



Texas City Attorneys Association

Board of Directors Meeting

Austin, TX
February 21, 2020

Agenda

TCAA Board of Directors
Friday, February 21, 2020
Texas Municipal Center
1821 Rutherford Lane
Austin, TX
12:00 Noon

1. Welcome newest TCAA Board Member, Sharae Reed
2. Consider minutes of the October, 9, 2019, TCAA Board Meeting in San Antonio
3. TML advocacy update
4. Survey results of 2019 TCAA Fall Conference
5. Staff report on the 2020 TCAA Riley Fletcher Seminar
6. Approve program for 2020 TCAA Summer Conference
7. TCAA Listserv update
8. Local Club or Society Affiliation Policy update
9. Galen Sparks/Susan Rocha Awards update
10. TCAA budget update
11. Approve 2020-2021 TML affiliate services agreement
12. Consider authorizing the TCAA President to send a communication to the membership urging them to vote for Sylvia Borunda Firth as president of the State Bar of Texas
13. Next board meeting to be held in South Padre at 4:00 p.m. on June 17, 2020
14. Other business
15. Adjourn

**TCAA
Board of Directors
2019-2020**

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TAB

1

Welcome



Sharae Reed, First Assistant Attorney, City of Beaumont

TAB

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Minutes
TCAA Board of Directors
Wednesday, October 9, 2019
Henry B. González Convention Center - San Antonio, TX

Board President Sylvia Borunda Firth called the meeting to order at approximately 4:00 p.m.

Board members present:

Paige Mims
Alan Bojorquez
Ron Stutes
Kuruvilla Oommen
Slater Elza
Jennifer Richie
Julie Fort
Dottie Palumbo

Board members absent:

Kevin Pagan
Marcus Norris

TML staff present:

Scott Houston
Christy Drake-Adams
Heather Ford

1. Consider the minutes of the June 19, 2019, TCAA Board Meeting in San Antonio.

A motion to approve the June 19, 2019, board meeting minutes made by Dottie Palumbo was seconded by Ron Stutes. Unanimously approved.

2. Survey results of 2019 TCAA Summer Conference.

No action taken.

3. Staff report on the 2019 TCAA Fall Conference program and attendees.

No action taken.

4. TCAA board applicant list and map.

The nominating committee of (1) Art Pertile, Olson & Olson, Houston; (2) Kathy Davis, City Attorney, City of Killeen; and (3) Marcus Norris, Deputy City Attorney, City of Amarillo, recommended Sharae Reed, First Assistant City Attorney, City of Beaumont to fill the director position, and the membership unanimously approved the recommendation at the October 10, 2019, business meeting.

5. Report from subcommittee regarding the criteria for: (a) Galen Sparks/Susan Rocha Awards for Outstanding Public Service by an Assistant City Attorney; and (b) IMLA scholarships.

The subcommittee (Dottie Palumbo, Ron Stutes, and Julie Fort) recommended that: (1) in-house city attorneys and assistant city attorneys be eligible to receive the Galen Sparks Award for Outstanding Service; and (2) outside legal counsel (city attorney or assistant city attorney) be eligible to receive the Susan Roach Award for Outstanding Public Service. The nomination form will continue to specify that the nomination of an assistant city attorney must be endorsed by the city attorney. A motion to approve the subcommittee's recommendation was made by Jennifer Richie and seconded by Kuruvilla Oommen. Unanimously approved.

The subcommittee made no recommended changes to the eligibility for receipt of the Susan C. Rocha Memorial IMLA Scholarships. TCAA will continue to provide four \$2,000 scholarships to in-house city or assistant city attorneys. Two will be from the eight largest cities (Arlington, Austin, Corpus Christi, Dallas, El Paso, Fort Worth, Houston, or San Antonio), and two will be from the remaining cities.

6. Consider amendments to the TCAA constitution.

Dottie Palumbo recommended one change to Article 3, § 3 regarding the continuing eligibility of associate members. The change was incorporated. A motion to present the proposed amendments to the membership at the Summer 2020 conference was made by Jennifer Richie and seconded by Julie Fort. Unanimously approved.

7. Consider changes to TCAA Listserv.

Paige Mims had previously requested staff to investigate changing the TCAA Listserv to operate like the current IMLA listserv. Scott Houston reported that he had spoken to Dale Barstow, Municode Corporation, about assisting with this change. A motion to have staff implement the change in partnership with Municode was made by Slater Elza and seconded by Kuruvilla Oommen. Unanimously approved.

8. TCAA budget update.

No action taken.

9. Consider local club or society affiliation policy.

A motion to approve the local club or society affiliation policy was made by Alan Bojorquez and seconded by Dottie Palumbo. Unanimously approved.

10. TCAA involvement in the legislative process.

The board discussed how TCAA might partner with TML to prepare for the upcoming legislative session. No action was taken.

11. Approve program for Riley Fletcher in Austin.

The board unanimously approved the draft program and directed staff to implement the program.

12. Next board meeting to be held in Austin on February 21, 2020.

13. Other business.

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14. Adjourn.

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Initial Report

2019 TCAA Fall Conference

December 2nd 2019, 3:07 pm CST

Q1 - Please provide your name.

Please provide your name.

Camila W. Kunau

Regina Moss

Mike Hayes

Charles Anderson

Charles M Williams

Sharae Reed

Sherri Russell

Lisa Biediger

Jim Wright

Scott Bounds

Julie Doshier

Trisha Dang

Luke Cochran

Robert S. Davis

Tyrone E. Cooper

Gary Smith

Patty Akers

María Angela Flores Beck

Trisha Dang

Ron Stutes

Q2 - Please provide your city or firm if applicable.

Please provide your city or firm if applicable.

City of San Antonio

Tyler, TX

Kerrville

Messer, Fort & McDonald

Olson and Olson Ilp

City of Beaumont

Lake Jackson

San Antonio

Livingston

Olson & Olson, LLP

NJDHS

City of Sugar Land

Law Office of Cary L. Bovey, PLLC

Bullard

Beaumont

Richmond

Messer Fort McDonald,

La Grange

City of Sugar Land

Potter Minton

Q3 - Please provide your job title.

Q3a - If "Other", what is your title?

If "Other", what is your title?

First Assistant City Attorney

Q4 - Please rank the following sessions.

#	Question	Excellent		Good		Fair		No Opinion		Didn't Attend		Total
1	Handling the "Teflon" Employee	52.63%	10	47.37%	9	0.00%	0	0.00%	0	0.00%	0	19
2	Update on Contracts Immunity	42.11%	8	57.89%	11	0.00%	0	0.00%	0	0.00%	0	19
3	We Can't Regulate That?: Limitations on Municipal Land Use Regulation	52.63%	10	47.37%	9	0.00%	0	0.00%	0	0.00%	0	19
4	The Racial and Gender Equity Assessment Process	36.84%	7	36.84%	7	21.05%	4	5.26%	1	0.00%	0	19
5	Game Room Regulation: A Success Story	47.37%	9	47.37%	9	5.26%	1	0.00%	0	0.00%	0	19
6	Update on Drug Testing and Trends	26.32%	5	52.63%	10	15.79%	3	0.00%	0	5.26%	1	19
7	Recent Federal Cases of Interest to Cities	33.33%	6	61.11%	11	0.00%	0	0.00%	0	5.56%	1	18
8	Implementing an Effective Right-of-Way Acquisition and Land Development Program	33.33%	6	50.00%	9	0.00%	0	0.00%	0	16.67%	3	18
9	Ethics Considerations for City Officials	33.33%	6	55.56%	10	0.00%	0	0.00%	0	11.11%	2	18

Q5 - Please indicate any topics you would like to be included at future sessions.

