



Texas City Attorneys Association

Board of Directors Meeting

Irving, Texas
February 3, 2023

Agenda

TCAA Board of Directors
Irving, Texas
Friday, February 3, 2023
3:00 p.m.

1. Welcome newest TCAA Board Members – Victoria Huynh, Laura Mueller, and Frank Garza
2. President's remarks
3. Consider minutes of the October 5, 2022 TCAA Board Meeting
4. Survey results of the 2022 TCAA Fall Conference
5. Consider and approve program for the 2023 TCAA Summer Conference
6. Report on programing for paralegals
7. Sponsorship update
8. Report on TCAA budget
9. Report from TCAA Board Representative on TML Board
10. Discuss nominating process
11. Next board meeting to be held on June 14, 2023
12. Other business
13. Adjourn

**TCAA
Board of Directors
2022-2023**

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Minutes

TCAA Board of Directors
San Antonio, Texas
Wednesday, October 5, 2022
4:30 p.m.

Board President Ron Stutes called the meeting to order at approximately 4:51 p.m.

Board members present:

Ron Stutes
Kuruvilla Oomen
Slater Elza
Kevin Pagan (via telephone)
Jennifer Richie
Julie Fort
Sharae Reed
Maleshia McGinnis
Victor Flores
Alan Bojorquez

Board members absent:

Charlie Zech

TML staff present:

Evelyn Njuguna
Alyssa White
Amber McKeon Mueller

Others present:

Dottie Palumbo

1. Consider minutes of the June 15, 2022 TCAA Board Meeting

A motion to approve the June 15, 2022 board meeting minutes made by Jennifer Richie was seconded by Kuruvilla Oomen. Unanimously approved.

2. Survey results of the 2022 TCAA Summer Conference

No action.

3. Report on the 2022 TCAA Fall Conference

No action

4. Report on 2022 TCAA board applicants

No action

5. Report on TCAA budget

No action

6. Discuss and consider protocols for posting items on the Listserv

A motion to approve protocols for posting items on the Listserv made by Jennifer Richie was seconded by Alan Bojorquez. Unanimously approved.

7. Discuss and consider programming for paralegals

A motion to create a committee made up of Alan Bojorquez, Kuruvilla Oomen, Jennifer Richie, and paralegals from their offices to discuss paralegal programming was made by Victor Flores and seconded by Julie Fort. Unanimously approved. The committee will present its ideas for paralegal programming at the next board meeting.

8. Discuss and consider board attendance policy

A motion to adopt the board attendance policy with the changes set out in Exhibit “A” was made by Kuruvilla Oomen and seconded by Alan Bojorquez. Unanimously approved.

9. Next board meeting

The next board meeting will be held in Irving on February 3, 2023, at 3:00 p.m.

10. Other business

11. Adjourn

Attendance Requirements-

(a) A Board Member shall be automatically removed from the Board, effective upon twice failing to attend a regularly scheduled Board meeting without an excused absence during a given ~~“TCAA cCalendar yYear”~~ (as used in this section, this term means a period beginning the first day of the TML Annual Conference and ending on the last day of TCAA’s Summer Conference), or for failing to attend four regularly scheduled Board meetings during two consecutive ~~TCAA cCalendar yYears~~, regardless of whether such absences were excused or unexcused. Attendance at a regularly scheduled Board meeting shall be fulfilled by the board member answering any one of the roll calls taken during the meeting and by substantial attendance during the meeting. As used in this section, “substantial attendance” means attendance for at least 50% of the business portions of the Board meeting. If a board member is attending a meeting virtually, “substantial attendance” requires the board to have their video camera on and be visible on screen.

(b) Any board member seeking the Board’s excuse of an absence from any meeting of the Board shall, at the earliest opportunity before the meeting, deliver to the President ~~-and TML’s Director of Legal Services~~ TCAA’s General Counsel a request in writing (including letter, memo, email, facsimile, or other means of electronic communication). If for any reason the board member is unable to deliver the request before the meeting at which such board member is to be absent, the board member shall deliver the request to the President as soon as practicable after the meeting.

(c) If a board member’s absence is included in the following list of reasons and a request for an excused absence is timely made, the Board may excuse the absence. The reasons deemed adequate for excused absence are:

- (1) illness or emergency of the board member or a member of the board’s family, or other medical reason necessitating absence from the meeting;
- (2) conflicts in the board member’s practice of law or profession that cannot be reasonably rescheduled to allow the board member to attend the meeting;
- (3) personal or family commitments, scheduled before the notice of the meeting, that cannot reasonably be rescheduled to allow the board member to attend the meeting.

(d) Any board member who does not timely submit a written request as required herein for an excused absence (including letter, memo, email, facsimile, or other means of electronic communication) and the appropriate grounds included within (c)(1)-(3) shall therefore be deemed to have an unexcused absence. Timely submit under this section means submitted within 10 days.

(e) A board member may appeal the determination that an absence is not excused by delivering a written notice of appeal to the President stating the basis for the appeal. If the written notice of appeal is received within ten (10) days of when the board member was notified that their absence was not excused, then the President shall include the notice of appeal among the board materials for the subsequent board meeting. The absence shall be excused if approved by the affirmative vote of 2/3rds of the board members present and voting.

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Q1 - Please provide your name.

Please provide your name.

Christina Weber

Mike Hayes

Ronald D. Stutes

Thomas Leeper

Joey Halbert

Mick McKamie

Will Trevino

Barbara L. Quirk

Slater Chalfant Elza

Jim G Fox

Kuruvilla Oommen

Molly Shortall

Adam L. West

Esther Pena

Camila W. Kunau

Karen Horner

SAVITA RAI

Laura Mueller

Aimee Alcorn-Reed

Charles Williams

Monique Wimberly

Andrew W. Hagen

Ben Whitehead

Trisha Dang

Q5 - Please provide your city or firm if applicable.

Please provide your city or firm if applicable.

City of Irving

city of Kerrville

Wilson, Robertson & Cornelius

City of Bryan

Bovey & Cochran, PLLC

City of Boerne; Taylor Olson Adkins Sralla & Elam LLP

City of Brownsville

San Marcos

Amarillo

Deer Park

City of Irving

Arlington

City of Victoria

City of Mission

City of San Antonio, Office of the City Attorney

City of Friendswood

CITY OF SAN ANTONIO

Dripping Springs

City of Corpus Christi

Olson & Olson LLP

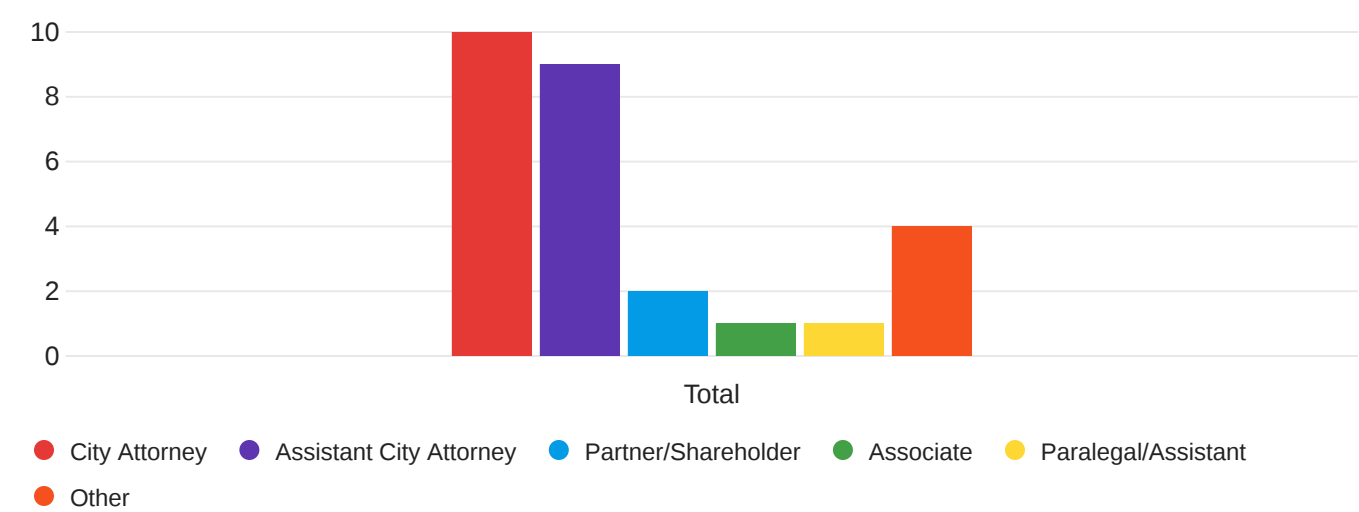
City of Odessa

City of Big Spring

Bojorquez Law Firm, PC

City of Sugar Land

Q6 - Please provide your job title.



