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**ABOUT THE COVER**

It’s “town halls for all” in Fort Worth where residents can connect with Mayor Price and other elected leaders in rolling, walking, and caffeinated gatherings.

**Cover Photo Credit:** Glen Ellman
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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TML Intergovernmental Risk Pool
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MESSAGE • FROM THE PRESIDENT

EDDIE DAFFERN, CMO
MAYOR
CITY OF STAPLES

Dear Texas City Official,

This month’s magazine is about healthy initiatives. As city officials, it’s natural to care about the health of our citizens and employees, but sometimes it’s not obvious what we can do to help. This issue has you covered!

Inside, you’ll learn about innovative ideas like walking and rolling town halls, community challenges, and a variety of ways cities encourage their employees to step it up when it comes to fitness and wellness. Health care and medical knowledge are moving rapidly in today’s world, and it’s easy to get left behind. I’m happy to know the League is looking out for us, including through its health coverage pool which I encourage you to check out if you haven’t already.

Nearly 75 percent of Texans live inside Texas cities and towns. That’s where those citizens eat, drink, exercise, and play. Let’s all look for ways to better look after each of them so that cities continue to make Texas great.

Eddie Daffern, CMO
Mayor
City of Staples
TML President
Share Your State of the City Address

Texas cities are hard at work making their communities safe, vibrant, and thriving places to live, work, and play. TML is compiling website links to state of the city addresses to make it easy for you to see what is on the horizon for cities across this great state.

Please send a link to your city’s state of the city address or report to Rachael Pitts at rpitts@tml.org. All links collected will be posted on the TML website at www.tml.org/205/State-of-the-City-Addresses.

A Must-Have Resource: Handbook for Mayors and Councilmembers

The newly updated Handbook for Mayors and Councilmembers (2019) presents an overview of the functions, powers, and responsibilities of mayors and councilmembers. Topics include policy development, goal-setting, council meetings, conflicts of interest, standards of official conduct, budgeting, personal liability, and media relations. Download your free copy at www.tml.org/183/Publications.

The Importance of Continuing Education for Elected Officials

There are countless issues and laws that elected city officials need to understand to be effective in their governance role. TML offers the training that you need to stay on top of current city regulations and applicable state laws.

The Texas Municipal League Institute (TMLI) rewards you for the many hours you spend on your professional development. This recognition, for completing a certain number of continuing education units (CEUs) within a calendar year, begins with a certificate of recognition and increases to the Certified Municipal official (CMO) designation.

You’re already putting in the hours. Allow us to celebrate your hard work and help you claim your CMO or other award designation this year. Look for upcoming offerings on the TML training calendar, and learn more about TMLI at www.tml.org/278/Certification-for-Elected-Officials-TMLI.
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Financial Strength – Pool's Year-End Results

Fiscal year 2018-19 proved to be an outstanding year for the Texas Municipal League Intergovernmental Risk Pool (Pool). Several positive events occurred throughout the year that improved the Pool’s operations, created new investment opportunities, and provided significant cost savings. Though claims activity was higher than average (as a result of strong contributions and investment returns), without including cumulative unrealized investment gains of $19 million, the Pool strengthened its financial position by increasing its equity position by $12.9 million to $369.6 million. When unrealized gains are considered, equity increased to $388.6 million.

This equity position puts the Pool well within the Target Fund Balance Review established by the Pool’s Board of Trustees, and recommended by one of the independent actuaries hired by the Pool, PriceWaterhouseCoopers. This study measures the Pool’s major risks that could require funding due to the probability that the risk will actually occur, and then provides a recommendation on a minimum and maximum range of equity that the Pool should maintain. The most recent study indicates that the Pool’s equity level, on a combined fund basis, is within the range limits. Besides assisting the Pool in determining the proper amount of required equity, the results of the study is a way for the Pool to provide assurance to its members that its equity balances are appropriate and that the Pool remains financially sound.

Nine years ago, the Pool began the process of replacing all its major business applications. In October 2018, the Finance and Human Resources/Payroll systems went live. In April 2019, the policy center (underwriting) and billing center (member billing process) applications went live. In June 2019, a new medical bill review system became operational. In addition to these new systems, the Pool introduced an updated, member-friendly website. Through enhanced data analysis and reporting and increased efficiencies, the Pool and its members are already realizing the benefits and value from these investments. This almost $20 million investment in state-of-the-art business applications was made for the purpose of providing enhanced member service and strengthening the pooling partnerships that exists between the members and especially between the members and the Pool.

Throughout 2019, the Pool worked closely with the legislature, the Texas State Association of Fire Fighters, and emergency medical technicians to develop legislation that would clearly define the types of cancers presumed to have resulted from these first responders’ scope of employment. As part of the enacted legislation, governmental self-insurance pools were given the authority to invest a specific portion of its assets in an expanded range of investments that are beyond those authorized under the Texas Public Funds Investment Act. Going forward, this action will provide the Pool a means to generate a significant amount of additional investment income over the life of its death and lifetime income benefit claims, which can be used to offset increased costs associated with catastrophic claims.
Some of the other major accomplishments designed to benefit the members include:

**Member Protection** - The Pool strengthened the partnership among members by ending property coverage on a mono-line basis. This action ensures that more than one line of coverage is required when property coverage is placed. This policy change reinforces the partnership aspect of the Risk Pool’s relationship with its members, especially as property insurance markets are becoming more unpredictable in both claims and costs for coverage.

**Member Savings** - By entering into an Interlocal Cooperation Agreement with the Political Subdivision Workers’ Compensation Alliance (Alliance) for the Pool to handle the Alliance’s management and operations, the Alliance was able to save its participants an estimated $440,000 per year.

**Property Valuation Reviews** - Expanding the Property Valuation Review program for utility infrastructure and other large properties ensures that members have adequate coverage for their properties. This initiative has identified millions of dollars of under or non-reported properties that could potentially create negative consequences for members if a catastrophic loss was to occur.

**Strengthening Reinsurance Structure** - The Pool added a seventh layer, $50M X $250M, to its property reinsurance program. In addition to providing more property reinsurance coverage, this action reduces the amount of capital needed by the Pool to meet the minimum 1-in-250 funding target as determined by the Target Fund Balance Review.

The 2018-19 fiscal year has been one filled with accomplishments and positive results. Through the actions noted above, the Pool enacted programs that strengthened its already sound financial position, and resulted in long-term improvements to better service claims, manage revenues and expenses, and control losses.

The Pool makes every effort to be transparent in providing information concerning its financial management. The Annual Financial Reports and Budgets are posted on the Pool’s website at www.tmlirp.org.

If you have questions or would like additional information on the Pool’s finances, please contact the Pool’s chief financial officer.

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“*I wish I had done this a long time ago!*” A First Responder Client
Creating Healthy Communities
By Addressing Social Determinants Of Health

It’s true, your zip code is a better predictor of your health than your genetic code. Social determinants of health — the non-medical factors related to where and how people are born, grow, live, work, and age — along with social risk factors and unmet social needs play an enormous role in an individual’s overall health. With medical care driving only 20 percent of health outcomes, and outcomes shaped up to 40 percent by social and economic conditions, cities have a stunning opportunity to create healthier communities.

The five core social determinants of health that communities can help with, according to the Centers for Medicare and Medicaid Services, are: housing stability, utility continuity, food security, transportation, and interpersonal safety.

Social determinants of health are systemic social conditions that impact the entire community, such as economic instability. These conditions can lead to social risk factors that negatively impact health, including food insecurity or housing insecurity. Many programs aimed at mitigating the role of social factors in health endeavor to treat immediate social needs; for example, a community member being homeless.

In their role as community planners, leaders, and advocates, cities are uniquely positioned to impact all three: social determinants of health, social risk factors, and social needs of community members.