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

Code enforcement related topics

Open Meetings

examples of how cities are addressing the legislative changes; annexation, shot clock, material limitations (maybe a panel discussion)

Code enforcement related issues

Q6 - Please indicate your experience with the following elements of the meeting.

#	Question	Excellent		Good		Fair		No Opinion		Total
1	Relevancy of Session Topics	52.63%	10	47.37%	9	0.00%	0	0.00%	0	19
2	Reasonableness of Seminar Pricing	42.11%	8	47.37%	9	0.00%	0	10.53%	2	19
3	Publicity	55.56%	10	38.89%	7	0.00%	0	5.56%	1	18
4	Location of Seminar	68.42%	13	31.58%	6	0.00%	0	0.00%	0	19
5	Meeting Facility	73.68%	14	26.32%	5	0.00%	0	0.00%	0	19
6	On-Site Staff	68.42%	13	26.32%	5	0.00%	0	5.26%	1	19
7	Overall Opinion of the Seminar	73.68%	14	26.32%	5	0.00%	0	0.00%	0	19

Q7 - Please provide any additional comments about the seminar.

Please provide any additional comments about the seminar.

All of the speakers were interesting, but I can't give them an excellent rating because that would equate them with Regina Moss' speaker skills. I used the app and the only issue I had was the map for level 2 was not helpful. It needed more annotations like the first and third levels had.

None

Very informative

Thanks for all the work y'all put in to make this happen each year!

Great Seminar

Great conference

Q8 - If you would like to enter your city/firm into the drawing for a free 2020 TCAA Summer Conference registration (to be held at the Isla Grand, South Padre Island, June 17-19), please provide your email address.

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The Nineteenth Annual Riley Fletcher Basic Municipal Law Seminar

February 20-21, 2020

Two Ways to Attend:

Live at Texas Municipal Center, Austin or Live Videocast

8 Hours MCLE (Including .75 Ethics Hour)

Thursday, February 20, 2020

8:30 - 9:20 a.m.	Registration
9:20 - 9:30 a.m.	Moderator and Welcome <i>Paige Mims, City Attorney, Plano and TCAA President</i>
9:30 - 9:45 a.m.	Types of City Government (.25 hour) <i>Amber McKeon-Mueller, Assistant General Counsel, Texas Municipal League</i>
9:45 - 10:15 a.m.	Open Meetings Act (.5 hours) <i>Jennie Hoelscher, Division Chief, Office of the Attorney General of Texas</i>
10:15 - 10:45 a.m.	Public Information Act (.5 hour) <i>George Hyde, Partner, Russell Rodriguez Hyde Bullock, LLP, Georgetown</i>
10:45 - 11:00 a.m.	Break
11:00 - 11:30 a.m.	Purchasing (.5 hour) <i>Jeff Moore, Partner, Brown & Hofmeister, L.L.P., Richardson</i>
11:30 a.m. - 12:00 p.m.	Personnel Law (.5 hour) <i>Evelyn Njuguna, Assistant General Counsel, Texas Municipal League</i>
12:00 - 1:00 p.m.	Box Lunch – Ethics (.75 hour) <i>Alan Bojorquez, Principal and Founder, Bojorquez Law Firm, Austin</i>
1:00 - 1:30 p.m.	Municipal Budget and Tax Rate (.5 hour) <i>Bill Longley, Legislative Counsel, Texas Municipal League</i>
1:30 - 2:00 p.m.	Redistricting (.5 hour) <i>Bob Heath, Partner, Bickerstaff Heath Delgado Acosta, LLP, Austin</i>
2:00 - 2:30 p.m.	Economic Development (.5 hour) <i>Frank Garza, Shareholder, Davidson, Troilo, Ream & Garza, PC, San Antonio</i>
2:30 - 2:45 p.m.	Break
2:45 - 3:15 p.m.	Annexation (.5 hour) <i>Scott Houston, Deputy Executive Director and General Counsel, Texas Municipal League</i>
3:15 - 3:45 p.m.	Municipal Court (.5 hour) <i>Mark Goodner, General Counsel and Director of Education, Texas Municipal Courts Education Center</i>
3:45 p.m.	Adjourn

Friday, February 21, 2020

8:15 - 8:45 a.m.	Breakfast
8:45 - 9:15 a.m.	Liability (.5 hour) <i>Slater Elza, Shareholder, Underwood Law Firm, Amarillo</i>
9:15 - 9:45 a.m.	Municipal Finance (.5 hour) <i>Kuruvilla Oommen, City Attorney, Irving</i>
9:45 - 10:15 a.m.	Land Use (.5 hour) <i>Julie Fort, Partner, Messer, Fort & McDonald, PLLC, Frisco</i>
10:15 - 10:30 a.m.	Break
10:30 - 11:00 a.m.	Dealing with the Media (.5 hour) <i>Jeff Coyle, Director, Government and Public Affairs, San Antonio</i>
11:00 - 11:30 a.m.	Ordinances (.5 hour) <i>Jennifer Richie, City Attorney, Waco</i>
11:30 a.m.	Adjourn

Riley Fletcher Basic Municipal Law Seminar-Austin

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TAB

6

SPEAKER AGENDA

Texas City Attorneys Association Summer Conference – Isla Grand, South Padre Island June 17-19, 2020

13 Hours MCLE Credit, Including 2 Ethics Hours

Wednesday, June 17 (3 hours)

- 12:30 - 4:00 p.m. **Registration and Refreshments**
- 1:00 - 1:30 p.m. **You've Been Hacked**, Donald Glywasky, City Attorney, City of Galveston (.5 hour)
- 1:30 - 2:00 p.m. **Local Government Coops Aren't Just for Widgets Anymore, But Where is the Contract?**, Brenda McDonald, Messer, Fort & McDonald, PLLC, Frisco (.5 hour)
- 2:00 - 2:30 p.m. **Strategies for Processing PIA Requests**, Julie Doshier, Nichols Jackson Dillard Hager & Smith, Dallas (.5 hour)
- 2:30 - 3:00 p.m. **City Streets**, Judith El Masri, Randle Law Office Ltd., L.L.P., Houston (.5 hour)
- 3:00 - 3:30 p.m. **Who's Your Client? Exploring the Attorney-Client Relationship with Cities**, Daniel J. Olds, Bickerstaff Heath Delgado Acosta, LLP, Austin (.5 hour ethics)
- 3:30 - 4:00 p.m. **Regulating Noise**, Andrew Quittner, City Attorney, City of Seguin (.5 hour)
- 4:00 - 5:30 p.m. **TCAA Board of Directors Meeting**
- 5:30 - 7:30 p.m. **Welcome Reception** at _____

Thursday, June 18 (6.5 hours)