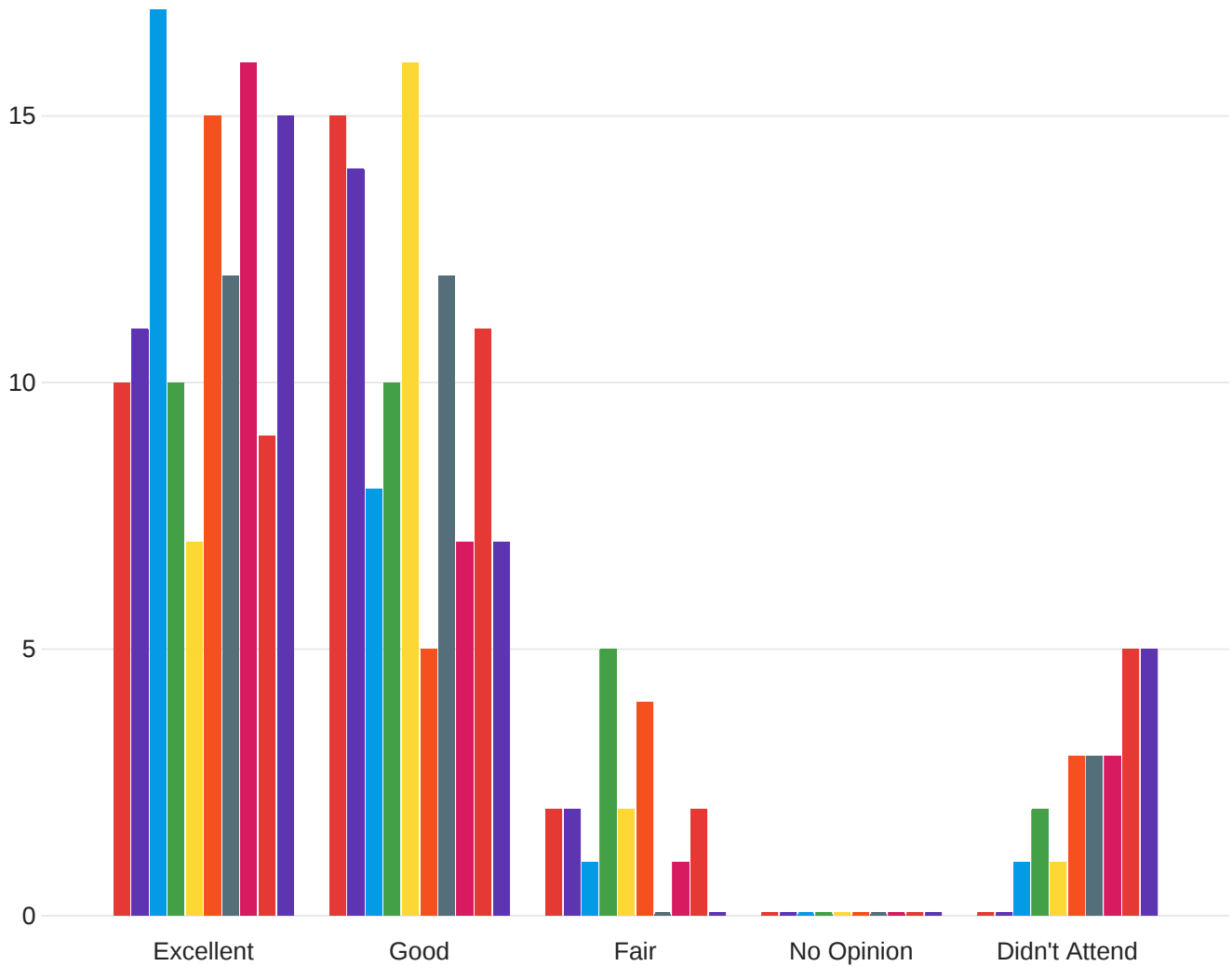
Q8 - If "Other", what is your title?

If "Other", what is your title?

Of Counsel

Q4 - Please rank the following sessions.

27 Responses



- Addressing the Worst of the Worst Nuisance Properties (Savita Rai and Sam Adams)
- Sign Regulation Post City of Austin (Kelli Leisure)
- Ethics: Quality Representation from the Client's Perspective (Alan Bojorquez, L...
- Bankruptcy in the Municipal Context (Emily Wall)
- Economic Development Case Studies (Victor Flores and Christina Weber)
- Insurance: The Costs of Contracting (Scott Houston, Aaron Hardiman, and Jeff Ch...
- Fourth Amendment Excessive Force Claims (Joshua Skinner)
- Recent Federal Cases of Interest to Cities (Randy Montgomery)
- Literary Challenges and the First Amendment (Clarissa Rodriguez and Megan Santee)
- Ethics: Third-Party Communications with Council ad Staff (Jason Rammel, Habib E...

Q2 - 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.

More economic development topics.

A more in-depth look at Third Party Communication with Council and Staff (Ethics) - Jason Rammel; Fair Housing Act update - Mick;

employment topics; planning and zoning

Election Law Update; Law Office Management; Homelessness; Public

More Q & A

Charter Amendments, Petitions, initiative and referendum

Absolutely loved the format for the first Ethics session. Please hold similar session and format (and for longer) at all future events.

Drug Testing of City Employees; Strategies for Passing Ordinances; Moratorium and Development Tools for Slowing Development

Development agreements in the ETJ

New topics--please no sign regulation, no nuisance topics. the lack of new material makes this conference no longer worth attending.

More discussion of Rule 4.02

Q8 - Please indicate your experience with the following elements of the meeting.

Relevancy of Session Topics

Field	True	Total
Excellent	17	17
Good	7	7
Fair	2	2
No Opinion	0	0

Reasonableness of Seminar Pricing

Field	Total
Excellent	15
Good	9
Fair	0
No Opinion	2
Total	26

Publicity

Field	Total
Excellent	12
Good	10
Fair	1
No Opinion	3

Total

26

Location of Seminar

Select a Metric

Meeting Facility

Select a Metric

Select a Metric

On-Site Staff

Field	Total
Excellent	3
Good	3
Fair	0
No Opinion	20
Total	26

Overall Opinion of the Seminar

Select a Metric

False

No data found - your filters may be too exclusive!

No data found - your filters may be too exclusive!

True

Field	Min	Max	Mean	Standard Deviation	Variance	Responses
Relevancy of Session Topics	1.00	3.00	1.42	0.63	0.40	26
Reasonableness of Seminar Pricing	1.00	4.00	1.58	0.84	0.71	26
Publicity	1.00	4.00	1.81	0.96	0.92	26
Quality of Broadcast	1.00	4.00	3.42	1.08	1.17	26

Q3 - Please provide any additional comments about the seminar.

Please provide any additional comments about the seminar.

audio/video problems were annoying, but audio for back of room did get remedied.

topics were better than several speakers.

The 'nusiance' talk was racist, sexist, fat-shaming, and ultimately irrelevant, because the main speaker never made any legal points because she was too busy letting us know that she really likes dogs, takes vice cops on calls because they are cute, and wanted to show us her abatement porn. At best, this was a missed opportunity. The client perspective panel would have benefited from an in-house city attorney perspective rather than two outside lawyers, since the jobs are so different. The sign talk spent too much time talking about now-irrelevant law, but it was fine. TCAA should not hold its board meetings at this conference, since membership turnout is SO LOW when compared with the summer conference. If the goal is to increase interest in the TCAA and make sure as many people as possible have an opportunity to be heard and participate, board elections should be in the summer.

so many good topics would like two days...

Great job and great topics. Thanks for all you do!!

Good topics. Location was far but it was nice being by ourselves since our schedule was different.

Very good seminar- highly relevant and helpful

In addition to the repetitive nature of this conference, the first conference presentation was offensive, racist, and sexist. I do not doubt that San Antonio's DART program is a good one--however, the primary speaker based her philosophy on "broken windows" a racist theory debunked decades ago and made repeated inappropriate jokes. And to make it worse, she provided next to no legally informative material. This is the type of presentation that makes me reconsider sending any of my staff to TCAA conferences or attending myself.

