Clear Lake, a residential community in southeast Houston, launched a massive flood-control project called the Exploration Green. Clear Lake City Water Authority - partnering with Exploration Green Conservancy, the community, and an ACEC Texas member firm - is transforming a former 178-acre golf course into five detention ponds that can each hold 100-million-gallons of stormwater.

Built in five phases, Exploration Green includes 105 acres of natural habitat, 12 miles of hike-and-bike trails, and two athletic fields. Phase 1 was completed in April 2018. During Hurricane Harvey, the Phase 1 detention pond protected 150 homes.
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Texas Municipal League Institute
Recognizes Elected City Officials

Finding the Silver Lining

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ABOUT THE COVER
Dallas skyline lights up blue
to support essential workers
during the Coronavirus pan-
demic.

Photo Credit: Joseph Haubert
ABOUT ★ TML

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
Dear Texas City Official,

TML surveys going back decades show that during tough financial times, the first budget item that cities are likely to cut is infrastructure spending. As we go into what’s sure to be an economic downturn in the coming months, infrastructure will surely be on the minds of city officials as they begin their budgeting process.

Alongside public safety, most of us would agree that infrastructure is one of the most important functions of city government. But it’s also one that doesn’t always pop into mind, which is probably why it’s the first that gets cut in a crisis. This issue of the magazine will help put infrastructure back on your mind, at least for a month! Inside you’ll read articles about water and wastewater rates, cutting edge internet utilities, how COVID-19 is impacting infrastructure, and more.

Cities will be under enormous budget pressure in the coming months, and both I and the League staff are thinking of you during these trying times. While I can’t tell you to spend more or less on your city’s infrastructure—like everything else that’s a decision best made at the local level—I can promise that all of the League’s resources regarding infrastructure information will be at your disposal should you need them. Don’t hesitate to reach out and ask.

Eddie Daffern, CMO
Mayor
City of Staples
TML President
TML Annual Conference and Exhibition
The Coronavirus has taken its toll on cities - disrupting work, projects, supply chains, and budgets. How do we overcome the resulting economic, health, and societal challenges, and develop the resiliency required to prepare for future crises?

This year, the Texas Municipal League’s Annual Conference and Exhibition, “From Crisis to Recovery,” will be held October 14-16 in Grapevine at the Gaylord Texan Resort & Convention Center. The Annual Conference will bring together city leaders and staff, state and federal administrators, economic development specialists, and recovery experts to discuss the resources, tools, and strategies needed to rebound and rebuild post-pandemic.

Look for the Annual Conference program online in August at www.tmlconference.org. Conference registration and housing will open on August 12. We hope to see you there.

TML Salary Survey
Visit salarysurvey.tml.org to view salary information for 27 common city positions. On the site, you can filter salary data by region, population, job title, age of data, and more. If your city has not completed the survey for this year, please contact Rachael Pitts on the TML staff at rpitts@tml.org.

Senate Bill 2 Passed: Now What Are You Going to Do?
After years of city opposition, revenue cap legislation finally passed in 2019. TML now offers a recorded webinar on the basics of the new tax rate requirements and timelines, along with what your city can do to successfully manage the transition to the new property tax rate setting process. Learn more about the webinar and other on-demand offerings at www.tml.org/218/Texas-Municipal-League-On-Demand.

Online Public Funds Investment Act Training
TML partners with Virtual Learning Concepts (VLC) to offer online Public Funds Investment Act training for city officials. State law requires that the city’s treasurer, chief financial officer, and investment officer attend at least one 10-hour PFIA training session within 12 months after taking office, and an additional eight-hour course every successive two years. This online course offers the full 10 hours of certified training from the comfort of home or office. Testing will take place as course sections are completed, and a certificate of completion can be generated at the end of the course. Register for the course at www.virtuallearningconcepts.com.

Mandated Cybersecurity Training for Texas Cities
A new Texas law mandates that most city officials and employees complete cybersecurity training by June 14, 2020, and annually thereafter. The Texas Municipal League Intergovernmental Risk Pool (TMLIRP) has released a cybersecurity training program, including an online video and test, which is available free of charge. The video and other training components are all certified by the Texas Department of Information Resources (DIR). Access the training at http://info.tmlirp.org/cyber-security-training-program.

Handbook for Mayors and Councilmembers
The Handbook for Mayors and Councilmembers (2019 edition) is your go-to resource for information on the functions, powers, and responsibilities of mayors and councilmembers. Topics covered include policy development, budgeting and financial administration, council meetings, conflicts of interest, personal liability, and media relations. Download your free copy and browse the list of other TML publications at www.tml.org/183/publications.
The Texas Municipal League (TML) and the Texas Association of Mayors, Council members 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 2019 TMLI credit year were recognized by their peers during the TML-TAMCC Elected Officials’ Conference in Frisco on March 4. The elected city officials who were honored at the award ceremony for their continued commitment to excellence are listed here. Congratulations to all of the 2019 TMLI award recipients! ★

2019 TMLI Award Recipients

All awarded 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)
Shaunte Allen, Councilmember, City of Glenn Heights
Frank Archuleta, Councilmember, City of Windcrest
Chris Armacost, Commissioner, City of Hitchcock
Racquel Belle, Councilmember, City of Forest Hill
Bill Bentley, Councilmember, City of La Porte
Michael Braly, Councilmember, City of Red Oak
Ed Cinics, Mayor Pro Tem, City of Live Oak
Marilyn Clay, Councilmember, City of Cleveland
Duke Coon, Mayor Pro Tem, City of Conroe
Eddie Daffern, Mayor, City of Staples
Balis Dailey, Mayor, City of Grapeland
Suzanne De Leon, Mayor, City of Balcanes Heights
Mary M. Dennis, Mayor, City of Live Oak
Scott Dowdle, Mayor, City of Frost
Beverly Gaines, Councilmember, City of Webster
Seth Gibson, Councilmember, City of Conroe
Bob Golden, Mayor, City of Haslet
Clyde Hairston, Mayor, City of Lancaster
Allison Heyward, Councilmember, City of Schertz
Joel Hicks, Councilmember, City of Cibolo
David Hill, Mayor, City of Waxahachie
Racheal Hill, Councilmember, City of Lancaster
Stanley Jaglowski, Councilmember, City of Lancaster
Carlie Jones, Councilmember, City of Forest Hill
Dee Anne Lerdle, Mayor, City of Sealy
John B. Love III, former Mayor Pro Tem, City of Midland
Raymond McDonald, Councilmember, City of Conroe
Nina Morris, Councilmember, City of Lancaster
Lyle Nelson, Mayor Pro Tem, City of Bastrop
W. L. Pate Jr., Mayor Pro Tem, City of Beaumont
Annette Pernell, former Councilmember, City of Orange
Leonard Reed, Mayor, City of Willis
Patrick Rios, Mayor, City of Rockport
Derek Robinson, Councilmember, City of Lancaster
David Rutledge, Mayor, City of Bridge City
Diana Salgado, Councilmember, City of Del Rio
Linda Sarabia, Mayor Pro Tem, City of Palmview
Connie Schroeder, Mayor, City of Bastrop
Eric Scott, former Mayor, City of Brokshire
Carol Strain-Burk, Councilmember, City of Lancaster
Sandra Vrablec, Councilmember, City of Sealy
Janice Whitehead, Mayor, City of Sealy

Certificate of Achievement (54 CEUs)
Johnie Allen, Councilmember, City of Everman
Susan Darst, Councilmember, City of Grey Forest
Barry Gordon, Mayor, City of Duncanville
Patricia Hilborn, Councilmember, City of Haslet
Jane Hughson, Mayor, City of San Marcos
Bert Miller, Mayor, City of Navasota
Melissa Olson, Councilmember, City of Waxahachie
Edward Tidwell, Mayor, City of Lago Vista
Ray Don Tilley, former Councilmember, City of Woodcreek

Certificate of Recognition (42 CEUs)
Darrell Branch, Mayor, City of Brookshire
Kim Branch, Alderwoman, City of Brookshire
Erica Bruce, Councilmember, City of Hewitt
Dawn Candy, Councilmember, City of Oak Ridge North
Julia Douglas, Councilmember, City of Glen Rose
Ralph Duran, Representative, City of Socorro
Victoria Farrar-Myers, Councilmember, City of Arlington
Renée Franklin, Councilmember, City of Benbrook
Duane Ham, Councilmember, City of Conroe
Martha Herden, Mayor, City of Blanco
Cynthia Kelly, Alderwoman, Town of San Felipe
Lynn Nowlin, Mayor, City of Slaton
Doyle Robinson, Mayor, City of Panhandle
Jeremy Woods, Councilmember, City of Glenn Heights

Award of Excellence
(an elected official who has received a TMLI certificate for five consecutive years)
Leonard Reed, Mayor, City of Willis (20 years)
Ed Cinics, Councilmember, City of Live Oak (10 years)
Suzanne De Leon, Mayor, City of Balcanes Heights (5 years)
Beverly Gaines, Councilmember, City of Webster (5 years)
Stanley Jaglowski, Councilmember, City of Lancaster (5 years)
Patrick Rios, Mayor, City of Rockport (5 years)
David Rutledge, Mayor, City of Bridge City (5 years)
Carol Strain-Burk, Councilmember, City of Lancaster (5 years)

Award of Leadership
(a city that has had an elected official receive a TMLI certificate for five consecutive years)
City of Balcanes Heights
City of Bridge City
City of Lancaster
City of Live Oak
City of Rockport
City of Webster
City of Willis
Three Insurance Cost-Saving Tips

Given the revenue impacts of COVID-19, a reasonable question that comes to mind as cities seek to balance their budgets is, “how can I save money on my insurance?” Coverages that tend to be most costly include property, liability, and health benefits. Because insurance cost is generally determined by operations and/or personnel, as well as the frequency and severity of claims, cutting insurance costs so that current service levels are maintained requires taking a programmatic approach. This sort of approach allows for additional choices to trim costs, such as strategically retaining more risk and buying less coverage. While some of the tips described in this article can be applied to employee health benefits, this article focuses on property, liability and workers’ compensation.