- 7:30 a.m. **Registration and Breakfast**
- 8:00 - 8:45 a.m. **Opening Remarks**, Paige Mims, TCAA President, & Ric Navarro, City Attorney, South Padre Island
- Awards Presentations**
- 8:45 - 9:15 a.m. **Walk Hard: The Walking Quorum Story**, Joshua Katz, Bickerstaff Heath Delgado Acosta, LLP, Austin (.5 hour)

9:15 - 9:45 a.m.	Recent State Cases of Interest to Cities , Laura Mueller, City Attorney, City of Dripping Springs (.5 hour)
9:45 - 10:15 a.m.	The Art of Procurement: Navigating the Code with a Focus on Construction Projects , Jeff Chapman, The Chapman Firm PLLC, Austin (.5 hour)
10:15 - 10:30	Break
10:30 - 11:15 a.m.	Building Codes , Derra Purnell, Olson & Olson, L.L.P., Houston, and _____, International Code Council (.75 hour)
11:15 - 11:45 a.m.	Real Estate Issues for City Attorneys , Allison Bastian, Denton, Navarro, Rocha, Bernal, & Zech, P.C., San Antonio (.5 hour)
11:45 a.m. - 1:00 p.m.	Lunch on Your Own
1:00 - 1:30 p.m.	IMHO, the FYI on BYOD: Employment Law Update on Technology in the Workplace , Sheila Gladstone and/or Emily Lynn, Lloyd Gosselink Rochelle & Townsend, P.C., Austin (.5 hour)
1:30 - 2:00 p.m.	The Ultimate Dance Party , Sherri Russell, City Attorney, City of Lake Jackson (.5 hour)
2:00 – 2:30 p.m.	Legislative Advocacy: Cities are the Key to the State’s Success , Bill Longley, TML Legislative Counsel, and Monty Wynn, Director, Grassroots and Legislative Services, Texas Municipal League, Austin (.5 hour)
2:30 - 3:15 p.m.	Three Important Tips For Flood Mitigation Planning and Funding Under SB7 and SB8 , James Bronikowski, Flood Planning Manager, Texas Water Development Board, Kimberly Mickelson, Senior Assistant City Attorney, City of Houston, and Rebecca Andrews, Best Best & Krieger (.75 hour)
3:15 - 3:30 p.m.	Break
3:30 - 3:45 p.m.	Best Practices for Service as Interim City Attorney , Mick McKamie, Taylor Olson Adkins Sralla & Elam, LLP. (.25 hour)
3:45 – 4:00 p.m.	Serving as Of-Counsel , _____, Bojorquez Law Firm, Austin (.25 hour)
4:00 - 4:30 p.m.	Statutory Construction for Voter-Approved Measures , Danielle Folsom, Deputy Section Chief, General Counsel Section, City of Houston (.5 hour)
4:30 – 5:00 p.m.	U.S. Supreme Court Case Update , Chuck Thompson, General Counsel and Executive Director, International Municipal Lawyers Association (.5 hour)
5:00 p.m.	Adjourn
6:00 - 9:00 p.m.	Reception hosted by Taylor Olson Adkins Sralla & Elam, LLP.

Friday, June 19 (3.5 hours)

8:00 - 8:30 a.m.	Breakfast
8:30 - 9:00 a.m.	Ultra Vires Claims – Where Did Your Immunity Go? , Kevin Curley, Messer, Fort & McDonald, PLLC, Frisco (.5 hour)
9:00 – 9:30 a.m.	Utility-Related Updates for 2020 , Jamie Mauldin and Cody Faulk, Lloyd Gosselink Rochelle & Townsend, P.C., Austin (.5 hour)
9:30 - 10:00 a.m.	Credit Access Business Regulation , Chase Gomillion, Assistant City Attorney, City of Austin (.5 hour)
10:00 – 10:30 a.m.	Rule 3.08 Considerations for Attorneys as General Counsel , Ryan Henry, Law Offices of Ryan Henry, San Antonio (.5 hour ethics)
10:30 – 10:45 a.m.	Break
10:45 - 11:15 a.m.	Retaliation Update , Clarissa Rodriguez, Denton, Navarro, Rocha, Bernal, & Zech, P.C., San Antonio (.5 hour)
11:15 - 12:15 p.m.	Ethics Issues in the Legislative Process , Jon Heining, Texas Legislative Council (1 hour ethics)
12:15 p.m.	Adjourn

COMBINED SPEAKER SUBMISSIONS

INCLUDED IN DRAFT AGENDA:

Wednesday

Donald Glywasky, City Attorney, City of Galveston

Why we need to be concerned with the computer hacking, data loss, etc.

Brenda McDonald, Messer, Fort, & McDonald, PLLC

“Local Government Coops Aren’t Just for Widgets Anymore, But Where is the Contract?”

Buying coops are a common and convenient purchasing method. This involves a discussion on how to provide the contractual protections needed by a city when purchasing when using a buying cooperative and how to legally use a purchasing coop. Two specific examples will be discussed, i.e., a client hired a software consultant from a purchasing coop and when we asked to see the underlying contract between the consultant and the coop, the coop did not have any contract. The same problem occurred with a pool plasterer hired from a buying coop—bad plaster, no contract, no warranty. This discussion will focus on real problems and real solutions.

Julie Doshier, Nichols Jackson Dillard Hager & Smith

I’m currently a senior associate with Nichols Jackson Dillard Hager & Smith (9 years) and will be working for them on a contract basis soon. Prior to joining the firm I was the first assistant city attorney for the City of Cedar Park and an assistant city attorney for the City of Waco. I’ve been processing public information request for municipal and governmental clients in Texas for the past 13 years.

I propose doing a presentation on "Strategies for Processing PIA requests." I would cover a brief overview of the PIA and go over more in-depth aspects of processing PIA requests, such as 1) what to do if you’ve missed the ten day deadline (example: getting compelling interest memos from the District Attorney's Office); 2) methods of drafting cost estimates to avoid cost complaints to the AG, 3) seldom used exceptions or confidentiality provisions, and 4) obtaining previous determinations from the AG's Office. I could also cover changes from the last legislative session.

Judith El Masri, Randle Law Office Ltd., L.L.P.

City Streets - Speed limits (speed studies); city control; quiet title city ownership of streets and alleys; private v. city streets

Daniel J. Olds, Associate, Bickerstaff Heath Delgado Acosta, LLP

“Who’s Your Client? Exploring the Attorney-Client Relationship with Cities”

This presentation will cover who your client is as a city attorney. Obviously, as a city attorney, you offer legal advice to a number of different individuals and entities within the city. This presentation will explore what attorney-client relationships you have, and how to avoid potential conflicts and ethical problems.

Thursday

Joshua Katz, Bickerstaff Heath Delgado Acosta, LLP

“Walk Hard: The Walking Quorum Story”

The true story of how the Texas Court of Appeals found that the walking quorum prohibition of the Texas Open Meetings Act violated public officials’ first amendment rights, and how the Texas Legislature tried to patch TOMA back up. This presentation will examine why the old law was invalidated, the new law just enacted to reinstate the walking quorum prohibition, how the prohibition has changed as a result, and what city officials (aided by their courageous counselors at law) must do to ensure they are in compliance with the new law.