Savita Rai and Sam Adams were good but I wish they had coordinated with the AV technicians before they stood in front of the podium. They had a lot of microphone feedback.

Overall, the part of sessions I value most are when speakers address practical application, frameworks for counseling clients on the matter, common pitfalls and potential solutions. This information is what we can share and learn from each other's experience, but can't necessarily gain from reading the statutes or case law alone. I think it'd be great to try to focus speaker's towards providing short (10 min) overview of the basic legal concepts, and then spending majority of time (20 min) on discussion of what this looks like in practice. This is something I thought the two ethics presentations did will, as well as the insurance session. Fourth Amendment session this time also provided a good overview of case law updates, but within a broader framework for how to consider such cases.

Q9 - If you would like to enter your city/firm into the drawing for a free 2023 TCAA Summer Conference registration (to be held at the Westin Riverwalk San Antonio June 14-16), please provide your email address.

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TAB

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SPEAKER AGENDA

Texas City Attorneys Association

Summer Conference

June 14-16, 2023

13 Hours MCLE Credit, Including 2 Ethics Hours

Wednesday, June 14 (3 hours)

12:30 – 4:00 p.m.	Registration and Refreshments
1:00 – 1:30 p.m.	Utility Regulatory Update , Jamie Mauldin, Taylor Denison, and Roslyn Dubberstein, Lloyd Gosselink Rochelle & Townsend, P.C. (.5 hour)
1:30 – 2:00 p.m.	Recent Developments in Procurement and Construction Law: How to Draft Procurement Documents and Contracts to Avoid Legal Uncertainty , Jeff Chapman, Chapman Law (.5 hour)
2:00 – 2:30 p.m.	Interplay Between the ADA and the new Pregnant Worker’s Act , Robin Cross and Melissa Cranford, Messer, Fort, McDonald (.5 hour)
2:30 – 3:00 p.m.	_____ (.5 hour)
3:00 – 3:30 p.m.	_____ (.5 hour)
3:30 – 4:00 p.m.	_____ (.5 hour)
4:15 – 5:30 p.m.	TCAA Board of Directors Meeting
5:30 p.m.	Welcome Reception

Thursday, June 15 (6.0 hours)

7:30 a.m.	Breakfast
8:00 – 8:45 a.m.	Opening Remarks , Kuruvilla Oomen (K.O.), TCAA President Welcome Remarks , Andy Segovia, City Attorney, City of San Antonio Awards Ceremony
8:45– 9:15 a.m.	Remote Work and the Continuous Workday Rule , Clarissa Rodriguez, Denton Navarro Rocha & Bernal (.5 hour)
9:15 – 9:45 a.m.	Affordable Housing and Economic Development Trends and Tools , Gregory Miller, Bickerstaff Heath Delgado Acosta LLP (.5 hour)
9:45 – 10:15 a.m.	Public Facility Corporations: Their Impact on Economic Development and Taxes , Megan Mikutsi and Brandon Morris, Randle Law Firm (.5 hour)
10:15 – 10:30 a.m.	Break

10:30 –11:30 a.m. **Public Corruption in Procurement**, Theresa James, San Angelo, Jeff Andresen, FBI Special Agent, and Nick Morris, former Texas Ranger (1 hour)

11:30 a.m. – 1:00 p.m. Lunch on Your Own

1:00 –1:30 p.m. **Think It Over: Dealing with Fiber Companies that Want to Use Your City’s Right-of-Way**, David Johnson, City of Arlington (.5 hour)

1:30 – 2:00 p.m. **AIA and Beyond: Protecting Cities as Building Owners**, Dan Barrett, Taylor, Olson, Adkins, Sralla & Elam, L.L.P. (.5 hour)

2:30 – 2:30 p.m. **Recent State Cases of Interest to Cities**, Laura Mueller, City of Dripping Springs (.5 hour)

2:30 – 2:45 p.m. Break

2:45 – 3:15 p.m. **When Disaster Strikes: Responses and Lessons Learned**, Shae Keffer, Husch, Blackwell LP (.5 hour)

3:15 – 3:45 p.m. _____ (.5 hour)

3:45 – 4:15 p.m. _____ (.5 hour)

4:15 – 4:45 p.m. **Ethical Obligations of a City Attorney When a Councilmember is Sued Personally**, Meredith Ladd, City of Carrollton (.5 hour ethics)

5:30 p.m. Reception

Friday, June 16 (3.5 hours)

7:30 a.m. - 8:30 a.m. Breakfast

8:30 – 9:00 a.m. **Working with Delinquent Tax Collection Attorneys to Help Clean Up the City**, Brandon Davis, Olson & Olson LLP (.5 hour)

9:00 – 9:30 a.m. _____ (.5 hour ethics)

9:30 – 10:00 a.m. _____ (.5 hour)

10:00 – 10:30 a.m. _____ (.5 hour)

10:30 – 10:45 a.m. Break

10:45 –11:45 a.m. **Legislative Update**, TML Staff (1 hour)

11:45 a.m. – 12:30 p.m. **Ethics: Third-Party Communications with Council and Staff**, Jason Rammel, Law Office of Jason M. Rammel, P.C., Habib Erkan, City of Burnet, and Mick McKamie, Taylor, Olson, Adkins, Sralla & Elam, L.L.P. (.75 hour ethics)

12:30 p.m. **Adjourn**

Speaker	Topic
TML Staff	Legislative Update
Clarissa Rodriguez Denton Navarro Rocha & Bernal	Remote work and the Continuous Workday Rule EEOC Enforcement and Litigation Trends
Laura Mueller City of Dripping Springs	Update on Drug Testing Ethics – Practicing Law While High on THC
Megan Mikutsi and Brandon Morris, Randle Law Firm	<p>Public Facility Corporations: Their Impact on Economic Development & Taxes Public Facility Corporations (“PFCs”) are a statutory organizational mechanism allowing developers to purchase land in one local jurisdiction, remove it from that jurisdiction’s tax rolls through a statutory tax exemption, and partner with a different local jurisdiction to then purchase that land. Proponents of PFCs claim that these PFCs are helping to address and alleviate the State’s affordable housing crisis while local governmental entities are left grappling with significant losses to their tax base.</p> <p>County Creep: How Counties Can Affect a City’s Economic Development in the ETJ A city’s regulatory authority broadly encompasses its corporate limits but becomes diluted and restricted outside of those limits. With legislative prohibitions in place against annexation, cities have essentially been prevented from further annexation and have been subject to a freeze on the expansion of city corporate boundaries. Cities seeking to expand their city limits through utilizing voluntary annexation for development must be cautious of the regulatory authority counties may use to impede upon these developments, often causing clashes between cities wishing to expand their city limits and counties seeking backdoor regulation of certain matters within those city limits.</p>
Meredith Ladd City of Carrollton	<p>Ethical Obligations of Municipal Attorney when a Councilmember is sued Personally: When a member of a governing body is sued for tortious conduct occurring during a public meeting, what are the duties of the city attorney to the body and what rules govern the attorney’s conduct. This presentation will cover ABA model rules of professional conduct 1.7; 1.8(b); and 1.13.</p>
David Johnson City of Arlington	<p>Think It Over: Dealing with Fiber Companies that Want to Use Your City’s Right-of-Way As efforts continue to close the “Digital Divide” and make high speed internet more accessible, some fiber companies have approached cities about agreements to use city right-of-way to construct a broadband network, which may be city-wide or in a designated unserved or underserved area. Many of these companies do not hold a certificate issued by the Public Utilities Commission, under either Local Government Code Chapter 283 or Utilities Code Chapter 66, and thus are not governed by the usual state laws that apply to companies installing fiber for internet service. This presentation discusses practical considerations, lessons learned, and best practices for cities when negotiating agreements with fiber companies that seek to deploy broadband within the city right-of-way.</p>
Rebecca Andrews BBK	Making Sense of Your Regional Flood Plan. Flood plans for the state’s 15 flood planning regions were due in January 2023. This session will provide an overview of regional flood plans and help city attorneys make sense of the opportunities and challenges these plans present for their legal departments and city administrators.
Julian Grant City of San Marcos	Citizen referendums. These could affect low-level marijuana possession, zoning, and civil service/meet and confer, among other things. San Marcos has had the first and third pass or be proposed. The interaction with local ordinances, charters, and state and federal law.