1. Increase deductibles or self-insured retentions: This is the quickest way to find savings within your insurance program. Low property and automobile physical damage deductibles are common, which can be beneficial for areas of the state that are prone to inclement weather events. Nevertheless, consideration of retaining a portion of that risk by increasing deductibles is worthwhile. This is certainly the case if you live in an area that is less likely to have extreme weather. Another way to prudently retain more risk is to eliminate physical damage coverage on older vehicles and equipment since coverage is only for the depreciated value. Similarly, deductibles can be assumed for liability and workers’ compensation coverages. While assumption of deductibles results in coverage cost savings, the cost of assuming additional risk should also be considered. If you are with the Risk Pool, your member services manager can run a risk retention report based on your loss history to help determine the most beneficial deductibles/self-insured retention across all coverage areas. As retention of additional risk is considered, keep two things in mind: “Don’t risk a lot for a little” and “and don’t risk more than you can afford to lose.” These statements succinctly state the strategic goals of any organization when making decisions to retain risk internally in concert with risk transfer to an insurance carrier or self-funding through a partnership such as the Risk Pool.
2. **Exposure changes** relate directly to your operations and the related cost of sharing risk as a part of the risk pooling partnership or transferring risk to an insurance carrier. Payroll is the basis for developing the cost of workers’ compensation coverage. Therefore, if you have had a decrease in operations, such as parks and recreation or other departments, you can contact the Pool or your current insurance carrier, and adjust the payroll used for rating. This will provide immediate savings. Payroll can be adjusted at any time during the year. Two other tips related to exposure decreases include:

- Remove buildings that are not being utilized and would not be replaced if damaged; or revise coverage from “replacement cost” to “actual cash value” (ACV coverage pays depreciated value for the loss).
- Review automobile and property schedules carefully to ensure items not currently owned have been removed.

3. **Contractual transfer of risk** is a solid risk management practice by transferring potential exposures to another party. Examples include transferring responsibility to contractors or requiring lessees to provide property and liability coverage for leased premises. This can be done by appropriately worded insurance requirements and indemnity language. The Pool offers sample insurance and indemnity guidelines. If you would like a copy, contact your member services manager.

These are just a few of the ways you can save money on insurance costs. Your city can save substantially by basing decisions on a risk analysis specific to your claims while adhering to good safety practices. Furthermore, a programmatic approach to risk management can aid in making tough financial decisions. If you would like help in designing your risk management program or general assistance with best practices, please contact your member services manager. ★
#ThankYouThursday Honors North Texas Frontline Workers

Cheers have been ringing out in neighborhoods across North Texas on Thursday evenings in a weekly display of appreciation for frontline workers. Mayors Betsy Price of Fort Worth and Eric Johnson of Dallas have been encouraging their residents to join them on Thursday evenings in a show of support and gratitude for frontline workers in the battle against COVID-19.

Fort Worth’s downtown buildings have been illuminated in blue lights, while residents throughout the metroplex step outside their homes at 7:00 p.m. to cheer for healthcare workers, first responders, and others working on the front lines. Participants are encouraged to wear a face mask, practice social distancing, and cheer responsibly.

“While the last months have been incredibly difficult, these workers have bravely faced down unprecedented challenges,” said Mayor Johnson. “They deserve our gratitude.”

“These weekly ovations are a great way for our community to rally together, safely, and show our appreciation for those working tirelessly to battle COVID-19 and keep our community healthy and safe,” added Mayor Price.

Follow the displays of gratitude on social media using the hashtag #ThankYouThursday.

TAMIU Engineering Students Help Laredo’s First Responders

Texas A&M International University (TAMIU) School of Engineering students and their professor went the distance to create protective masks, shields, and aerosol boxes for Laredo’s frontline first responders.

The masks and shields were created and donated to three Laredo hospitals for use by emergency room doctors, as well as to the City of Laredo and Webb County fire departments. The aerosol boxes, used to protect responders during intubation procedures, were presented to the Laredo Fire Department for use by department paramedics and local hospitals.
TAMIU President Dr. Pablo Arenaz recognized TAMIU School of Engineering Assistant Professor Dr. Tariq Tashtoush who lead the group of students in the 3D printing, design, and PPE construction.

“In today’s COVID-19 pandemic response, we’ve found that many frontline first responders don’t have the access to PPE they need. We decided to step in and assist by using our labs here to design and develop units,” Dr. Tashtoush explained.

Working with CDC-approved social distancing, the class printed 3D elements using an internally defined template. Tashtoush said the COVID-19 pandemic has provided students with a unique, real-world learning opportunity to see engineering applied.

Amarillo Held a Drive-Through Donation to Aid Homeless

As part of its response to the COVID-19 pandemic, Amarillo hosted a drive-through donation event to help the city’s homeless population.

The City of Amarillo’s Community Development Department received grant funding to move 60 people from the Salvation Army to alternative housing. The City plans for the new residents to stay in the alternative housing indefinitely, which will help provide adequate social distancing space at the Salvation Army.

Although they have basic living accommodations, the new alternative housing residents needed essentials like bedroom furniture, blankets and pillows, living room furniture, and kitchen and bathroom items.

The City set up a drive-through donation center at the Civic Center, with safe distancing and health precautions, giving Amarillo residents and businesses a safe and easy way to drop off items.

McKinney COVID-19 Grant Program Supports Small Businesses and Nonprofits

The City of McKinney has partnered with the McKinney Community Development Corporation (MCDC) to establish the McKinney Strong COVID-19 Small Business and Nonprofit Grant program, offering up to $1,500 grants to eligible McKinney-based small businesses and nonprofits enduring economic hardships due to COVID-19. The grant will be funded by up to $1 million dollars in unallocated MCDC promotional funds, as legislative parameters allow.

“Small businesses and nonprofits are the heartbeat of our community and we’re working diligently to get them the critical support they need to survive this pandemic,” said Mayor George Fuller. “The McKinney Strong Grant program is intended as relief support and one supplemental piece of broad recovery efforts including federal, state and local programs.”

Recipients must have 50 or fewer full-time equivalent employees, conduct business out of a commercial location in McKinney, and demonstrate a financial hardship during the COVID-19 pandemic. The one-time payment may be used on eligible expenses incurred in March and April 2020 including rent, utilities (water, gas, electric and trash) and communications (internet and phones). Home-based businesses and home-based nonprofits are not eligible.
“We know businesses and nonprofits have been severely impacted by the COVID-19 pandemic,” said Jackie Brewer, MCDC Chairman. “We want to see them back on their feet, thriving and continuing to provide the incredible services that make our community unique, and this is just the first step.”

**San Antonio Hosted a Virtual Children’s Town Hall**

“How long is this stay at home thing going to last?”

“How do people get the virus (because I don’t want my parents to get it)?”

“How long is this stay at home thing going to last?”

These were some of the poignant questions that San Antonio Mayor Ron Nirenberg and Fourth Court of Appeals Justice Luz Elena Chapa answered during a virtual town hall for San Antonio children. Dozens of kids submitted their questions and concerns related to COVID-19 in writing and through online videos for the digital meeting.

Broadcasted on TVSA and Facebook Live, Mayor Nirenberg used the 30-minute Q&A session to allay children’s fears and share factual information about COVID-19. He reassured children that they are doing the right thing to help by staying home, being safe, and maintaining social distancing.

“When this is something we need to take seriously, we don’t need to be afraid. Yes, some people might be pretty sick, but scientists and doctors think that most people will be okay, especially children,” said the Mayor.

“You might miss your friends and your classmates. I know I do. And I know they miss you as well. So reach out to your parents and your school to find ways to talk to them,” he added. “Our city will be so much safer, cleaner, and healthier because of what we have learned and will learn in the coming days.”

Mayor Nirenberg also talked about safety guidelines to help fight COVID-19, including the five steps of proper hand-washing.

**Carrollton and Metrocrest Chamber Offer “Safe to Work and Shop” Kits**

The City of Carrollton partnered with the Metrocrest Chamber of Commerce to assist local businesses that chose to reopen their doors in line with the Governor’s May 5 Executive Order (GA-21). The program aims to support businesses with the tools they need to help protect employees and customers as Texans prepare to return to work.

“The City of Carrollton is excited to partner with the Metrocrest Chamber of Commerce for this initiative,” Mayor Kevin Falconer said. “The City’s vision is to be the community that families and businesses want to call home, and we’re committed to assisting Carrollton’s small businesses during this unprecedented time, while continuing to encourage measures that maintain the health and wellbeing of our residents and visitors.”

As a first step of the program, the City and the Chamber distributed “Safe to Work and Shop” startup kits designed to help small businesses reopen while striving to keep employees and customers safe. The kits include items such as masks, hand sanitizer, floor clings encouraging social distancing, information resources available to small businesses, and more.

**San Juan’s Curbside Grocery Donation Drive Helped Local Families**

The City of San Juan partnered with One United RGV to collect groceries for San Juan families through a donation curbside drive. San Juan Mayor Mario Garza served as alliance chair with support from members of the city commission for the distribution location at the San Juan Fire Department. Local residents in need of groceries provided a valid identification or proof of address to qualify.

“During this time of crisis, it is wonderful to see community leaders and organizations coming together to help provide some relief to families in need,” said Mayor Garza. “I applaud the efforts of our San Juan City Commission and all event organizers for uniting as a coordinated force to support families in the Rio Grande Valley.” ★
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As state and local orders to restrict the spread of COVID-19 are gradually lifted, it’s helpful to reflect on how the pandemic has changed us and our communities – our lifestyles, communication, behavior, perhaps even relationships.

Last month, when we started working on this issue of Texas Town & City, we asked a handful of city officials and staff how the social distancing has affected them. We also asked if there’s something they’ve done or experienced over the past few months that they hope might continue into the future.

Lenny Anzaldua, an Alderman in Refugio and TML Region 11 President, said social distancing has affected his entire community. What used to be a warm greeting or hug is now a fist bump or an elbow bump. A town with a population of around 3,000, Refugio is located on US Highway 77 and as a result, has been overrun with out-of-town shoppers who stop by to clean out their local HEB.

Anzaldua said the biggest change for him personally is his job since he’s not out in the community, but working from home. “Our City operates through a locked door; all restaurants that couldn’t accommodate drive-through or pickup meals are closed.”

And while that distancing hasn’t been easy, he focused on the silver linings.

“I feel the best thing that happened as a result of COVID-19 is that families are spending more time together and appreciating what they have and had,” said Anzaldua. “I hope this draws families together and they realize that spending time at home and rushing less is an advantage, not a disadvantage.”