**Positive Social Determinants of Health**

Municipal planners and legislators can strongly influence social determinants of health by improving community safety, increasing access to housing, providing utility assistance and reliable transportation, and making food assistance accessible.

For example, city-level utility assistance for low-income and medically vulnerable residents can make the difference between a community member having the ability to use their medical devices and not. Many individuals may depend on nebulizers, ventilators, or electric wheelchairs for everyday medical needs. Utility assistance can also impact health by ensuring residents are able to cook, bathe, and otherwise maintain basic needs influenced by consistent access to utilities.

Reliable transportation is another significant factor in community health. Access to transportation influences many health risk factors, such as access to doctor’s offices and clinics, employment, and healthy food. Public transit with frequent schedules, affordable fares, and service to major medical centers and employer hubs can dramatically impact population health. In Cleveland, Ohio, a partnership between the MetroHealth System and Greater Cleveland’s
Public transit authority improves community access to both healthcare and public transportation. In rural settings, programs like Drive a Senior, or faith-based programs such as Faith in Action can help residents get to doctor’s appointments.

As policy makers and policy influencers, cities can also advocate for and pass local-level policies that promote housing affordability, housing quality, and support services to protect tenants.

One Hawaii pilot program tackled high healthcare costs by placing homeless individuals in housing with supportive services. Medical costs for these individuals dropped 43 percent within six months. In Florida, a public-private partnership including the Florida Hospital system invested in a “Housing First” model for addressing homelessness, spending $1.6 million and saving approximately $2.5 million in costs for the medical care of six formerly homeless patients alone. Cost savings for both hospital systems and public programs such as Medicaid can allow more individuals to be cared for without expending more community resources.

Cities can also address social risk factors by collaborating with regional health systems to ensure patients with unmet social needs are referred to appropriate resources. When Children’s Hospital of Wisconsin developed and implemented a pilot program to track patients’ social needs and refer them to community resources, the hospital saw a significant decline in the total cost of care for patients whose needs they had identified. Total cost savings for patients with two or three identified social needs was over $1,000 per patient per year. Social needs tracked and addressed included housing insecurity, food insecurity, education, interpersonal violence, and utility services.

**Lowering Barriers to Access**

Communities can help improve health and reduce barriers to needed services by working to co-locate medical and public services. Co-location can ease health burdens by simplifying transportation to doctor’s appointments, improving accessibility of financial and nutritional aid services, facilitating domestic violence prevention, and even reducing social stigma associated with the use of mental health care and the use of public services such as Temporary Assistance for Needy Families (TANF).

In rural California, Humboldt County brings together social services, mental health, public health, employment training, veteran’s services, and the public guardian as an integrated, co-located suite of services. Elements important to the success of Humboldt County’s service model include a shared vision for success, a focus on the whole person, integrating funding streams with shared resources, reorganization of county functions, and transformation driven by the community.

**Improving Health for City Employees**

Texas cities are also in an excellent position to influence social risk factors and reduce the cost of health insurance by helping employees stay healthy.

**Improving Quality of Care**

When choosing a health benefits package, employers can influence quality of care, both by network selection and by offering financial incentives for employees to visit high-quality providers.

Because price and quality are rarely correlated when choosing a provider, employers can often improve quality of care without having to pay a higher price. Employers can, for example, offer a benefits package that offers free or very low-cost primary care, or reduced prices for preferred high-quality specialists or hospitals. By choosing a provider of doctor quality ratings, or hospital quality ratings, employers can also help their employees find high-quality care.

Employers can also impact quality of care by offering expert consultations via telemedicine. The Texas A&M University system uses such an expert consultation service to provide second opinions before costly invasive treatments, often resulting in less invasive, less expensive treatment plans, and higher patient satisfaction.

**Access to Care Anywhere**

Rural employers in particular can save employees time and travel cost, improving preventative care utilization by improving access through methods such as on-site primary care or telemedicine. Early care and treatment for relatively minor concerns can in turn reduce employer costs by preventing mild conditions from deteriorating into serious ones that drive utilization of higher-cost care. One report issued by The Rural Broadband Association estimates that telemedicine utilization could save rural communities tens of thousands of dollars annually on travel costs and lost wages.

Employers can improve access to care by offering health plans featuring free or low-cost telemedicine services, virtual or on-site clinics, and affordable care with low copays or deductibles.
"For small employers, it isn’t feasible to have a full-time onsite health clinic," says TML Health Executive Director Jennifer Hoff. "We’ve found a solution that allows our members to have on-site primary care screenings and video consultations with a nurse practitioner. It’s cost-effective, convenient, and we can catch things early before an expensive hospital stay."

Telemedicine can help reduce high-cost visits to the emergency room by giving members peace of mind, and by offering triage when members feel ill outside traditional clinic hours or when traveling away from home.

For many employers who offer telemedicine services as part of employee coverage, utilization has historically remained low because employees are unaware of the service or unsure how to use it. Employee education about their telemedicine benefits, and easily accessible information to help them make use of their benefits, can help employers and employees both make the most of telemedicine cost savings.

**Cities Can Make an Impact**

Cities are uniquely positioned to impact social determinants of health, both as employers and as community designers and advocates.

In particular, cities can:

- Collaborate with healthcare providers to refer patients to appropriate social services.
- Impact social determinants of health by offering utility assistance programs, improving public transit or partnering with local agencies whose volunteers drive people to medical appointments, and co-locating medical and social services.
- Improve access and quality of care for city employees by providing telemedicine, virtual clinics, and on-site clinics.
- Offer employee health plans that give a financial incentive for choosing the best-quality providers.

Making it easier to stay healthy can ultimately reduce preventable healthcare spend for cities, which is a win for all.

---


**2** Ibid.


**6** Ibid.


**9** Clint Phillips, “Why the Next 10 Years of Healthcare Will Look Very Different from the Last 10 Years.” Presented at


**About TML Health Benefits Pool**

*TML Health Benefits Pool serves the healthcare needs of political subdivisions in Texas. They understand the impact of today’s economy and the challenges confronting the members they serve. Now more than ever, they seek to uphold their mission statement: Bringing members together to provide quality healthcare benefits for employees and families at an exceptional value.*
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Texas Cities Receive National Recognition for Community Health

CityHealth, a nonprofit that assesses local health priorities of the country’s largest cities, recently awarded Dallas and San Antonio with gold medals for enacting public health policies that improve residents’ overall wellbeing. Austin, Houston, and Fort Worth received bronze medals for their focus on residents’ health.

An initiative of the de Beaumont Foundation and Kaiser Permanente, CityHealth helps cities achieve better results for their residents by advancing a menu of nine proven policies that improve people’s day-to-day quality of life, well-being, and health. These policies ranging from complete streets to food safety are based in research, backed by qualified experts, and shown to have bipartisan support, making them rich opportunities for cities to pursue.

When San Antonio was first evaluated by the CityHealth research team in 2017, it received no overall medal, because it did not have enough policies on the books that were strong enough for them to qualify. This year, San Antonio reached the top tier. Dave Lofye, CityHealth Texas Director said, “This is an example of what city leaders can do when they set a goal, roll up their sleeves, and advance a strategy to pass proven policies that protect their residents’ health.”

In Dallas, policymakers also showed dramatic progress. Only a year ago, the city did not qualify for a medal in CityHealth’s assessment. This year, Dallas joined San Antonio as one of only eight cities in the country to bring home gold. Policies like high-quality, accessible pre-kindergarten, earned sick leave, and Complete Streets paved the path to an overall gold medal.