	Historical district regulation. There have been suggestions by some public interest groups that <i>Powell v. City of Houston</i> (Tex. 2021) may affect municipal authority in a larger way than that case initially suggests being limited to Houston.
<i>Jason Rammel</i> , Law Office of Jason M. Rammel <i>Habib Erkan</i> , City of Burnet <i>Mick McKamie</i> , Taylor, Olson, Adkins, Sralla & Elam, L.L.P.	Ethics: Third-Party Communications with Council and Staff. Rule 4.2, Tex. Disc. R. Prof. Conduct (contact by attorneys with city represented by counsel).
<i>Logan Leal</i> , <i>Husch Blackwell LP</i>	Top 10 things for municipalities to know if you have (or are considering) an entertainment and sports venue
<i>Ben Stephens</i> , <i>Husch Blackwell LP</i>	Local Bail Practices: Municipal Liability. Over the past seven years, Texas counties and cities (including Austin, Harris County, and Dallas County) have been and continue to be targeted with litigation concerning local bail practices. The plaintiffs in these cases claim that the city or county defendant is liable under Section 1983 for how judicial officers – district judges, county court at law judges, or municipal judges – set bail. The theory is that when these magistrates set bail, aided by law enforcement, these individual actors are making policy for the municipality. By naming the city and county as a defendant and alleging a city or county policy under Section 1983, the plaintiffs hope to recover their attorneys fees from the municipality under Section 1988. The question of municipal liability for judicial decisions is currently pending before the en banc Fifth Circuit in a case we are handling (two district courts to have considered the issue held that judges <i>did</i> act as policymakers under Section 1983 when setting bail). We have spoken on this issue in other venues but think it is well suited for your audience because this litigation has significant implications for municipal liability for the acts of individual municipal actors (even outside of the bail context) and potentially exposes municipalities to significant attorneys’ fees awards in complex federal court cases.
<i>Chae Keffer</i> , <i>Husch Blackwell LP</i>	<ul style="list-style-type: none"> • Best response/lessons learned for city venues when disaster strikes: COVID site transformation/preventing and responding to event tragedies • How cities can leverage economic incentives to maximize private investment in sports/entertainment venues • Top five issues facing municipal venues • Top ten things municipalities and counties should keep in mind when acquiring property • Recent changes to the Texas Property Code • Recent eminent domain/condemnation case law updates
<i>Theresa James</i> San Angelo, <i>Jeff Andresen</i> , FBI Special Agent, and <i>Nick Morris</i> , Former Texas Ranger	Public corruption in Procurement: San Angelo’s former police chief was recently convicted of bribery and honest services mail fraud and sentenced to 15 years in federal prison. I, in conjunction with the FBI special agent on that case Jeff Andresen, will discuss the state and federal statutes involved as well as information on how and why cases are sent to the federal system versus the state system. In addition to the criminal statutes, I also provide information on state purchasing statutes and disclosure requirements and what red flags should you look out for when analyzing purchases.
<i>Mason Hester</i> Munsch Hardt Kopf & Harr, P.C.	<ul style="list-style-type: none"> • Liquidated damages: practice tips and pitfalls of enforcing and drafting liquidated damages provisions for cities

	<ul style="list-style-type: none"> • Price escalation / force majeure in construction projects: pitfalls and practice tips, including enforcement and drafting • Differing site conditions on city construction projects: enforcement, drafting, and unique Texas issues
George Hyde Hyde Kelley LLP	<ul style="list-style-type: none"> • When your City Council Acts, Does it “Count”? A discussion about the necessary elements of action for a governing body. • Ethics Commission Form 1295 Certificate of Interested Parties in light of Legacy Hutto, LLC v. City of Hutto, Texas & City of Hutto, Texas v. Wolverine Interests, LLC – a lesson and <i>shift</i> in Texas local government contracting. • Law Enforcement Litigation Update: A case review on the latest matters impacting law enforcement legal risk.
Stefanie P. Albright Bickerstaff Heath Delgado Acosta LLP	Nuts and Bolts of Ethics Laws for Public Officials Speaker. This presentation details the basic ethics laws that public officials must adhere to. The presentation will address the Texas Open Meetings Act, the Texas Public Information Act, conflicts of interest, and general ethics such as abuse of office and nepotism. (This topic can be a one-hour presentation or a 30-minute presentation.)
Philip B. Arnold Bickerstaff Heath Delgado Acosta LLP	<p>Ultra Vires Claims Speaker: An ultra vires claim is a suit that alleges that a government official acted without legal authority or failed to perform a purely ministerial act – it is a suit against an individual rather than the government and is an exception to governmental immunity. This presentation includes an introduction to ultra vires claims, a discussion of the leading cases, and tips on how to fight an ultra vires claim.</p> <p>Qualified Immunity Speaker: The concept of qualified immunity has recently become a topic of interest to the public. In the last few years, we have seen myriad examples where law enforcement officials have been found to have acted within the scope of their authority when arresting a suspect, even if that arrest resulted in injury or death. These cases are referred to as the use of “excessive force” by law enforcement. That is, the officer is accused of using more force than was reasonably necessary to arrest a suspect and that use of force resulted in an injury to the suspect. The term “qualified immunity” is often reported in the media, but the scope of qualified immunity is often not understood, even by lawyers. This presentation will cover what “qualified immunity” means and how it applies to law enforcement officers who are sued in civil court for violation of an individual’s civil rights.</p> <p>Eminent Domain 101 Speaker: Philip B. Arnold, Partner This presentation will provide an overview of the cases, statutes, process, timelines, and how to value certain types of property under existing case law (for example, a billboard is valued differently than a building or vacant land). Handouts will include a checklist to make sure all the statutory procedures are followed. 7. Changing Access to Property as Part of a Road/Highway Construction Project Speaker: Philip B. Arnold, Partner This presentation will address the specific issue of how closing or moving a driveway can affect the value of property. For example, most gas stations are on corners because they are “convenient” for customers, but also because the location allows for two sides of the property to have driveways, which allows large tanker trucks to enter and exit the gas station easily and safely. If you close or move a driveway, it can impair the value of the property and result in “damages to the remainder” property.</p>

	<p>Sign Regulation After the City of Austin Supreme Court Decision Speaker: Philip B. Arnold, Partner The U.S. Supreme Court recently issued a decision that denied a First Amendment challenge to the City of Austin's off-premise sign regulations. This presentation will cover the majority and dissenting opinions of that case and the history of challenges to off-premise sign regulations across Texas.</p>
<p><i>Gregory D. Miller</i> Bickerstaff Heath Delgado Acosta LLP</p>	<p>Affordable Housing and Economic Development Trends and Tools. The price of housing in Texas increased by 25% since 2020, while the prices nationally have increased by 8% during that same time. In addition to increasing costs, rising interest rates and inflation have accentuated the need for affordable housing across the state. Additionally, the anxiety about potential recession and curbs on local taxing authority combine to present challenges to local economic growth. This presentation will provide an overview of tools available for the development of affordable housing and economic development, particularly the use of Low-Income Housing Tax Credits and New Markets Tax Credits, which may become increasingly relevant if interest rates remain higher than in the immediately preceding years. Also discussed will be relevant examples of local governments putting these tools to use in their communities. Participants attending this presentation will obtain a working knowledge of key concepts in affordable housing and economic development law and be ready to support their city's upcoming projects.</p>
<p><i>Joshua D. Katz & Gunnar P. Seaquist</i> Bickerstaff Heath Delgado Acosta LLP</p>	<p>How May We Serve You? Speakers: A fairly obscure federal law, 7 U.S.C. Section 1926(b), allows the United States Department of Agriculture to make loans to rural water associations to allow those associations to build or improve infrastructure to provide service. In order to protect its loan, this law prohibits the "limitation or curtailment" of service by these indebted rural water associations. Many landowners within the service area of these associations found that they were incapable of providing water service or demanded that the landowner pay the full cost of all infrastructure to provide that service. And if they sought service from a nearby city, both the landowner and the city often found themselves sued in federal court.</p>
<p><i>Ryan Henry</i> Law Offices of Ryan Henry, PLLC.</p>	<ul style="list-style-type: none"> • Dealing with a Rogue Council or Mayor • Nuisance Abatement: How to get ride of the trash house • Citizens to be Heard: Navigating the Minefield • Recent State Case Updates • Sexually Oriented Business Regulations
<p><i>Joshua Galicia</i> Law Offices of Ryan Henry, PLLC.</p>	<ul style="list-style-type: none"> • Dangerous Animals: How to Deal with Citizens and Your Animal Ordinance • How to Draft Enforceable Ordinances for Municipal Court •
<p><i>Alyssa Castillon</i> Law Offices of Ryan Henry, PLLC.</p>	<ul style="list-style-type: none"> • Civil Service and Other Employment Challenges • Sexual Harassment in the New Day and Age • Texas Public Information Act Updates After COVID
<p><i>Brandon Davis</i> Olson & Olson</p>	<p>Economic Development - Using PIDs with TIRZ overlays to attract development instead of MUDs in a world without annexation. The purpose of this topic would be to discuss the benefits and process of using PIDs and TIRZs to incentivize developers to voluntarily annex into the city limits. In the Houston area MUD's are the primary tool used by Developers, but I feel that PIDs could better help cities maintain control.</p>