Laura Mueller, City Attorney, City of Dripping Springs

“Recent State Cases of Interest to Cities”

Jeff Chapman, The Chapman Law Firm

“The Art of Procurement: Navigating the Code with a Focus on Construction Projects”

I would touch on recommended language and structure of a solicitation, potential scenarios where an exemption may be appropriate, and discuss interesting scenarios and considerations relating to projects in which I have been involved.

Derra Purnell, Olson & Olson, LLP and Kelly Sadler(?), International Code Council

Building Code adoption, requirements for code official certification, and other building code issues

Allison A. Bastian, Denton Navarro Rocha Bernal & Zech, P.C.

“Real Estate Issues for City Attorneys”

It would be a go-to resource for municipal attorneys who don’t really practice real estate law. For example, “This person wants to buy a city park—where do I start?” or “That church parking lot is encroaching on a city street. What next?” Or “the university wants the city to donate property. Now what? Additionally, it would touch on title commitment review, surveys, LOIs, and other sale/purchase documents.

Sheila Gladstone and/or Emily Linn, Lloyd Gosselink Rochelle & Townsend, PC

“IMHO, the FYI on BYOD: Employment Law Update on Technology in the Workplace”

Employees using their own devices to communicate about workplace issues is causing headaches for cities from an open records and records retention standpoint – SB 944 clarifies employers’ accountability for collecting texts and pictures, and provides new procedural requirements. New technology is arising to address some of these challenges. New First Amendment case law restricting public employers’ right to control employees’ personal social media use requires immediate changes to policies and enforcement. An old federal statute is now being applied to restrict employers from accessing private social media pages when conducting internal investigations or applicant screening. New case law limits cities from restricting public discourse on city-sponsored social media sites. We will address these high-tech issues and more in this lively session.

Sherri Russell, City Attorney, City of Lake Jackson

The City of Lake Jackson has been enwrapped in a situation for about 6 months. The issue involves the International Building Code, certificates of occupation, zoning, alcohol, dancing, social media, the ZBA, and an appeal from the ZBA decision. I would love to give a presentation on the situation and how the city handled it.

The Facts

A person claimed he wanted to open a dance lesson studio and serve wine during the lessons. What he really wanted to open was a night club. The City knew this because it was advertised on social media as a BYOB “ultimate dance party” with free shots from 10 p.m. until 4 a.m. The City held a meeting with the business owner, his promoter, the building owner, and 2 people from the recently reactivated Brazoria County branch of the NAACP.

The City explained what could and could not take place in the space due to the classification on the certificate of occupancy and the area zoning.

Nonetheless, the “ultimate dance party” occurred. The City monitored the activity at the space for a few weeks (the promoter had live feeds on social media) and then pulled the CO. The business owner asked to have the CO changed to a classification that allowed his type of dance lessons. The building official denied and that denial was appealed to the ZBA. The ZBA upheld the building official’s decision and the business owner has now appealed to county court. By the time the summer conference is held, I expect the appeal to be complete.

Bill Longley, TML Legislative Counsel, and Monty Wynn, Director, Grassroots and Legislative Services, Texas Municipal League

“Legislative Advocacy: Cities are the Key to the State’s Success”

Now, more than ever, city officials need to have their voices heard at the capitol. The future of Texas depends on it. We must deliver the message that cities are the engines of the state’s economy and city leaders are in the best position to promote quality of life while serving as good stewards of taxpayer dollars. Attend this session to learn where we are, how we got here, and

what needs to be done. Your ability to decide what's best for your city, without undue state interference, is at stake.

James Bronikowski, Flood Planning Manager, Texas Water Development Board, Kimberly Mickelson, Senior Assistant City Attorney, City of Houston, and Rebecca Andrews, Best Best & Krieger

“Three Important Tips For Flood Mitigation Planning and Funding Under SB7 and SB8”

This panel will provide an informative presentation on what city attorneys need to know about the 2019 flood legislation and flood mitigation project funding processes. By attending the session, participants will:

- Gain an overview of 2019 legislation and rulemakings addressing flood mitigation planning and funding (TWDB)
- Understand how and why cities should be involved in regional flood planning groups (Andrews)
- Leave with an understanding of which municipal code provisions to review and update in anticipation of the flood mitigation planning and funding process (Mickelson)

Mick McKamie, Taylor Olson Adkins Sralla & Elam, LLP

“Best Practices for service as Interim City Attorney.”

Danielle Folsom, Deputy Section Chief, General Counsel Section, City of Houston

“Statutory Construction for Voter-Approved Measures”

How are rules of statutory interpretation used to interpret charter amendments, ordinances adopted by initiative, and other types of measures? A review of existing Texas case law and a look at what guidance out-of-state cases can give us in the area of petition-driven measures where Texas case law is scant and a City may be grappling with the interpretation and enforcement of ambiguous language it did not write.

Friday

Kevin Curley, Messer, Fort, & McDonald, PLLC

“Ultra Vires Claims—Where Did Your Immunity Go?”

With the Texas Supreme Court's limitation on the scope of immunity waiver for declaratory judgment actions, there has been a spike in claims alleging the ultra vires exception. However, the ultra vires exception is much more narrow in scope than plaintiffs are asserting. It also is a rapidly developing area of law—in each of the past years the Texas Supreme Court has handed down important ultra vires decisions, focusing on the scope of the exception, the type of relief available, and potential defenses. The discussion will focus on the e Texas Supreme Court cases,

a few intermediate opinions applying them, and then generally how to defend ultra vires claims. It will briefly touch on a question that has not (to my knowledge) been directly answered—whether attorneys’ fees are recoverable on a successful ultra vires claim. The presumption is that because it is a subset of a declaratory judgment action, a plaintiff is able to recover attorneys’ fees. However, that is not clear and the Texas Supreme Court has not weighed in.

Jamie Mauldin and Cody Faulk, Lloyd Gosselink Rochelle & Townsend, PC

“Utility-Related Updates for 2020”

This presentation will provide an overview of activities at the Public Utility Commission of Texas and Railroad Commission of Texas, and recent and/or ongoing electric, water, and gas proceedings that impact Texas cities at these agencies. Also included will be a discussion of anticipated utility proceedings and ongoing utility trends.

Chase Gomillion, Assistant City Attorney, Criminal Prosecution Division, City of Austin

“Credit Access Business Regulation”

The City of Austin, along with many other Texas Municipalities, has adopted a set of ordinances that seek to regulate certain aspects of the Credit Access Business, or "CAB," industry. CABs are entities that act as brokers and guarantors between a borrower and a third party lender, and often charge substantial fees for their services. Among the aspects of the CAB industry that Austin regulates is the repayment schedule for the total amount owed by the borrower to both the CAB and the lender, as that has been found to have a profound impact on the financial well-being of Austin's poorest citizens. The City of Austin has adopted a comprehensive auditing and enforcement program for these ordinances and has encountered significant legal challenges in recent years. This CLE would give an overview of Austin's ordinance scheme, Texas state law, enforcement methodology, and public policy ramifications related to this subject matter.

Clarissa Rodriguez, Denton, Navarro, Rocha, Bernal, & Zech, P.C.

