In downtown San Antonio, an ACEC Texas member firm revitalized the San Pedro Creek Culture Park, a once-sacred creek with inspired art and venues, by containing a 100-year floodplain, building bridges, creating aquatic habitat, improving water quality, and connecting long-separated cultures. The San Pedro Creek Improvements project, located near 39 historic resources, will catalyze $1.5 billion in economic impact.
The Texas Municipal League exists solely to provide services to Texas cities. Since its formation in 1913, the League’s mission has remained the same: to serve the needs and advocate the interests of its members. Membership in the League is voluntary and is open to any city in Texas. From the original 14 members, TML’s membership has grown to more than 1,150 cities. Over 16,000 mayors, councilmembers, city managers, city attorneys, and department heads are member officials of the League by virtue of their cities’ participation.

The League provides a variety of services to its member cities. One of the principal purposes of the League is to advocate municipal interests at the state and federal levels. Among the thousands of bills introduced during each session of the Texas Legislature are hundreds of bills that would affect cities. The League, working through its Legislative Services Department, attempts to defeat detrimental city-related bills and to facilitate the passage of legislation designed to improve the ability of municipal governments to operate effectively.

The League employs full-time attorneys who are available to provide member cities with information on municipal legal matters. On a daily basis, the legal staff responds to member cities’ written and oral questions on a wide variety of legal matters. The League annually conducts a variety of conferences and training seminars to enhance the knowledge and skills of municipal officials in the state. In addition, the League also publishes a variety of printed materials to assist member cities in performing their duties. The best known of these is the League’s monthly magazine, Texas Town & City. Each issue focuses on a variety of contemporary municipal issues, including survey results to respond to member inquiries.

For additional information on any of these services, contact the Texas Municipal League at 512-231-7400 or visit our website, www.tml.org.

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MESSAGE ⋆ FROM THE PRESIDENT

Dear Texas City Official,

This is going to be a special issue of the magazine—we tackle the issues of managing growth and change in Texas cities. In a way, that’s the entire job of what we do as city officials.

Inside you’ll read about “smart cities,” population growth strategies, the use of traffic roundabouts, short-term rental trends, and much more. What all these topics have in common is one thing—change.

Speaking of change, the legislative session in Austin is winding up as you read this issue, and I guarantee you that changes of many types are in store for us. One thing I know for sure is that cities will adapt to those changes, and we’ll continue to thrive like never before. The League has been helping cities adapt to new circumstances for over 106 years, and I’ll bet good money that we’ll be around in another 106 years doing the same thing!

John B. Love III, CMO
Mayor Pro Tem
City of Midland
TML President
Save the Date: TML Annual Conference and Exhibition

TML and the City of San Antonio are making plans to host more than 4,500 city officials, exhibitors, speakers, and guests at the 2019 Annual Conference and Exhibition, October 9-11, at the Henry B. Gonzales Convention Center by the Riverwalk in San Antonio.

Look for the Annual Conference program online in early July at www.tmlconference.org. Conference registration and housing will open on Tuesday, July 23. Mark your calendar, and plan to join us in beautiful San Antonio!

TML Salary Survey

The TML Salary survey collects salary information for 27 common city positions. To access the data, go to salarysurvey.tml.org. The site allows you to search by region, population, job title, age of data, and more. If your city hasn’t completed the survey for this year, please contact Rachael Pitts at rpitts@tml.org.

Got the Budget Blues? TML Can Help

If you have a role in developing or implementing your city’s budget, you’re invited to join us for the TML Budget and Tax Rate Workshop. Designed for elected officials and city staff, our experts will cover the basics of the budget and tax rate setting process, forecasting municipal revenue, expenditures and financial reporting, and more.

The one-day event will be held in Austin on June 13 and San Antonio on July 11. All participants will receive a website link to download the TML Revenue Manual for Texas Cities. Register early at www.tmlrevenueworkshop.org.

Training Scholarships for Small Cities

The TML Small Cities Advisory Council offers a workshop tuition scholarship program for small cities. New training events are added to the program weekly. TML will award up to three scholarships for selected events. Each scholarship recipient receives a complimentary workshop registration and reimbursement of up to $100 in travel-related expenses.

You are eligible for the scholarship program if you are a city official in a TML member city with less than 15,000 in population. Applying is quick and easy! Simply select the events you are interested in attending and submit your contact information at www.tml.org/FormCenter/Member-Resources-5/Small-Cities-Scholarship-Application-For-51.

Scholarship winners will be randomly selected and notified in advance of the event to allow for adequate schedule and travel planning. Please contact Jacqueline Redin at jredin@tml.org or (512) 231-7400 if you have any questions.
May 9
Legislative Status Report #3: What to Expect in the Final Days
Webinar

May 15-17
Texas Municipal Human Resources Association Annual Conference
Marble Falls

May 16-17
TML Small Town Conference
Granbury

May 22-24
TML Leadership Academy – Course Two
Georgetown

June 5-7
Texas Association of Municipal Information Officers Annual Conference
Denton

June 13
TML Budget and Tax Rate Workshop
Austin

June 19-21
Texas City Attorneys Association Summer Conference
San Antonio

June 19-21
Texas Municipal Utilities Association Annual Conference
Irving

June 24
TML Legislative Wrap-Up
Austin

June 27
TML Hometown Workshop: Leadership and Your Legacy
Midland

June 27-30
Texas City Management Association Annual Conference
Fort Worth
The Texas Municipal League (TML) and the Texas Association of Mayors, Councilmembers and Commissioners (TAMCC) sponsor the Texas Municipal League Institute (TMLI) to recognize elected city officials who are committed to continuing their professional development and learning more about their governance role and city government. The TMLI program offers levels of recognition to elected city officials who continue their education, with a minimum of 42 continuing education units (CEUs) per TMLI credit year (January 1-December 31).

Those receiving an award for the 2018 TMLI credit year were recognized by their peers during the TML-TAMCC Elected Officials' Conference at the Embassy Suites Hotel and Conference Center in San Marcos on February 27. Here is the list of elected city officials who were honored at the award ceremony for their continued commitment to excellence. Congratulations to all of the 2018 TMLI award recipients!

2018 TMLI Award Recipients

Recipients are listed in the position they held at the time of recognition.

Certified Municipal Official (72 CEUs with two hours of open government training)
Frank Archuleta, Councilmember, City of Windcrest
Michelle Benson, Councilmember, City of Forest Hill
Stephanie Boardingham, Councilmember, City of Forest Hill
Ed Cimics, Mayor Pro Tem, City of Live Oak
Marilyn Clay, Councilmember, City of Cleveland
Duke Coon, Mayor Pro Tem, City of Conroe
Eddie DaFern, Mayor, City of Staples
Joyce Dalley, Mayor Pro Tem, City of Rockdale
Matthew Dantzler, Councilmember, City of Magnolia
Suzanne De Leon, Mayor, City of Balcones Heights
Mary M. Dennis, Mayor, City of Live Oak
Bill Ennis, Councilmember, City of Bastrop
Beverly Gaines, Councilmember, City of Webster
Seth Gibson, Councilmember, City of Conroe
Bob Golden, Mayor, City of Haslet
Holly Gray-Moore, Mayor Pro Tem, City of Roanoke
Clyde Hairston, Mayor, City of Lancaster
Beckie Hayes, Mayor Pro Tem, City of Forest Hill
Joel Hicks, Councilmember, City of Cibolo
Patricia Hilborn, Councilmember, City of Haslet
Rachael Hill, Councilmember, City of Lancaster
Stanley Jaglowski, Deputy Mayor Pro Tem, City of Lancaster
Carrie Jones, Councilmember, City of Forest Hill
John King, Mayor, City of Rockdale
John B. Love III, Mayor Pro Tem, City of Midland
Amy McLin, Alderwoman, City of Castle Hills
Nina Morris, Councilmember, City of Lancaster
Cathy Nagel, Mayor, City of Pine Forest
Lyle Nelson, Mayor Pro Tem, City of Bastrop
Melissa Olson, Councilmember, City of Waxahachie
W. L. Pate Jr., Councilmember, City of Beaumont
Annette Pernell, Councilmember, City of Orange
Leonard Reed, Mayor, City of Willis
Patrick Rios, Mayor, City of Rockport
David Rutledge, Mayor, City of Bridge City
Diana Salgado, Councilmember, City of Del Rio
Linda Sarabia, Councilmember, City of Palmview
Connie Schroeder, Mayor, City of Bastrop
Eric Scott, Mayor, City of Brookshire
Maretta Scott, Alderwoman, City of Castle Hills
Carol Strain-Burk, Councilmember, City of Lancaster
Leah Tarrant, Mayor, City of Patton Village
Lyndia Thomas, Mayor, City of Forest Hill
Ray Don Tilley, Councilmember, City of Woodcreek
Janice Whitehead, Mayor, City of Sealy
Tamara Young-Hector, Councilmember, City of Willis

Certificate of Outstanding Accomplishment (72 CEUs)
Misti Talbert, Mayor, City of Lampasas

Certificate of Achievement (54 CEUs)
Jeffrey Boney, Councilmember, City of Missouri City
Mary Hart, Councilmember, City of Texarkana
Matthew Hoyt, Councilmember, City of New Braunfels
Bert Miller, Mayor, City of Navasota
Toby Powell, Mayor, City of Conroe