	<p>Step by step procedures for tax rate adoption. The tax rate adoption process is confusing and difficult to navigate every year. I feel that it would be beneficial to have a paper that walks through the entire process from start to finish.</p> <p>Annexation/development agreement negotiations upon the expiration of an industrial district agreement. As industrial district agreements expire cities have to decide if they want to annex the property or negotiate a new agreement. In the past few years, I have negotiated with several different corporations upon the expiration of their agreements. This is one of the few instances where involuntary annexation is still allowed. In some cases it may be beneficial to go ahead and annex the property, while in other instances you may want to negotiate a new industrial district agreement which lasts for a maximum term of 15 years. Cities could also negotiate a development agreement that could last much longer. Lastly, the city could annex the property and then agree to a 380 agreement with the corporation agreeing to refund a percentage of the tax revenues for a few years to help with them with the transition. I feel that this topic could be helpful to city attorneys by showing that there are different tools in our toolbox to use in these situations.</p> <p>Working with your delinquent tax collection attorneys to help clean up the city. A lot of times properties with delinquent taxes also have code enforcement issues. City attorneys can work with their tax collection attorneys to include municipal liens and utility liens in suits for delinquent taxes. This would help protect the city's liens and help by collecting on old liens for the city. Additionally, the City could work with the tax collection attorneys to file suit on delinquent properties that are habitual code enforcement offenders. This would help get the problem owners off the property where new owners may be able to clean it up.</p>
<p><i>Jeff Chapman</i> Chapman Law Firm</p>	<p>Recent Developments in Procurement and Construction Law and How to Draft Procurement & Contracts to Avoid Legal Uncertainty.</p> <p>Litigation Strategy for Frequent Contractor Claims. This topics will address recent jurisdictional/immunity cases, surety bond developments, and contractor damages claims.</p>
<p><i>Dan Barrett</i> Taylor, Olson, Adkins, Sralla & Elam, L.L.P.</p>	<p>AIA and Beyond--Protecting Cities as Building Owners</p>
<p><i>Robin Cross and Melissa Cranford,</i> Messer, Fort, McDonald</p>	<p>Interplay of the ADA and the New Pregnant Worker's Act</p>
<p><i>Jose de la Fuente, James Parker, and Gabrielle Smith,</i> Lloyd Gosselink Rochelle & Townsend, P.C.</p>	<ul style="list-style-type: none"> • The current (and changing) state of “taking-by-flood” claims under Texas law: “you can never step into the same river twice” – in the wake of recent historical rain and hurricane events, there has been significant litigation alleging “taking by flood” by governmental entities, including cities. The case law and standards are evolving on an ongoing basis, and are likely headed for ultimate resolution by the Supreme Court of Texas. Awareness of the current standards and risks of liability can help cities manage flooding and drainage issues to avoid takings liability. • Validation of municipal bonds/debt: Chapter 1202, Chapter 1205, and the advantages and pitfalls to both processes – challenges to publicly financed projects are a risk faced by any entity issuing public debt, and the landscape for obtaining validation of public debt to avoid or defeat those challenges continues to change, both at the Attorney General's office and in the courthouse. Planning ahead can help cities issue debt and pursue projects the right way, to both serve their constituents and avoid costly and risky legal challenges.

<p><i>Jamie Mauldin, Taylor Denison, and Roslyn Dubberstein</i> Lloyd Gosselink Rochelle & Townsend, P.C.</p>	<ul style="list-style-type: none"> • Utility Regulatory Update. An update on all the utility happenings impacting cities, including updates on Electric (including ERCOT), Gas, and Water cases and regulations • Electric CCNs: Coming Through a Town Near You. An update on the increase in utility transmission line building as required by the Legislature and what cities need to know and do • Petitions for Streamlined Expedited Release: They are coming for your water and wastewater CCNs. An update and explainer on what happens when a developer files a petition to decertify portions of your city's water and wastewater CCN
<p><i>Sarah Glaser</i> Lloyd Gosselink Rochelle & Townsend, P.C.</p>	<ul style="list-style-type: none"> • Hiring right, right now. Attendees will learn legal issues and risks related to good hiring practices, particularly in times where the applicant pool is so small you're just hoping for a warm body. What laws are applicable and relevant? What legal incentives can a City provide for a position? Are there special considerations related to an applicant's criminal background? How far exactly should you lower your standards, and what are the legal risks of doing so? • Employment Law Update and Hot Topics for 2023. Attendees will hear legal updates covering new developments in 2022 and 2023. Session will cover a case law update, a legislative update from the 88th legislative session, and new federal legislation. • Recent Developments in Sexual Harassment Law in Texas. This session covers recent court decisions affecting sexual harassment claims, new Texas sexual harassment laws, and federal law related to sexual harassment claims, and trends in sexual harassment cases and verdicts in Texas and nationwide.

TOPICS SUBMITTED FOR 2022 TCAA FALL CONFERENCE

Speaker	Topic
Joshua Skinner, Sr. ACA, City of Arlington	<p>Worker's Compensation. When are Texas municipalities required to provide worker's compensation coverage? What happens if the city's insurance policy does not cover everyone? What if the city does not have a worker's compensation insurance policy?</p> <p>Fourth Amendment Excessive Force Claims. How are courts currently handling Fourth Amendment excessive force claims when they interact with the qualified immunity defense? With the requirements of <i>Monell</i>? With dash cameras and body worn cameras?</p> <p>Qualified Immunity, Motions to Dismiss and Stays of Discovery First Amendment Viewpoint Discrimination Litigation Update Fourth Amendment Law Update Including an Update on <i>Franks v. Delaware</i> Sign Regulation After the City of Austin Supreme Court Decision S.B. 45 – How “Employer” is Being Interpreted</p>
Jordan Miller, Baker Moran Doggett Ma & Dobbs LLP	<p>Easements and Right-of-Way Challenges and Solutions: Whether dealing with a stubborn landowner or some other third party, acquiring easements and rights-of-way for public facilities presents a number of unique legal, financial, and logistical challenges. How can you acquire what you need, when you need it, for a fair price, and without expending too much time, energy, and money? Understanding what challenges await you, and solutions to those challenges, are essential. This presentation will cover the law of easements, encroachments, legal aspects of real property valuation, detail legal options when disputes arise, deadlines loom, or landowners tell you “no”, including an overview of the power of eminent domain and the process for exercising same in Texas, and will also discuss what to do when the State or other third party seek to take municipal property (fee-owned land, easement, etc.) without paying just compensation or reimbursing for the costs to relocate your facilities. If you have questions or want to learn more about “dirt law,” this presentation is for you!</p>
Emily Wall, Cavazos Hendricks Poirot, P.C.	<p>Bankruptcy: What cities should do when we're notified that a person or corporation has filed bankruptcy? What debts are affected by bankruptcy, and which are not? When should we wade into bankruptcy hearings as a creditor, and when should we reach for the popcorn, sit back, and watch? Include provisions on Subchapter 5 of Chapter 11, as well as contract drafting to avoid being ensnared by the automatic stay.</p>
Christopher Duncan, Duncan Law Firm	<p>ADA for Municipal Practice: A Primer regarding ADA issues for city attorneys, and a guide to EEOC procedure with policy forms and checklists.</p>