“Retaliation Update”- loads of new issues and cases to consider for employment & retaliation

NOT INCLUDED IN DRAFT AGENDA

Messer, Fort, & McDonald, PLLC

- Melissa Cranford: “When Change is in the Air: Helping your City Survive a Change of Management.” City managers set organizational culture. This presentation gives guidance and discusses pitfalls for helping a city survive change in city management, especially when that change involves termination. Topics discussed include performance documentation, common contract and severance provisions, communication essentials and transition plans.
- Will Trevino: “Oh no, I've been hacked! - Navigating through a cybersecurity attack and developing effective policies” Train city attorneys in advising their clients on what to do and how to advise their clients on developing policies to prevent attacks and/or respond to them.

Judith El Masri, Randle Law Office Ltd., L.L.P.

1. Governing Body Issues
Elected Officials; open meetings, vacancies, dual position-holding, social media, removal, resignation,
Appointed Commission Members; open meetings, dual position-holding, conflicts in appointments.
2. Bad Behavior 101
Conflicts & Ethics & Social Media Usage by Elected Officials and City Employees; Oversight to avoid criminal activity and behavior; Toxic City Hall; Social Media's Impact on local government.
3. Hurricane 101: All the issues that present themselves in times of weather emergencies including flooding, tornadoes, fire, and Hurricanes. How to be prepared. Emergency Declarations and Operations; FEMA issues; Ordinances regarding trailers and temporary living situations for homes affected or destroyed & substandard buildings; No Wake Ordinances. How to keep operating and remain functional in city government and in the city attorney's office.
4. Animal House
Animal Ordinances; Interlocal Agreements regarding Animal Control; working with non-profit rescues, Service Dogs at Work, Canine Handler Law Enforcement Officers, TRN programs for feral community cats; nuisance neighbors with 45 purple martin gourds in back yard; alligator control, wild hog control.

Bickerstaff Heath Delgado Acosta, LLP

1. Municipal Redistricting Obligations Triggered by the Upcoming Release of the 2020 Federal Census

Presenters: David Méndez, Partner, and Sherry McCall, Senior GIS Specialist

Describe and discuss the compilation and release of the 2020 Census in connection with the upcoming redistricting cycle with a particular emphasis on current legal controversies concerning citizenship and other voting rights aspects.

- Explain how cities with single member district council structures determine if district populations are out of balance so as to trigger redistricting obligations.
- Explain how cities establish and conduct an effective redistricting process to redraw the single member district boundaries with emphasis on the applicable legal and constitutional principles.
- Provide strategies and tips to anticipate and avoid potential legal challenges.

The 2020 Census cycle will be our firm's fifth decade assisting Texas cities with the redistricting process and we will share anecdotes and examples during the presentation of creative and cost efficient ways to accomplish redistricting based on the firm's many years of municipal redistricting experience.

2. Expunctions: When Forgetting is Mandatory by Law

Presenter: Daniel J. Olds, Associate

Daniel Olds will cover the basic legal framework of expunctions under Chapter 55 of the Texas Code of Criminal Procedure, discusses recent case law, and demonstrates how expunction orders specifically affect cities. (The material in this presentation is formatted for one-hour, but can be pared to 30-minutes if necessary.)

3. Employment Law Updates

Presenter: Vanessa Gonzalez, Partner

Vanessa's presentation will review current trends in the employment law arena facing cities, including the areas of Title VII, ADA, FMLA, First Amendment Claims, and Whistleblower Claims. Vanessa will review recent cases for a look at how the courts are ruling on the employment law issues facing cities. How do these decisions impact a city's personnel policies and ordinances?

4. Municipal Borrowing In a Time of Climate Change

Presenter: Gregory Miller, Associate

Climate change is affecting how cities plan for their future infrastructure needs and, at the same time, how investors evaluate municipal bonds. This presentation explains how cities, which are at the front-line when it comes to experiencing the impact of as well as the demand to address climate change, can position themselves to respond to the changing demands of the environment and of the bond market through adaption and following a green bond model when issuing debt.

5. Eminent Domain 101

Presenter: Philip Arnold, Partner

Philip Arnold will present a broad overview of the statutes, process, and timelines for cities to condemn property. The presentation will explore broad issues of how to value property under

existing case law. For example, a billboard is valued differently than a building or land. Mr. Arnold will offer other examples of the technical issues that face cities as they exercise their eminent domain authority for public projects.

6. Changing Access to Property as Part of a Road/Highway Construction Project

Presenter: Philip Arnold

Mr. Arnold's presentation will address the specific issue of how closing or moving a driveway can affect the value of property that is condemned by a city. For example, most gas stations are on corners because they are "convenient" for customers, but also to facilitate large delivery trucks. If a city closes or moves a driveway, a landowner may allege "damages to the remainder" property. This is more of an appraisal and valuation focused topic, but is something cities need to understand so they can design projects to avoid these type of damages. Rather than a how-to or 101, this is more of a midlevel eminent domain presentation.

7. *Knick v. Township of Scott, Pennsylvania* – What the U.S. Supreme Court's Decision Means for Local Governments

Presenter: Philip Arnold, Partner

The U.S. Supreme Court recently decided the case of *Knick v. Township of Scott, Pennsylvania* (139 S.Ct. 2162 (June 21, 2019)). This case reversed decades of precedent that had held that a landowner cannot sue in federal court for a "taking" of property under the Fifth Amendment to the U.S. Constitution until the landowner had exhausted any state law process. In *Knick*, the Court held that a property owner has a Fifth Amendment takings claim when the government takes his property without paying for it, and therefore may bring his claim in federal court under USC § 1983. This is important for several reasons. First, it changes the last 35 years of case law. Second, it allows a landowner to sue in federal court under USC § 1983, which allows for attorney's fees (Texas law does not allow for the recovery of attorney's fees in most condemnation cases). Third, it opens local governments to suit in federal court where no such threat existed before. Fourth, it is unclear what effect this opinion will have in future condemnation cases. This presentation will explore what this important decision means for cities that exercise their eminent domain authority.

Jeff Chapman, The Chapman Law Firm

Contractor Claims in Light of Recent Developments in Sovereign Immunity law.

Ryan Henry, Law Offices of Ryan Henry

1. Practical Tips in Handling a F-5 SOAH hearing
2. Council Ethics and the City Attorney – Running the Gauntlet
3. Creating Administrative Procedures: Reinventing the Wheel
4. Recent Changes in Contractual Immunity Claims
5. PIA Pitfalls: the new, the old, and the infamous
6. Statutory deadline = jurisdictional, Rule/admin deadline = it depends

7. Obtaining Injunctions to Enforce Your Ordinances
8. Updates to Vested Rights and Litigation Pitfalls
9. Updates in code enforcement
10. Practical tips for ordinance drafting
11. Charter amendments:
12. Dealing with political factions on your city council
13. Updates on ultra vires claims against your officials
14. Surviving the new Public Information Act: Survival skills and handbook
15. Citizen comments and you: what NOT to do
16. Recent state/federal case updates