Coppell Cultivates a Healthy Community

In the City of Coppell, dedicated volunteers cultivate a healthy community by growing and donating organic produce year-round to Metrocrest Social Services and The City of Coppell Community and Senior Center. The Coppell Community Garden has donated more than 165,000 pounds of fresh produce since 1998. In the past three years the produce harvested has resulted in 46,052 healthy, organic meals for families. Coppell Community Garden volunteers maintain over 100 plots at three gardens. Helping Hands garden located at 255 Parkway Boulevard, Ground Delivery Garden located at 450 South Denton Tap, and Old Town Garden located at 345 West Bethel Road.

The newest garden, Old Town Garden, was created to benefit both members of the Coppell Senior and Community Center, and residents of the Old Town Coppell neighborhood. The garden offers greater opportunities to residents with limited physical abilities, featuring highly raised beds that don’t require bending down and accessible pathways. A trail from Old Town Coppell to the garden offers residents with limited yard space an opportunity to garden and build relationships.

The Coppell Community Garden provides an orientation, tools, and a guide to help volunteer gardeners grow organic produce for donation. By adopting a plot, gardeners can meet others with like interests, relieve stress through gardening, and become more connected with the community.

Seminars, classes, hands-on workshops, and demonstration sites at the Coppell Community Garden train composters, teachers, students, and the public on recycling yard trimmings through composting. Shepherd compost bins are available to Coppell residents for $50 with proof of residency. Visit www.coppellcommunitygarden.org for more information.
THURSDAY, MARCH 4
The Importance of Diversity

Dr. Frank Ashley
Vice Chancellor Emeritus, The Texas A&M University System, and Senior Associate Dean, Academic Affairs, Bush School of Government and Public Service, Texas A&M University

FRIDAY, MARCH 5
September 11, 2001: A Crisis Leadership Presentation

Robert J. Darling
Lieutenant Colonel, United States Marine Corps (Ret.)

SATURDAY, MARCH 6
Chart Your Own Flight Course

Ginger Kerrick
Flight Integration Division Chief, NASA, Johnson Space Center, and Regent, Texas Tech University System

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PERSEVERANCE PAYS OFF FOR HOLLIDAY’S NEW CITY PARK

By Marie Balthrop, City Clerk, City of Wichita Falls and Former City Secretary, City of Holliday; and Gerri Ayres, City Secretary, City of Holliday
The City of Holliday is a small north Texas town with a population of 1,758 just west of Wichita Falls. For decades, the only city owned park in Holliday was a very small park in the middle of town designed for young children. There was always talk about building a new park, but the question was where to put it and how to pay for it. The City of Holliday completed a planning grant which included a master park plan. Public hearings were held to obtain citizen input and wheels started turning on how the dream for a larger park could become reality.

In 2006, a Parks and Recreation Board was created and fundraising efforts started. Unfortunately, for many years Texas Parks and Wildlife (TPW) did not have funding available for grants, and a grant was necessary to fund park construction. In the meantime, the Holliday Independent School District donated land close to the school to be used for the park, bringing the dream one step closer. City staff and citizens continued working together planning and fundraising for the park. In July 2014, city staff wrote and submitted the first application for a TPW grant. The initial plan was to include a swimming pool in the grant project, but since our area had been in a major drought since 2010, we had to change our plans. The first big disappointment was when we were told we could not use the donated land as matching funds for the grant because city staff very efficiently filed the deed in county records prior to the grant being submitted. Another disappointment came when we received the scoring and ranking for the grant and we ranked 11, with 10 projects being funded. We were so close yet still so far away, but refused to give up.

City staff worked with TPW staff to tweak the grant application and the city applied a second time in March 2015. We were certain we would get funded after coming so close in the previous round. Once again we were disappointed when we found out we ranked 12 with just the top 10 projects being funded. After that, staff continued to work with TPW staff finding ways to add items to the application that would score additional points. The third application was submitted in October 2015. In March 2016, the City of Holliday was finally awarded a $399,590 matching grant. The third time was the charm!

The new park is 17.5 acres and, when completed, will include a one-mile walking trail with two fitness stations, basketball court, large open air pavilion, playground area for ages 4-12, covered picnic areas with grills, nine-hole disc golf course, two soccer goals, four tennis courts, and open play area. Currently, the park is about 80 percent completed, and construction on the tennis courts will begin soon. When completed, the park will offer many recreational and healthy living opportunities that are not currently available to our citizens.

Holliday plans to apply for additional grants in the future to continue to add to the park. This park has something for all ages, and we are excited to offer our citizens a safe place to exercise and have fun with their family. Our first event at the park was Christmas in the Park on December 14. We were excited to hold this event in the park and hope it becomes an annual tradition.

Never give up because perseverance pays off! The City of Holliday encourages other small communities to apply for TPW grants. Information on current grants and deadlines can be found at https://tpwd.texas.gov/business/grants/recreation-grants.
**Q** What is an “eight liner” machine?

**A** An eight liner machine is an electronic gaming machine that resembles a slot machine. Depending on the type of machine, a player “wins” if a horizontal, vertical, or diagonal row of objects line up. The machines now come in multiple variants and can include video reel, video keno, and video bingo games, among many others. The cost to play a machine, as well as the prize for winning, varies. Over the last 10 years, many Texas cities have seen a massive proliferation of gaming parlors that feature the machines.

**Q** What has prompted the proliferation of – and controversy relating to – eight liners?

**A** A 1993 statutory amendment. Prior to 1993, Section 47.01 of the Texas Penal Code clearly prohibited any game of chance that “for consideration affords the player anything of value.” In 1993, the Legislature amended this statute by adding Section 47.01(4)(B). That amendment relaxed the previous standard by making legal:

- any electronic, electromechanical, or mechanical contrivance designed, made, and adapted solely for bona fide amusement purposes if the contrivance rewards the player exclusively with noncash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, that have
  - a wholesale value available from a single play of the game or device of not more than 10 times the amount charged to play the game or device once or $5, whichever is less.

Tex. Penal Code § 47.01(4)(B) (emphasis added). The above provision, sometimes referred to as the “fuzzy animal law,” appears intended to allow the operation of coin-operated amusement machines that award children’s prizes, such as stuffed animals or coupons redeemable for toys. In practice, it has been used to justify machines that go way beyond children’s games.

**Q** Is the fuzzy animal law constitutional?

**A** Contrary to the attorney general’s initial opinion, Texas courts have concluded that the fuzzy animal law is constitutional. In Opinion Number DM-466 (1998), the attorney general interpreted Section 47.01(4)(B) as unconstitutional under Article III, Section 47(a), of the Texas Constitution. That constitutional provision provides that “[t]he Legislature shall pass laws prohibiting lotteries and gift enterprises in this State other than [charitable bingos, raffles, and the state lottery].” Tex. Const. art. III, § 47(a). However, several Texas appeals courts have held that the attorney general’s interpretation of the Penal Code is incorrect. In other words, those courts concluded that the fuzzy animal law is constitutional. See Legere v. State, 82 S.W.3d 105, 112 (Tex. App.—San Antonio 2002, pet. ref’d); State v. Wofford, 34 S.W.3d 671, 680-81 (Tex. App.—Austin 2000, no pet.); Owens v. State, 19 S.W.3d 480 (Tex. App.—Amarillo 2000, no pet.); State v. Hancock, 35 S.W.3d 199, 200-01 (Tex. App.—Waco 2000, no pet.). C.f., State v. Gambling Paraphernalia, Devices, Equip. & Proceeds, 356 S.W.3d 594 (Tex. App.—Corpus Christi 2011, no pet.) (holding that a “replay” card is a “thing of value” that would bring the devices within the definition of an illegal gambling device); Letson v. Vanaman, No. 07-98-0263-CV, 1998 WL 767093 (Tex. App.—Amarillo Nov. 4 1998, pet. denied) (not designated for publication) (overturning an injunction by an eight liner operator against the sheriff and state law enforcement officers that seized his machines in order to investigate a violation of the Penal Code).