While he has missed community gatherings, Anzaldua takes pleasure knowing his church’s Zoom service reached three times as many as those who attend their traditional in-person service.

His church also started a feeding ministry to nourish families who are suffering through the pandemic. “Our ministry was blessed with a $1,500 community grant from the Methodist Healthcare Ministries, and our little church will try to provide 1,500 meals with that grant,” he said.
“These good things I pray stay part of our community for years and years after COVID-19 is in our rear view,” added Anzaldúa.

In Wilmer, City Administrator Rona Stringfellow had been in her job just 100 days when COVID-19 hit. “The City looked to me for direction, and I had to be decisive,” she said.

Stringfellow explained that in considering what steps to take, she thought of her young son and elderly parents and all she’d do to keep them protected. Then, she thought about how important it was for the City’s staff to return home, healthy and safe, to their families. And this guided her decision to close the office to the public.

“We met with our custodian to ensure there was protocol for cleaning the offices to protect everyone,” she said. “We met frequently to discuss new information related to the pandemic and tailored our programming around it to protect our most vulnerable populations. We closed the library and restricted our senior programs to meal delivery only.”

Stringfellow said “We’ll continue to be diligent about our interactions with the public as we slowly re-open. As much as I am an extrovert and we are a social society with handshakes and hugs, this experience will cause us to think twice.”

She added that, after the pandemic, she hopes people will continue to adhere to the social distancing that has been modeled and practice good hygiene by washing their hands for at least 20 seconds, covering their mouths when they cough or sneeze, standing at least six feet apart, and staying home when they are sick.

Greg Sowell. Richardson’s Director of Communications, described social distancing’s impact as dramatic on a professional level to mildly inconvenient at a personal level. Sowell serves as president of the board for the Texas Association of Municipal Information Officers (TAMIO). TAMIO’s annual conference was cancelled because of the pandemic, which had a large financial impact on the organization’s bottom line.

Sowell also pointed to the inconveniences we’ve all experienced in taking care of what used to simple tasks outside the home, like running an errand or shopping.

“This past weekend, I waited in my car for almost an hour before receiving a text that let me know I could enter a computer hardware store,” said Sowell. “I wanted to purchase a Wi-Fi card for a computer I built for my daughter so she could connect with friends.”

He added that “Overall, social distancing has caused me to be part of some difficult operational decisions, while also making me further appreciate the complex economy and family relationships which I had come to take for granted.”

When asked if there’s anything he has experienced during recent months that he’d like to see continue, Sowell said “I’m either a creature of habit, resistant to change, or any number of other euphemisms used to describe the challenges of adapting to a new world, but the only positive benefit I’ve come to like from this pandemic is the large improvement on my commute. I can get to work in less than 15 minutes, a trip that used to take nearly 40 minutes. I also fill my gas tank just once every two weeks instead of once a week.”

In Fort Worth, City Secretary Mary Kayser described the empty downtown streets near city hall as eerie and sad. Things are very different with most of her team working from home.

“Finding ways to keep in touch and to keep things moving forward was challenging at first, but we did a great job adjusting to that new normal. Holding council meetings with most councilmembers participating from home and only a few staff in attendance was a new experience. Yet the councilmembers joked with each other as they do when they’re together in person and that was good to see.”

Kayser reflected on the missed social connections. “With the travel restrictions, I wasn’t able to attend a conference with my peers, and I realized how much that time of networking and connecting really meant,” she said. “I’ve also discovered how much I miss that personal interaction with everyone that works for the City. Skype, Zoom, and WebEx do not substitute for those one-on-one in person conversations with your peers and co-workers.”
McAllen Mayor Jim Darling also talked about missing face-to-face communications. He explained “I am on over 14 different boards and councils (mostly public), and meetings have been called off, or conducted by teleconference, Zoom, and other services. The quality and logistics of these kinds of meetings has been challenging. Decision-making is either delayed or affected by not meeting.”

Not seeing people on a daily basis is not only difficult, but contrary to the role that an elected city official has in leading their community. Darling commented that instead of seeing and talking to citizens at the grocery store, he now hears from them via email and social media.

Scott Wayman, City Manager of Live Oak, misses the communication that comes with sitting across the desk or table from someone discussing a program or project.

“Sure, your department staff can come in to your office, but you don’t want someone from the River Authority or your electric provider bringing their six people into the room with your six people,” explained Wayman.

Wayman said he feels the pandemic has made people more distant and aloof.

“I miss walking to the far end of the city hall complex and talking to the staff members who are working at different sites. At some level, you don’t want to expose yourself to them because you don’t know what their comfort levels are with regards to the spread of the virus. It has made everybody more standoffish. The new norms of social distancing have forced us all to be more cautious.”

However, in the middle of the pandemic, when a Live Oak officer was assaulted, Wayman said “you couldn’t have stopped me from visiting that officer at the emergency room.”

Wayman also pointed out that social distancing has helped us all grasp the intricacies of technology. “These online communication platforms are dependent upon people with different technology fluency being forced to gain the same understanding.”

Among the positive outcomes is a shared commitment to health and safety. Wayman noted, “We are paying a lot more attention to hygiene. Our cleaning crews are doing a much better job, and we are sanitizing work sites better.”

Mayor Darling agreed and added that post-pandemic he’d like to see “personal responsibility for a healthful lifestyle from less physical contact like handshakes and hug greetings continue.”

As mayor, Darling regularly attends events where people are sharing germs and catching colds from physical contact. “Aspects for the most vulnerable should continue to be practiced, such as health and safety in nursing homes and hospitals, sanitizers in public areas, and more.”

While it’s difficult to get beyond the virus’ terrible toll, there are a few encouraging outcomes.

Wayman noticed that people are kinder to one another because we are all going through this “larger than life” pandemic together. He alluded to the strange comfort in this shared experience that binds us.

Darling said he’d like to see “the enhanced teamwork among and between city and county governments continue for many of the problems we jointly encounter.”

Kayser said she hopes the support and appreciation that everyone is feeling for those who kept doing their jobs on the frontline endures.

“The City employees who kept the water flowing and the streets repaired. The unsung heroes who manned the City’s emergency operations. The store clerks, restaurant workers, and delivery drivers who kept things moving forward and showed their innovative spirit. How can we ever thank the doctors and nurses and all their support staff who just kept going and battling this invisible enemy? ”

“And I admire the creativity that people used to stay connected to family and friends and their faith. I hope that continues,” added Kayser.

The coronavirus will pass, but the tragedy of lost lives and economic destruction will stay with us for a while. Perhaps the comfort that we’ve all experienced this together will give us the insight and wisdom to rebound and rebuild. ★
Despite being apart, we remain STRONGER TOGETHER.

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Imagine a family moving into a new home which is located in a new area with new schools and new careers. The closing documents signed, they prepare for the daunting task of moving in and setting up the essential services – water, electric, gas, and internet. After being on hold for an hour, they learn from the cable provider that there is no internet service in the area. Mont Belvieu citizens faced this reality for years until the City developed MB Link, Texas’ first municipally owned and operated gigabit internet utility, providing high-speed, reliable internet to residents.

**History of MB Link**

The idea for MB Link stemmed from residents and businesses suffering from inadequate internet service coverage throughout the area. In 2016, the City opened discussions with telecommunications companies about providing faster and more reliable internet, but the talks were unsuccessful even after Mont Belvieu offered to pay to install the needed infrastructure. A feasibility study confirmed that more than 60 percent of residents and 80 percent of businesses considered local internet access inadequate. With the large national telecommunications companies declining to expand their services in Mont Belvieu, the city council, leadership, and staff seized the opportunity to develop an innovative solution. For a city to provide internet service in a competitive market unparalleled to a municipality, there are three essential components: fast and reliable speed, affordable pricing, and excellent customer service.

The City confronted the problem in 2017 by filing a lawsuit to address a 1900’s state statute that allowed home rule cities to provide electrical service. This move highlighted that in the 21st century, fast and reliable internet access is as essential as water and electricity were at the turn of the last century. The judge ruled in favor of Mont Belvieu allowing the City to provide internet access as a utility. The City began working with consultants, the new Broadband and Information Technology Services Director Dwight Thomas, and the MB
Link team to develop a business model, establish the necessary infrastructure, install over 75 miles of fiber, connect existing homes and businesses, and establish a framework to fully own and operate the broadband service.

**Funding**
This extraordinary feat, accomplished with full community and city council support, was funded through a bond issuance that required no additional taxes. The initial project to design the network, build the infrastructure, connect existing homes, and hire MB Link staff came in under budget at $13 million out of the initial $14 million bond issuance. The remaining capital is covering MB Link network expansion and new projects to ensure all new businesses and residents can enjoy the service. To keep up with the substantial growth of new commercial and residential properties, the city council passed an ordinance in 2018 requiring developers to add fiber infrastructure by installing handholes and the conduit through which the fiber passes. To include reducing capital expenditures, the ordinance increases MB Link’s penetration rates in new developments resulting in getting residents connected with minimal delay.

**Revenue**
By fully owning and operating MB Link, the City has the benefit of being a one-stop-shop for its citizens. When residents call or visit the City’s website, they are able to sign up for water, trash, and internet services at one time, and billing now includes MB Link services. At this time, residential services are $75 per month for up to 1000 Mbps (1 Gbps) upload and download, and commercial services have tiered packages based on business needs. Current projections show MB Link being cash flow positive in the next five to eight years; however, these projections do not assume potential revenue sources such as long-term leases of fiber and data center co-location agreements.

**Opportunities**
Operating as an enterprise within the City, the necessity to innovate and expand is essential. Although MB Link services are exclusive to residents and businesses, the City’s business development activities ensure the enterprise operates and expands using best practices and that align with technological advances. MB Link has opened the door for discussions with cellular companies to bring new or expanded services into rural areas. These alternate revenue sources also provide improved services to our community and the surrounding areas. Furthermore, these companies often move more quickly since the City is a single source for internet backhaul, right-of-way acquisition, antenna placement (i.e. water towers), and agreement negotiations. MB Link is a testament to the success that municipalities can achieve in the best interests of the community and a self-sustainable revenue stream to carry the City beyond the 21st century.
The connectivity that MB Link provides has been paramount during the recent unprecedented COVID-19 pandemic. With the global economy and operations shifting to new requirements, the need for telecommuting has substantially increased, emphasizing the essential need for reliable internet services.