Lloyd Gosselink Rochelle & Townsend, PC

- **James Aldredge** would like to speak on: Legal Pitfalls for TCEQ Wastewater Applicants: Lessons Learned from Senate Bill 709 Implementation. In 2015, the Legislature passed Senate Bill 709 to overhaul the TCEQ's legal contested case hearing process for wastewater permitting. The intent of SB 709 was to streamline the TCEQ's hearing process and make it easier for sewer service providers to obtain wastewater treatment permits. The TCEQ's recent implementation of the SB 709 process has revealed some potential legal pitfalls for unwary permit applicants that increase the importance of due diligence in putting together permit applications before the TCEQ's review process gets underway. This presentation will inform wastewater treatment facility operators of TCEQ's new legal process and explain the importance of focusing on crafting a solid permit application and working with TCEQ's staff during its pre-hearing administrative and technical review process.
- **Thomas Brocato** would like to present on: Cities and Utilities : A Long Relationship. The presentation will touch on the role of cities in the regulatory process, how it has changed over the years, and why it is critical. Included will be the history of city regulation, the challenges at the legislature, and city reimbursement, as well as issues impacting municipally-owned utilities. With city authority under attack at the Legislature, now is a good time to consider how municipal involvement benefits our communities and citizens.
- **Jose (Joe) de la Fuente** offers two possible topics: Protecting Your Citizens' Environmental Health: What's Left For You To Do? A discussion of tools and measures available to cities when third parties are threatening local environmental health and safety. This presentation will include a discussion of nuisance abatement under Chapter 343 of the Health and Safety Code (recently successfully employed by the City of Cleburne), availability and limits of zoning enforcement, citizen suits under federal statutes, participation in the administrative permitting process, and environmentally preferential purchasing.

And: The State of Bond Validation Suits Under Chapter 1205 of the Gov't Code. A discussion of the statute, when it might be useful, what can be validated, what the

limitations are, the procedural mechanisms within the statute (such as consolidation, the requirement for security, and the like), and recent case developments.

George Hyde, Russell Rodriguez Hyde Bullock, LLP

“Are You a Temporary Custodian of City Records?”

Chase Gomillion, Assistant City Attorney, Criminal Prosecution Division, City of Austin

“Challenging Criminal Ordinances in Civil Court”

Although the traditional context to assert a constitutional challenge to a penal law is within a criminal prosecution based upon that law, there are narrow circumstances in which such a challenge can be litigated in a collateral civil lawsuit. Such a lawsuit is a full-blown civil proceeding in a district court with all that entails. This CLE would discuss the relevant statutes, case law, fine points of procedure, and strategic concerns that surround what can be very challenging litigation for city attorneys accustomed to practicing in municipal courts alone.

Clarissa Rodriguez, Denton, Navarro, Rocha, Bernal, & Zech, P.C.

- RLUIPA
- Independent contractor analysis update
- Ethics: representation of organization and ethical issues related to alleged harassment issues
- Accommodations for job applicants under the ADA
- Dealing with subpoenas sent to cities by third party litigants (this may also qualify for ethics)

If there is a specific topic y’all are thinking of, we can do what you want...we can do it! Just let us know. Depending on topic, we can see who will do it.

OTHER SUGGESTED TOPICS

INCLUDED IN DRAFT AGENDA:

- “Andy [Quittner, City Attorney, City of Seguin] for talk on Noise Ordinances would be good topic for TCAA.” This suggestion came from Mick McKamie.
- “Of Counsel – how to, a day in the life, best practices, etc.” This suggestion came from Sherri Russell, Lake Jackson, City Attorney.
- “U.S. Supreme Court Case Update” by Chuck Thompson. This suggestion came from Scott Houston.
- “Ethics Issues in the Legislative Process.” This suggestion came from Christy Drake-Adams.
- “Rule 3.08: Considerations for Attorneys as General Counsel.” This suggestion came from Christy Drake-Adams. (Ryan Henry recently wrote a related article for the SBOT Gov’t Lawyers Newsletter.)

NOT INCLUDED IN DRAFT

- “Immunity: off duty and out of jurisdiction involved in car crash while responding to perceived law enforcement situation. Pending in Tx Supreme Ct. TML filed Amicus Brief . . . case originated in Fannin County, Honey Grove, TX.” This suggestion came from David Hamilton, City Attorney, City of Honey Grove.

(Ramón Viada wrote the amicus brief. The case is *CKJ Trucking, L.P. v. City of Honey Grove*. On July 24, 2019, the court of appeals concluded that the officer was – by virtue of investigating suspicious behavior – acting as an employee at the time of the accident. The case was remanded to the trial court, but the city appealed to the Texas Supreme Court. Another amicus brief is forthcoming.)

- “Wellness for the post-50 crowd.” This suggestion came from Dottie Palumbo, Bojorquez Law Firm.
- “Texas Local Gov’t Code 143.089(g) personnel files and interaction with Public Information Act.” This suggestion came from Elizabeth Provencio, First Asst City Attorney, City of San Antonio.
- “Ensuring Compliance with the new FLSA rule, effective Jan. 1, 2020.” This suggestion came from Elizabeth Provencio, First Asst City Attorney, City of San Antonio.

- “Crisis Management of Legal Issues” (e.g., SB 2). This suggestion came from Elizabeth Provencio, First Asst City Attorney, City of San Antonio.
- “Drafting City Contracts” – A talk about contracts common to cities, required provisions, with a how to work around on various provisions. This suggestion came from Mike Hayes, City Attorney, City of Kerrville.
- “Cyber-Attacks and Ransoms: Do Cities have a duty to pay to ensure that Public Information is available to citizens?” This suggestion came from Meredith Ladd, City Attorney, City of Carrollton.

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TEXAS CITY ATTORNEYS ASSOCIATION

≡ Menu

TCAA-Affiliated Groups

Regional or local groups are a great way to meet and network with other city attorneys within close geographic proximity. These groups also create opportunities and time to learn about legal issues facing cities and gain insight into solutions that can be applied across all city organizations.

In an effort to support and promote regional and local groups, the TCAA board has approved a [policy](#) allowing such groups to formally partner with TCAA. If you're an established group looking for support, please consider [applying](#) to become a TCAA affiliate.

Have questions or need additional information? Please contact Christy Drake-Adams at christy@tml.org or 512.231.7400.

[TCAA Affiliate Application](#)

[TCAA Affiliate Policy](#)

Current TCAA-Affiliated Groups

Check back here often to find a group in your area!

Special Thanks To Our Sponsors



TCAA Affiliate Application

Thank you for your interest in partnering with the Texas City Attorneys Association (TCAA) to support and promote your local/regional attorney group! There is no cost to become a formal affiliate of TCAA. Any local club or society may submit to the TCAA executive committee a written request for formal affiliation with TCAA. The request must be made by a member of the club or society who is also an active TCAA member. In order to qualify as an affiliate of TCAA, the local club or society must:

- Further the purpose of TCAA as set out in Article II, Section 1, of the TCAA Constitution;
- Not overlap with the geographical area served by any other club or society affiliated with TCAA;
- Have at least three officers, who are active members of TCAA, selected annually by the members of the club or society;
- Hold at least one meeting of the club or society's membership each year in the geographical area served by the club or society in order to encourage fellowship among the members and to promote the study of municipal law; and
- Not hold meetings in conflict with the annual meeting or semi-annual meeting of the TCAA.

To submit your request for formal affiliation with TCAA, please fill out the form on the following page and return it by email to:

Christy Drake-Adams
Assistant General Counsel
Texas City Attorneys Association
christy@tml.org
512-231-7400

Please provide the following information:

CONTACT INFORMATION

Organization Name:

Application Contact (Name/Position in organization):

Address:

Address 2:

City/Zip:

Contact Phone:

Contact Email:

CURRENT OFFICERS (List the name and title of three officers who are active TCAA members*)

1.