Certificate of Recognition (42 CEUs)
Johnnie Allen, Councilmember, City of Everman
Kim Branch, Alderwoman, City of Brookshire
Andy Brauningher, Mayor, City of Huntsville
Marie Briseno, Councilmember, City of Lamesa
Jody Czajkoski, Councilmember, City of Conroe
Julia Douglas, Councilmember, City of Glen Rose
Victoria Farrar-Myers, Councilmember, City of Arlington
Renee Franklin, Councilmember, City of Benbrook
Duane Ham, Councilmember, City of Conroe
Dee Anne Lerma, Councilmember, City of Sealy
Raymond McDonald, Councilmember, City of Conroe
Felipe Quintanilla, Councilmember, City of Penitas
Derrick Robinson, Councilmember, City of Lancaster
Christine Sederquist, Councilmember, City of Leander
David Williams, Councilmember, City of Lago Vista
Sherrie Jo Williams, Mayor Pro Tem, City of Iowa Park

Award of Excellence
Recognizes elected city officials who have received a TMLI certificate for five consecutive years
Marie Briseno, Councilmember, City of Lamesa (20 years)
Eddie DaFern, Mayor, City of Staples (10 years)
Mary M. Dennis, Mayor, City of Live Oak (5 years)
Eric Scott, Mayor, City of Brookshire (5 years)
Misti Talbert, Mayor, City of Lampasas (5 years)
Leah Tarrant, Mayor, City of Patton Village (5 years)
Tamara Young-Hector, Councilmember, City of Willis (10 years)

Award of Leadership
Recognizes TML member cities with an elected city official who has received a TMLI certificate for five consecutive years
City of Brookshire
City of Lamesa
City of Lampasas
City of Live Oak
City of Patton Village
City of Staples
City of Willis
Do you believe in magic? Of course not! No one believes the magician’s lovely assistant was really sawn in half or that he actually made an elephant disappear. Yet many believe that 2¢ electricity’s real. But, that 2¢ number is wholesale — not the all-in price you’ll see on your bill. Because, that sales rep promising you 2¢ electricity is not mentioning the profit margin, broker fees, transmission and congestion costs, meter charges, and “gotchas” hidden in the contract fine print. Don’t fall for cheap tricks! We buy wholesale, too, and our rates are highly competitive. So, why not contact us today for an unbiased appraisal of your city’s options. Who are we? We’re TCAP, Texas’ only non-profit, by-cities-for-cities aggregator of electricity. No profit motive. No hidden gotchas. No magic tricks.
Mutual Aid Agreements for Firefighting

Wildfires in California burned almost 1,900,000 acres in 2018. The severity of the those fires brought firefighters from all over the country, including Texas, to California to help. Compared to California, Texas had a good year in 2018 with wildfires. But most Texans remember the Bastrop County Complex fire of 2011, which burned more than 34,000 acres. It was not even the largest single Texas fire in 2011. That year in total, Texas wildfires burned almost 4,000,000 acres. Countless firefighters, both inside and outside of Texas, traveled to help fight Texas wildfires in 2011.

Whether caused by extreme drought, heavy winds, electric power lines, unextinguished campfires, dead tree fuel, a lit cigarette, or even a welder’s spark, wildfires can get out of control and spread quickly. When that happens, it is important that firefighters around the state and country are able to help other areas in need. Through mutual aid agreements, Texas state law, and other states’ laws, firefighters and their employers can do that without worrying about liability and workers’ compensation issues.

Chapter 791 of the Texas Government Code allows local governments to provide firefighting personnel to other Texas state and local governments without the threat of civil liability. Chapter 421 of the Texas Government Code specifically makes the furnishing local government immune from liability for providing its firefighters. The local government must expressly state in the interlocal contract that it is not responsible for any civil liability arising from furnishing the fire protection service, and it must act in good faith and in the course and scope of its fire protection functions in providing fire protection personnel. Tex. Gov’t Code Ann. § 421.062.

Individual firefighters are also immune from civil liability under these circumstances. Firefighters are immune if they are acting within the course and scope of their authority as an employee of a local government, and their actions are not willfully or wantonly negligent or done with conscious indifference or reckless disregard for the safety of others. Tex. Gov’t Code Ann. § 421.061.

The local government receiving the firefighter’s services is responsible for any civil liability arising from those services. However, the local governments can assign civil liability differently through a written provision in the interlocal contract that specifically references Section 791.006 of the Texas Government Code and states that the assignment of liability is intended to be different than liability otherwise assigned under Chapter 791.
If firefighters are engaging in fire protection outside of Texas, protections from civil liability are similar to those inside the state. All 50 states have implemented the Emergency Management Assistance Compact, which provides immunity to individuals for rendering aid in another state as long as their actions are taken in good faith, and are not actions of willful misconduct, gross negligence, or recklessness. Tex. Health & Safety Code Ann. § 778.001.

For workers’ compensation purposes, the law is a bit different. If firefighters are intrastate fire mutual aid system team members and are activated by the Texas Division of Emergency Management, compensable injuries that occur in Texas while activated are covered by the State Office of Risk Management (SORM). Tex. Lab. Code Ann. §§ 501.001(6)(F); 501.021. SORM will also cover compensable injuries when firefighters are performing services outside of Texas as an intrastate fire mutual aid system team member. § 501.025.

Wildfires can spread so quickly and far that local firefighting personnel are overwhelmed. Assistance from others in and outside the state is important and necessary. To encourage assistance from other jurisdictions, Texas and all other states have implemented laws protecting firefighters from civil liability and workers’ compensation concerns. As long as firefighters act in good faith and do not engage in willful misconduct, gross negligence, or recklessness, they will be protected from civil liability regardless of where they are working. As long as they stay within the scope of their duties when outside their jurisdiction, whether in Texas or somewhere else, SORM will cover compensable injuries on the job. ★
Since 2006, there has been an increase in the use of emergency rooms for non-emergency treatments. Reasons range from no insurance, no primary care physician, mental illness, substance abuse, and sometimes attention seekers. Other factors might include time of day, income levels, and availability of transportation.

Frequent non-emergency visits can drive up health care costs and use up resources that are needed for true emergencies. Visiting an emergency room is also much more expensive than other options. Given these high costs, many insurance plans are creating incentives to encourage patients to receive that care elsewhere.

Here’s what you need to know about primary care, urgent care, and emergency room visits.

**Primary Care**

It’s good to have a primary care physician. By establishing a relationship through routine checkups, your primary care physician takes care of your ongoing medical needs. He or she are able to connect you with other health care providers or specialists. Using your primary care physician is also the most cost effective option when you require medical care.

**Types of services** – diagnostics, prescriptions, preventive care, illness treatment, and disease management referrals

**When to go** – non-acute symptoms, managing existing conditions, and preventative care

**Urgent Care**

Urgent care is good for minor things that might occur after hours or if you can’t get in to see your primary care physician. While urgent care facilities are a good resource for medical issues that take place after hours, it’s important to follow up with your primary care physician on any health changes.

**Types of services** – diagnostics, prescriptions, minor injury treatment, and illness treatment

**When to go** – non life-threatening conditions that need to be assessed the same day

**Emergency Room**

Emergency room visits are intended for true life-threatening situations or serious injuries. They are also good if you think you’ve broken a bone. An emergency room provides advanced care in a time-aware environment. The emergency room is the most expensive option and usually comes with a long wait time.

**Types of services** – anything relating to triage/diagnosis, plus stabilization of a serious or critical injury or illness

**When to go** – life threatening, sudden-onset pain, and acute injuries

When dealing with a health situation, always be aware of your coverage. Then consider if the problem is really an emergency. If in doubt, go to the emergency room. Otherwise, see your primary care physician or go to an urgent care facility.
Dear Texas City Official:

Aging impacts everyone. Approximately 68 percent of us will need help with two or more activities of daily living after the age of 65. Additionally, most of us will take care of an older family member or friend at some point in our life. Sixteen percent of adults are informal caregivers to older loved ones in any given year, and 49 percent of United States workers expect to provide eldercare within the next five years.

Is your community prepared to work with and help care for a growing population of older Texans?

In 2015, there were more than 4.5 million adults over the age of 60 in Texas. In 2030, there will be more than 7.7 million older adults. In 2050, there will be 12.1 million adults over the age of 60.

As the executive commissioner of the Texas Health and Human Services Commission, I oversee many of the social service programs that impact older Texans including:

- Area Agencies on Aging
- Aging and Disability Resource Centers
- Meals on Wheels funding
- Medicaid providers

Regulation of nursing homes, day activity, health services facilities, and home health agencies

I also oversee the office of Aging Services Coordination, which coordinates aging services, promotes healthy aging initiatives and works to reduce the stigma surrounding aging. This is a big mission, and we need your help. Tackling this issue can seem overwhelming - after all, you can’t stop aging. But there are steps you can take with your community to improve the quality of life for older Texans.