Current Service
Before going live in 2018, MB Link had over 700 pre-subscribers, and has since achieved a 60 percent penetration rate with over 1,500 residential customers and 30 business partners. The 1,000 customer celebration occurred on March 6, 2019. MB Link continues to make strides in an area, which the Houston Business Journal in 2018 considered the fourth fastest-growing city in the Houston metropolitan statistical area. Figure 1 shows the current and projected subscribers since going live. Highly-rated, industry-standard equipment ensures the community maintains fast and reliable speeds. Installation standards, which include cutting-edge gateways and battery backups, keep subscribers connected and informed through unforeseen power outages and various incidents.

Award-Winning Customer Service
The proven customer service model gives MB Link a competitive advantage. The customer service representatives (CSR) establish this advantage by proactively monitoring services, often detecting and restoring service-related issues before the resident knows they occurred. The CSR team keeps residents and businesses informed through active communication and relationships instead of reacting to negative events. Residents continuously praise the team for their professionalism.

MB Link 2020 Pandemic Subscribers and Bandwidth Usage
This chart illustrates the impact on subscribers and bandwidth usage with the community working and learning from home during the pandemic. Dwight Thomas mentioned his team observed some points in time where peak utilization reached 19.22 Gbps but was not sustained.

Innovation
The City of Mont Belvieu’s achievement has caught the attention of cities and internet service providers throughout the state and nation. In April 2019, Mont Belvieu’s key staff were invited to speak at the Broadband Communities Summit in Austin. The presentation left attendees and members of the press asking how a city of just 153 square miles could drive this technological innovation into reality. While MB Link is indeed a testament to innovation and success, it also demonstrates how municipal broadband can be a reality for other cities and local governments. MB Link is not a one-size-fits-all solution. It is a framework that can be used by other communities to develop business models that best fit their needs and population.

Mont Belvieu’s MB Link is only the beginning. The effort by this small, far-east Houston suburb shows that this new utility can be successfully launched by cities large and small. And, Mont Belvieu’s City staff hope they can help your city build a network like MB Link – an internet service built for your community.★
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**LEGAL ✶ Q&A**

**Q** What is a city seal?

**A** A city seal (sometimes called a corporate seal) refers to an official city emblem or insignia. It is typically incorporated into a tool used to stamp or emboss official city documents, similar to a notary stamp. For instance, the City of University Park’s Code of Ordinances provides as follows:

(a) The seal of the city shall be a design, circular in shape, with a star in the center, and around the outer edge of the circle shall be written or printed the words: “CITY OF UNIVERSITY PARK, DALLAS COUNTY, TEXAS.”

(b) The official seal of the city shall be affixed to all ordinances of the city, the minutes of the meetings of the city council, all deeds, contracts in writing made on behalf of the city, leases, bills of sale, bonds, and other contracts and obligations of the city where required by law or custom, when signed by the mayor, or the mayor pro tem in the absence of the mayor, and attested by the city secretary.

University Park, Tex., University Park City Code, ch. 1, § 1.02.001.

In addition to being stamped or embossed on official city documents, the city seal is sometimes displayed on city letterhead stationery, employee uniforms, websites, and other similar locations.

**Q** Under what authority does a city adopt and use a seal?

**A** A city may be expressly empowered by state law or city charter to adopt and use a seal. See, e.g., Tex. Loc. Gov’t Code § 51.016 (authorizing a Type A general law city to adopt, use, change, and renew a seal); Lake Dallas, Tex., City Charter, art. 2, § 2.01 (providing that the City of Lake Dallas may design, adopt, and use a corporate seal). At least one Texas court has held that a city has the inherent power to have and use a corporate seal. See *Ball v. Texarkana Water Corp.*, 127 S.W. 1068, 1070 (Tex. Civ. App. 1910).

**Q** Does state law dictate the design of a city seal?

**A** Cities have some leeway in designing the city seal. Many include the city’s name and date of incorporation. From a legal perspective, city officials should keep in mind that the composition and use of seals with religious imagery have been challenged under the First Amendment’s Establishment Clause and Free Exercise Clause. For instance, a plaintiff challenged the City of Austin’s seal which contains a Christian cross. See *Murray v. City of Austin*, 947 F.2d 147 (5th Cir. 1991), cert. denied, 505 U.S. 1219 (1992). While the court in that case ultimately held that the City of Austin’s seal did not violate the First Amendment, the result has been different in other cases. See, e.g., *Harris v. City of Zion*, 927 F.2d 1401 (7th Cir. 1991), cert. denied, 505 U.S. 1218 (1992).

**Q** Who keeps and uses a city seal?

**A** Details regarding who is responsible for keeping and using a city seal may be found in statutes, city charter, city ordinance, and city policies.

In a type A general law city, for example, state law provides that the city secretary “shall . . . keep the corporate seal” Tex. Loc. Gov’t Code § 22.073(lb). Home rule city charters often contain similar language. See, e.g., Village of Bee Cave, Tex., City Charter, ch. 5, § 5.02 (“The City Secretary shall . . . Hold and maintain the City Seal and affix it to all appropriate documents as required”). While the city secretary is frequently the keeper of the city seal, statutes, city ordinances, and case law indicate that other officials may keep and use a city seal. For example,
one city’s ordinance authorizes a deputy city secretary to “sign, attest or certify and use the city seal when appropriate and necessary on documents such as mylars of plats and replats, publications, notices, ordinances, and resolutions” in the city secretary’s absence. See Odessa, Tex., Odessa City Code, art. 1-6, § 1-6-4. And a case describes the tax assessor-collector of a city using a city seal to certify a tax statement introduced as evidence in a tax collection suit. See F-Star Socorro, L.P. v. City of El Paso, 281 S.W.3d 103, 105 (Tex. App.—El Paso 2008, no pet.).

One Texas court held that a charter provision requiring one officer (the comptroller) to impress the corporate seal on a paving assessment was a purely ministerial duty and could be performed by another officer (the city secretary) who was given custody of the city seal under an ordinance adopted by the city council. See Thompson v. Thurber Brick Co., 42 S.W.2d 93 (Tex. Civ. App. 1931, error ref’d).

Q **What is the effect of embossing or stamping the city seal on a document?**

A As a general matter, placing the city seal on a document serves as a sort of “city signature” to indicate a document is a valid or important document of an incorporated city.

In the litigation context, there are specific rules that address the effect of the city seal. Both the Federal and Texas Rules of Evidence provide that a document is self-authenticating when it bears the city seal and a signature purporting to be an execution or attestation. That means no other evidence that the document is what it claims to be is necessary in order for the document to be admitted as evidence. See Fed. R. Evid. 902(1); Tex. R. Evid. 902(1); see also Adams v. Dignowity, 28 S.W. 373, 379 (Tex. Civ. App. 1894, error ref’d). (“It is equally well settled that a conveyance of real estate, regular on its face, and under the corporate seal, executed by a municipal corporation having the power to dispose of its property, will be presumed to have been executed in pursuance of that power, and that it is not necessary for the grantor, or party claiming under it, to produce the special resolution or ordinance authorizing its execution.”)

Q **What types of city documents should be sealed?**

A A requirement that a document be impressed with the city seal may be found in statutes, city charter, city ordinance, and city policy.

While it is not feasible to provide a comprehensive list of all the state laws that require a city document be sealed, following are some examples:

- an ordinance adopted in a general law city (Tex. Loc. Gov’t Code § 22.073(b)(1) requires that an ordinance be “enrolled” which is understood to mean authenticated and filed by having the municipal clerk sign it, seal it, and place it in a book or file of original ordinances);
- certain election returns sent to the state (Id. §§ 9.007, 61.007);
- certain records filed with a county clerk (Id. §§ 6.012(3), 51.052(b)); and
- certain leases (Id. § 253.006(c)(2)).

Generally, a statutory requirement to seal a document has been treated as directory, not essential. See Brennan v. City of Weatherford, 53 Tex. 330 (1880) (holding that a city that had existed for 20 years without a corporate seal was estopped from denying its corporate existence); Thornburgh v. City of Tyler, 43 S.W. 1054 (Tex. Civ. App. 1897, writ ref’d) (holding that the bonds of a city executed without a seal were not invalid).

Q **Are there any circumstances under which state law authorizes the use of a digital facsimile of the city seal?**

A Texas is one of many states that have adopted the Uniform Facsimile Signatures of Public Officials Act which allows the use of a facsimile seal in connection with the issuance of public securities or payment instruments.
Texas Gov’t Code §§ 618.001-009. Under the Act, any “appropriate authorized officer may authorize the printing, engraving, lithographing, stamping, or other placement of a facsimile of the seal on the document.” Id. § 618.007. The term “authorized officer” is defined to mean any official of the city whose signature is required or permitted to be placed on a public security, eligible contract, instrument of payment, or certificate of assessment. Id. § 618.002.

Q May a city trademark its corporate seal?

A In 2009, the City of Houston applied to register its official seal with the U.S. Patent and Trademark Office (USPTO). See In re City of Houston, 731 F.3d 1326 (Fed. Cir. 2013), cert. denied, 571 U.S. 1202 (2014). (Information about the City of Houston’s seal is available here: https://www.houstontx.gov/abouthouston/cityseal.html.)

The USPTO’s Trademark Trial and Appeal Board (TTAB) refused to register the city’s seal pursuant to Section 2(b) of the Lanham Act, which prohibits the registration of any trademark that “consists of or comprises the flag or coat of arms or other insignia of the United States, or of any State or municipality, or of any foreign nation, or any simulation thereof.” 15 U.S.C. § 1052(b); see also Tex. Bus. & Comm. Code § 16.051(a)(3) (prohibiting the registration of a trademark depicting, comprising or simulating the seal of the United States, a state, a municipality, or a foreign nation).