In addition, at least two courts have concluded that law
enforcement officials may not rely solely on Attorney General Opinion Number DM-466 to seize machines as being illegal gambling devices. *Weaver v. Head,* 984 S.W.2d 744 (Tex. App.—Texarkana 1999, no pet.) (concluding that a sheriff needs probable cause to seize eight liners as gambling devices, and may not rely solely on an attorney general opinion to do so); *Texas Alcoholic Beverage Comm’n v. Amusement & Music Operators,* 997 S.W.2d 651 (Tex. App.—Austin 1999, pet. dism’d w.o.j.) (upholding an injunction against the Texas Alcoholic Beverage Commission that prohibited reliance on an enforcement memorandum issued to officers in reliance on Texas Attorney General Opinion Number DM-466).

The Texas Supreme Court may soon accept a case that could provide a more definitive answer to this question. In *City of Fort Worth et al. v. Stephanie Lynn Rylie, et al.*, Tex. Sup. Ct. Case No. 18-1231, the city is challenging the constitutionality of Section 47.01(4)(B). The basis for the challenge is that the Texas Constitution explicitly provides. “The Legislature shall pass laws prohibiting lotteries . . . in this State . . . .” Tex. Const. art. III, § 47(a). The lower courts in the case declined to address the issue.

**Q** Are eight liners legal in Texas?

**A** It depends. Several Texas appeals courts have held that Penal Code Section 47.01(4)(B) is constitutional. Thus, eight liners that fit within the definition contained in Section 47.01(4)(B) are legal to operate in Texas. As stated above, the Texas Supreme Court’s opinion in *City of Fort Worth et al. v. Stephanie Lynn Rylie, et al.* may change this answer.

Under current law, if the eight liner is used only for bona fide amusement purposes, awards the player with noncash merchandise or vouchers redeemable for novelty items, and the value of the prize or certificate is not more than 10 times the cost of a single play or five dollars (whichever is less), the machine is legal. On the other hand, if the machine pays out in cash or exceeds the statutory minimum prize amount, it is illegal.

However, it’s not quite that simple. Eight liner operators use various tactics to “skirt” the law. For example, two consolidated Texas Supreme Court cases from 2003 hold that gift certificates redeemable at retail stores are the equivalent of cash and eight liners that dispense the certificates are illegal gambling devices. In addition, if an eight liner rewards a player with cash, even if that cash is only used to play another machine, the eight liner is an illegal gambling device. *See Hardy v. State,* 102 S.W.3d 123 (Tex. 2003); *State v. One Super Cherry Master Video 8-Liner Machine,* 102 S.W.3d 132 (Tex. 2003); see also Tex. Att’y Gen. Op. No. GA-0913 (2012) (concluding eight liner machines in a bingo hall that issue tickets redeemable for daubers, bingo play cards, and items from a bingo hall concession stand are illegal gambling devices).

The Texas Supreme Court extended the logic of *Hardy* in a 2013 case, *State v. $1,760.00 in U.S. Currency,* 406 S.W.3d 177 (Tex. 2013). In that case, the eight liners accepted cash, which the machine converted into points that were used for play. When a player redeemed points from an eight liner upon completion of play, the eight liner dispensed a ticket for every five hundred points won. Players could use the tickets to either (1) redeem store merchandise that did not exceed a wholesale value of $5, or (2) receive credits to replay another machine, which were implemented electronically by an attendant without having to convert the tickets back into cash. Players could return at a later date to redeem the tickets for replays on the eight liners. The tickets had no cash value and were never exchanged for cash for replay. Nevertheless, the court held that an electronic, non-immediate right of replay does not fall into the Section 47.01(4)(B) exception because the distributed tickets were not redeemable exclusively for noncash merchandise prizes, toys, or novelties. *State v. $1,760.00 in U.S. Currency,* 406 S.W.3d 177, 178 (Tex. 2013).

The attorney general issued an opinion in 2007 concluding that an amusement machine that records a player’s winnings onto a stored-value debit card is not excluded from the definition of gambling device (meaning that such a payout system would be illegal depending on the payout amount). Tex. Att’y Gen. Op. No. GA-0527 (2007). However, a federal court later concluded that the opinion is not persuasive, and in all likelihood would not be followed by a Texas Court:
the sum and substance of the Attorney General’s opinion is that stored-value cards are equivalent to cash (and, therefore, the amusement game is prohibited) because “the stored-value cards . . . are used as a medium of exchange . . . that can be exchanged for merchandise.” Yet the Act specifically authorizes an award of “a representation of value redeemable for [noncash merchandise].” Consequently, Opinion No. GA-0527 is not helpful.

Aces Wired, Inc. v. Gametronics, Inc., No. A-07-CA-768-LY, 2007 WL 5124986 at *4 (W.D. Tex. Sept. 24, 2007). In the Aces Wired case, prize points were awarded and stored in an account and accessed by use of a card issued to a customer. The points had no cash value but represented one dollar for each point, strictly for purposes of prize redemption. When a customer redeemed points at a participating retailer, the retailer transferred possession of the customer’s selected noncash merchandise to the customer. Aces Wired then paid the retailer. The court held that, “[a]ccordingly, a ‘Prize Point’ is no more than a representation of value as contemplated by the [Penal Code].” Id. The court distinguished the Texas Supreme Court’s opinion in the Hardy case. In Hardy, the eight liners dispensed tickets redeemable for gift certificates, which violated the Penal Code because the certificates could be used exactly the same as cash. Hardy v. State, 102 S.W.3d 123, 131 n.6. (Tex. 2003). In other words, the tiniest distinction muddies a court’s opinion.

Other cases have interpreted the legality of eight liners and various questions of law relating to them, including Jester v. State, 64 S.W.3d 553 (Tex. App.—Texarkana 2001, no pet.) and Allstar Amusement v. State, 50 S.W.3d 705 (Tex. App.—Waco 2001, no pet.). For instance, courts have opined that owners of eight liners are not entitled to a declaratory judgment as to whether their machines are operating legally. See Briar Volunteer Fire Dep’t v. Anderson, No. 2-04-258-CV, 2005 WL 1475409 (Tex. App.—Ft. Worth June 23, 2005, no pet.); City of Longview v. Head, 33 S.W.3d 47 (Tex. App.—Tyler 2000, no pet.); Warren v. Aldridge, 992 S.W.2d 689 (Tex. App.—Houston [14th Dist.] 1999, no pet.). In Warren, the owner of an eight liner establishment filed a lawsuit seeking a declaration that their machines were not illegal gambling devices (and injunctive relief to prevent criminal prosecution and forfeiture of machines). The appeals court ultimately held that the trial court had no jurisdiction to render a declaratory judgment on the interpretation of a penal statute prohibiting the possession of gambling devices or to enjoin its enforcement in the absence of any challenge to the constitutionality of the statute. See Warren, 992 S.W.2d at 691.


Ultimately, the difficulty in enforcing Section 47.014(B) is twofold: (1) it is not always clear when an eight liner’s payouts are illegal; and (2) the costs and logistics of investigating and prosecuting the cases.

Q May cities prohibit or ban eight liner machines altogether?

A The Texas Penal Code makes the operation of eight liners illegal in the circumstances discussed above. City law enforcement may enforce state law if a machine is being operated illegally. However, if a machine is operating legally under state law, a city is arguably prohibited from banning it (based on the preemption doctrine). City attorneys may have different interpretations in this area, so it is of the utmost importance to seek the advice of your city attorney, who is familiar with the specific facts of your situation, before taking any action.

The outcome of City of Fort Worth et al. v. Stephanie Lynn Rylie, et al., mentioned above, may change this answer.
Q Have Texas legislators attempted to address eight liner issues?