Here are some recommendations to help you begin working with older adults in your community:

- Get started! Assess your community’s readiness to meet the needs of your aging residents. A variety of resources such as community assessment tools, are available online to help you with that process.
- Publish a letter of support for aging initiatives, collaboratives, networks, and programs on behalf of community leaders.
- Partner with your local Area Agency on Aging (AAA) and Aging and Disability Resource Centers (ADRC). AAAs and ADRCs help older adults age make plans for the future.
- Implement Texas Talks. This campaign provides facts and resources to help people start the conversation about aging with their loved ones. Seventy percent of families don’t talk about aging until after a health care crisis, and by then it might be too late. Encourage your workforce to talk with family members and friends about aging issues proactively by implementing Texas Talks with your city and its employees.
- Launch Texercise in your community centers and with your city workforce as part of Healthy Aging Month in September. Texercise is a health and wellness program that encourages older adults to adopt a healthy lifestyle by offering free educational, motivational and recognition resources.
- Begin a senior council or collaborative.
- Promote healthy aging initiatives throughout the city and not just in the senior center.
- Revisit your city ordinances, and assess how they might impact older adults with reduced mobility.
- Work with the office of Aging Services Coordination. We can help you start an Age Well Live Well collaborative or network, introduce you to a variety of healthy aging initiatives, practices, and collaborators, and discuss what other cities are doing throughout the state to meet the needs of older adults. Contact the Aging Services Coordination office by phone at 800-889-8595 or by email at AgeWellLiveWell@hhsc.state.tx.us.

For the rest of 2019, I challenge you to get started. That’s it. Take action and start thinking about how your community can work and partner with HHSC to implement age-friendly programs and initiatives to reduce the stigma around aging. We’re all in this together and we’re all growing older.
Mont Belvieu’s Hometown Gigabit Fiber Network

Just nine months after launching MB Link, Texas’ first municipally-owned broadband utility, the City of Mont Belvieu celebrated a milestone with its groundbreaking service; bringing the 1,000th home onto the network. The Lane family had no idea they were the landmark installation when the MB Link technician showed up at their home in March. The installer was quickly followed by Mayor Nick Dixon, MB Link Broadband Network Engineer Dwight Thomas, and City of Mont Belvieu Communications and Marketing Director Brian Ligon. The trio explained to resident John Lane what made this install special and presented him with an MB Link crew hat, a bag of MB Link branded goodies, a bouquet of green and white flowers, and a bunch of green and white balloons to top it off.

“All the people around here that already have it rave about it,” said homeowner John Lane. “We are very excited to have MB Link now. I think this is a fantastic service that the City is providing.”

“I can’t believe that we already have 1,000 homes on MB Link. It seems like just the other day they were doing the very first installation at my house,” said Mont Belvieu Mayor Nick Dixon. “This shows me that the decision we made as a council to build this network was the right one. I’m really proud of MB Link and what it’s doing for our residents.”

Now, the City has its sights set on two more big goals for MB Link: Another 1,000 homes on the network and launching MB Link for Business. The City will kickstart getting those next 1,000 homes by offering a new sign up promotion; the offer will waive the $75 installation fee for new customers. And, to thank existing customers for their business, MB Link offered a $75 bill credit to those homes already on the network who refer friends and neighbors to the service.

Mont Belvieu celebrated the launch of MB Link for Business with a ribbon cutting and reception marking the West Chambers County Chamber of Commerce as the network’s first official commercial customer.

Abilene Residents Show Their #ABIlove with New Apps

Two free apps are now available for download in the City of Abilene to help the public report a problem, or find some fun, right from their fingertips!

SeeClickFix enables anyone to report a problem directly to the City by taking a picture of the issue, and tapping submit. From potholes and graffiti, to illegal dumping or broken playground equipment, the issue is routed to the appropriate City department. City staff then follows up and shares the status of each issue that is reported.
MyABI was developed in partnership with the Abilene Convention & Visitors Bureau. With it, residents and any of Abilene's 3.8 million annual visitors can check out upcoming events, learn about top attractions, find a place to stay, or try out a new restaurant.

The two apps were designed to encourage residents and visitors to show their #ABI-Love, and help build Abilene into the best city it can be.

Frisco Police Department Launches Crime Mapping System

The Frisco Police Department recently launched a new Crime Mapping Dashboard created by the City of Frisco Information Technology GIS Team. The system provides citizens with an interactive online experience that displays crimes and crime trends throughout the city using multiple interactive visual elements, including maps, charts, and filters.

All information available on the Crime Mapping Dashboard is updated nightly and covers the most recent 30-day time frame. For the safety of the public, residential calls are not displayed over the exact location of the incident but rather over the nearest block.

"The Frisco Police Department is committed to using technology as another layer of transparency, public access, and community engagement with our citizens and business owners," said Deputy Chief Jason Jenkins of the Frisco Police Department. "It is our hope that the Crime Mapping Dashboard will provide a geographical view of police-related activity to better inform our citizens, which will ultimately lead to a reduction in crime."

The dashboard is accessible to the public through www.friscopolice.com/crime, but is not yet available for smartphone use. However, a more mobile friendly Crime Mapping Web application is currently in design.
The City of Kemah is a friendly, resilient bay community with approximately 1,800 residents, but we attract millions of visitors to our tourism and recreation venues every year. This creates a challenge for a police department that strives to know and serve our residents well, while also welcoming and protecting visitors. As tourism continues to grow, the Kemah Police Department wants to ensure that we maintain a strong, positive relationship with our residents, while still creating a safe and attractive destination for our guests. By focusing on three key elements, we have built a foundation that allows visitors and citizens to feel protected without interfering with their fun. The three areas we have identified as pivotal to our success in balancing safety and customer service are best described as:

- “When You Are Here You Are Family”
- “Cops Are People Too”
- “Cops Are Trendy”

“When You Are Here You Are Family” speaks to how much we care about our residents and visitors. We want to protect and serve them as we would our own families. From the standpoint of safety, we prefer to prevent crimes against our “family” of residents and visitors, not just enforce the law. Our Kemah Police Department has implemented several initiatives to accomplish this goal.

Entertainment District Safety – The Kemah Police Department invests time in building trusting relationships with bar and restaurant owners to establish safe interactions while encouraging responsible patronage. We communicate with staff directly via walkie-talkies, contact Uber to get visitors home safely, and keep patrons safe. We explore options to deter arrests before enforcement activity is necessary. We make interactions with patrons friendly to reinforce that we are here to keep them safe.

Shop with a Cop – During the holiday season, the Kemah Police Department and Kemah Police Officers Association accept applications and referrals for under-privileged families in our community. We raise and contribute funds and take children and their parents shopping to purchase toys, clothes, and food to make their holidays brighter. These positive police interactions with children and families create a long-term impact and strengthen the partnership between residents and police in keeping our community safe.
Other activities that enable us to build relationships with our “family” of residents and visitors include Movie Night in the Park, Coffee with Cops, and Kemah Clean-Up Days.

“Cops Are People Too” is a two-way initiative that focuses on the fact that our residents and visitors are people whom we respect, and our police are also people who deserve and want to earn respect. We realize that police are often the first contact that our visitors have, and we want them to know us for our customer service first, then law enforcement if necessary. We try to put ourselves in their shoes, utilize empathy, and build relationships. We also recognize that humor can often be a safer way to defuse issues than enforcement. In addition, we host several events that allow us to interact with families in a celebratory manner, rather than just in high stress situations. Examples of our activities to support this initiative include the following:

Social Media – In addition to using social media in traditional ways to solve crimes, gather data, and share traffic and information that make life easier, we have used social media to help people get to know our officers more personally. Our police officers use humor in our social media channels to laugh at ourselves and encourage our audience to laugh with us. We have created a strong social media presence to engage with our “family” of residents and visitors. Some residents have little understanding of what officers do on a daily basis, and often their perceptions are based on situations that have a negative connotation (accidents, traffic stops, or crisis situations). The Kemah Police Department’s goal is to use our Facebook page as a way to humanize the officers and show the public that officers are ordinary people with a heart to serve. Being able to find humor in our day also helps officers keep things in perspective and not let a bad encounter ruin an entire day.

Mentoring – Kemah police officers engage with at-risk students to build relationships and develop core values and mutual respect. They invest time weekly with fourth and fifth graders to develop trust at an impressionable age.

K-9 Ambassador – Our department allows our police K-9 Didi to interact with children routinely. K-9 Didi helps us open children’s hearts to interact with officers.

Trunk or Treat – Kemah Police Department established a Trunk or Treat event held each October as a safe alternative to children going door-to-door for trick or treating. Approximately 20 participating organizations load the trunks of vehicles with treats and themed decorations for children to visit in the safe confines of the City parking lot. Residents of all ages dress in costume and participate in games and contests while trick or treating. Participating organizations include both the public and private sector, including the Police, Fire, and EMS Departments, and several local businesses. With leadership from Kemah Police Department, the community truly comes together to provide a safe event for our families.

Blue Line Cookers Team – In an effort to get Kemah employees together outside of the work environment, the Kemah Police Officers Association started a BBQ Cook-Off Team. This has proven to be very popular and successful at building and showcasing TEAM KEMAH’s camaraderie in the community. The cook-off team has subsequently cooked numerous luncheons for city events across all departments.

“Cops Are Trendy” reflects our use of pop culture and technology trends as resources to engage our residents and visitors in proactive policing and relationship building in our community instead of looking at them as new problems that can become an enforcement issue. In addition to using social media trends to engage proactively with our “family” of residents and visitors, we utilize other trends to encourage interactions and even restyled our police department uniforms.

Updated Uniform Stylings – As a tourism community, we recognize that officers need the newest trends in fabrics for our hot summer months, while maintaining a professional image that builds credibility and confidence. We restyled our uniforms to make officers more comfortable as they do their work, and create a more consistent, recognizable, and professional appearance that functions best for their safety and the safety of those they protect.