2.

3.

*The TCAA membership directory is available here:

http://members.tml.org/Web/Online/Directories/TCAA_Directory.aspx.

GEOGRAPHIC AREA (List all cities included in your local/regional group)

MEETING SCHEDULE (If irregular, please provide the date, time and location of both the most recent and next scheduled meeting.)

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TEXAS CITY ATTORNEYS ASSOCIATION

≡ Menu

Galen Sparks and Susan Rocha Awards for Outstanding Public Service

AS OF OCTOBER 10, 2019, CHANGES HAVE BEEN MADE TO THE ELIGIBILITY REQUIREMENTS FOR THESE AWARDS:

1. City Attorneys are now eligible.
2. Division by city size has been eliminated.
3. The awards now recognize in-house (Galen Sparks) and outside counsel (Susan Rocha).

Galen Sparks served as an assistant city attorney and dedicated public servant for the City of Dallas for over 27 years. He distinguished himself in a variety of areas of municipal law and generously shared his time and expertise in a way that substantially enhanced the professionalism of his fellow municipal lawyers.

The TCAA Galen Sparks Award for Outstanding Public Service is intended to recognize and honor a current or former city attorney or assistant city attorney for significant and distinguished career achievements in the field of municipal law. The TCAA board grants one award each year for an in-house city or assistant city attorney.

Susan Rocha served as an assistant city attorney for the City of San Antonio early in her career, and went on to be a trailblazer in municipal law. She served as president of both the Texas City Attorneys Association and the International Municipal Lawyers Association, and was

a mentor and role model for many attorneys in the field due to her hard work, many achievements, and – of course – irrepressible personality.

The TCAA Susan Rocha Award for Outstanding Public Service is intended to recognize and honor any current or former city attorney or assistant city attorney for significant and distinguished career achievements in the field of municipal law. The TCAA board grants one award each year for outside counsel serving as a city attorney or assistant city attorney.

The recipients of these awards will be honored at the TCAA Summer Conference. In addition, TCAA will waive the recipients' seminar registration fee and provide the recipients with three nights' lodging for the meeting. The deadline to apply to receive the award at the 2020 Summer Conference on June 17-19 is April 17, 2020. For downloadable criteria and an application form, [click here](#).

Recipients

2019:	Galen Sparks Award – No Nominations Received Susan Rocha Award – Victor Flores, Plano
2018:	Galen Sparks Award – Deidra Penny, Houston Susan Rocha Award – No Nominations Received
2017:	Galen Sparks Award – Ross Crow, Austin Susan Rocha Award – Donna Fairweather, Galveston
2016:	Galen Sparks Award – David Barber, Arlington Susan Rocha Award – Janet Spugnardi, Irving
2015:	Galen Sparks Award – Savita Rai, San Antonio Susan Rocha Award – David (Mitch) Satterwhite, Lubbock
2014:	Galen Sparks Award – Patricia (Trish) Link, Austin Susan Rocha Award – Kinley Hegglund, Wichita Falls
2013:	Galen Sparks Award – Donna Edmundson, Houston Susan Rocha Award – Annette Jones, Waco
2012:	Galen Sparks Award – Elaine Hengen, El Paso Susan Rocha Award – Theresa James, Abilene

2011:	Big Cities – Linda Frank, Arlington Other Cities – Sarah Garder-Cox, Temple
2010:	Big Cities – Don Knight, Dallas Other Cities – Steven Kean, Tyler
2009:	Big Cities – Peter Merkl, Corpus Christi Other Cities – Jerikay Gayle, Round Rock
2008:	Brenda McDonald, Irving
2007:	Lisa Aguilar, Corpus Christi
2006:	<i>No Nominations Received</i>
2005:	Dorothy Palumbo, Denton
2004:	Bill Wood, San Antonio
2003:	Jeanene McIntyre, Arlington
2002:	Lynn Nunns, Carrollton
2001:	Ed Snyder, Denton
2000:	Roxanne Nemcik, College Station
1999:	Chad Weaver, Midland
1998:	Claud Drinnen, Amarillo
1997:	Michael Bucek, Denton
1996:	Robert Diaz, Arlington
1995:	Donald VanDiver, Lubbock
1994:	Tom Finlay, San Antonio
1993:	Nanette Williams, El Paso
1992:	Tyrone Cooper, Beaumont

**NOMINATION INFORMATION FOR AWARDS FOR
OUTSTANDING PUBLIC SERVICE
BY A CITY OR ASSISTANT CITY ATTORNEY**

ORIGIN AND PURPOSE OF THE AWARDS

These Awards for Outstanding Public Service are intended to recognize and honor a current or former city attorney or assistant city attorney for his or her significant and distinguished career achievements in the field of municipal law.

PROCEDURE

1. The nominator furnishes basic information about the nominee by completing the nomination form, below (or furnishes the information called for by the form in a substantially identical format). An assistant city attorney nominee's city attorney must approve of the nomination.
2. The nominator writes a clear and concise statement in support of the nomination describing the significant and distinguished professional achievements in the field of municipal law that have occurred or culminated during the nominee's career as a city attorney or assistant city attorney, conveying as much information about the personal characteristics of the nominee as the nominator thinks would be helpful to the nomination, and thoroughly depicting how the nominee fulfills the criteria established for bestowing the award (see "Criteria," below).
3. The nominator transmits the completed nomination form to the TCAA General Counsel who, after adding TCAA staff comments, forwards them to the TCAA Board of Directors for decision. **FULLY COMPLETED NOMINATIONS MUST ARRIVE AT THE TCAA OFFICES BY NO LATER THAN THE ESTABLISHED DEADLINE TO BE CONSIDERED IN THAT YEAR'S AWARD PROCESS.** The decision of the Board of Directors will be rendered and the nominator will be notified of the decision.
4. TCAA reserves the right to withhold bestowal of the award in any given year and to reject any and all nominees.
5. Nominators may re-submit or the Board may consider nominations of nominees not selected in previous years, if appropriate.
6. The award will be presented to the person selected to receive the award at a formal award ceremony held during that year's TCAA Summer Conference.

CRITERIA FOR BESTOWING THE AWARDS FOR OUTSTANDING PUBLIC SERVICE

The following are all of the criteria against which each nominee will be measured. The Board of Directors does not expect any nominee to meet all of the criteria. However, the nominee who best meets the most criteria will be selected as that year's recipient. How the nominee meets the criteria should be thoroughly depicted in the nominator's statement in support of the nomination.