	Eminent Domain: A Case Study: What are the rules when another governmental entity seeks eminent domain against your municipality?
Panel: Scott Houston & Aaron Hardiman, TML Risk Pool Jeff Chapman, The Chapman Firm	Insurance : Costs of Contracting: Types of Insurance, Certificates of Insurance, Additional Insureds, and More. Includes the insurance a contractor or vendor would provide to the city along with the evidence of insurance, types of policies available, and the impact of common exclusions and endorsements.
Alfred Herrera, Herrera Law & Associates, PLLC	Utilities: Appeals of a city's water rates (retail and wholesale services) and the differences in how those are handled by the Public Utility Commission.
Robin Cross, Messer Fort McDonald	<p>The Continuous Workday Rule. I have previously presented on this topic and have included an interpretation of the DOL Opinion letter, helpful tips and expanded to include the impact of the ADA on telework as an accommodation.</p> <p>S.B. 45 and Beyond: Our Firm is researching the ramifications of SB 45 now. The topic below is a bit narrow, as there are about 5 different issues with SB 45 and previous employment law (to include whether the language changes from the pre-existing body of state and Title VII law. Is a complaint is even now required? Does the statute abrogate the “safe harbor” <i>Faragher-Ellerth</i> Defense established by SCOUTUS, when:</p> <ul style="list-style-type: none"> • No tangible adverse employment action was taken against the plaintiff (for example, no discharge, demotion, or undesirable reassignment). • The employer exercised reasonable care to prevent and promptly correct the harassing behavior. For example, a harassment policy generally demonstrates reasonable care to prevent harassing behavior. • The plaintiff employee unreasonably failed to take advantage of any preventative or corrective opportunities provided by the employer or to otherwise avoid harm (for example, by not taking advantage of reporting procedures outlined in an anti-harassment policy).
Panel: Jason Rammel, Habib Erkan, and Mick McKamie	Ethics: Rule 4.2 and 3rd party lawyer communication with council and staff
Ryan Henry, Law Offices of Ryan Henry	<p>Qualified Immunity, Motions to Dismiss and Stays,</p> <p>First Amendment</p> <p>General Ordinance and Drafting Organization</p> <p>Injunctions</p> <p>Code Enforcement</p> <p>ETJ</p> <p>State law v Home Rule</p>
Joshua Galicia, Law Offices of Ryan Henry	<p>Animal Related Issues</p> <p>Short-term rentals</p> <p>Expunctions</p>
Alyssa Castillon, Law Offices of Ryan Henry	<p>380 Agreements</p> <p>FMLA</p>

	Remote Work and other HR related issues
Kelli Leisure, City of Lubbock	<p>Zoning code amendments post <i>Acuna v. City of Austin</i> (hopefully someone will have come up with a good solution by then – wishful thinking probably).</p> <p>Sign code post Reagan v. City of Austin</p> <p>Importance of our role as land use/zoning lawyers to periodically train the PZC and ZBA re: their roles, what their decisions should be based on, creating a record during hearings, and providing legal updates?</p>
<p>Panel:</p> <p>Tad Cleaves, TML Assistant Director of Planning, Georgetown</p> <p>Skye Masson, City of Georgetown</p> <p>Dallas ACA</p>	Panel discussion between city attorneys and city planners discussing the communications and world view breakdowns that often occur between those groups. While lawyers may look for what is legal, planners care more about equity and "good" planning. This causes friction and other issues. The goal of this session would be to explain to attorneys the planner perspective as well as the planner's process when tough land use decisions come through the door.
Tad Cleaves, TML (may be able to get additional speakers)	<p>Public Facility Corporations. Chapter 303 of the TLGC. A developer is using a Public Facility Corporation (in September 2021) whose creation was sponsored by an MMD in Travis County to finance multifamily development projects across the state that result in apartment complexes that are <u>completely exempt from all local property taxes!</u> City, ISD, County, ESD, etc.... No property taxes. Under the guise of creating “affordable housing” this one Public Facility Corporation is sponsoring projects across the state, in jurisdictions utterly disconnected from the Travis County MMD that sponsored the PFC. According to UT, the result is a loss of approximately \$7,400 per rental unit annually in property tax revenue, and none of the affected cities, counties, or school districts has a voice in whether the PFC sponsors a project in their jurisdiction. City attorneys might be interested in hearing about Public Facility Corporations, what they are for, how they are created, and what they can be used for. There was legislative action that failed last session.</p> <p>Here is the website that has the application where a developer can apply to take part as well as the board agendas for the PFC. You can see the number of projects being considered. https://www.winsteadspecialdistricts.com/travis-county/texas-essential-housing-public-facility-corporation/</p> <p>Here is the website of the Public Facility Corporation: https://tehpfc.org/</p>
Melody Carrier, Carrier & Allison Law Group	<p>Fourth Amendment Law Update Including an Update on <i>Franks v. Delaware</i></p> <p>HB 4121 & HB 4447</p> <p>SB 45- How “Employer” is Being Interpreted</p> <p>Remote work and the Continuous Workday Rule</p> <ul style="list-style-type: none"> • What’s compensable time for a teleworking employee? • How does this rule synthesize with leave practices?


	EEOC Enforcement and Litigation Trends 10 th Amendment
Mary Ann Powell, Olson & Olson	Ordinance Drafting
Panel: Presidents (current, past, or future) of TCAA, Texas City Managers Association (TCMA), Texas Municipal Clerks Association (TMCA), and Texas Association of Mayors, Councilmembers, and Commissioners (TAMCC) Moderator: Alan Bojorquez	Quality Legal Representation (from the Client's Perspective): Panelists will address what it means to receive superior City Attorney Services from the client's point of view. This session is an opportunity for city officials to share with attorneys their preferences, needs and expectations. This rare exchange allows attorneys to hear from a diverse array of officials how to better serve municipal clients. The panel is structured to address key ethical obligations and challenges faced by government attorneys (e.g., Who is the client? How do we handle Confidential data? What is the Lawyer's role? Who has authority to direct legal actions? How to deal with Conflicts among Clients?)
Ashley Saenz, Messer Fort McDonald	HB 1925 – municipal camping bans
David Klein, Lloyd Gosselink	CCNs and Cities Interplay/Issues/Conflicts
Sarah Glaser, Lloyd Gosselink	An in-depth discussion of wage and hour and leave implications for remote workers, including those who are fully remote, hybrid, or just working from home because they aren't feeling well. Topics include requests for accommodation, FMLA, wage & hour issues, and a discussion of handbook policies which employers should review and consider updating to address the issues raised in the presentation.
Sarah Glaser, Lloyd Gosselink	The Not-So-New Normal: A Primer on Post-COVID Workplace Law Description: A lively discussion of all the ways the workplace has changed since 2020 and which laws are implicated by these changes. Topics include technology and data privacy concerns, remote work (including wage and hour issues, working out of state, employee management), recruiting and retention struggles (and strategies!), and the ways COVID-19 has changed how employees use sick leave and FMLA. The presentation will conclude with a list of handbook policies employers should consider updating to keep abreast of changes.
Stefanie P. Albright, Bickerstaff Heath Delgado Acosta	Nuts and Bolts of Ethics Laws for Public Officials: This presentation details the basic ethics laws that public officials must adhere to. Included in the presentation are the Texas Open Meetings Act, Texas Public Information Act, conflicts of interest, and general ethics such as abuse of office and nepotism.
Philip B. Arnold, Bickerstaff Heath Delgado Acosta	Qualified Immunity: The concept of qualified immunity has recently become a topic of interest to the public. In the last few years, we have seen myriad examples where law enforcement officials have been found to have acted within the scope of their authority when arresting a suspect, even if that arrest resulted in injury or death. These cases are referred to as the use of "excessive force" by law enforcement. That is, the officer is accused of using more force than was reasonably necessary to