Kemah Police Go – This was a three-month long Kemah-style version of the Pokémon Go phenomenon. We had baseball cards made with pictures of each of our police officers and dispatchers. We advertised it as “you gotta catch ‘em all” and encouraged kids to stop officers while on patrol or come to the Police Department to collect all of our cards. We partnered with local businesses to provide prizes. This event garnered significant media coverage as far away as Austin for the department and community.

As Kemah grows, the Kemah Police Department will stay true to Kemah’s vision of providing an oasis for our citizens and unmatched adventure for our guests by adhering to the mission of modeling municipal excellence through transparency, leadership, and responsiveness. We will continue to invest in our three pivotal areas to enable us to balance safety and customer service. ★
BEYOND ALL LIMITS
2019 TEXAS YOUTH ADVISORY COMMISSION SUMMIT
REGISTRATION
On February 23-24 at the Tarrant County College – Trinity River Campus, the City of Fort Worth welcomed more than 375 Texas teens from various youth programs, their adult leaders, and other city officials to the 19th Annual Texas Youth Advisory Commission (YAC) Summit.

The YAC Summit is a two-day statewide event hosted by a different Texas city each year and sponsored by the Texas Municipal League. It is an opportunity for cities, schools, and community youth groups to share the experiences of their programs and the positive impact their programs have had in their communities. The Summit is organized to promote a fun and inspiring environment for youth and city leaders to learn from and work with each other, while acquiring lifelong leadership skills. Adults and students gain a greater appreciation of their own programs and leave with new ideas to move their group forward in coming years. The theme of this year’s program was “Beyond All Limits” and focused on motivating and empowering youth.

Richard Santana, founder of Homeboy Goes to Harvard Productions, kicked off the Summit on Saturday morning by sharing his story of going from a third generation gang member to graduating with a master’s degree from Harvard University. His poignant message focused on the importance of making healthy choices in order to develop and foster healthier communication among family members, friends, and other community members. Santana’s presentation taught attendees that perceptions prevent each of us from seeing the potential in others and how anyone can overcome difficult circumstances to produce positive outcomes.

Attendees then were able to choose from educational breakout sessions with topics ranging from entrepreneurship,
financial preparedness, employment readiness, and more. These morning sessions led by sought-after industry leaders gave participants practical tools to take back home.

After the morning sessions, attendees were able to grab lunch at the In-N-Out Burger food trailer and partake in an interactive scavenger hunt via the popular YAC Summit mobile app. Winners of the scavenger hunt were announced in front of their peers on Sunday morning. After lunch, participants were encouraged to explore the college and career fair with local colleges and companies in attendance.

The afternoon included additional breakout sessions geared toward inspiring, empowering, and encouraging youth in multiple ways. Motivating speakers ranged from a naval flight officer, a life coach, a CEO, an entrepreneur, an assistant criminal district attorney, and financial experts. Lieutenant Michael Lugo of the Fort Worth Police Department wrapped up the afternoon with an important session for the youth attendees on life-saving guidance in active shooter situations.

After an education-packed day, everyone was invited to the Party on the Patio social event at Joe T. Garcia’s Mexican Restaurant that evening. The evening included stations of tasty food, a photo booth, a DJ and dance floor, and a fashion show by designer Franklin Anthony.

Early Sunday morning, attendees returned to the Tarrant County College campus where Anthony Meyers, president of JustMotivate, interacted with the audience, bringing many of them on stage to drive home his message of stimulating personal growth. His passionate presentation showcased that actions speak louder than words and inspired participants to lead productive and purposeful lives.

After the Sunday morning session, youth attendees were able to earn a certificate by participating in a basics of first aid class. This session led by Juan Daniel Garcia of
Save A Life taught attendees CPR skills and other important steps in first aid. While youth attendees were learning critical life skills, adult attendees were able to take a class on the Civilian Response to Active Shooter Events (CRASE) from Fort Worth Police Lieutenant Michael Lugo.

Olympian Khadevis Robinson, track coach for The Ohio State University, closed out the YAC Summit with his session on serving others through movement. A native of Fort Worth, Robinson shared his lessons of failures and successes that inspired attendees to reconnect with their dreams – a great way to end this two-day event.

Thanks to the City of Fort Worth, all of the volunteers, and the sponsors for a successful YAC Summit. The City of Kyle will host the 20th Annual YAC Summit in the winter of 2020. For more information about Texas YACs and resources for starting a YAC in your own community, please visit https://www.tml.org/262/Youth-Programs.
**LEGAL ★ Q&A**

By **Christy Drake-Adams**

**TML Assistant General Counsel**

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**Q.** What is the extraterritorial jurisdiction and why was it created?

**A.** The extraterritorial jurisdiction (ETJ) is an “unincorporated area that is contiguous to the corporate boundaries” of a city. Tex. Loc. Gov’t Code § 42.021. The ETJ, a concept created by the Texas Legislature in 1963, is said to be established in order “to promote and protect the general health, safety, and welfare of persons residing in and adjacent to” cities, a sort of buffer zone outside of a city’s corporate limits. Id. § 42.001. Despite this, cities have been granted relatively little authority to address health and safety issues in the ETJ. Thus, some argue that the real purpose of the ETJ is to limit the geographic area in which a city may annex.

**Q.** Why does my city’s ETJ encompass a different amount of territory than provided in state law?

**A.** The extent of a city’s ETJ could be different than what state law provides as the result of local factors and circumstances. For instance, a city that incorporates immediately adjacent to another city may have no ETJ at all. A more common reason for a city’s ETJ to be different than the distance limits in Section 42.021 is that the city used its authority to adopt an ordinance to bring land contiguous to its ETJ into its ETJ at the request of the landowners. Tex. Loc. Gov’t Code § 42.022(b).

**Q.** What happens to the ETJ when a city annexes property?

**A.** Generally, when a city annexes an area, the ETJ “expands with the annexation to comprise, consistent with Section 42.021, the area around the new municipal boundaries.” Id. § 42.022(a); but see, e.g., id. § 42.0225. For example, when a city of 100,000 or more inhabitants annexes an area, its new ETJ would generally comprise the unincorporated area contiguous to the new city boundaries within five miles of the new boundaries. See id. § 42.021(5).

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• in a city with 50,000 to 99,999 inhabitants, the ETJ is within 3-1/2 miles of the corporate boundaries; and

• in a city with 100,000 or more inhabitants, the ETJ is within 5 miles of the corporate boundaries.

Id. § 42.021(a).

Absent evidence of fraud, a court is required to accept a city’s determination of the number of inhabitants, rather than consider census figures, in determining the extent of the ETJ. See City of Burleson v. Bartula, 110 S.W.3d 561, 565 (Tex. App.—Waco 2003, no pet.). When asked about the exact method of measurement a city must use to determine its ETJ, the attorney general concluded that that a city may choose the method by which it will ascertain the boundaries of its ETJ. See Tex. Att’y Gen. LO-94-033.
It should be noted that the ETJ of a city may not expand — whether it be by an increase in the number of inhabitants, on request of a landowner, or through annexation — into another city’s ETJ without that city’s consent. Id. §§ 42.022(c), 42.023. And the ETJ of a city generally may not be reduced, unless the city council of the city gives its written consent. Id. §§ 42.022(d), 42.023.

**Q** Should a city have a map showing the boundaries of its ETJ?

**A** Yes, a city should have an official map showing both its corporate boundaries and its ETJ. The map should be updated every time the city’s ETJ expands or shrinks, along with a note indicating the date of the change, any related ordinance or resolution number, and a reference to the minutes, ordinance, or resolution records in which the action is recorded. Id. § 41.001. Depending on how the map was created, the map may also need to include a disclaimer that reads something like the following: "This map is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey, but only the approximate relative location of property boundaries." Tex. Gov’t Code § 2051.102.

**Q** Can cities swap ETJ?

**A** Certain cities have express authority to swap or apportion their ETJs. Tex. Loc. Gov’t Code § 42.024. It is not clear whether general law cities have authority to contractually agree to swap ETJ. This issue was discussed in a recent case styled *City of Justin v. Town of Northlake*, No. 06-17-00054-CV, 2018 WL 4259853 (Tex. App.—Texarkana June 15, 2018) (pet. filed). In that case, the City of Fort Worth exchanged ETJ with a general law city (Town of Northlake) pursuant to Texas Local Government Code Section 43.021 (re-codified in 2017 as Texas Local Government Code Section 43.003), which provides as follows:

\[(1)\text{ fix the boundaries of the municipality; }\]
\[(2)\text{ extend the boundaries of the municipality and annex area adjacent to the municipality; and }\]
\[(3)\text{ exchange area with other municipalities. }\]

The City of Justin argued, among other things, that the agreement between the two cities was void and invalid because it violated the Local Government Code. Although the court refused to make any finding as to that argument, it did conclude that Section 43.021 (now Section 43.003) specifically addresses the “authority given to a home-rule municipality, i.e., a home-rule municipality may exchange area (to include its ETJ) with other municipalities” but does not “address the authority given to the receiving city” so it has "little, if any, relevance regarding [a general law city’s] authority to . . . accept or exchange ETJ." Id. at n.22-23. A petition for review has been filed with the Texas Supreme Court. TML will continue to monitor and report important developments in the case.