The City of Houston appealed the TTAB decision. As support for its legal position that it should be able to register its seal, the city argued that: (1) because it was a governmental entity seeking to register its own seal, it was not an “applicant” under Section 2(b) of the Act, and that improper use of government insignia leads to confusion among the public as to whether goods and services bearing such insignia are actually sponsored by or affiliated with the government; and (2) a bar on government registration of its insignia frustrates the purpose of the Act which is to protect consumers from “pirates and cheats.” See In re City of Houston, 731 F.3d 1326, 1330 (Fed. Cir. 2013), cert. denied, 571 U.S. 1202 (2014). The Federal Circuit disagreed and upheld the TTAB’s decision that Section 2(b) of the Lanham Act prohibits the federal registration of government seals.

The Federal Circuit suggested the City had other options to prevent the fraudulent or potentially confusing use of its insignia, including passing an ordinance banning such activity or working to amend the Lanham Act. Id. at 1331. However, some local government ordinances have faced challenge, and attempts to amend the Lanham Act have, thus far, been unsuccessful. See, e.g., Rothamel v. Fluvanna Cty., 810 F.Supp.2d 771 (W.D. Va. 2011) (holding that a county ordinance restricting the display or use of image of the official county seal violated the First Amendment); Helsel, Tyler M., Under Seal But Not Under Law: In re City of Houston’s Effect on Municipal Insignias, 20 Marq. Intell. Prop. L. Rev. 137 (2016) (discussing proposed amendments to the Lanham Act).

Q If the city seal is not protected by trademark, does that mean any person can use a city seal in any manner?

A No. There are various laws that work to prohibit the misuse of a city seal. For instance:

- It is a crime to present or use any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record. See Tex. Penal Code § 37.10; see also Haywood v. State, No. 01-02-00305-CR, 2003 WL 1848621 (Tex. App.—Houston [1st Dist.] April 10, 2003) (mem. op.) (involving a defendant convicted to 12 years in prison for possessing 26 blank Department of Public Safety temporary permits, each depicting a graphic of a state seal).
- It is a crime to forge a writing (including a license, certificate, permit, seal, title, letter of patent, or similar document issued by government) with intent to defraud or harm another. See Tex. Penal Code § 32.21(e).
- It is a crime for a public servant to use city resources (e.g., city letterhead stationery) for personal purposes. See id. § 39.02.
- The Uniform Facsimile Signatures of Public Officials Act (discussed above) provides that a person commits a felony “offense if, with intent to defraud, the person
places on a public security, instrument of payment, certificate of assessment or eligible contract’ a facsimile city seal or a reproduction of a facsimile city seal. See Tex. Gov’t Code § 618.009.

And, as previously mentioned, some cities have local ordinances and policies that restrict use of the city seal.

Finally, it’s important to point out that, just like a city, a private person is prohibited from registering a city seal under Section 2(b) of the Lanham Act. In addition, the prohibition against registering a city seal does not necessarily extend to marks of departments or agencies of the city. See, e.g., City of New York v. Blue Rage, Inc., No. 17-CV-3480, 2020 WL 423432 (E.D.N.Y. 2020) (discussing that the term “insignia” in the Lanham Act should not be construed broadly and finding defendant guilty for trademark infringement as to the NYPD Shield, NYPD Mark, and FDNY Shield as used on certain merchandise).

Q Are city-related entities authorized to adopt and use a corporate seal?

A State law expressly authorizes certain entities created by cities to adopt, use, and alter their own corporate seal. See, e.g., Tex. Loc. Gov’t Code § 601.027 (parking authority); id. § 254.023(b) (board created to manage island property).

State law requires a municipal court to “have a court seal, the impression of which must be attached to all papers issued out of the court except subpoenas, and which must be used to authenticate the official acts of the clerk and of the recorder.” Tex. Code Crim. Proc. art. 45.012(g). The court seal may be created electronically. Id. In a municipal court of record, the seal must include the phrase “Municipal Court of/in __________, Texas.” Tex. Gov’t Code § 30.000125. There is no specific language required for the seal of a non-record court. A state law requiring that the seal of a municipal court contain a five-point star was repealed in 1999. *
It’s an uncertain time, there’s no question about that. The Texas response to COVID-19 has raised many questions about the emergency authority of the governor, county judges, and mayors. We’ve seen confusion about which order controls, who can enforce them, and whether they go beyond the legal authority of state and local leaders.

Amidst all the rhetoric back and forth, several businesses (e.g., vape shops, a drag strip, an axe-throwing facility, hair salons, a gym, and a martial arts and yoga studio), two individuals, and all those “similarly situated” file a “petition for writ of mandamus” with the Texas Supreme Court. The lawsuit came on the heels of others filed by vape shops against the cities of McAllen, San Antonio, and Dallas.

A writ of mandamus is, in plain English, a request to the court to order government officials to stop some action that is alleged to be such an abuse of discretion that immediate, emergency action by the state’s highest court should be taken. Instead of going to a trial court, appealing to an appeals court, and then asking the Texas Supreme Court to review the case, the writ is filed directly with the Texas Supreme Court. That court can then decide quickly whether to issue a command that is binding on local officials.

According to the petition, the plaintiffs sought “a writ of mandamus and injunction to enjoin local authorities from enforcement of vague executive orders masquerading as Texas law, particularly when they are enforced unequally and arbitrarily...many Texans find themselves with the uneasy recognition that they have lost rights held inviolate only weeks ago, and are now threatened by fine and imprisonment for acts that are constitutionally protected.”

The petition alleged that numerous county judges and mayors, through various enforcement actions that are representative of others across the state, violated the governor’s order, the Texas Disaster Act, and other laws. The Texas Supreme Court disagreed and instructed the plaintiff businesses to start at the district court level. Why is the dismissal so interesting? When some politicians and pundits are out there lobbing opinion bombs into the debate of who’s right and who’s wrong, the Court’s opinion serves as a refreshing reminder that we have three branches of government, each of which keeps tabs on the other. It’s worth reading, especially the following quotes:

“Those who object to these restrictions should remember they were imposed by duly elected officials, vested by statute with broad emergency powers, who must make difficult decisions under difficult circumstances. At the same time, all of us – the judiciary, the other branches of government, and our fellow citizens – must insist that every action our governments take complies with the Constitution, especially now. If we tolerate unconstitutional government orders during an emergency, whether out of expediency or fear, we abandon the Constitution at the moment we need it most...”

“Any government that has made the grave decision to suspend the liberties of a free people during a health emergency should welcome the opportunity to demonstrate – both to its citizens and to the courts – that its chosen measures are absolutely necessary to combat a threat of overwhelming severity...”

The Court’s measured words are welcome during this strange new time. While everyone’s opinion matters, the Court’s Opinion is the one that controls.
The fate of the post-COVID-19 American economy likely depends on the Senate’s next move. The pandemic has brought steep declines in economic activity, decreasing local revenue by as much as 40 percent in some towns. Congress has responded with a rapid round of emergency aid packages for healthcare, testing, small businesses, aviation and transit, and aid to states and the largest cities for COVID-19 related expenses, but they stopped short of providing direct support to stabilize the cities and towns who have been on the front lines of the COVID response in their interim package to refill the oversubscribed small business and testing programs. However, a path forward is opening now - the House passed a bill that could start negotiations on local economic stabilization with the HEROES Act, and the Senate will need to decide if they’ll throw an economic lifeline to communities as part of their strategy for an economic comeback.

Cities and towns are the economic engines of our country and our states, and as Congress weighs the options for staging an economic comeback, local governments could be their best partner in stabilizing the losses. We will be supporting the return of our Main Street businesses, restaurants, suppliers and manufactures, and we will be supporting the 36.5 million unemployed Americans who want to get back to work and supporting their families. For the country to get out of this slump, cities’ will need to be ready to reopen by keeping essential services and answers flowing, supporting and reemploying workers and their families quickly, and giving clear guidance and incentives to businesses getting up and running again. But making this happen depends on local governments that are stabilized themselves so they can help reopen.

This is why the network of cities, towns and villages that make up the National League of Cities are collectively speaking up. Local leaders are sending emails and letters about their town’s financial outlook directly with their Senators and their staff as well as reminding them all the ways you will be supporting an economic comeback. They’re explaining that without a relief lifeline to recover and restore our local economic activity, they will have to make cuts to essential services and layoff local workers, including emergency first responders, healthcare workers, economic development staff, sanitation workers and so many others who keep our communities safe and moving forward during this difficult time. Share with them the essential infrastructure projects that will be deferred and how COVID-19 has also revealed their importance. To quarantine, residents needed water to wash their hands, homes that have reliable internet services for school and work, and municipal workers that keep roads open so workers and goods are arriving where we need them. Keeping local essential services going is a well-timed investment in our country’s recovery.

But Congress will need to move quickly. Local governments will expend all our carefully saved reserves to keep workers on the job and balance our budgets, and the latest estimates for local revenue shortfalls through 2023 are coming in at a staggering $360 billion. Now is the right time to move forward on a recovery package that brings together direct relief and investment in the essential infrastructure, city workers, and businesses to reboot our nation’s economic engines.


We must stem the losses and begin to stage our reopening and economic comeback.
The Texas Municipal League (TML) 2020 Water and Wastewater Rate Survey was sent to 1,124 Texas cities; 741 cities responded. Information is presented only for cities that provide water and wastewater services to their residents. Information for cities that provide water and wastewater services through municipal utility districts, interlocal agreements, and other private sources is not included in the survey. The information contained in the survey results was provided by the cities, and TML did not verify the accuracy of information reported. Where no response to a specific question was received, a zero is used to indicate no response; zeroes are not included in the computations of averages.

A total of 574 cities reported that they provide water service to their residents. The average cost of water usage of 5,000 gallons in all cities is $41.28, an increase of 3.82 percent over the 2019 average of $39.76. The average monthly residential consumption in all cities is 5,586 gallons. Chart 1 shows average residential and commercial water rates by city size.

Wastewater service is provided in 547 of the cities responding to the survey. The average cost of wastewater service for residential usage of 5,000 gallons is $35.19, an increase of 14.73 percent over last year’s average of $30.67. Chart 2 shows average residential and commercial wastewater rates by city size.