A Yes, but without success. For example, during the 2011 regular legislative session, at least two bills were introduced but did not pass. H.B. 1154 would have, among other things: (1) authorized the comptroller to assess a penalty between $50 and $2,000 against an owner or operator of a coin-operated machine who is convicted, in relation to owning or operating the machine, of keeping a gambling place or possessing a gambling device, equipment, or paraphernalia; and (2) authorized a city to assess a civil penalty against an owner or operator of a coin-operated machine who is convicted, in relation to owning or operating the machine, of keeping a gambling place or possessing a gambling device, equipment, or paraphernalia.

H.B. 1183 would have: (1) authorized a commissioners court and – in some instances – a city, to order, on proper petition, a local option election to legalize or prohibit the operation of eight liners; and (2) authorized the imposition of a fee on eight liner owners and provide for the allocation of the fee revenue as follows: (a) thirty percent to the state’s general revenue fund; and (b) seventy percent to a city in which the eight liner is located. Essentially the same bill was introduced in 2013 (H.B. 109 and the accompanying constitutional amendment, H.J.R. 27) and 2015 (H.B. 1385 and H.J.R. 92) but, again, did not pass.

At least two other eight liner bills, H.B. 1830 and H.B. 2642, were filed in 2015. As filed, both bills would have provided: (1) that the current law authorizing one county to regulate “amusement redemption machines” is expanded to authorize any county to do so; and (2) for additional county regulatory authority over such machines. It was unclear whether the bills would have applied within a city’s limits and/or would preempt city regulations. Neither bill passed.

In 2017, S.B. 106 would have clarified that eight liners are an illegal gambling device. It went nowhere—the Senate State Affairs Committee never gave it a hearing.

In 2019, legislators filed three bills regarding eight liners. H.B. 78 would have authorized voters in a county, justice precinct, or city to petition for a local option election to legalize or prohibit eight liners. It received a hearing, but it was never voted out of committee. S.B. 376 and its companion H.B. 1775 would have: (1) amended the definition of “gambling device” in the Texas Penal Code to include an eight liner; (2) provided a defense to prosecution for using certain gambling devices; and (3) repealed county authority to regulate eight liners. Neither bill received a hearing in committee.

Another 2019 bill would have completely preempted any city regulation of eight liners. H.B. 3899 was a super-preemption bill, which among many other things it would have preempted, would have prohibited any city regulation of eight liners. It made progress in the House committee but never made it to the House floor for a vote.

Q Is a city authorized to impose a fee or levy a tax on eight liner machines?

A Yes. Chapter 2153 authorizes a city to impose an occupation tax on coin-operated machines that may not exceed one-fourth of the state tax. Tex. Occ. Code § 2153.451(b). The current state tax is $60 per machine. Id. § 2153.401. Thus, a city may impose a tax of $15 per year on each machine. This $15 tax is authorized by state law.

Q May cities impose other taxes or fees on eight liner machines to raise revenue for the city or related entities?

A No. No other general revenue-raising measure may be imposed upon a machine, regardless of whether it is termed a “tax” or a “permit fee.” Any regulatory fee imposed by a city must be related to the cost of enforcing related regulations not for the purpose of raising revenue. In Hurt v. Cooper, 110 S.W.2d 896, 899-900 (Tex. 1937), the Texas Supreme Court set forth the test to determine whether a fee should be classified as a regulatory measure or a tax measure. One court discussing that test explains as follows:
The rule for determining this question is well settled, that if from a consideration of the ordinance as a whole, the primary purpose of the fees provided for therein is the raising of revenue, then such fees are in fact occupation taxes. On the other hand, if the primary purpose appears to be that of regulation, then the fees imposed are license fees. The word ‘revenue’ as used above means the amount of money which is excessive and more than reasonably necessary to cover the cost of regulation, and not that which is necessary to cover cost of inspection and regulation.

Producers Ass’n of San Antonio v. City of San Antonio, 326 S.W.2d 222, 224 (Tex. Civ. App.—San Antonio 1959, writ ref’d n.r.e.) (citations omitted). In other words, exorbitant regulatory fees may be deemed an unconstitutional tax.

In addition, revenue from eight liners should probably not be used to fund city-related entities, such as a volunteer fire department. The reason for that advice is the confusion detailed above regarding whether the machines are in violation of the Penal Code. See, e.g., Briar Voluntary Fire Dept. v. Anderson, No. 2-04-258-CV, 2005 WL 1475409 (Tex. App.—Fort Worth June 23, 2005, no pet.)(mem. op.).

Q  May a city otherwise regulate eight liner machines?

A Yes, with certain limitations. Section 2153.452 of the Texas Occupations Code expressly authorizes a city to regulate eight liners through zoning. However, it goes on to provide that a city “shall treat the exhibition of a music or skill or pleasure coin-operated machine in the same manner as the political subdivision treats the principal use of the property where the machine is exhibited.” In other words, a city can’t discriminate against a commercial or retail establishment solely because there are eight liners on the premises.

In addition, Section 2153.452(b) expressly authorizes a city to “restrict the exhibition of a coin-operated amusement machine within 300 feet of a church, school, or hospital.” The Second Court of Appeals held that Chapter 2153 preempts zoning regulations in excess of those imposed by Section 2153.452(b). City of Fort Worth v. Rylie, 563 S.W.3d 346, 366 (Tex. App.—Fort Worth 2018, pet. granted). It determined this provision preempted Fort Worth from imposing a greater distance restriction, as well as imposing a distance restriction from residential use in addition to churches, schools, and hospitals. Id.

Specifically, in City of Fort Worth, the court affirmed the trial court’s determination that Chapter 2153 preempted the following provisions of the City’s ordinances: (1) provisions allowing only one game room on any platted lot or in any single building, structure or tenant space within a strip center; (2) prohibitions on game rooms within 1,000 feet of any church, school, residential district, any residential use, hospital, or any other game room; (3) provisions granting the city the authority to seal any coin-operated machine located in a game room for which the occupations tax has not been paid and authorizing a fee of $100 to release such a machine; (4) zoning provisions that game rooms shall only be considered existing in light, medium, or heavy industrial districts; and (5) provisions that no game room shall be located within 1,000 feet of any other game room from property line to property line. Id. Moreover, the court held the Alcoholic Beverage Code preempted the ordinance’s provisions that a game room may not sell alcoholic beverages without a permit from Texas Alcoholic Beverage Commission. Id.

Finally, some cities have enacted ordinances requiring, among other things: (1) that an attendant be present during open hours; (2) that machines be in full, open view; (3) limited hours of operation; (4) the prohibition of minors near the machines; (5) a limitation on the number of eight liners in a game room; and (6) requirements for the number of parking spaces per machine and per employee. Many cities also require a license or permit for a game room or individual machine. The Second Court of Appeals, in City of Fort Worth, confirmed that (1)-(6) are not preempted, but game-room operators have appealed that holding to the Supreme Court.

Each city should decide whether or not to impose the above restrictions after consultation with local legal counsel. As stated above, any fees imposed by a city, beyond a $15 tax, should be related to the cost of enforcing the related regulations. ★
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It’s Time Texas

From January 6 through March 1, 2020, cities all across Texas will take part in the It’s Time Texas Community Challenge, a statewide competition inspiring Texans to lead healthier lives and build healthier communities.

Powered by the nonprofit It’s Time Texas, the free eight-week challenge unites individuals, organizations, and municipalities around a common goal of transforming health in their city. Participants register on the Community Challenge website and compete on behalf of their community by tracking their activities and submitting “healthy selfies” for points. Among the 10 healthy actions that participants can submit for points are eating nutritious foods, engaging in physical activity, and organizing health-related events. An online leaderboard shows real-time community rankings, as well as the latest participant activities. At the end of the challenge, the communities and school districts with the most points in each size category receive funds to put toward a future health project. Individuals are also eligible for prize giveaways throughout the challenge.