**Q** Can a city apply its ordinances in the ETJ?

**A** A 1997 attorney general opinion concludes that as a general rule, a city can exercise its powers only within the city’s corporate limits unless power is expressly or impliedly extended by the Texas Constitution or by statute to apply to areas outside the limits. Extraterritorial power will be implied only when such power is reasonably incident to those powers expressly granted or is essential to the object and purposes of the city. ‘[A]ny fair, reasonable, or substantial doubt as to the existence of a power will be resolved against the municipality.’ Tex. Att’y Gen. Op. LO-97-055 (1997) (citations omitted); cf. also, *Town of Lakewood Vill. v. Bizios*, 493 S.W.3d 527, 531 (Tex. 2016); *FM Props. Operating Co. v. City of Austin*, 22 S.W.3d 868, 902 (Tex. 2000).

The following are examples of state laws that authorize cities to regulate in the ETJ:

- Health & Safety Code § 713.009 – Cemeteries
- Local Government Code Chapter 43 – Annexation
State law prohibits a city from regulating the following in the ETJ: (1) the use of a building or property for business, industrial, residential, or other purposes; (2) the bulk, height, or number of buildings constructed on a tract of land; (3) the size of a building that can be constructed on a tract of land; (4) the number of residential units that can be built per acre of land; and (5) the size, type, or method of construction of a water or wastewater facility that can be constructed to served a developed tract in certain circumstances. Tex. Loc. Gov’t Code § 212.003(a).

The Texas Supreme Court held that general law cities may not extend their building codes into the ETJ. See Town of Lakewood Vill. v. Bizios, 493 S.W.3d 527 (Tex. 2016). And the Dallas Court of Appeals held that a home rule city “lacks authority to require a landowner developing property in its [extraterritorial jurisdiction] to obtain City building permits, inspections and approvals, and pay related fees.” Collin Cty. v. City of McKinney, 553 S.W.3d 79 (Tex. App.—Dallas 2018). However, “[t]he result reached in these cases could be different for cities that adopt Subchapter B of Chapter 212” of the Texas Local Government Code because that subchapter authorizes a city to regulate “development” in the ETJ. See John Mixon et al., Tex. Mun. Zoning Law § 1.213 (2018).

Q Can qualified voters residing in the ETJ ever vote in a city election?

A Generally, to be eligible to vote in a city election a person must, among other things, reside in the city on the day of the election. Tex. Elec. Code § 11.001. (As used in the Election Code, the term “residence” means domicile or “legal residence” and not necessarily the actual place where a person is living for the time being. Id. § 1.015.)

The most significant and broadly applicable exception to this general rule was adopted in 2017. Tex. S.B. 6, 85th Leg., 1st C.S. (2017). A city located in a Tier 2 county that seeks to annex an area with a population of 200 or more must get the approval of a majority of the qualified voters in the area. Tex. Loc. Gov’t Code § 43.0691. Additionally, there are other limited situations in which a person residing in the ETJ of a city may vote in a city election. Id. §§ 42.904, 43.130.

Q Do city police officers have any authority to make arrests in the ETJ?

A A permanently licensed city police officer is a peace officer. Tex. Code Crim. Proc. art. 2.12(3). Various categories of peace officers, a licensed city police officer among them, may make an arrest without warrant for an offense committed in their presence or view. Id. 14.03(g)(2). However, if the police officer is outside of the city, the officer “may arrest a person for a violation of Subtitle C, Title 7, Transportation Code only if the offense is committed in the county or counties in which the municipality employing the peace officer is located.” Id. Subtitle C, Title 7, Transportation Code, contains the “Rules of the Road,” which are the state traffic laws that a city police officer enforces. A police officer to impose a tax in an area in the ETJ. For instance, state law allows a city with a population of less than 35,000 to impose its hotel occupancy tax in the ETJ so long as the combined rate of state, county, and city hotel occupancy taxes in the extraterritorial jurisdiction does not exceed 15 percent of the price paid for a room in a hotel. Tex. Tax Code § 351.0025. State law also authorizes a municipal development district (a district created by a city) to impose its sales tax in a city’s ETJ if the voters of the entire district approve the tax, and the combined tax rate of all local sales and use taxes are not more than two percent in any location in the district. Tex. Loc. Gov’t Code §§ 377.002, 377.021, 377.101. This is the only city sales tax that may be levied in the ETJ of a city.

Q Do city taxes apply in the ETJ?

A The inclusion of an area in the ETJ of a city does not itself authorize a city to impose a tax in the area. Tex. Loc. Gov’t Code § 42.902. Just as with the application of a city’s ordinance, a city must identify express or implied authority to impose a tax in an area in the ETJ. For instance, state law allows a city with a population of less than 35,000 to impose its hotel occupancy tax in the ETJ so long as the combined rate of state, county, and city hotel occupancy taxes in the extraterritorial jurisdiction does not exceed 15 percent of the price paid for a room in a hotel. Tex. Tax Code § 351.0025. State law also authorizes a municipal development district (a district created by a city) to impose its sales tax in a city’s ETJ if the voters of the entire district approve the tax, and the combined tax rate of all local sales and use taxes are not more than two percent in any location in the district. Tex. Loc. Gov’t Code §§ 377.002, 377.021, 377.101. This is the only city sales tax that may be levied in the ETJ of a city.
who makes an arrest under the article 14.03(g)(2) authority “shall as soon as practicable after making the arrest notify a law enforcement agency having jurisdiction where the arrest was made. The law enforcement agency shall then take custody of: (A) the person committing the offense and take the person before a magistrate in compliance with Article 14.06; and (B) any property seized during or after the arrest as if the property had been seized by a peace officer of that law enforcement agency” Id. 14.3(g)(3). Thus, while a city police officer may make an arrest in the ETJ, it is usually county law enforcement and county courts that handle the case.

Another instance in which a police officer has authority to arrest a person outside of the city occurs when the officer is acting as part of a regional task force. When counties and cities form mutual aid law enforcement task forces pursuant to Local Government Chapter 362, a law enforcement officer for one entity is authorized to make arrests within the area covered by the agreement, even when the area exceeds what would be the officer’s normal geographic or territorial jurisdiction. Tex. Loc. Gov’t Code § 362.003.

Q Do municipal courts have jurisdiction over cases that arise in the ETJ?

A While a detailed discussion of the jurisdiction of a municipal court is beyond the scope and purpose of this publication, suffice it to say that a municipal court may sometimes hear and decide cases involving territory and persons located or residing in the ETJ. For instance, Government Code Chapter 29 provides municipal courts with jurisdiction over certain criminal cases that occur on property owned by the city but located in the ETJ. Tex. Gov’t Code § 29.003. And Government Code Chapter 30 provides that a municipal court of record has jurisdiction over criminal cases arising under ordinances authorized by Local Government Code Sections 215.072, 217.042, 341.903, and 551.002. Id. § 30.00005. Those ordinances may be applied outside of a city’s boundaries and, thus, municipal courts of record have jurisdiction over certain criminal cases arising from ordinance violations outside city limits. See Tex. Att’y Gen. Op. JC-0025 (1999); cf. also PPC Enters., Inc. v. Texas City, 76 F.Supp.2d 750, 760, n.8 (S.D. Tex. 1999). ▶
SHORT-TERM RENTALS IN THE HEART OF THE HILL COUNTRY

By Lea Feuge
Public Information Officer
City of Fredericksburg
The City of Fredericksburg is known for its German culture, unique architecture, historic landmarks, eclectic restaurants, wineries, the thriving Main Street shopping district, and more. Main Street in Fredericksburg was named by the Texas Chapter of the American Planning Association as a "2017 Great Places in Texas Designee" in June 2017. Over the years, Fredericksburg has received numerous accolades that draw visitors to our area from all over the world to visit our little slice of paradise in the Texas Hill Country.

If you have never been to Fredericksburg, here is a bit of background information. A population of approximately 12,000 residents live within our City limits which covers over nine square miles. Being located 80 miles west of Austin and 70 miles northwest of San Antonio, Fredericksburg is in the heart of the Texas Hill County. Fredericksburg and Gillespie County are the home to more than 40 wineries; the City is known as a weekend destination. A multitude of festivals and events take place year-round. Some of the most notable are Oktoberfest and Fredericksburg Food and Wine Fest. When visitors come to stay, the expanding short-term rental industry helps to makes sure they experience accommodations of utmost quality.

**Economy, HOT Funds, and History**

Short-term rentals (STR) also play a huge part in the economy of Fredericksburg. Statistics from 2017 show that overnight visitors spent an average of $1,228 per trip which impacts sales tax revenue. A large portion of city services are funded from these taxes. When a visitor stays at a hotel or STR, they are billed 13% Hotel Occupancy Tax (HOT) including 7% by the City and 6% by the State. In Fredericksburg, 592 STR entities remitted HOT in the third quarter of 2018. A total of $249,611 in HOT was remitted by STRs for this quarter while $525,267 was remitted by hotels and motels.

STR management is an integral part in the success of short-term rentals in Fredericksburg. Three local businesses and one international company manage STRs located in Fredericksburg. When performing research while developing the latest STR ordinance, the City identified 282 properties that use these professional management companies, while 268 are "self-managed."