The results of the 2020 Water and Wastewater Rate Survey are now posted on the TML website at www.tml.org/229/Water-Wastewater-Survey-Results. You can also access previous years’ results there. If you have questions about the survey, please contact Jacqueline Redin at jredin@tml.org or 512-231-7400.
**CHART 1: WATER FEES BY POPULATION CATEGORY SUMMARY 2020**

<table>
<thead>
<tr>
<th>Population Group</th>
<th>No. of Cities Reporting</th>
<th>Avg. Total Customers</th>
<th>Residential Water</th>
<th>Commercial Water</th>
<th>Total / Averages</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,000 OR LESS</td>
<td>256</td>
<td>444</td>
<td>4,710</td>
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<td>2,001 - 5,000</td>
<td>109</td>
<td>1,335</td>
<td>5,585</td>
<td>42.10</td>
<td>325.24</td>
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<td>5,001 - 10,000</td>
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<td>2,747</td>
<td>6,191</td>
<td>39.59</td>
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<td>10,001 - 15,000</td>
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<td>4,660</td>
<td>6,540</td>
<td>35.23</td>
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<td>15,001 - 20,000</td>
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<td>5,889</td>
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<td>7,551</td>
<td>6,774</td>
<td>36.20</td>
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<tr>
<td>25,001 - 30,000</td>
<td>7</td>
<td>8,645</td>
<td>9,913</td>
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<td>354.20</td>
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<td>30,001 - 50,000</td>
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<td>12,350</td>
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<td>Total / Averages</td>
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<td>5,635</td>
<td>5,586</td>
<td>41.28</td>
<td>315.52</td>
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</table>

**CHART 2: WASTEWATER FEES BY POPULATION CATEGORY SUMMARY 2020**

<table>
<thead>
<tr>
<th>Population Group</th>
<th>No. of Cities Reporting</th>
<th>Avg. Total Customers</th>
<th>Residential Sewer</th>
<th>Commercial Sewer</th>
<th>Total / Averages</th>
</tr>
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<tbody>
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<td>2,000 OR LESS</td>
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<td>5,534</td>
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<td>350,001 - 500,000</td>
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<td>102,542</td>
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<tr>
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<td>468,643</td>
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<td>5,502</td>
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<td>195.99</td>
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</tbody>
</table>
The COVID-19 pandemic is forcing the entire construction industry to rethink and address operations for construction projects all over the nation. City public works projects are no exception. As project owners and health and safety regulators, cities are a critical component of this process.

Over the last two months, cities across the State have issued various orders restricting industries, businesses, and the movement of people in an effort to slow the spread of the virus. These orders have typically included stay-at-home, social-distancing, hygiene, and density requirements. Since March 31, 2020, Governor Abbott has issued a series of executive orders prohibiting cities and counties from issuing local orders that “restrict” essential services. The Governor has defined essential services to include everything listed by the United States Department of Homeland Security’s Cyberspace and Infrastructure Agency (CISA) in its Guidance on the Essential Critical Infrastructure Workforce.

The CISA guidance identifies as essential the “Public Works and Infrastructure Support Services” sector and workers who support the construction, maintenance, or rehabilitation of critical infrastructure. In Texas, public works include virtually all buildings and infrastructure that will be owned by a governmental entity.

Thus, the Governor’s executive orders allow construction on city buildings and infrastructure to continue regardless of whether the city is self-performing work, has hired a general contractor, or is working with a private owner or developer on work that will be dedicated. Further, cities are not permitted to “restrict” such construction by local order. To date, it appears that cities may regulate safety on jobsites without improperly restricting construction, although the Governor recently stated that cities can’t enforce face covering requirements.

Although the COVID-19 pandemic is a unique event, the issues arising from it primarily center around three issues: safety, project delays, and budget shortfalls.

**Safety: How and When Can Cities Safely Require Special Safety Measures?**

Although cities may not restrict construction of all projects within their jurisdiction by order, a city could impose heightened safety requirements on its projects. At first blush, this might appear to be a prudent way to help curb COVID-19 infections, but such measures could also create unintended liability on many city projects.

When a city hires a contractor to build a project, the contractor is generally responsible for project safety. If a construction worker is hurt or becomes sick because of an unsafe jobsite, the city is not liable unless it knew of an unsafe condition—for example, COVID-19 exposure—and exercised or retained some control over the way work was performed. Accordingly, a city requiring specific safety measures on a job could open itself up to worker claims for COVID-19-related sickness or injury. Cities should carefully consider this risk when deciding whether to mandate face coverings, social-distancing, or other COVID-19-related safety requirements on their contractor-constructed jobs.
Cities face a different set of safety and liability challenges for self-performed construction and repair work. Here, the city is responsible for jobsite safety. Cities generally limit their potential liability by purchasing workers’ compensation insurance. But most workers’ compensation policies do not cover “ordinary diseases of life,” which are diseases to which the general public are also exposed. For an illness or disease to qualify as occupational under a standard policy, the claim must meet two tests: (1) the illness or disease must be “occupational,” meaning that it arose out of and was in the course and scope of employment; and (2) the illness or disease must arise out of conditions “peculiar” to the work. Because COVID-19 is not specific or peculiar to construction projects, it likely does not satisfy the second test, and a claim may not survive.

Without coverage from worker’s compensation insurance, cities could face direct claims from their employees. Although cities generally enjoy governmental immunity, the Texas Tort Claims Act waives immunity for personal injuries caused by a condition or use of tangible personal or real property. At least one court has imposed liability on governmental entities when infectious diseases spread through the use of tangible personal property. Given this risk, heightened safety requirements should be considered whenever a city is self-performing construction or maintenance projects.

**Project Delay: Contracts Are Key to Who Bears Resulting Costs**

COVID-19 has delayed many construction projects. The cause of such delay is often multi-faceted. A slowdown in manufacturing and shipping of building materials, heightened safety requirements, and COVID-19 infections (or even fear of infection) may all play a role. Delays generally result in additional costs for all parties. Project owners pay more interest, while contractors incur greater overhead. Delay for public works projects may also impact a city’s ability to adequately deliver critical services. As a result, delays often lead to disputes between the project owner and the contractor.

Responsibility for delay is largely governed by the parties’ contract. Cities faced with a claim for extra costs due to delay should review their contract to determine whether the contractor properly notified the city of the delay and if the...
contractor is entitled to delay damages. Many construction contracts include a no-damages-for-delay provision, which prohibits the contractor from recovering extra money for delay even if the delay was caused by the city. Although these provisions are usually enforceable, courts sometimes disregard them when an owner has either actively interfered with the contractor or engaged in other wrongful conduct. Cities should keep this in mind as they consider whether and how to impose special COVID-19-related requirements on their projects.

If the contractor causes delay, cities may be entitled to recover either actual or liquidated damages. The availability and amount of liquidated damages will be determined by the parties’ contract. In either case, the city’s recovery might be limited or barred by a force majeure or ‘act of God’-type provision. Force majeure clauses identify certain circumstances where the contractor is not responsible for delay—e.g., natural disasters. Most of these clauses also contain a general catch-all for events beyond the contractor’s control.

If the contract identifies pandemics or infectious diseases as a force majeure event, the contractor will be excused from delays related to such events even if the event was foreseeable. If the contract does not identify pandemic-type events but contains a catch-all provision, the contractor will only be excused from delay if the disabling event was unforeseeable at the time the parties made the contract. Here, the COVID-19 pandemic was not foreseeable at the time of existing contracts, so contractors will likely be able to claim that the pandemic is a force majeure event. Importantly, most force majeure provisions allow the contractor additional time to complete the work without penalty, but do not permit recovery of additional costs.

Budget Shortfalls: Options for Delaying or Ending Projects
In addition to safety concerns, many cities are facing significant COVID-19-related budget shortfalls. In the face of limited funding, cities may want to delay or end some projects. The parties’ contract may give a city a couple of options in this regard.

First, some contracts allow a city to suspend work—either for any reason or under certain conditions. If a contract allows for suspension, the city should consider cost ramifications. Generally, suspension clauses will entitle the contractor to a change order to account for its suspension costs, such as de-mobilization, re-mobilization, and a time extension. Further, the right to suspend is generally not indefinite.

Cities will likely be limited to stopping work for thirty to ninety days.

Second, the city may have a right to terminate the contract for its convenience. In most cases, this option will require the city to pay the contractor for all work to date. The city may also be required to pay the contractor its expected profit. The profit amount may not always be clearly defined in the contract and sometimes results in a dispute between the contractor and the city. Cities should carefully evaluate all of these potential costs in determining whether and to what extent a termination for convenience will save money.

If the contractor is in default, the city may also have the option to terminate for cause. Events of default are generally defined in the contract, and typically result from events like failing to comply with the project schedule or to correct any defective work. Termination for cause provisions often require the city to notify the contractor of the default and allow it the opportunity to occur. Terminations for cause are also likely to be disputed by the contractor, and thus they should be carefully considered and executed. Some contracts include a provision that allows an owner to convert a wrongful termination for cause into a termination for convenience. These clauses, however, will typically entitle the contractor to a termination payment. Thus, the owner should consider the cost obligations related to terminating the contract.

Final General Considerations
While the impacts of COVID-19 on each public works project will be unique, most cities will benefit from taking two actions early. First, read and follow the project-specific contract. Many construction contracts are based on form language, but do not be lulled into believing they are all the same. In almost every instance, form contracts have been modified in some way. Second, communicate with the project team—contractors, designers, and suppliers—to proactively assess actual and potential impacts that may occur. Good communication can help not only mitigate project disruptions and unnecessary costs but also identify mutually acceptable resolutions to potential disputes.

Resources
2. Univ. of N. Texas v. Harvey, 124 S.W.3d 216, 222–23 (Tex. App.—Fort Worth 2003, pet. denied) (University was not immune from suit when plaintiff likely contracted *E.coli* from using ice barrels without a scoop). ★
Public service, customer service, and financial sustainability are Hurst’s guiding principles in serving our residents, businesses, and visitors. Known as The Hurst Way, this concept was established in 2013 after the city council and staff studied John Maxwell’s book Good to Great. The City used Maxwell’s “hedgehog concept” to determine what’s most important to us, focusing on three questions: What are you deeply passionate about; What can you be the best in the world at; and What drives your economic engine?

Hurst is passionate about public service and developing a high quality of life for those we serve. We are committed to providing excellent customer service and being responsive to our community’s needs. Staff takes pride in responsibly managing resources, which allows the City to provide a desirable level of programs and services now and in the future. When all elements of The Hurst Way are applied, residents, visitors, and businesses benefit from a first-rate customer experience. Staff followed The Hurst Way in developing several municipal facilities and infrastructure projects in recent years.