“With rates of obesity and preventable chronic diseases on rise in Texas,” says It’s Time Texas CEO Amy McGeady, “the Community Challenge provides a way for people to come together and support one another in living healthier. Schools, workplaces, and entire communities get involved. And every year, we are gaining momentum in the effort to build a culture of health in our state.”
More than 25,000 Texans signed on for Community Challenge in the first part of 2019. Among the 365 cities represented, winners included Austin, McAllen, Harlingen, Los Fresnos, and Smithville. Since registration for the 2020 Community Challenge opened in October, more than 225 cities have already gotten on board. Local governments are playing a major role in terms of driving awareness and participation.

As part of the competition, mayors and other elected officials earn points for their communities by signing pledges proclaiming their city’s participation in the Community Challenge. Since the competition was first launched seven years ago, engagement among civic leaders has grown every year. Seventy-nine mayors signed pledges in 2019, up from 42 the year before. “In 2020,” says Community Challenge Program Manager Ayesha Badar, “our goal is to reach 100.”

In addition to lending their signatures to pledges, mayors create kickoff videos challenging constituents to sign up and help their city win. Many post their workouts and healthy selfies to social media and host community events inviting residents to get active together.

Last year, hundreds of Rio Grande Valley residents showed up to participate in the RGV Fit Fest 5K and Mayors’ Walk for Wellness, an all-ages event hosted in conjunction with the Community Challenge kickoff. In a region fighting to discard negative perceptions about its health, more than a dozen mayors showed up to encourage their constituents to get moving together. Overall participation in the Rio Grande Valley has also grown significantly in recent years, with cities in the region claiming victory in three of the five size categories in 2019. “These are things that we’re not usually known for and it’s been really exciting,” said Ron Garza, Executive Director of the Lower Rio Grande Valley Development Council, who helped organize the Mayors’ Walk. “The Community Challenge really does frame all the positive things that people are doing to make themselves healthier and improve their communities,” he added, “and anything we can do to highlight that hard work, we are rightfully behind that. We’re going to do this every year.”

A relatively new facet of the Community Challenge, which was expanded for 2020, is the employer sub-challenge, allowing organizations to compete internally by pre-registering and encouraging employees to sign up under their workplace. Employers that join the sub-challenge receive bi-weekly reports showing participation figures and the top points earners among their staff. Many of the organizations that choose to participate are school districts, which are also leading the effort to engage children in the competition. About 300,000 kids participated on behalf of their school districts last year, with student organizations host-
ing group activities and teachers delivering nutrition and fitness lessons from the Teach Healthier App developed by It’s Time Texas. “Our children are going to learn from their role models, says Mario Reyna, Coordinator for Health and Physical Education at McAllen ISD. “If kids see that the teachers and parents are out there and exercising, that’s what’s important. Hopefully our kids see that and develop this lifestyle that will continue through adulthood.”

In fact, Texas has the seventh highest childhood obesity rate in the country. “What parents may not know, says It’s Time Texas’ McGeady, “is that kids are supposed to be getting an hour of vigorous physical healthy activity a day. Our children aren’t getting that. Screen time is at an all-time high. Kids aren’t eating the right foods, either. We can give out information, but what we really need is to make healthy fun. We need to make moving fun. We need to make nutrition fun. Initiatives like the Community Challenge provide that opportunity, and schools are a major player.”

Parents, too, see the challenge as an opportunity to model healthy behavior for their children. Bertha Ponce, who has been the top points earner in her community of Los Fresnos for two years running, has seen her whole family become more active and willing to eat healthier as a result of participating in the challenge. Seeing her two-year-old daughter dance beside her at her regular Zumba class, she says, “makes me feel like the best mom in the world.” Now in her fourth year of participating in the challenge, Ponce shares her family’s transformation as a way to encourage others in her community to get involved. “I love seeing my community come aboard with staying active and eating healthy,” she says. “Everyone encourages each other. It’s so important, because sometimes people don’t have that support.”

It’s that same sense of community that keeps so many Texans returning to the Community Challenge year after year. In follow up surveys asking participants what they like most about the challenge, participating with others is the most cited answer. For a lot of Texans – especially busy working parents and those living with chronic conditions or disabilities – healthy living is a daily struggle. Finding the time to work out, exercising portion control, and dealing with the ease of processed foods and takeout are often cited as barriers to progress. Yet, getting involved in community activities and seeing social media light up with posts from others who are trying to improve their health provides accountability and motivation. As one respondent put it, “Knowing other people have the same struggles and are overcoming them gives me hope.”

Pre-registration for the 2020 Community Challenge ended on January 6. To learn more, visit ittcommunitychallenge.com. You can also follow the competition on Facebook @itstimetx and #CommunityChallenge.★★
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ROLLING FORT WORTH’S HEALTH FORWARD

By Laken Avonne Rapier, Director of Communications and Community Engagement, Mayor and City Council: City of Fort Worth

Photos by Glen Ellman
Before she became mayor of the 13th largest city in the nation, Fort Worth native Betsy Price was a longstanding advocate for leading a healthy lifestyle. Now, having served as mayor since 2011, Mayor Price leads with a vision to raise the bar for her hometown.

Upon taking office, Price immediately went to work on health and wellness initiatives, as she recognized a healthy, active, and engaged community is directly connected to a city’s vitality, productivity, and economic growth.

Her community health efforts began with a common goal: to encourage a naturally healthy, happy, and active lifestyle for all residents. Not one to ever sit idle, Price believes in leading by example and walking the walk. In fact, you will rarely find her sitting behind the desk, as she prefers to be out engaging the community.

In 2013, Fort Worth ranked an abysmal 185 out of 190 reported metro areas on the Gallup National Health and Well-Being Index (WBI). Not one to shy away from a challenge, Price launched the ambitious goal of making Fort Worth a Blue Zones Community. Blue Zones Project, a community-led wellbeing improvement initiative, is based on creating permanent and semi-permanent changes to man-made surroundings and built environments that impact lifestyle and culture.

A driving force alongside Fort Worth’s Blue Zone Project is FitWorth – a citywide campaign that promotes active habits in all age groups. Since inception, the program has focused on Fort Worth as a whole, with an emphasis on decreasing childhood obesity. After seeing numerous reports and studies on the health of children and the correlation to learning, the Mayor felt the need to focus on the health and wellness of our future leaders, as well as their education.
Five years later, in November of 2018, Fort Worth became a certified Blue Zones Community® and one of the largest certified cities in the world. While much of the nation continues to see a decline in wellbeing, Fort Worth ranks in the top 20 percent of the country’s metropolitan areas and 31 overall. Furthermore, Fort Worth has seen a six percent decrease in childhood obesity as a direct result of FitWorth.

Through this community-wide effort, Price engaged citizens in all parts of the City in numerous capacities – some traditional and others more unconventional. From mobilizing the faith-based organizations, to hosting cooking demonstrations at schools, and building community gardens in neighborhoods – Fort Worth has made it easier for residents to move naturally, eat better, develop healthy social circles, and live with purpose.

It is through more unconventional avenues that Price works to reach the city’s less engaged residents. She understands a city is nothing without an active and engaged citizenry, hence her common use of the phrase “It’s Your Fort Worth.” In an effort to combine synergies between healthy city initiatives and civic engagement, along with her personal passion for cycling, the Mayor’s ‘Town Halls for All’ were born.

A unique twist on the traditional town hall meetings that acknowledges today’s hectic and busy society, getting citizens — of all ages — involved in charting the course for their city requires more creative approaches than the typical town hall meeting. Price created Walking, Rolling, Caffeinated, and Twitter/Facebook Live Town Halls to break the mold of the traditional, worn-out, and sometimes boring town hall meeting with a casual and active way for residents to connect with the City’s elected leaders.