When someone purchases a property for the sole purpose of creating an STR, they typically make investments in the structure that increases the property tax values.
Based on information provided by the Gillespie Central Appraisal District, those who have purchased a property and made renovations in order to create an STR, have seen a $190,000 increase in the appraisal of their structure in a one-year period.

Originally, STRs were called “Bed and Breakfasts” (B and Bs). As early as 1986, zoning designations addressed the use of B and Bs. They were allowed by right in certain residential and commercial districts. In 2013, the City established a registration process for B and Bs, however it was established on a voluntary basis with limited enforcement.

Responding to Change

With the increasing popularity of Fredericksburg over the past several years, residents became concerned about the growing number of STRs in their neighborhoods. The city council and staff began receiving numerous complaints about noise, trash, and lack of parking in residential neighborhoods. When researching reported properties, it was discovered that many of these properties were not registered STRs, nor were they paying HOT to the City. In 2018, the topic of STRs became a major election issue. Several community meetings were held to discuss a newly developed ordinance and process that would help educate the community and enforce STR regulations. “An updated ordinance is vital to the protection of our neighborhoods while ensuring a safe and pleasurable experience for our visitors,” stated Brian Jordan, Director of Development Services.

The ordinance developed in 2018 requires a permit to operate an STR. In order to be able to educate STR owners and enforce the ordinance, a code enforcement officer was hired to manage the process of getting all STRs into compliance. Software was purchased to scrape listing websites to help identify and determine exactly how many STRs are located in Fredericksburg.

With the positive things STRs bring to the community, there are also a few points to be made on the other end of the spectrum. These factors were recognized by the City in 2018 and were the driving forces in the creation of the new STR ordinance. STR properties were changing neighborhoods. Neighbors were no longer neighbors but rather visitors for the weekend. Residents and neighbors were seeing increased property values and taxes. Neighborhoods were quickly becoming unaffordable for residents. A multitude of properties were coming up for sale in residential neighborhoods. Residents also voiced their concerns to the city council and staff regarding parking, noise, large parties, and trash. Something needed to change to insure the quality of life for Fredericksburg residents.

The Numbers

Currently, Fredericksburg has 681 confirmed STR addresses. The software purchased by the City allows us to scrape listing websites for STR addresses. Of these, 316 STR units are currently operating with the Certificate of Compliance / Permit. This number increases daily as applications are reviewed and inspections are completed. The remaining STR inspections are targeted for completion by April 2019. David Millegan, building official for the City of Fredericksburg, stated, “The overall implementation of the STR Ordinance has gone extremely well. The process, including application review and vetting the zoning, property size, density, parking availability, and number of structures
present, as well as the site inspections, is time consuming. However, it is important in order to protect our residents and their neighborhoods."

**STR Inspection Checklist**

In order for an STR to be compliant, they must meet several criteria. All STRs must be in compliance with the 2009 Life Safety Code, International Fire Code, International Residential Code, and all applicable City of Fredericksburg Code of Ordinances. These include:

- Address numbers are clearly visible
- 24-hour contact person identified and available
- Portable fire extinguisher installed
- Smoke and carbon monoxide detector alarm installed
- Adequate emergency egress escapes
- Acceptable entry / exit door
- Electrical panel is labeled and in good order
- GFI receptacles installed where required
- Extension cords / multi-plug adapters removed
- No exposed wires
- Emergency evacuation plan is posted
- Water heater is in good working order
- Applicable city ordinances, to include zoning, sanitation, signs, STR, and all adopted building and maintenance codes have been met

In the new ordinance, the City defines a unit that is different from an address. A unit is defined as one or more habitable rooms divided from other habitable rooms that can be advertised and occupied separately. An address can have multiple units. In Fredericksburg, it is common to build small “cottages” as additional units. In other cities, it is common to have multi-tenant buildings. A permit fee of $150 per unit is required.

**STR Zoning Rules by Zoning District**

Several zoning designations in the City of Fredericksburg do not allow for STRs. These include R1-A (Single Family Residential - Small Lots), R-4 (Manufactured Homes), R-5 (Patio Homes), and all manufacturing zones. STRs are allowed in R-1 (Single Family Residential), however there are restrictions. They are allowed in rooms of the owner’s principal residence, not to exceed eight units. The owner must reside within the home like a traditional B and B. A home may be used as a B and B (STR) but is limited to a single unit if the owner does not reside within the home. Lots containing 10,000 square feet or more allow a separate guesthouse (STR), but the owner must live on the property. No signage is allowed in R-1 zoning.

In R-2 (Mixed Residential), R-3 (Multi-Family Residential), and C-1 (Neighborhood Commercial), structures existing on September 1, 2013, may be used as a B and B whether or not the structure is owner occupied. Additions or new construction must comply with density requirements of the zone. Up to eight units are allowed. Lots may not be combined to permit more than eight units.

In C-2 (Commercial) and CBD (Central Business District) zones, the same regulations as R-2, R-3, and C-1 apply except that lots may be combined to permit more than eight units. Structures with more than eight units are considered a hotel or motel and are not subject to the STR ordinance.

**Sharing Economy: Creating a New Market**

Communities that have had similar issues to Fredericksburg’s have looked to our community for information and to be a model for STR regulations. Without the assistance from STR tracking companies that work closely with cities, the process would take much longer. These companies scrape listing websites for addresses and provide complaint portals to allow residents to voice their concerns. By doing so through the online portal, their concerns are addressed by the code enforcement officer and become part of the record for that particular property.

**Looking Forward**

The City of Fredericksburg has made great strides in the regulation of STRs. The number of concerns from citizens has dropped dramatically. The City will continue to work with residents and STR owners alike to make sure neighborhoods are protected, and visitors continue to have a great experience when they visit. For additional information on the City of Fredericksburg’s STR Ordinance, including the registration and complaint portals, see our website at www.fbgtx.org/845/Short-Term-Rentals.★
Todd Mission, a city created to support the largest renaissance festival in the nation, is coming into its own. As the new “Aggie Expressway” from College Station to Houston drives opportunities for new development, the city is preparing for rapid growth. A new volunteer fire department has been created, while the police department now provides 24-hour service. Both provide their services to the current 146 citizens, the 500,000 visiting festival patrons, and the 3,000 seasonal festival employees. And now with the new expressway, city employees as well as the police and fire departments are preparing to provide services for the predicted rapid incoming growth. Todd Mission, a once sleepy town until festival season, will soon be a bustling city year-round.

The City of Todd Mission is home to the Texas Renaissance Festival, founded in 1974 by George Coulam. The site of the festival was developed on an abandoned strip-mining site in the Piney Woods 45 miles northwest of Houston. It was Mr. Coulam’s vision to create a festival where patrons could step back in time and experience the merriment and magic of the renaissance period. This project presented unique challenges for the county which lead to a municipal government being formed to fit these needs. George Coulam, his group of artists, entertainers, and food purveyors worked together to incorporate their vision. This became the City of Todd Mission.

The Texas Transportation Commission approved the State Highway (SH) 249 extension, known as the Aggie
Expressway from Farm to Market Road 1774 at FM 149 in Pinehurst to FM 1774 at Todd Missions. The project is approximately 24 miles of new roadway with supporting infrastructure and is divided into two segments. The project is expected to be complete in 2022 giving the public a link from suburban communities to major roadways. While providing access for existing communities to and from Houston, the 249 extension is bringing the City of Todd Mission attention from multiple residential and retail developers. Proposed developments would bring the population of Todd Mission into the thousands. To help guide this explosive growth in a sustainable manner, the mayor and city council have retained the services of Olson & Olson for legal counsel and hired a full-time city administrator. These professionals are working with the elected officials and residents to craft the future of Todd Mission. This requires reviewing and revising old ordinances, while assembling a comprehensive master plan.

Proper planning ahead of the growth will allow current residents to keep the “feel” of the piney-woods art camp they worked so hard to create. Change is inevitable as people continue to move to Texas in record numbers. As cities grow, elected officials must work closely with developers and residents to create a city that all will enjoy. Although the process is complex, laying the foundation early gives everyone involved the time to explore more options and design creative solutions.

As Todd Mission looks to the future, the incoming development also has the Todd Mission police and fire departments diligently working to ensure the continued protection and safety of the growing city. Within the past year, the police department has grown from three officers partially relying on the county for assistance to five officers now providing 24-hour service. After a lengthy process, the volunteer fire department was activated on February 19, 2019 with 30 members who have a deep concern and passion for keeping the City and surrounding area safe. With the projected boost in population, both the police and fire departments continue to train, educate, and plan for the changes coming their way.

Today, Todd Mission is a small and quiet city, offering a unique escape for nine weekends each fall as home to the Texas Renaissance Festival. With the new highway extension and incoming developments, the City is actively planning for population growth in the thousands beyond the festival season, while keeping resident interests and safety a top priority. With proper and careful planning, the merge will be welcomed and the City will continue to flourish.
The new 15-foot-tall, 16-foot-long piece, sculpted by 92 year old legendary artist David Adickes, debuted in Baytown in the fall. On display in the middle of our city roundabout, the sculpture along San Jacinto Boulevard and Hunt Road is Adickes’ third local commissioned piece. Big Sam is depicted on horseback, much like Enrico Fliberto Cerrichi’s Sam Houston Monument that has been on display near Hermann Park since 1925. In Adickes’ piece titled “Onward,” he is riding Saracen, his horse that was killed at San Jacinto in 1836 and the decisive battle in the war for Texas Independence. His arm points eastward, toward the San Jacinto Battlefield, where his outnumbered army defeated the forces of General Santa Ana and secured Texas’ independence from Mexico.