In 2010, the City of Hurst built the state-of-the-art Hurst Conference Center, which now hosts around 450 events each year, bringing in more than 85,000 people to the City. The conference center was designed to connect to a full-service hotel. In 2018, a new Hilton Garden Inn was opened, drawing out-of-town conferences and events. The City of Hurst entered into a 380 agreement with the Hilton Garden Inn which offers attendees a luxurious stay when attending multi-day events.

A unique partnership was created between the hotel and conference center. Following the City of Hurst’s recommendation, the Hilton Garden Inn used the same architect as the Hurst Conference Center to ensure the two buildings are seamlessly connected. The management at both properties meet regularly to brainstorm ways to partner and share resources, knowing that when one succeeds, so does the other. The conference center has become the City’s signature facility. Its success allows for consistent reinvestment with events serving the entire community ranging from small family gatherings to large corporate conferences. (The center especially enjoy hosting events that support Texas cities and their partners like the Texas Municipal League and Texas Municipal Retirement System.)
The City of Hurst formed another successful partnership with Gardner Capital, Inc. With the City's Neighborhood Sustainability Plan as a road map, Gardner Capital successfully constructed affordable workforce housing in a key area identified for redevelopment. Gardner also worked with Hurst 1st, a local organization focused on city-wide restoration and renewal, to revitalize approximately 12 homes near their development. Each homeowner was offered a $1,000 grant and volunteer labor toward clean up and repairs to the exterior of their homes. The goal was to increase property value while generating community pride in the neighborhood. Homeowners used the opportunity to repaint their trimmings, add wooded columns, repair fences, improve landscaping, and much more. Hurst is proud of its well maintained streets, so City staff saw an opportunity to contribute by resurfacing the street and removing small pockets of holes, giving the street a fresh, clean look.

Jared Plum, a Hurst 1st leader with Shoreline Property Group, met with the homeowners to assess the needs for this project. He said that despite some residents believing it was too good to be true, the project ended up receiving 100 percent homeowner participation. Plum said “Mayor Henry Wilson and the entire Hurst city council were amazing to work with,” that he appreciated their “can-do” attitude and City staff’s support, and had never worked with “such a forward-thinking leadership team.” Gardner Capital and the City of Hurst are now working on an affordable housing development that will primarily serve military veterans.

J.C. Penney chose to invest $17 million into remodeling their North East Mall location in Hurst which served as their new brand-defining store. New features include a styling expert in the fitting rooms, a barber shop, a coffee shop,
a Dallas Cowboys fan shop which was built in partnership with the team, a “move studio” that includes fitness and yoga classes, lifestyle workshops, bright lighting, and a partnership with Shutterfly. Their goal was to be open by the holidays, which meant completing this remodel in 8-10 weeks. Penney’s director of operations and CEO said that this could not have been accomplished without the City’s officials, inspectors, planners, and other staff who worked round-the-clock to ensure inspections and approvals were completed on schedule. Since successfully opening by the 2019 holiday season, this remodel has been well received by shoppers who enjoy this once-in-a-lifestyle shopping experience.

In 2016 and 2017, Hurst celebrated the grand openings of the newly renovated Chisholm and Central Aquatic Centers. For nearly two decades, residents and visitors enjoyed these facilities as a way to cool off and have fun in the summer. However, it became cost prohibitive to operate and maintain these facilities without major improvements. Following *The Hurst Way*, the City saw an opportunity to renovate both facilities so the community could enjoy them for the next 20 years. Analysis showed that the ongoing cost of repairs would nearly equal the cost to renovate, and a renovation would provide for additional future revenue and an enhanced customer experience. In addition to new amenities at the facilities, the customer service experience has been taken to the next level with programming such as a Doggie Dive-In event, Movie Night at the Pool, Special Needs Swim, and more.

The city held a bond election in 2019 to see if voters supported the construction of a new Animal Services and Adoption Center. The current animal shelter is over 20 years old and was built more like an animal control facility, lacking in proper ventilation and meet and greet space. The bond was approved, and Hurst moved forward with purchasing land at a discounted price from Tarrant County College. By purchasing this property, the City is positioned to give the community a much desired dog park for residents and their furry friends to enjoy. This project is scheduled to be completed in summer 2021.

In our City, we believe *The Hurst Way* will continue to guide us through the pandemic and inspire a swifter recovery from its economic impact. This small town is making a big impact simply by going back to basics – making our residents’ goals our goals, and providing excellent customer service.
CULTIVATING STRONGER COMMUNITIES WITH THE RESOURCES WE HAVE

By Kevin Shepherd, PE, Founder and CEO, Verdunity
Cities across the country have a resource gap. Most local governments have been struggling to fully fund public safety, pensions, and infrastructure liabilities, while also being expected to provide quality of life amenities to satisfy residents. At the same time, taxpayers continue to express concern over escalating property values and taxes they say are not affordable, leading to the passage of Senate Bill 2 last year. The prevalent response from cities has been to place an even greater emphasis on new residential permits and sales tax revenue – a model that works well in periods of fast growth and strong economic years, but is ultimately a fragile model for any communities that want to be financially strong and resilient over the long haul.

Then COVID-19 came out of nowhere, shutting down the economy and putting business and personal finances in a tailspin. Resource gaps at the personal, business, city, and state levels are bigger than ever. It begs the question “Can we afford the cities we’ve built?” and a follow up, “What needs to change to be more financially resilient?”

To close resource gaps and become financially strong and resilient, cities must improve alignment between their development and service model and what citizens are able to pay for – not just now, but in the future. One way cities can do this is by taking a deeper dive into the relationship between development patterns, property tax revenue, and service costs through the lens of a new metric: property tax revenue per acre. By adjusting its development portfolio to incorporate more patterns that generate high revenue per acre, a city can generate additional revenue without having to raise its tax rate.

The Relationship Between the Rate and Pattern of Development and City Finances

One of the primary causes of the resource gap is that the post-WW2 approach to building our cities has resulted in a development pattern that costs much more to serve and maintain than it produces in wealth and revenue. This gap is not readily apparent at first, but emerges when a city moves from its growth phase to a maintenance and revitalization focus, which is where many Texas communities find themselves today.

To better understand the relationship between development patterns and municipal finances, let’s briefly walk through the way American cities have evolved. Most American cities started with a downtown square or Main Street surrounded by a few blocks of neighborhoods. These older neighborhoods typically have narrow lots and streets in a tight grid layout, with a variety of buildings and uses. This growth pattern was expanded up (vertically) and out (horizontally) incrementally over time as the city’s population and resources allowed. Because of the compact development pattern and incremental approach to growth, the tax base generated was more than sufficient to cover public service costs.

After WW2, our approach to development changed. Thanks to the widespread adoption of the automobile, changes in housing policy, and the promotion of an auto-driven version of the American Dream, developers built hundreds of acres of suburban neighborhoods with larger lots, wider streets, and cul-de-sacs all over this country in a matter of decades. This development pattern spreads people and buildings out, diluting the tax base per acre and increasing service costs. And over time, we’ve shifted to a model where cities are expected to invest in infrastructure up front to incentivize private development, shifting a larger portion of the risk burden to cities and taxpayers.
like to call the “best place to live/work/play” phase, where everything is shiny and new. Everywhere you look there are new homes, new schools, new parks, new roads, and often, lots of new businesses, too.

Many of the Texas cities we work with are in this stage. As developments come online, the city adds thousands of new residents and businesses and the tax base that comes with them, giving the city a boost on the revenue side. And since most of the infrastructure is put in by developers, infrastructure costs are relatively low. This presents cities with what Chuck Marohn of the non-profit group Strong Towns calls the “illusion of wealth.” Public safety funding is prioritized, budgets balance fairly easily, and elected officials often vote to lower the tax rate during this phase. Residents can have an affordable new home, nice schools, and plenty of shops and amenities, all with a low tax rate! Sounds appealing, right? We’ve seen this pitch over and over in Texas as the growth continues to expand further out from our major cities.

Here’s the catch. The entire infrastructure that was put in initially by developers in the growth phase now has to be maintained by the city. As a city ages and new development tails off due to fewer greenfield sites, these maintenance costs begin to kick in. First, it’s spot maintenance – line breaks, potholes, concrete panel replacements, and other repairs that mitigate smaller failures but postpone the full reconstruction. Cities usually have budgets for these repairs. Then, soon after that, the many miles of wide suburban streets and thoroughfares reach their age limit and have to be fully reconstructed. The same is true for the utility systems, parks, and other municipal facilities.

This is when the resource gap begins to expose itself. The amount of money needed to replace all of this infrastructure is significantly more than what cities have in their budget. The costs of police, fire, and other city services also increase as a city ages and grows in both size and population. When you add these costs together and compare them to the revenue generated by the development in the city, you get a deficit. And it’s usually a big number.

Cities at this stage begin to lean on debt for maintenance projects, which is a slippery slope. Bond elections are done every few years to fix a few streets – those lucky enough to pass the prioritization criteria developed by the city to select which projects on a list of hundreds will get funded. To make matters worse, the maintenance tsunami tends to hit a city right about at the same time that its growth is stagnating. Revenue tied to new growth – such as development fees and additional tax revenue from new homes and businesses – declines significantly, and in extreme cases it stops altogether. This often initiates a downward cycle of deteriorating neighborhoods, which leads to people and businesses leaving, which results in declining property values (and tax base). And all the while, those debt payments and maintenance costs continue to pile up.

**Using Revenue per Acre Analysis to Maximize Return on Taxpayer Investment**

So we can see where the costs come from. What about the revenue side? With all the growth and development, why don’t cities have enough revenue to cover the costs? This gets back to the development pattern—the arrangement, form, and relationships of all the physical elements of a place, including streets, housing, workplaces, institutions, public spaces, and so on.

Our firm has been doing fiscal analysis studies for cities across Texas, studying how different development patterns perform in terms of property tax revenue per acre, service costs, and return on taxpayers’ investment. Mapping current conditions and comparing them with the amount cities need to cover future infrastructure liabilities is a powerful way to quantify and communicate infrastructure funding deficits and the connection between development patterns, revenues, costs, and tax rates. What we’ve found is that the more compact “traditional” development pattern in downtowns and older neighborhoods consistently outperforms the newer, spread-out “suburban” pattern both for current budget conditions and when unfunded liabilities like street maintenance are added in. The traditional pattern also tends to prioritize shared public spaces (like parks) and pedestrian mobility options like biking and walking that serve more people for a lower cost than auto-centric patterns with wider roads and more parking lots.