Price hosts numerous town halls every month throughout the city – either on bike, on social media, on foot, or with a cup of coffee to increase transparency and accessibility within city government. When asked why she hosts town halls on bikes or at a park for a walk, she jokingly replies that residents will tell her anything when she’s in spandex. But it is that accessibility and authenticity that has made her one of the most approachable mayors in the country. Because of these efforts, she is better known in the community simply as ‘Mayor Betsy’ – a nod to her accessibility and close relationship to residents.

What was originally brought to life by the desire to combine healthy living with citizen engagement, has now become a staple within the community and one of the most effective avenues to listen to residents and share important city updates. All, literally, one step at a time. ★
Like many Texas cities, the City of Copperas Cove is committed to supporting the health and wellbeing of its employees. City leaders understand that a healthy workforce results in a more productive workforce with less absenteeism, fewer accidents, lower health care demands, and greater overall savings by reducing disease and disability.

That's why the City launched CoveFit in 2015 to help employees identify and reduce health risks before serious health problems occur and allow better management of any existing health problems.

Eddie Wilson, Copperas Cove's police chief, has served as chairman of the City's wellness program for the past five years. He believes his city has one of the most active and rewarding programs in the state. The CoveFit Program has also been presented to other private and government organizations to help them get started on meeting employee wellness goals.

"The problem with most wellness programs is that they're a 'one-size fits all,' and that doesn't work for the varied demographics and interests that make up our workforce," said Wilson. "Our program is not only rich in incentives, but is
focused on eliminating every excuse why employees fail to better engage in their health and wellness,” he added.

The City of Copperas Cove encourages healthy lifestyles by providing educational resources and classes that promote exercise, good nutrition, and healthy lifestyles within and outside the workplace. While most organizations have been battling with out of control increases in healthcare premiums, the work Copperas Cove has put into CoveFit has helped with premium reductions in fiscal years 2015, 2016, 2017, and only a 1.5 percent increase in 2018. Wilson said, “simply providing education to employees on how to use their health insurance played a significant role in reducing insurance usage rates.”

**How Does CoveFit Work?**

The CoveFit Program can be completed as a team made up of three or four members. Teams can be a combination of full-time employees, part-time employees, and dependents.

Teams accumulate points for various activities, and are awarded incentives for reaching 25-point milestones ranging from 50 points (Copper tier) to 200 points (Elite tier). Team members must complete the same events to qualify for team points.

Five points are awarded for participation in activities like eye and dental exams, biometric screenings, immunizations, CoveFit health and wellness seminars, and a 5K run/walk. Ten points are given for activities that include an annual wellness exam, preventative cancer screening, weight loss of 10 percent in a 120-day weight loss challenge, and participation in a competitive sports league. Teams can earn fifteen points if they’re tobacco free for a year, attend group fitness classes, participate in a high endurance race, the pedometer challenge, have all categories in the normal range for a biometric screening, and more.

Incentives include a $25 insurance waiver, a wellness day off, cash incentives from $100 to $500, a CoveFit t-shirt, and other swag. The top four teams with the highest score earn CoveFit polo shirts to show off their accomplishment.

**Employee Participation in CoveFit**

Copperas Cove actually started their very first wellness program in 2013 and it only included completing six events to receive incentives. The program was not well received
and engagement was low partly because one of the events included participation in a 5K race. 5K events were outside the comfort zone for most employees at the time so most ignored the program. In 2015, the City developed a committee to re-evaluate and build a program that would appeal to a greater majority. CoveFit was then born and has since evolved yearly into what it is today. Although the program is strictly voluntary, the effort put into educating and motivating employees has resulted in a program participation rate of around 50 to 60 percent annually. The new program year started this past October and 148 of the City’s 260 total employees have already signed on.

Employees have gone from zero participation in 5K race events seven years ago to more than a third of employees completing at least one race annually. This is a number that Copperas Cove is proud of considering only around 17% of the general population participates according to Statista. Many employees are also completing multiple annual races to include 10K’s and half marathons. Three employees just recently completed their first ever full marathon. Every year has seen increases in other event categories as well.

Solid Waste employee, Ashley Osborn, started working for the City in 2013 but didn’t get involved with CoveFit until 2017. “I never thought I could physically do most of these things much less running in a 5K,” said Ashley. “Because of CoveFit, I’m more confident and feel like I’m making better choices for my health. I feel better and I think it’s important for every employee to make better health choices,” she added. Ashley has stuck by her new found motivation and is now a self-labeled “5K junkie” who has graduated to running in obstacle races. Her infectious positive attitude has even gotten her family into running 5K events. She now believes so much in what the City is trying to do that she volunteered to become a committee member earlier this year.

“Seeing employees like Ashley start from no interest to be where she is now makes everything we do worth it. Knowing this program can make such a difference in the lives of our City’s greatest asset makes me wonder why every organization doesn’t have a wellness program,” Wilson said.
CITY OF MCALLEN PRIORITIZES EMPLOYEES’ WELLNESS

CITY EMPLOYEE WELLNESS PROGRAM AIMED TO PROMOTE HEALTHY LIVING, FOR NOW AND IN THE FUTURE

By Xochitl Mora, Director, Office of Communications, City of McAllen
For McAllen City Manager Roel “Roy” Rodriguez, P.E., it was an easy decision to develop an Employee Wellness Program for the City’s more than 1,600 full-time employees that would improve the health and well-being of employees and also help increase productivity, boost employee morale, and possibly reduce employees’ chronic health-related medical expenses now and in the future. First established in 2015, the City of McAllen ENERGY Employee Wellness Program has impacted approximately 500-plus employees in identifiable benefits, such as pounds lost, reduced pharmacy expenses, and improved productivity, to less tangible, but just as important, such as improved morale and reduced fatigue. The ENERGY Wellness program uses the principles of education, nutrition, exercise, recovery, growth, and yearly (a long-term outlook).

“The idea of creating a program as a benefit to our employees, that impacts their life in such a significant manner and allows them to lead healthier, longer lives, was something that as a manager, I truly believed in,” said Rodriguez. “I especially want to thank our mayor and commissioners for believing in the program and supporting it 100 percent.”

According to Jolee Perez, Director of Employee Benefits for the City of McAllen, that top-down support of the program is truly key to the employee wellness program’s success, as often-times, the return on investment may not be exactly dollar for dollar. However, the overall increase in the well-being of its employees is immeasurable, but the effects are felt by employees, their co-workers, and their families. Additionally, the goal of the program isn’t simply weight-loss, because that thinking is short-sighted.
Instead, she said, the foundation of the program is a more holistic approach to creating significant and long-lasting changes in behavior to achieve each employee’s unique wellness goals, and improved quality of life and longevity.

“The City of McAllen Employee Wellness Program is designed to get the employees engaged in making good decisions and taking those steps to live well,” Perez said.

To accomplish this, McAllen hired a wellness coach who meets with each program participant to develop and track each employee’s next wellness goal. The program is not developed around a list of activities or resources. Instead, as each individual joins the program, the wellness coach builds a program for what the employee needs or is able and willing to start with.

“This means that no one is denied or excluded because we will find something to meet their personal needs,” added Perez.

This includes anything from developing individual eating plans, offering coaching advice on activities that promote active wellness, smoking cessation programs, and providing wellness coaching sessions on a variety of topics that employees can learn more about their specific chronic health issues and how to better control them.

Almost 2,000 individual private exercise sessions were offered three times a week, over the course of three years, at a local gym, free of charge to the employees. There, participants did exercises that focused on ground-based resistance movements that improved mobility, structural and functional strength, as well as a focus on injury prevention. In just 2019, employees in McAllen’s Wellness Program will have walked or run 24,000 miles, which is exactly the Earth’s circumference, and since the program’s inception, over 11 million calories burned.