The massive Sam sculpture along I-45 North is likely Adickes’ most famous and visible work, and a bust of Houston presides over traffic as a part of Mount Rush Hour just north of downtown Houston. The Houston statue took about a year to construct out of steel and concrete and weighed around four tons. The statue had to be transported in four pieces and was put together on site a week before the official unveiling and ribbon cutting ceremony. The platform the horse and rider sits on is made of Cor-Ten weathering steel.

San Jacinto Boulevard Roundabout

The City of Baytown unveiled the General Sam Houston statue and horse on San Jacinto Boulevard and Hunt Road in October. This intersection features a roundabout instead of the traditional traffic light controlled intersection. This feature ensures smooth traffic flow and adds an element of safety for drivers.
High Tech Features

The road features wave walls along the corridor which signify Baytown’s industrial presence and the presence of water all around our Gulf Coast community. Baytown also elevated its standards along the corridor by ensuring all utilities were buried underground to maintain the scenic view along that roadway.

Techniques Behind Paving the Road

The project was constructed using a technique called continuously reinforced concrete pavement. This technique ensures a much smoother driving experience because the expansion joints that drivers typically experience on a concrete road are non-existent.

In addition to providing a more pleasurable driving experience, the smoother road should increase the life of the street, saving taxpayer dollars for decades to come. San Jacinto Boulevard was financed by the Baytown Tax Increment and Reinvestment Zone. This essentially means our project is partially paid for by future development along this corridor, reducing the investment required by Baytown taxpayers.

Location, Location, Location

This entire stretch features lush green and open space meaning plentiful opportunities for business expansion in the Baytown area. Along the eastern stretch of San Jacinto Boulevard are the new San Jacinto Marketplace, new retail shops, and major grocery stores. Our future renovated shopping mall is also located nearby and will include:

- 11 million square feet of new shops
- 80,000 square feet of office space above stores
- Space for 20 new restaurants
- Festival and concert area totaling the size of two football fields

San Jacinto Boulevard will ultimately be a multi-mile stretch from Interstate 10 going south through Baytown. What makes the project so unique is how closely it aligns with what residents asked for in our City’s 2016 strategic planning process in a survey called Imagine Baytown. This new road will open up new transportation routes for drivers in the area. Ultimately, drivers who only had one congested route through town will now have alternative routes.

Overall, the statue symbolizes the City honoring its industrial path and moving on to a new Baytown where people who live here can be proud of their hometown. The title of the piece, “Onward,” also applies to Baytown itself as it looks to re-brand and renovate.
WHAT IS YOUR COMMUNITY’S CAPACITY TO SOLVE PROBLEMS AND THRIVE?

By Doug Linkhart, President, National Civic League

What makes some communities better able than others to solve the tough social, political, economic, or physical challenges they face? This was a question the National Civic League set out to answer more than 30 years ago. On-the-ground research revealed a set of factors that we call civic capital — the formal and informal relationships, networks, and capacities that communities use to make decisions collaboratively and solve problems.

Somewhat like social capital, but not to be confused with financial capital, civic capital can be found in all sorts of communities, not just the most affluent, educated, or advantaged. While myriad other factors contribute to community progress, civic capital is the core factor identified by the National Civic League as the primary explanation for long-term community success.

At the National Civic League, we know of many communities with an abundant supply of civic capital. The All-America City program has recognized over 500 of these communities during the past 69 years. All have varying degrees of civic engagement, collaboration, and leadership, and have been able to tackle tough issues in a sustainable manner—by bringing everyone to the table and creating equity.

Earlier this year the National Civic League released the fourth edition of the Civic Index, a self-assessment tool consisting of a set of questions that provide a framework for discussing and measuring a community’s civic capital. Since it was first developed in 1986, many communities have used the Civic Index to better understand their civic strengths and to identify gaps or areas in need of further attention, soliciting community input to create a baseline measure of their civic capital and monitor progress over time as they work to enhance their internal capacity.

The Seven Components of Civic Capital

The Civic Index describes the seven components of civic capital, provides examples of each, lists the 32 questions that are used to gauge each component, and provides ideas on how to use the index. Here’s a synopsis of these seven components.
1. **Engaged Residents:** Residents play an active role in making decisions and civic affairs. Inclusive Community Leadership: The community actively cultivates and supports leaders from diverse backgrounds and with diverse perspectives.

2. **Inclusive Community Leadership:** The community actively cultivates and supports leaders from diverse backgrounds and with diverse perspectives.

3. **Collaborative Institutions:** Communities with good civic capital have regular collaboration among the government, business, nonprofit and other sectors, as well as structures in place that facilitate such collaboration.

4. **Embracing Diversity and Equity:** Communities with healthy civic capital recognize and celebrate their diversity. They strive for equity in services, support, and engagement.

5. **Authentic Communication:** Healthy communities need credible, civic-minded sources of information presented in a way that residents can use.

6. **Culture of Engagement:** Involvement by residents, businesses, nonprofits and other stakeholders in every aspect of civic affairs should be part of local culture—an expectation, not an afterthought.

7. **Shared Vision and Values:** Communities with shared values and civic pride have a common foundation for addressing public matters.

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**Summary**

Nearly a hundred years ago, Justice Louis Brandeis, a one-time member of the League’s executive committee, called states “laboratories of democracy.” That mantle has now been passed to the local level, as cities, counties, towns, and other local communities create innovations and regional or national networks to tackle such issues as climate change, health, education, and economic prosperity.

At the same time, local governments cannot solve problems on their own. As Bruce Katz points out in *The New Localism*, community problem-solving depends on “multi-sectoral relationships,” with government often serving as a convenor or catalyst. What happens next depends on the civic capacity of the particular locality. It is the communities with civic capital – the full engagement and collaboration of its residents, businesses, nonprofits, and other stakeholders – that have the resources and persistence to successfully address difficult issues and build a sustainable future.

For a free copy of the National Civic League’s Civic Index, please visit www.nationalcivicleague.org/resource-center.
We are at the beginning of a new technological revolution. Some even say it is the greatest technological advancement in human history. Really? I doubt that. But it will likely rival, from both a human and economic perspective, the internet revolution that has occurred over the last 25 years. So what is 5G, the Internet of Things (IoT), Artificial Intelligence (AI), and a Smart City all about?

What is a Smart City?

These emerging technologies have the potential to radically change entire industries and professions including delivery services, home health, automobiles, gaming, and even surgery. From a city perspective though, it is about addressing pressing issues and providing enhanced services to citizens through digital technology. This focus of digital solutions to deliver city services is being driven by the reality that populations are growing and changing, but increasing revenues to support that expansion is difficult.

Texas’ population is expected to grow a whopping 70% from 2020 to 2070, an increase of 21.5 million people. Population growth, along with changing demographics, places tremendous strain on a region’s resources which are often based on large fixed dollar investments. Water is a limited supply resource. Electricity requires upgrades to power supply and distribution systems. Streets can only handle so much traffic before getting clogged. Downtown parking spaces are like elk to the hunter – seen, but rarely taken.

A city that strategically invests in smart technology can implement programs which sense water leaks and notify homeowners, leverage smart LED lights to reduce
electricity usage, install traffic light sensors to actively manage traffic signal timing, and provide real-time updates to app users about open parking spaces. Stretching existing resources is much less expensive than hiring staff, building new roads, or laying new water lines.

Focusing this discussion more tightly, along with a 70 percent growth in population, Texas is also expected to increase its water usage by 18 percent over the next 50 years. This sounds like a good news story, but in actuality there is a water use shift occurring. Farming irrigation is expected to decrease by 18 percent while municipal water use (citizens, towns, local businesses) is expected to jump 62 percent. Managing this spike in municipal water use will be critical to resource management and exactly the type of issue that Smart City technology can address – a densely packed urban and suburban environment, well supported by internet service providers, and dispersed distribution systems (homes, businesses, etc.).

These capabilities are not pie in the sky promises. Smart City technology is deployed today in cities across the United States. Many of them are taking the lead in testing new applications for viability which is a significant benefit to all of us. Kansas City is one such city. They built a two-mile radius downtown test environment. As technologies prove their worth in this Smart City test zone, they then role them out in strategic fashion across the city.

If that’s a Smart City, what are IoT, AI and 5G?

These are the component technologies required to deliver the promise of Smart City investments. If a Smart City is a car, then these technologies are like its engine, computer, and gasoline.

The IoT Device has been around for a while. It is the concept of device-to-device communication. This might be a sensor that informs a remote computer or an Apple Watch that requires a Smart Phone to get updates. In a Smart City, these sensors and devices will be widespread and interconnected.

AI has many definitions, but in a Smart City context it is when a machine collects external information (from an IoT device), decides on a course of action, and then takes that action (possibly through another IoT device). Like IoT, AI is already embedded in our daily lives. Cars help drivers stay in lanes, parallel park, and avoid accidents while cities use facial recognition to identify threats.

5G is the next generation of wireless connectivity and represents a Star Trek type leap in capability. The two key improvements are dramatically increased upload and download speeds (1gb for 5G compared to 100mb for LTE) and significantly reduced latency (5 milisecond compared to 50 milisecond for LTE). Latency is the delay between sending and receiving data. This reduction in latency will improve safety (the faster a car can sense danger the more likely it can avoid an accident) and allow for real-time human to machine interaction (with 5G, a machine can translate between a police officer and citizen without either perceiving a delay in conversation).