	<p>arrest a suspect and that use of force resulted in an injury to the suspect. The term “qualified immunity” is often reported in the media, but the scope of qualified immunity is often not understood, even by lawyers. This presentation will cover what “qualified immunity” means, and how it applies to law enforcement officers who are sued in civil court for violation of an individual’s civil rights?</p>
Philip B. Arnold, Bickerstaff Heath Delgado Acosta LLP	<p>Sign Regulation After the City of Austin Supreme Court Decision: The US Supreme Court recently issued a decision that upheld a First Amendment challenge to the City of Austin’s off-premise sign regulations. This presentation will cover the majority and dissenting opinions of that case and the history of challenges to off premise sign regulations across Texas</p>
Philip B. Arnold, Bickerstaff Heath Delgado Acosta LLP	<p>Eminent Domain 101: This presentation will provide a broad overview of the statutes, process, and timelines to condemn property. Depending on time, we could get into broad issues of how to value property under existing case law. For example, a billboard is valued differently than a building or land. There are a handful of similar technical issues that would be part of this presentation.</p>
Philip B. Arnold, Bickerstaff Heath Delgado Acosta LLP	<p>Changing Access to Property as Part of a Road/Highway Construction Project: This presentation will address the specific issue of how closing or moving a driveway can affect the value of property. For example, most gas stations are on corners because they are “convenient” for customers, but also because it allows for two sides of the property to have driveways, which allows large tanker trucks to enter and exit the gas station easily and safely. If you close or move a driveway, it can impair the value of the property and result in “damages to the remainder” property. This is more of an appraisal and valuation-focused topic but is something local governments need to understand so they can design projects to avoid these types of damages. Rather than a “how-to” or “101,” this is more of a midlevel eminent domain presentation.</p>
Savita Rai & Sam Adams, City of San Antonio	<p>DART: Dangerous Assessment Response Team which is our multi-dept proactive collaborative approach to addressing the worst of the worst nuisance properties – habitual code or criminal violators. We presented this at the Mid-Year IMLA & it was well received.</p> <p>CODE ENFORCEMENT</p> <ul style="list-style-type: none"> • Administrative Warrants (doing an IMLA webinar on this in July) • Advising Building Standards Boards • Code Enforcement Litigation -Defending demolition appeals after Stewart as well as “Prosecuting” Ch. 54 suits against public nuisance properties. • Code Enforcement Officers Annual Training by City Attorneys - An Absolute Must (investigation, filing cases in municipal court, trial prep, and trial process) <p>MUNICIPAL PROSECUTION</p> <ul style="list-style-type: none"> • Trial Advocacy - Successful trials • San Antonio Specialty Courts <ul style="list-style-type: none"> ○ Family Violence ○ Code Enforcement ○ Animals ○ Juveniles ○ Quality of Life (homeless defendants)

Laura Mueller, Dripping Springs	Sign Regulation After the City of Austin Supreme Court Decision: An overview of the law as it relates to sign regulation, practical tips for drafting and enforcing sign ordinances, and discussion related to regulating based on commercial/non-commercial content and by zoning district.
George Hyde,	We have been handling numerous multi-million dollar contract disputes and have learned some very interesting aspects of municipal contracting that would be of great value to all, and would like to share it with our colleagues, if it works with the schedule.
Victor Flores, City of Brownsville	Economic Development: Case Study: Brownsville is very much invested in air/space development and we're using some economic development tools in some unique ways. The Air/Space industry is changing so quickly that it's requiring some innovative solutions. And, it's not just impacting Brownsville. A recent CNBC article noted that the 2020 space economy was valued at \$420 Billion and it's projected to increase to \$1 Trillion by 2040. We recently met with the State's Aerospace Caucus where they discussed the potential for creating new economic incentive tools to make Texas the leader in Air/Space development, nationally (instead of Florida or California). All that said, if the board would like, I could present something similar at an upcoming TCAA meeting. I would probably label the topic: Economic Development: Meeting the Changing Demands of Air, Space and Supporting Technology Industries.
Christina Weber, City of Irving	<p>A case study on a large economic development deal in Irving. With the CHRISTUS development that was the first high rise in Irving since the 1980's. The development secured two headquarters and includes several public improvements along the City's canals. The CHRISTUS project was voted the best office project for 2022 in the Dallas Business Journal.</p> <p>Also, I am working on a very large deal right now that will likely be public by the Fall that I could speak about at that time as well.</p> <p>Another idea would be a panel to discuss Chapter 380 agreements with the changing work trends</p>

TAB

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From: Hope Avila hope@texasmunicipallawyers.com 
Subject: [External] TCAA Legal Assistant/Paralegal Committee Report
Date: January 24, 2023 at 5:42 PM
To: Kuruvilla Oommen koommen@cityofirving.org
Cc: Alan Bojorquez alan@texasmunicipallawyers.com, Rebecca Maddux rmaddux@cityofirving.org, Diane Saucedo DianeS@wacotx.gov, Alyssa White alyssa@tml.org

HA

USE CAUTION when clicking links & opening attachments!

Good evening, Mr. Kuruvilla,

The following is a short report on the findings of the TCAA Legal Assistant/Paralegal Committee. The Committee consisted of Becca Maddux, Diane Saucedo, Alyssa White, and me. We met on three separate occasions with our last meeting held on January 6, 2023.

We found that the best way to increase legal assistant/paralegal membership is to conduct webinars regarding municipal law. As past attendees to seminars/webinars, the focus is on litigation and personal injury; not on the types of law that cities encounter daily such as code enforcement, public information act, open meetings act, etc. If we can spark an interest in the available education on these types of laws, we can increase TCAA membership.

The Committee discussed and found that:

- there should be four (4) webinars. Becca is to check to see about posting on the State Bar – Paralegal Division about the first webinar.
- Each webinar should be one (1) hour long and held during the lunch hour.
- We can get people interested in the webinar on the subject matter if we offer CLE credits for attending.
- The first webinar should be free to the public. Membership to TCAA will be made available at the end of the webinar.
- Subsequent webinars will have a charge unless the individual (legal assistant/paralegal) becomes a member of the TCAA-Legal Assistant/Paralegal Division.

The four topics that the Committee decided on and the individual who should be overseeing that particular topic are as follows:

1. Introduction 101 – an introduction to municipal law. How city government works and the types of city governments (i.e., Home Rule, General Law). Diane Saucedo is to oversee this topic.
2. Police/Code Enforcement/Chapter 54/Municipal Court – Becca Maddux is to oversee this topic. Becca has spoken with Irving Deputy City Attorney Janet Spugnardi about speaking on Chapter 54
3. Open Records – general procedures and pitfalls. I am to oversee this topic. I've lined up two potential speakers. Attorney Cynthia Trevino with Denton Navarro Rocha Bernal & Zech, PC, and Buda City Clerk Alicia Ramirez.
4. Education/Continuing Education – what type of education or resources are available to Legal Assistants – Alyssa White is assigned to this topic.

The Committee has the following questions for you:

1. What type of budget will we have from TCAA for each webinar?
2. Will any of the speakers be compensated by TCAA, or do we ask them to do the webinar free of charge?

3. Will the webinar be recorded? If yes, will only members have access to the recordings?
4. How do we advertise the webinars to individuals who are not members of TCAA? Do we circulate a general Flyer mailout or email blast from TCAA about the first webinar to all cities?

In addition, we would like to schedule a Teams Committee meeting after February 3, 2023, with both you and Alan Bojorquez for further discussion.

*Hope Avila,
Legal Assistant*

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THANK YOU, SPONSORS!

TCAA thanks our sponsors for making 2022 a success.

THIS YEAR AT A GLANCE ANNUAL REPORT

671 MEMBERS



- 511 active
- 135 associate
- 13 paralegal
- 11 honorary
- 1 law clerk



3 CONFERENCES

Riley Fletcher
★Austin★

Summer Conference
★Galveston★

Fall Conference
★San Antonio★



49 SESSIONS

26.5 MCLE HRS.
including 4.5 ethics

567 ATTENDEES

Riley Fletcher
★109★

Summer Conference
★313★

Fall Conference
★145★

6 AWARDS

Susan Rocha Award
for Outstanding Public Service
Monte Akers

Outstanding Mentor Awards
Mick McKamie
Art Pertile
Tyrone Cooper
Don Glywasky



Honorary Member Award
Tyrone Cooper



4 SCHOLARSHIPS

Ben Whitehead
The University of Texas School of Law

Amanda Alvez
Baylor Law School

Karen Crawford
St. Mary's University School of Law

Rhasean Stephens
Baylor Law School



3 NEW BOARD MEMBERS

Victoria Huynh
City of Plano

Laura Mueller
City of Dripping Springs

Frank Garza

Davidson Troilo Ream & Garza PC



2 REGIONAL AFFILIATE MEETINGS

HAMA **CTCAA**
2 hours of CLE 1 hour of CLE

SMILE!



Scan QR code to check out photos from the summer conference!

TCAA Rocks!

“I always appreciate the firms putting these on. It's a great way to end the day, meet people, and network. Good for spouses too.”

“I really appreciate having the opportunity to meet up with peers and brainstorm about our local issues, as well as getting to catch up as friends.”

