utilize this tool. Cities are probably one of the largest consumers of environmental regulations; they have water, wastewater, landfills, air emission sources, and a host of other environmental concerns. Plus, many of the regulatory provisions cross reference OSHA or UFC requirements so other regulatory obligations are essentially boot-strapped into what would otherwise be purely environmental regulations. This presentation will provide background on the Audit Privilege Act, explain how to engage this tool, and provide the audience with real-world examples of how the Act has been utilized by political subdivisions for their benefit. As the regulatory climate continues to get more complicated and rigorous, cities could clearly benefit from a better understanding of this tool.

Stefanie Albright proposes:

The 2015 Legislature and the Texas Public Information Act. Both the Senate and House were given interim charges relating to reviewing the Texas Public Information Act, including deadlines and requests for large amounts of data. These interim charges guarantee that bills will at least be considered to change the PIA, and the timing of the June TCAA conference will be perfect to discuss any new changes that cities can anticipate regarding how they will be required to treat and respond to open records requests. The presentation will start off with an overview/refresher of the requirements of the Texas Public Information Act, and then discuss the

changes discussed and adopted during the Legislative Session. *This topic should also qualify for ethics CLE credit.*

Miles Risley, City Attorney, Corpus Christi

- Reaching into the ETJ with Airport Zoning
- Municipal Regulation of Weedy Lots
- Municipal Regulation of Sexually Oriented Businesses

Ryan Henry, Law Offices of Ryan Henry

As usual, I'm offering up my services for speaking if the board needs it. Do you have any particular areas you need covered? Otherwise, I can offer the following:

1. Protecting settlement negotiations under the PIA [Side note: the AG says that if you send a settlement demand/response to the other side, as soon as they see it, you have waived the right to keep it confidential and must release it].
2. Dealing with assisted living facilities and the DOJ in your neighborhood
3. Recent State Cases of Interest
4. Proactive avoidance of annexation disputes
5. Your City Charter and the First Amendment – what happens when they do not get along
6. Tow truck, tow truck, wherefore art thou non-consent tow truck? Why forsaken thy vendor list?

I'm also open to assignment if there is a topic the Board particularly wants to see included. I just may need to assimilate the subject matter first. But you know what they say. . . “Resistance is futile. You will be assimilated.” (OK, that's Star Trek, not Star Wars, but I'll still keep the speech themes to a minimum).

Val Perkins

Thanks. Very pleased. The court of appeals submitted the case in May without oral argument so I felt pretty good since I had achieved two summary judgments and a plea to the jurisdiction but then they took so long to enter an Opinion I was afraid something strange was going to happen.

As I've discussed with you, if this case will ever end - i.e. they don't further appeal - I'd like to give a speech on it at a TCAA event. Has everything:

Hurricane

Two homeowner groups that hate each other

Non-conforming use ordinance

“Substantial Damage” Determination

Interplay between Mayor, City Attorney and Building Official and the two sets of homeowners

Interplay with FEMA

Building Standards Commission Hearing and Order

Two lawsuits

A “suspicious” fire at the complex

Demolition

I could easily fill up an hour of presentation time !

Talk to you soon.

Wayne Olson, Taylor, Olson, Adkins, Sralla & Elam, LLP

Municipality's obligations for relocation costs for code enforcement – Andrea Russell

Bickerstaff Heath: Our firm would like to propose two speaker proposals for the 2015 TCAA Summer Conference on June 17-19, 2015. If selected, Vanessa Gonzalez, an employment and litigation attorney with our firm, would be available to present on either of the following two topics:

Employment Constitutional Claims – this presentation will cover all employment law claims against government employers that may be brought under the U.S. Constitution including claims brought under the 1st, 4th, and 14th Amendments.

ADAA Update – this presentation focuses on developments in case law under the new ADAA as well as the new EEOC guidelines on pregnancy discrimination

Slater Elza, Underwood Law Firm, Amarillo

- Code enforcement – Surviving the law and the politics involved (at least some could be tailored to hit ethics)
- Eminent Domain – A nuts and bolts approach to effectively and efficiently handling condemnation matters. I spoke on this topic for the Texas Association of Defense Counsel and it was well received.