When looking at the lots and buildings themselves, small, narrow lots with multi-story buildings and a larger building footprint to land ratio generate the highest revenue per
Return on Investment map for current budget conditions (Brownsville, TX)
acre to the city. From the property owner and tenant perspective, many of these same buildings also provide more affordable options for residents and business owners who don’t want or need the more expensive options. These also tend to be the buildings that provide the most flexibility in terms of being repurposed to serve evolving uses over time without impacting the character of the surrounding neighborhood. Put simply, small buildings are fiscally productive, affordable, and resilient – something that residents, business owners, and cities are increasingly in need of.

1. Admit you have a resource gap. City leaders have to be transparent and admit to each other and the community that the path you’re on is not financially sustainable. Ignoring it, hiding it, or not fully owning it just kicks the can down the road and makes the hole much harder (and more expensive) to dig out of.

2. Quantify and analyze your gap, especially street infrastructure. There are tools and approaches cities can use to estimate their liabilities at a broad level all the way down to a detailed forecast by decade or even by year. Pictures help too, so pair the spreadsheet charts up with some maps showing revenue and net return on investment per acre for the parcels in your city. Then analyze this information to get some context for how different development patterns are performing.

3. Communicate the challenge and options to the community. Once you’ve communicated that your community has a resource gap, you begin more transparent and productive discussions about different options to raise revenues and cut costs.

4. Align your vision, policies, and investments to intentionally close the gap. Closing the funding gaps in our communities will take a continued effort over a long period of time, but you can also make meaningful progress immediately by making some small tweaks to your current policies and codes. As soon as you’re able to, review and amend your Strategic Plan, Comprehensive Plan, Zoning Code, and Development Regulations to ensure they align and support fiscally productive development patterns. Utilize participatory and outcome-based budgeting processes and prioritize capital improvement projects using revenue/acre and return on investment analysis.

5. Embrace community collaboration and low-cost “tactical” projects. Work to cultivate a culture of collaboration where citizens and businesses are able to invest their time, talent, and/or treasure back into their neighborhoods. Ask what some small things are that the city could help do to improve their situation. Then formalize a coordinated program to implement smaller, cheaper, faster projects to incrementally strengthen local businesses and enhance quality of life for residents at the block level. You might be surprised how far something small like striping a crosswalk, repairing a sidewalk.

Five Steps to Incrementally Close the Resource Gap
So if you’re a city leader struggling to manage a growing resource gap, what can you do? Here are five suggestions to get you started.

We’ve been able to use maps and charts like those included here to help city leaders have more transparent conversations about their resource gap, and to better understand how investing in infill and more compact, vertical mixed-use neighborhoods can help them boost revenues and address citizen needs without necessarily having to raise the tax rate. We’re also careful to explain that no one pattern is inherently “better” than another and it’s important to have a mix of neighborhood choices to meet the needs of different people. What is most important is that revenues generated by a development and infrastructure are sufficient to cover the costs required to serve it over time.
cleaning up a vacant building or property, or planting a few trees can go toward building trust and community pride with residents!

Learn from COVID-19
Albert Einstein said: "In the midst of every crisis lies great opportunity." Coronavirus has presented many challenges, but it's also given us time to pause and reflect on 'business as usual' in our lives, our jobs, and our communities. Things we thought were important have taken a back seat, and new priorities are emerging. In the context of our communities, people are spending more time walking, biking, interacting with their neighbors, and looking for ways to support local small businesses. With fewer cars on the roads and increased demand for public space, cities have been converting lanes to trails and even closing off some streets to traffic altogether. And on the small business side, the use of parklets is emerging as a low-cost way to free up sidewalk space and increase outdoor seating for restaurants and local businesses. Out of necessity, we are exploring what "quality of life" means and testing new ways to use public space and infrastructure.

We don't know for sure how long the COVID-19 recession will last, but what we can do is use this time to ask residents and businesses what's most important, and strategically invest resources into exploring and implementing ideas that meet their needs today while also strengthening the path forward.

Emerge Stronger
In summary, many American cities that have experienced rapid growth after WW2 have built out a development pattern that requires more in costs than it generates in wealth and tax base. Few cities have accounted for their true maintenance liabilities and anticipated service costs for "life after growth." Now, a growing number of cities are struggling to find the financial resources to maintain the large amount of infrastructure that was built during their growth boom years.

The “Texas Miracle” has been a great ride, but it’s time to rethink how we’re approaching growth, development, and city finances. At some point, there’s just not enough money in the system to maintain the amount of roads and infrastructure we’ve built, let alone continuing to add more. Now is the time to make bold policy changes to start getting revenues and costs back in line and make Texas a place where our kids and future generations will be able to survive and thrive well into the future.

Kevin is the Founder and CEO of Verdunity, Inc., a founding circle member of Strong Towns, and a faculty member with the Incremental Development Alliance. He and his team provide coaching and consulting to help city leaders align vision, policy, and investments with what residents are willing and able to pay for so you can close your city’s funding gap, cultivate a culture of collaboration, and make meaningful progress right now with the resources you have. Kevin co-hosts the Go Cultivate! podcast and speaks across the country on cultivating strong communities. His team is currently offering assessments, fiscal analysis, and Cultivate Community Program workshops to help cities with Covid-19 recovery and Fiscal Year 21 budgeting discussions. To book a workshop or learn more, visit verdunity.com or email Kevin at kevin@verdunity.com.
By Scott C. Paine, Florida League of Cities

One of my fondest memories of high school is of a moment in my senior year during the performances of The Sound of Music. I was cast as Max Detweiler. There's a scene in which I arrive at the Von Trapp home in traveling attire, walk upstairs to change and appear moments later in full tuxedo and tails with a triumphant “presto chango!”

It's both a laugh line and an applause line. Some nights, the applause rolled through the auditorium for what seemed like hours.

Of course, there was nothing “magic” about the transformation. As I stepped through the door in the flat and down a steep, short flight of stairs, I immediately was in the hands of two talented young ladies whose task it was to make the magic happen. In seconds, I was stripped to my underwear, then re-clothed in the height of wartime fashion. Bowtie straight, hair brushed back into place, I made my grand entrance.

Through the early weeks of rehearsal, all I thought about were my lines, my movements, the lyrics, the melodies and harmonies, and my “motivation.” It wasn't until the last week or so, in dress rehearsals, that I realized what it would take to pull off this scene.

I was going to have to let two young women undress me. I was embarrassed, nervous, maybe even a bit scared. I didn’t have sisters, nor had I been in an intimate dating relationship. The only women who'd seen this much of me were my mother and some nurses.

But if I was going to be Max Detweiler (a role I loved), if I was going to arrive on time and on cue in this scene, I was going to have to go where I had never gone before. I wasn't going to be able to control what these young ladies saw or even what they did to get me ready.

Mentally and in physical fact, I stood at a threshold. Cross through that door, and I would be ... changed.

That's only half a bad joke. There truly was so much I had to overcome, to get comfortable with, to cross that threshold.

Thresholds are dangerous places, neither here nor there, and walking across one is like stepping off the edge of a cliff in the naive faith that you'll sprout wings halfway down. You can't hesitate, or doubt. You can't fear the in-between.

Alix E. Harrow, The Ten Thousand Doors of January

CROSSING THE THRESHOLD: EMBRACING CHANGE TO MAKE OUR COMMUNITIES BETTER

CAREER ★ BUILDER
And the results were wonderful. Each night, my triumphant re-emergence drew more and more applause. And what is it actors live for, after all?

What was true for a high school senior in 1975 is true for each of us, individually and as cities tasked with serving the public. We all are standing on the threshold of transformative change. The economy, the environment, technology, the demographics of our community, the attitudes and perceptions of our residents are changing at a pace almost as rapid as “presto chango.”

We can ignore the changes, keep doing things the way we always have. Truth to tell, we probably can stay as we are and continue to make things work reasonably well, at least for a while. Perhaps sticking with the way we’ve always thought and acted will work for as long as we seek to provide public service.

But these changing conditions invite us to consider whether we, too, should change. There may be new and better ways to do what we already do for our citizens and visitors. There also may be ways to do completely new things that will make our communities happier, healthier, more just, more resilient than they’ve been in the past.

Standing on the threshold, gazing into the turbulence of our changing society, we may hesitate. We may be nervous, uncertain that we have what it takes to step into this new world. We may be embarrassed to consider the possibility that our sense of the way things are is profoundly inconsistent with the way things are becoming. We may even be frightened of the changes that we see through the door to our collective future, of their potential to strip us of cherished assumptions and comfortable ways of being. However wonderful or merely adequate we imagine ourselves and our cities to be, the familiar contours of the way things have been can feel much safer than the future we glimpse across the threshold.

If we would cross the threshold, we first must recognize that there is change. We need to be observant, to be in data-gathering mode in each encounter, whether in the office, at a meeting, on the street or in the neighborhood. We may think we know everything about our community, but we almost certainly are wrong.

Dealing with change also requires us to ask questions. How are these changes being experienced by our residents? By our staff? By our officials? Is this a new opportunity, a new threat, or a bit of both?

Finally, what should we do about it, and why? It is not just the action we take but the meaning we give it that will matter to the public and to us.

Asking questions can lead to insights that may disturb us and our cherished assumptions. We may find that the way we have thought about something or someone does not hold up well upon more careful consideration. Such discoveries, in turn, may direct us toward a need to change that leaves us feeling... well, naked.

On the other side of all of this is the possibility of transformations that make lives better: the lives of those we serve and our own lives.

It’s fine to stand in the doorway for a while, to survey the scene before us, even to look back to where we’ve been. But standing on the threshold must be a temporary state. Thresholds are meant to be crossed; they aren’t places to live.★

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INSTAGRAM HIGHLIGHTS ⭐ CELEBRATING CITIES

@cityofsanmarcos
What critters have you seen in nature lately?

Photo by @sanmarcostxguide

#MyTexasCity
#CitiesProvide

@atlantatexas
Sunny days. #latergram

@cityofliveoaktexas
There is so much beauty in our parks! #cityofliveoak