“The food was great and enjoyed the environment.”

“I felt like the topics were particularly relevant to my practice, and the presentations were particularly well-done. I learned a lot!”

“Loved the opportunity to meet other city attorneys.”

“Great conference. Would definitely go back. I felt like I learned a lot.”

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TAB

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CONSTITUTION

TEXAS CITY ATTORNEYS ASSOCIATION

(Adopted at the Annual Meeting of the Texas City Attorneys Association in San Antonio, Texas on the 31st day of October, 1961, with Amendments of 1965, 1968, 1970, 1991, 1994, 1999, 2010, 2015, and 2016.)

ARTICLE I. NAME AND AFFILIATION.

Section 1. The name of this organization shall be the Texas City Attorneys Association.

Section 2. The association shall be affiliated with and be a department of the Texas Municipal League and its principal office shall be located at the headquarters of the Texas Municipal League in Austin, Travis County, Texas.

ARTICLE II. PURPOSE.

Section 1. The purpose of this association shall be the general improvement of municipal law administration by the following means: First, to encourage the cooperation of city attorneys in the practical study of all municipal legal problems. Second, the holding of annual and semi-annual meetings for the discussion of legal and other questions affecting municipal government. And, third, the practical study of legislation, court decisions, and administrative rulings relating to the public interest of municipal corporations.

ARTICLE III. MEMBERSHIP.

Section 1. The members of this association shall be active, associate, honorary, paralegal and law clerk (student).

Section 2. Active Members - Any person duly licensed to practice law in this State who have been duly elected or appointed to the office of city attorney or assistant city attorney of a city, town or village which is an active member of the Texas Municipal League shall be eligible for membership in the association.

Section 2a. Associate Members - Any person duly licensed to practice law in this State who is interested in the representation of municipalities and the general improvement of municipal law practice and the purpose of the Texas City Attorneys Association.

Section 3. Honorary Members - Honorary members shall be chosen because of distinguished service in the field of municipal law. They shall pay no dues, hold no office, nor vote, and no person who is eligible for active membership in the association shall be chosen as an honorary member. They shall be proposed by at least five (5) active members and shall be elected only upon unanimous recommendation of the executive committee and a majority vote of the members present at any annual or semi-annual meeting of the association. An election of an honorary member shall be cancelled if not accepted within six (6) months after the candidate has received notice of his election.

Section 4. Paralegal Members - Any person who meets the definition of “paralegal” as promulgated by the State Bar of Texas, who is employed by an active, associate, or honorary member, and who is interested in the representation of municipalities and the general improvement of municipal law practice and the purpose of the Texas City Attorneys Association.

Section 5. Law Clerk (Student) Members - Any person who is enrolled at an accredited law school who is interested in the representation of municipalities and the general improvement of municipal law practice and the purpose of the Texas City Attorneys Association.

ARTICLE IV. **OFFICERS AND EXECUTIVE COMMITTEE.**

Section 1. The officers of the association shall be a President, a 1st Vice President, a 2nd Vice President, a Recorder, a Director to serve on the Texas Municipal League Executive Board, the Immediate Past President, and five (5) Directors. All officers shall be active members of the association. The General Counsel of the Texas Municipal League shall serve as General Counsel, ex officio, of the association.

Section 2. The executive committee of the association shall be composed of the officers of the association.

Section 3. Nomination and Election. The President shall appoint a nominating committee of at least three (3) persons, who, at the annual meeting of the association, shall submit nominees for association officers. Additional nominations may be made from the floor. Each of the offices shall be filled by a majority vote of the membership present and voting. The association officers shall begin their regular term of office at the close of the annual meeting.

Section 4. Term of Office. All officers' terms shall be for one (1) year with the exception of the Director to the Executive Board of the Texas Municipal League, whose term of office shall be for two (2) years, (he) being elected in even years or as otherwise provided by the Constitution of the Texas Municipal League.

Section 5. Vacancy. A vacancy in the office of the President shall be filled for the remainder of the term by the succession of the First Vice President to that office. A vacancy in the office of the First Vice President shall be filled for the remainder of the term by succession of the Second Vice President. A vacancy in the office of the Second Vice President shall be filled for the remainder of the term by the appointment of a member of the executive committee to fill such office by a majority vote of the remaining members of said executive committee. A vacancy in the Office of Director to serve on the Texas Municipal League Executive Board shall be filled by the President of the Association and shall hold office until adjournment of the next TML Annual Conference.

A vacancy in any of the other offices of the association shall be filled by the election of any active member or associate member if the person vacating the office is an associate member to fill such office for the remainder of the term by a majority vote of the executive committee.

Section 6. Telephonic and Electronic Communication. Any and all Directors may participate in a meeting of the Board of Directors by means of conference telephone, or by any other means of communication by which all Directors participating in the meeting are able to hear each other at the same time. Such participation shall constitute the presence in person by such Directors at such meeting. A written record shall be made of all actions taken at any meeting conducted by means of a conference telephone or other means of communication. Directors may also meet and vote via

electronic means such as email so long as the identity of each Director is made clear in the means of voting.

ARTICLE V. MEETINGS.

Section 1. An annual meeting of the association shall be held at the time and place of the annual conference of the Texas Municipal League, and a semi-annual meeting of the association shall be held in the summer of each year in conjunction with the annual convention of the State Bar of Texas or at such other time and place as may be determined by the executive committee.

ARTICLE VI. DUES.

Section 1. The dues of each active member and of each associate member of the association shall be payable annually in advance, and may be changed upon recommendation of the executive committee and approved by a majority vote of the members present at any annual or semi-annual meeting.

ARTICLE VII. FINANCES.

Section 1. The General Counsel of the Texas Municipal League shall transact the necessary financial business of the association, keeping a complete record of all transactions, which shall be submitted for auditing at the annual meeting of the association. He shall give bond in such form and amount as may be determined by the executive committee, the premium of said bond to be payable by the association.

ARTICLE VIII. SPECIAL COMMITTEES.

Section 1. Each year at the annual meeting of the Texas City Attorneys Association, the incoming President shall appoint a committee of three (3) city attorneys, who are employed by their respective cities on a full-time basis, as a review committee with authority at the option of a majority of the committee members to prepare and file an Amicus Curiae brief on behalf and in the name of the association in those cases the committee deems of general importance in the field of municipal law or liability.

ARTICLE VIII-A. REGIONAL ORGANIZATIONS.

Section 1. The executive committee of the association shall have the power by by-laws to divide the State into Regions, to create and abolish Regions and regional organizations, to increase or decrease the number of Regions, to define the boundaries thereof and from time to time to change the same, and to prescribe the organization and officers of the Regions. Such regional organization, when so constituted, shall hold one or more regional meetings each year at such times and places as not to conflict with the annual meeting or semi-annual meeting of the association, in order to encourage fellowship among the members and to promote the study of municipal law.

Section 2. At any time when there is no regional organization within any area of the State, members of the association in such area located in one or more counties, may organize local clubs or societies, elect their own officers, and hold such meetings as they desire at such times and places as not to conflict with the annual meeting or the semi-annual meeting of the association. Upon creation of regions by the executive committee, local clubs or societies of members of the association organized under this Section shall be dissolved, and shall be merged into the regional organization of the Region in which they may be located.

Section 3. At any time after the creation of Regions and regional organizations within the State, when it becomes apparent to the executive committee that there is not sufficient interest to justify continuance of regional organizations, the executive committee may amend or repeal the by-law creating the Regions and regional organizations.

ARTICLE IX. AMENDMENTS.

Section 1. This Constitution may be amended at an annual or semi-annual meeting of the association by a majority vote of the members present and voting, provided the proposed amendment shall have first been prepared in writing and submitted to the executive committee on or before the day of the annual or semi-annual meeting.

ARTICLE X. BY-LAWS.

Section 1. The executive committee of the association shall have the power to adopt by-laws, consistent with this Constitution and the League Constitution, governing the conduct of its meeting and the business of the association.

ARTICLE XI. **EFFECTIVE DATE.**

Section 1. This Constitution shall become effective immediately upon its adoption subject only to ratification by the Executive Board of the Texas Municipal League.

(Constitution of the Texas City Attorneys Association was approved by the Board of Directors of the Texas Municipal League on January 26, 1962.)

(All subsequent amendments to the Constitution of the Texas City Attorneys Association have been approved by the Texas Municipal League.)

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