Fall Conference Suggestions

Topics:

- Legal tools in economic development: When is best to use which tools
- Purchasing law: comprehensive coverage, not just the basics
- Citizens' petitions to amend home rule city charters under Texas Election Code. What objections to the proposed amendments are available to city council? What language goes on the ballot? Can the city council place "competing amendments" on the same ballot?
- Use of drones/aerial cameras by safety employees? By others? Can you? If not, future of FCC regulations and anticipating with city policy.
- Uber and lyft, water taxis
- Streets: closures, abandonments, sale; Easements: closures, abandonment, sale
- Declaratory Judgments Act and governmental immunity
- City owned utilities setting rates
- Hotel tax issues
- Code enforcement issues and procedures; grandfathering; city authority within ETJ
- Ethical issues faced by policy legal advisors
- Regulation of amusement centers municipal development districts and related entities; substandard building regulations
- ABCs of Code Enforcement with flow sheet and sample forms; update on governmental/proprietary functions

Speakers:

- Scott Bounds, Olson & Olson
- Steven Wood
- Ryan Turner from TMCEC on muni courts

GRINDSTAFF & GRINDSTAFF

ATTORNEYS AT LAW
707 Hutchings Avenue
P.O. Box 269
Ballinger, Texas 76821

325-365-3515
Fax 325-365-5263

E. C. Grindstaff (1903-1992)
Everett J. (Ebb) Grindstaff

December 29, 2014

Heather Mahurin
Legal Counsel
Texas Municipal League
1821 Rutherford Lane, Suite 400
Austin, Texas 78754

Heather:

Concerning your recent e-mail, I will clarify the service problem as more or less indicating the service that can be extended by lawyers in the non-profits and other service organizations.

However, there is an opportunity for pro bono work and my thought on that has been forever that this can be on a fulltime basis on each individual case or it can be on a part-time basis. Most of my pro bono has been on a part-time basis in that I have reduced the fees in many cases for individuals as each of them might come up at that time; on the other hand some work has strictly been for free.

The reason that I mention the service opportunities for lawyers was because of the State Bar Magazines in the last few issues there have been more individuals who have volunteered for service; but I feel that it has always been the general perception of the general public that lawyers are a little bit more greedy than to offer their services on a non-profit service or other basis.

I guess part of this reason has been because of the fact that my experience in the legal profession for the whole fifty years is that there have never been a large number of lawyers that have been involved in local organizations even though on certain occasions we see ones that are involved on a state or even a higher level; I can think of one who was Chairman of the State Highway Commission for the longest period of any other individual, and a good friend of mine has been a very outstanding and one of the higher Judges in the Country of Canada, and there have been other few individuals involved that were from the legal profession; however, I see the need for people of astute thinking maybe "more global perspective" as you would state.

If you need some more background information (which I could care less) but could give some credence to the presentation:

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1. City Attorney for a small town for nearly 58 years in June of 2015.
2. Member of Board of Directors of the State Bar for 3 years. (one of the 15 in Texas) and was on the committee that started both the insurance plan for lawyers and on the early stages of our professional liability program.
3. President of Lions Club International in 1982-83, the largest service organization in the world now located in 205 countries and geographical locations in the world and had conferences with world leaders such as President Anwar Sadat of Egypt, Prime Minister Benign of Israel (crossing the Sinai Desert to meet these two and the experience), Pope John Paul II in Rome before 12,000 people in St. Peters Square, Presidents Reagan and Mrs. Reagan as International presented her through me an award for her slogan "Just say NO" to drugs, and George Bush and Laura Bush in Hansberg, Germany at the 2013 International Convention (this has resulted in picking out leadership traits from these global leaders), and Bill Clinton (when Governor).

Therefore it would be different and it may not be what you want but thought it might be a break but still be of value.

If there is any more information that I could provide, please feel free to so advise, and I think that I did add that I could throw in some ethics if that was needed to fulfill the program.

Enclosed are some articles by the Presidents of the Bar that refer to Service to people and our communication.

Taking this time to wish you a Merry Christmas and a Happy and Prosperous 2015 and looking forward to meeting you on another occasion, I am very truly,

GRINDSTAFF & GRINDSTAFF

Everett J. "Ebb" Grindstaff

EJG/tp

Cc: Scott Houston
Texas Municipal League
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P. S.

- a. Also, I am a Part time City attorney, attending Council Meetings and the attorney for the Municipal Court of Ballinger.
- b. Also, (and I quit), I always wanted to be a lawyer and still love the law and am now a part time lawyer – real estate, probate and Oil and Gas Title Opinions

Further background would reveal I had two (2) great Uncles, (one serving in legislature), my dad, (County Judge and District Attorney), and a brother-in-law, District Judge).