1. The nominee is an active or retired city attorney or assistant city attorney of a Texas Municipal League member city. However, no person will be permitted to nominate himself or herself.
 2. The nominee has realized significant and distinguished career achievements in the field of municipal law that have occurred or culminated during the nominee's career as a city attorney or assistant city attorney. The achievements have benefited all municipal attorneys, either locally or nationally. (Some examples might be the successful representation of municipal interests before state trial and appellate courts or federal district and circuit courts, or in the United States Supreme Court, or in legislative, judicial, quasi-judicial, administrative or advisory roles; expertise in particular areas of substantive or procedural law; or other demonstrations of legal ability and public service throughout the nominee's career. These examples are not intended to limit the kinds of achievements that should be described.)
 3. The nominee's career achievements have brought new and inspiring ideas to TCAA's programs and activities.
 4. The nominee's career achievements have enhanced the image of the municipal attorney both locally and nationally, especially in the courts at all levels. (Objective, results-oriented information should be provided showing how the nominee's achievements enhanced the esteem in which municipal attorneys are held by courts at all levels and how the achievements benefited the entire municipal law profession.)
 5. The nominee has received recognition either locally or nationally or both for his or her achievements.
 6. The nominee's career demonstrates his or her personal characteristics of integrity, honesty, leadership, selflessness, dedication, tact, diplomacy, political acuity, and astuteness in dealing with the press and the public. (Cite examples.)
 7. The nominee's career achievements have been promulgated to their fellow municipal attorneys through his or her presentation of papers on the subject matter of the achievements or through participation on panels at programs discussing the subject matter of the achievements sponsored by local and/or national professional associations.
-

TCAA AWARDS FOR OUTSTANDING PUBLIC SERVICE NOMINATION FORM

Award Sought (Choose one):

- Galen Sparks Award (in-house city attorney or assistant city attorney)
- Susan Rocha Award (outside counsel acting as city attorney or assistant city attorney)

Name of Nominee: _____

Title: _____

City Represented: _____

If an assistant city attorney, has the nominee's city attorney approved the nomination? ____ Yes ____ No

Educational Background:

Years in Public Service and Positions Held:

Service to the legal profession, including membership and offices held in bar associations and other relevant professional organizations (include pro bono work):

Community Service and Activities:

Publications, Awards, Honors:

The TCAA Galen Sparks Award for Outstanding Public Service by an Assistant City Attorney is intended to recognize and honor its recipient for significant and distinguished career achievements in the field of municipal law. Please state, in no more than 500 words, the reasons you believe the nominee deserves this Award.

Nominator: _____

Title: _____

City: _____

Date: _____

Please e-mail this completed form to legalgovt@tml.org no later than the close of business on the due date posted on the TCAA Web site.

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Texas City Attorneys Association
Profit and Loss Statement
For the Six Months Ending December 31, 2019

	October	November	December	YTD	Budget	Favorable (Unfavorable) Variance
Membership Dues	\$3,170.49	\$476.25	\$774.94	\$33,069.59	\$29,980.00	\$3,089.59
Investment Income	401.16	347.65	345.85	2,309.66	2,000.00	309.66
Semi-Annual Meeting (Summer)	409.00			1,827.32	62,820.00	(60,992.68)
Sponsor Revenue					60,000.00	(60,000.00)
Riley Fletcher Seminar	288.95	2,995.36	2,448.34	5,732.65	7,500.00	(1,767.35)
CML Revenue				200.00		200.00
Total Revenue	4,269.60	3,819.26	3,569.13	43,139.22	162,300.00	(119,160.78)
Professional Fees		1,100.00		1,100.00	1,100.00	
Telephone					75.00	75.00
Postage	41.30	25.30	0.50	261.25	300.00	38.75
Boards and Committees	553.96	117.00	117.00	1,138.96	4,000.00	2,861.04
Semi-Annual Meeting (TML)	1,213.81	71.29		6,212.15	11,200.00	4,987.85
Semi-Annual Meeting (Summer)	5,170.35	370.50	370.50	6,771.44	85,048.00	78,276.56
Riley Fletcher Seminar	175.50	1,368.05	175.50	2,245.55	7,666.00	5,420.45
Public Relations			214.50	214.50	300.00	85.50
IMLA Scholarships	3,078.04			6,271.42	8,000.00	1,728.58
IMLA Small Cities Membership Contributions			3,000.00	3,000.00	3,000.00	
Printing and Reproduction	0.20		0.28	0.60	300.00	299.40
Dues and Publications				443.68		(443.68)
Newsletter	1,326.00	1,326.00	1,326.00	7,956.00	15,912.00	7,956.00
Awards & Recognition					1,300.00	1,300.00
Office Supplies					100.00	100.00
ListCAA Listserve	52.00	52.00	52.00	312.00	624.00	312.00
Web Site Expenses	173.85	78.00	365.18	1,322.79	10,936.00	9,613.21
Miscellaneous	11.36	167.78		1,179.14	3,000.00	1,820.86
Administrative Services	940.37	265.37	355.37	9,227.22	9,439.00	211.78
Total Expenses	12,736.74	4,941.29	5,976.83	47,656.70	162,300.00	114,643.30
Net Income (Loss)	(8,467.14)	(1,122.03)	(2,407.70)	(4,517.48)		(4,517.48)
Beginning Net Assets				169,926.75		
Ending Net Assets				165,409.27		

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Texas City Attorneys Association
~~2020-2021~~ ~~19-20~~ 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 ~~October 31, 2019~~ ~~November 30, 2018~~. For TCAA this is ~~\$1,689,391,564.48~~ annually ~~or~~ ~~\$130.37 monthly~~ given a balance of ~~\$168,939.00~~ ~~156,447.53~~.
- 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.

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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 \$15,912 annually. The appropriate Affiliate account will be debited monthly for the costs following publication/distribution. (408 hours at \$39 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 ~~\$5,4604,446~~), plus actual staff travel expenses. (~~140+14~~ hours at \$39 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 \$1,404 annually, plus actual staff travel expenses. This amount is calculated upon the preparation and attendance of three Board meetings. (36 hours at \$39 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 \$2,106), plus actual staff travel expenses. (54 hours at \$39 per hour)
- E. **TCAA Website Maintenance**
Compensation: In consideration for maintenance, and monitoring of TCAA site for one-year with an estimated cost of \$936. The appropriate Affiliate account will be debited monthly for these costs. (24 hours at \$39 per hour)
- F. **TCAA LisTCAA Listserv**
Compensation: The Affiliate will reimburse TML for cost of \$624.
(16 hours at \$39 per hour) ~~The appropriate Affiliate account will be debited monthly.~~
- G. **TCAA-Affiliate Groups**
Compensation: In consideration for coordinating the TCAA-Affiliated Groups program, the Affiliate will reimburse TML for its staff time (estimated at \$78), plus actual staff travel expenses. (2 hours at \$39 per hour)

~~Blast Email Notifications (estimate for budgeting purposes only)~~

~~TML will prepare and send blast email notifications at the request of TCAA. These notifications will be billed at \$117 per blast email. These blast emails are outside of the emails 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 \$585 (5 blast emails per year for a total of 15 hours at \$39 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 TCAA for liability arising out of errors, omissions, or other actions by TCAA at or during such activities and programs. For any other programs or activities performed or provided by 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 TCAA, and 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, 202~~10~~¹⁹. On June 30, 202~~10~~¹⁹, 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, 202~~10~~¹⁹, 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

Paige Mims Sylvia Borunda Firth
City Attorney

Sylvia Borunda Firth, PLLC
City of Plano

PO Box 942 El Paso, TX 79946
PO Box 860358, Plano, TX 75086

TML

Scott Houston

TML Deputy Executive Director and General
Counsel

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 \$39 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 _____, 202019.

| By: Paige Mims~~Sylvia Borunda Firth~~, Affiliate President

By: Bennett Sandlin, TML Executive Director

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