Participating in the Wellness Program had other benefits for employees other than just active living and healthy well-being. Employees were motivated to track their workouts and earn points through the program. Those points were then used by employees to purchase items such as juicers, Fitbits, Bluetooth headphones, water jugs, food scales, and food prep kits, just to name a few. Those points are also included in the Fit Rankings scale and most recently, as part of the City of McAllen’s participation in the It’s Time Texas Community Challenge, which McAllen has won in its respective Large City category for the past two years in a row.

Other highlights of McAllen’s Employee Wellness program include a hard, measurable savings to the City of McAllen’s health plan of $24,150 which is important to City leaders. In fact, voluntary participation in the program is critical for the well-being of 25 percent of program participants who have a Body Mass Index of 32, which is considered obese, and a visceral fat of 12, considered high by the World Health Organization. All aspects of the voluntary program are designed so that these employees can make the choice to live well.

And for the City of McAllen, having their employees live well, is truly the most important aspect of its Employee Wellness Program. ★
BREATHE EASY IN THE ‘OUTDOOR CAPITAL OF TEXAS’

HOW THE CITY OF BUDA’S PARKS SYSTEM IS EVOLVING TO MEET THE NEEDS OF THE CITIZENS

By David Marino, Communications Director, City of Buda
Dubbed the “Outdoor Capital of Texas” by the Texas Legislature, the City of Buda boasts 18 parks with a combined total of 409 acres of parkland. With miles of hike and bike trails, water sources for fishing, and plenty of Instagram worthy photo opportunities, the City lives up to its “Breathe Easy Here” slogan.

While most of Buda’s parks are considered neighborhood parks, Buda City Park is the City’s only regional park. Regional parks are intended to serve the entire city and very often are considered the premier park in a community. City Park hosts several popular events, including the annual Buda Lions Club Wiener Dog Races and the City’s annual Red, White, and Buda Independence Day celebration. The park is currently undergoing a major facelift as part of a bond improvement package that was passed by voters in 2014. Upgrades include two new playground areas with ADA compliant playground equipment, a splash pad, pavilion improvements, new restrooms, and a games and grilling area.

Perhaps one of the most exciting additions to City Park is an amphitheater. With the addition of an amphitheater, the City of Buda is poised to become a premiere festival and event location. The amphitheater design provides a festival feel for the audience. The roof was raised to make it more accommodating for lighting and for rigging sound equipment, and the stage was elevated to five feet from a foot-and-a-half for optimum viewing from all angles. ADA accessible ramps are also being installed on each side of the stage. City Park construction is expected to be finished in the spring of 2020.

Meanwhile in 2016 when an opportunity presented itself to purchase an additional 40 acres of parkland that borders City Park, the Buda City Council made the strategic decision to acquire the property and develop a master plan using bond funds. The property will be the future John D. and Byrd Mims Garison Memorial Park. With the purchase of the Garison land, the long-term goal is to develop the park into something comparable to the Wimberley Blue Hole. A swimming hole currently exists on the property. A preliminary design for the future park includes parking areas, trails, water access headquarters, prairie restoration, and construction of a nature center. Improvements to Garison Park are planned for 2022. In addition, there are plans to connect the future park with City Park and Stagecoach Park through a trail system.

Stagecoach Park is a popular spot for walking and jogging. It includes a one-and-a-half mile long 10-foot wide granite trail, a pond, a playground, pavilion, restrooms, water fountains, a Boy Scout Fire Ring, small amphitheater, and a classic Texas Windmill. It’s a great place to escape for a quiet afternoon of reading or a quick walk with the dog. Stagecoach Park is transformed into a winter wonderland during the holiday season as part of the City’s annual Trail of Lights event. Trail of Lights draws in between 12,000 and
There are nearly 7,000 feet of lights along the trail, along with interactive displays ranging from traditional Christmas Nativity scenes to Star Wars, How to Train Your Dragon, and Toy Story.

If fishing is your thing, then Bradfield Park has the goods. The 31-acre public park includes two fishing ponds, one of which is stocked with Blue and Channel Catfish and is used quite extensively by the avid fisherman. For the family, there is a playground, picnic tables, benches, a BBQ pit, and future improvements include the construction of a restroom. Bradfield Park also serves as host to Buda Fun Fish, which is an annual family fishing event for all ages. In 2016, the Parks and Recreation Department made improvements to the park trail with the assistance of grant funding. Areas that typically wash out during heavy rains were filled in with cement.

Green Meadows Park is a great spot to cool off when the Texas heat gets a little too intense. The City opened its first splash pad at Green Meadows Park in the summer of 2019. The 1,400 square foot splash pad contains over 19 spray features and is activated through a push button system. As you can imagine, this has become a very popular spot for the kiddos. As mentioned earlier, a splash pad is also being constructed as part of the renovations at Buda City Park, and the City is looking at adding an additional splash pad at one of our west side neighborhood parks.

Let’s play ball! Buda Sportsplex is a 52-acre park that offers a pavilion, four softball/baseball fields, four recreational fields, a concession stand that can be rented for private use, and even a dog park for our “Budaful” four-legged friends. Recently, lights were installed on the soccer and softball fields to make Buda Sportsplex more tournament friendly. A total of 26 light poles are now standing, with 10 poles installed on the soccer fields and 16 on the softball fields. LED lights were installed for energy savings purposes and they are dark-sky-friendly. The lights are also grounded, in case of lightning strikes.

As far as the future goes, the City’s park system will continue to expand and grow to meet the needs of all future citizens. Neighborhood parks will be developed as a central recreation green space within neighborhoods they serve.

“The City of Buda prides itself on having a robust park system that is in close proximity to local schools, downtown, and local neighborhoods,” said Parks and Recreation Director Greg Olmer. “The City has invested in enhancing its trail system in the near future to assist with key connection points that will assist with interconnectivity of neighborhoods, schools, and businesses. This continued dedication of resources will contribute to better health, improved mobility with less vehicles on the road, and a more vibrant community with active events. The Parks and Recreation Department relies on the support of its citizens to help direct its future plans and the City will be initiating a new Parks Master Plan that will outline Buda citizen’s short-term and long-term goals to continue as the ‘Outdoor Capital of Texas’.★
In life, there are moments that create a cause for pause. Here’s one that I just had to share with you.

A few days ago, I was sitting in a board meeting for one of the nonprofit organizations that I serve, and the president and founder posed this question: “In business, which is more important – character or strategy?”

Everyone around the table chimed in and gave an opinion. It was evenly split down the middle.

However, the president said character is more important than strategy. A profound silence swept through the room as we waited to hear his rationale.

He then said, “Anyone can come up with a strategy, but if they lack character, it is nothing more than a man in an empty suit with a hollowed soul.” I sat there in astonishment doing my best to process the deeper meaning. And then I had an epiphany.

Character is forged when no one is looking.

Character is doing the work of work for no prize at all.

“A person of character is willing to do the right thing and walk alone than to do the wrong thing in order to follow the crowd.”

I’ve discovered people over the years who can talk a good game. They can blow smoke in your ears and do everything they can to see and be seen. They want everyone to know that they are important, smart, and special.

I was that foolish person once upon a time.

Then one day, I met a man of impeccable character. He was the type of person who gets personally invited to the White House. As I watched him from afar, he walked into the room and didn’t make a big fuss or scene.

His presence spoke volumes, and I learned that when you are “the man,” you don’t have to tell people that you’re the man. Your very essence will speak louder than words.

Be mindful of a person whose mouth runs faster than their mind. True character speaks less and listens more.

That man invited me to join this nonprofit board a year ago, and my life has never been the same.

This article originally appeared in the March 2018 issue of Texas Town & City, and is republished here by popular demand.
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