Where should a city focus?

Meeting a growing population’s needs through Smart City technology does take investment, but it is at a different scale then a major public works project. In addition, since many of these investments both focus on generating savings and building on top of each other, they enable the use of unique financing models that do not necessarily require new taxes or bond packages. Some of them can even generate their own revenue.

A Smart City isn’t one thing though. It is a concept of using advanced technology to improve city services. A city can have a suite of “Smart” services or they can focus on only one thing like water management or traffic reduction. Given all of this, the real question is, where to focus?

First and foremost start with a needs assessment. What are your major issues: traffic, water, expense reduction, crime prevention, or economic growth?

Second, before deciding on a specific focus, consider policy issues and infrastructure needs required to achieve success. Is there a fiber optic network available? 5G wireless systems require many more small form antenna and nodes than LTE. Do city codes and policies allow for these types of installations? Are their partners in your region that may benefit, and therefore could be partners in the design, development, and deployment of a technological solution?

The technology is becoming available to make Smart Cities a reality. Much of it will be deployed with or without city involvement, so those cities that plan for it will be in a much better position than those that have to react to it once it arrives.
We are approaching a time when there is no gap between what we want to accomplish and what’s possible.

Smart solutions powered by Artificial Intelligence (AI) and the Internet of Things (IoT) are already helping cities increase efficiency, become environmentally sustainable, and improve the quality of life for their citizens. Even more solutions will become part of the mainstream with the eventual full introduction of 5G networks.

The possibilities will be like feasting at an all-you-can-eat buffet. How much you implement will depend only on your appetite … and ability to pay. Staff can provide ideas and recommendations, but preparing for the future requires elected officials to make strategic and budget choices that direct how and where resources will be focused.

The decisions aren’t always easy. Asking better questions can inform and guide your decisions. Here are 10 to start with today.

1. **Where should we focus next?**
   Virtual reality concerts for seniors and connected streets for autonomous vehicles are cool. They might not be the best uses of your city’s resources. Should you make existing city services more efficient and citizen-friendly? Perhaps you should deploy technology to create community and resolve pressing human issues such as hunger, homelessness, and inequality? Cities with unlimited resources can tackle multiple initiatives at once. Everyone else should start with a conversation about where citizens will receive the greatest benefit.

2. **Will we operate on the bleeding, leading, or trailing edge of change?**
   Innovation is an easy decision until it fails. Then it becomes a competitor’s campaign issue or the reason a staff member is encouraged to move on. An initiative will be less than successful at some point. Your appetite for risk and philosophy about how citizens’ dollars are used play an important role in decision making. Addressing this question early helps identify the opportunities to be ignored or pursued.

3. **Do we partner with a single firm or many different firms? How much of it should we do ourselves?**
   There is no single right answer. The City of Austin, for instance, currently has a staff of 25 in its Office of Design and Delivery and another eight in its Innovation Office. These groups are led by a Head of Product and a Chief Innovation Officer. In addition, a separate cross-functional leadership group meets quarterly to coordinate and advise on emerging technology’s role in problem solving. This level of organizational investment allows the city to provide specific best-in-class solutions through multiple vendors and across multiple departments. The country of Australia, on the other hand, signed a five-year agreement with a single provider as its primary partner for digital transformation. What is your desired balance between cost efficiency, integration challenges, and world-class solutions?

4. **Who owns the data, and are they making it safe?**
   The answer of ownership is one of the most complex questions facing organizations today. It defines responsibilities for security and use. Is the enterprise that writes the check the owner? How about the application creator or the collector of information? What rights are
held by the individual whose data is being collected? The answer is equally crucial whether you are partnering with a third party or using information captured in one part of your operation for decision-making in other areas.

5. **What infrastructure upgrades are needed, and how do we pay for them?**

The network of connected objects to make your city smarter requires new ways to operate and communicate. It’s more than just the physical infrastructure of streets, radio systems, and utilities, however. Too many cities are running out-of-date computer platforms and software. Partnering with an outside provider might reduce costs, but that presents challenges of data ownership and security. Can your city afford to wait until it is time to replace what you have, or do you need to move quicker?

6. **What are the policies and guiding principles we should start working on today to be ahead of what might come tomorrow?**

Governments are historically reactive and slow to new technology developments. Airbnb had 21,000 arrivals in 2009. That number grew to 80 million in 2016. Cities around the world are still struggling to understand how stay-sharing should be regulated in their communities. The days of “taking your time to study a problem, approve a policy or ordinance, and then forget it” are gone. Technology moves too quickly.

7. **What role do our citizens want to play in smart government decisions? How do we involve them in discussions of competing interests?**

You can’t assume that citizens will view smart city initiatives as a positive change. Sensors and connected devices that increase efficiency and effectiveness also capture data and exert control that citizens might prefer to retain. Likewise, social networks allow citizens to rapidly organize and voice their displeasure. Involving them early and often is crucial for getting their support.

8. **Are we prepared for the unintended consequences?**

Enhanced facial recognition, as an example, improves data-sharing and effectiveness for law enforcement. What happens if it identifies the wrong person or is used for unethical or even retaliatory reasons? Social media is a cautionary tale about what happens when an open-source platform to create connection can become a tool for manipulation. Have you considered and prepared for the unintended consequences of in your smart city decisions?

9. **What does becoming a smarter city mean for our workforce, facilities, and revenue?**

It won’t be immediate, but smart cities will have an impact on your staffing needs, facility use, and revenue models. What will you do, for instance, with city-owned parking facilities when autonomous vehicles owned by fleets become the norm for transportation? What happens to the officers assigned to your traffic division when traffic accidents and violations are significantly reduced? What happens to your revenue from citations when no one is violating traffic rules?

10. **How will changes in the way people work affect the community’s workforce, schools, and commercial development?**

Healthy cities rely on a relatively consistent income stream to operate. Today, that equates to jobs. The technology to make your city smarter will also affect employment in your community. An Oxford University study suggests that 47 percent of jobs in the United States could be replaced by artificial intelligence and robotics by 2034. Entire industries or professions won’t evaporate overnight, and optimists point to the development of new jobs and careers as this shift takes place. The transition, however, is likely to be painful. The implications are far-reaching for how communities need to adapt and function.

Most of the things in your community that make you proud or create frustration are the result of an honest attempt to make the best decision 15 to 20 years ago. Now is the time to be intentional about the questions you ask to prepare for the world of connected devices and people that is the future.

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There are certain skills a city leader must have to progress their team forward, be effective within the organization, and be successful in their own career.

1. Manage the Time Devoted to Projects

Everyone is short on time. A leader’s challenge is to manage time as the scarce resource it is. Not everyone manages their time or their projects efficiently. An effective leader makes sure that there is a balance between the importance of the job and the amount of time devoted to it. Time constraints must be a part of the ultimate goal.

When considering a project, great managers quickly analyze how long the project will take. Is it worth the time? Is it worth investigating? Is it worth doing? Cost-benefit analysis has to include not just the explicit costs – those costs that are easily measured – but also the implicit costs – the time needed and owner-supplied resources that are often absorbed, but not measured.

2. Make Good Decisions in a Timely Manner

Strategic leadership requires thoughtful analysis, planning, and execution. Managers and leaders who are most successful invest time to consider a variety of scenarios and the consequences of potential actions. Taking calculated risks is important. This creates an atmosphere of being willing to try new ideas and new avenues that may have large payoffs.

An important part of being a good leader is the ability to make good decisions quickly. Overthinking, overanalyzing, and the desire to have 100% of the information leads to delayed decisions. You are never going to have complete information, but you can settle for a percentage. As the pace of work accelerates, the ability to make good decisions based on partial information increases competitiveness. According to Forbes, “Fast, accurate decision making is the mark of a successful manager. When you know how to make good decisions – especially when you’re in a time crunch and under pressure – you’re likely to achieve your objectives and goals, no matter how big or complex they are.”

3. Create Goals that Align with the Vision

The right goals help us save resources, be more efficient, and increase profitability. Without clear goals, managers and teams are simply working, not moving forward. Goals should be clearly mapped out, within an attainable reach, and be part of the big picture.

4. Invest in Your Team

We are all better when we harness the brain power and energy of others. If we are not improving, we’re likely getting worse. Even people with years of experience need continuous, quality training to stay current.

We all need help to improve. Great leaders know it’s important to provide opportunities for their teams in a variety of skill areas, including how to:

- Communicate clearly
- Deliver and receive constructive and positive feedback
- Develop interpersonal relationships that are responsive and effective
- Promote collaboration and teamwork
- Convey empathy and concern at work

Receiving guidance is essential to being able to see every viewpoint in a job. This means listening and seeking help when necessary. Asking for and taking advice showcases that you are willing to continuously look for ways to improve.

5. Be an Expert

In order to succeed, we must truly know and care about our organization. To motivate the people who work with you, they must know the who, how, and whys of your city. Knowing how their work fits into the big picture means knowing as much as possible about your city, its leadership, residents, future plans, and its overall state. Staying current and relevant by reading news articles and books, attending conferences, and meeting with colleagues at home and from other cities will add value to your work and organization.

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