The $1.8 million Eliza Spring Daylighting project, located in Austin’s historic Zilker Park, restored a spring-fed stream after nearly a century of confinement. Using nontraditional engineering methods, an ACEC Texas member firm used complex geotechnical and structural design that enhances the in-stream habitat for the endangered Barton Springs salamander, provides native landscaping, and improves water quality. Revitalized Eliza Spring offers a new view on Austin’s iconic, endangered salamanders and supports the long-term species-recovery plan.
Message from the President

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Mesquite Fire Department’s New Firefighter Health and Safety Program

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Mesquite Fire Department’s New Firefighter Health and Safety Program

Mesquite firefighters give two thumbs up for new safety program
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 HEALTH BENEFITS POOL**
Blake Petrash, Mayor Pro Tem, City of Ganado

**TML INTERGOVERNMENTAL RISK POOL**
Mary Gauer, Harker Heights
Dear Texas City Official,

I was looking forward to wrapping up my year as your President in Grapevine this fall, but the crazy events of this year have prevented that. Instead, we'll meet virtually. It won't be the same, but staff has assured me—and I agree—that the October annual conference will be the richest, most in-depth online experience of any association’s events being held this fall. The quality of speakers and topics is looking better than ever and we know, as city officials, that the show must always go on.

We recently concluded a very successful TML Legislative Policy Summit which had participants from cities across the state. Consensus was reached on numerous topics, not the least of which was urging our Senators and Representatives in Austin to leave Texas cities alone to do the important work of helping our state remain the greatest in the nation. Other important topics emerged as well, such as pay-as-you-go infrastructure financing, expanding broadband access, and improvements to voluntary annexation procedures. There were literally dozens more topics that will ultimately become part of the League’s 2021 legislative program if approved by the membership in October and then by the board in December. And as you read this issue, we’ll be in the middle of the process of conducting legislative roundtable discussions in each of TML’s 15 regions. The purpose of these is to bring together local city leaders with their legislative delegations for frank and open discussions about city priorities.

I’m proud that TML remains open for business and fully ready to serve each of you during challenging times. Don’t hesitate to let me know how we can help.

Eddie Daffern, CMO
Mayor
City of Staples
TML President
2020 TML Annual Conference and Exhibition Goes Virtual

Mark your calendar and join the League for the virtual 2020 TML Annual Conference and Exhibition on October 14-16. This year’s online event will include the same great content and opportunities to connect with other city officials, speakers, sponsors, and exhibitors.

Your virtual conference registration fee will allow you to view every session, download all speaker handouts, and visit with every exhibitor in the TML Municipal Marketplace (the online exhibit hall). Plus, you’ll have unlimited access to archived session recordings through January 2021.

It’s the next best thing to being there. Registration will open on September 1 at https://tmlconference.org.

International Municipal Lawyers Association Honors TML Legislative Counsel

The International Municipal Lawyers Association established its Young Lawyer Award to honor the memory of Daniel J. Curtin, Jr. by recognizing a young practitioner who has provided outstanding service to the public and who possesses an exemplary reputation in the legal community, the highest of ethical standards, and who revels in maintaining a life that balances a passion for professional excellence with the joy of family and friends. This year, IMLA presented the award to Bill Longley, TML Legislative Counsel. According to the nomination, Bill has, in a very short time, become one of the state’s most admired experts in municipal finance, specifically property and sales tax. He answers questions on those topics from too many city officials to count, speaks frequently at TML and other seminars on the subjects, and provides all manner of legislative support to cities, statewide elected officials, legislators, and the media. Congratulations to Bill!

Handbook for Mayors and Councilmembers

The Handbook for Mayors and Councilmembers (2019) 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 copy at www.tml.org/183/publications.
Online Public Funds Investment Act Training

TML partners with Virtual Learning Concepts 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.

Revenue Manual for Texas Cities

The Revenue Manual for Texas Cities (2019 edition) covers nearly every known source of revenue available to Texas cities in a simple question-and-answer format. You’ll find in-depth discussions of the major sources of city revenue like property taxes, city sales taxes for general and dedicated purposes, and right-of-way rental fees, in addition to lesser-known sources of municipal revenue. The manual is a collection of new revenue ideas, as well as a basic how-to guide for each revenue source. It’s designed for mayors, city councilmembers, finance officers and staff, and city attorneys. Download your copy at www.tml.org/183/publications.

Economic Development Handbook

The Texas Municipal League Economic Development Handbook (2020) compiles the state’s economic development laws in one, convenient publication. It is intended to inform Texas cities about the wide range of legal tools that are available to local communities. Download your copy at www.tml.org/183/publications.

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Cyber threats are on the rise. According to Beazley Breach Response Services, 25 percent more ransomware attacks were reported in the first quarter of 2020 compared to the fourth quarter of 2019. That's a significant jump, but not surprising in light of our increasing reliance on technology to perform daily functions and the growth in remote work. But poor cybersecurity can often be reduced to a PICNIC. In this case, that's not a good thing. PICNICs (Problem in Chair, Not in Computer) can expose your entity to a data breach. People in the chair (also known as the Human Firewall) will act as the first line of defense and will continue to be targeted. As bad actors try to discover new ways to gain access to your systems and the threats continue to evolve, so too should your methods to combat them. Cybersecurity should not be treated as a destination, but rather an ongoing and evolving process. Now is a good time to consider how you can enhance your defenses. Analyzing the three pillars of cybersecurity is a great place to start.

The three pillars of cybersecurity include People, Processes, and Technology. Much like a table can't be supported by one or two legs, your cyber defenses cannot stand on their own without all three.

**People** (which most organizations consider to be their greatest asset) are the most common target, yet are sometimes overlooked when it comes to developing cyber security. H.B. 3834 (Cyber Security Awareness Training) was passed by the Texas Legislature in 2019 to address this. Ongoing training and testing of employees increases awareness and serves as one of your most formidable defenses. As employees become proficient in identifying and understanding the seriousness of threats, breaches associated with PICNICs will be significantly mitigated.

**Processes** to help prevent a breach, as well as breach response, should be developed early and clearly established. Training your staff and selecting your technology around those processes is critical. Effective processes are developed through collaboration among management, IT, and staff. These processes should align with your entity's tolerance for risk as well. There needs to be a balance between how much risk an organization is willing to tolerate, and how much an organization is willing to invest or spend to manage that risk.

**Technology**, the third pillar, is the area that seems to draw the most focus and resources. Staying current on software updates and patches, administrative controls, encryption, penetration testing, and usage monitoring to identify abnormal behavior are all best practices.

It is also important to note that cybersecurity is not one person's or even one team's responsibility. Your entity, as a whole and at all levels, should understand their role and the importance of keeping your data safe.

As the threat environment changes, the TML Risk Pool is here to partner with our members and assist with best practices, policies and procedures, gap analysis, and critical incident planning. Our cyber program (which is provided at no cost to members with liability or property coverage) will be expanding to include both higher limits and additional eCrime coverage. In addition, a new Cyber Defense and Resiliency Grant Program will be rolling out soon, helping members harden their networks with intrusion detection systems and data backup solutions. These are examples of how the Pool partners with local governments so that Texas communities are stronger together, and we can all work to be cyber safe. ★
Deliver Your Capital Improvements with Limited Resources

As you look for ways to meet your constituents’ needs amid budget shortfalls, Freese and Nichols is here to help with a series of free webinars. These classes are taught by our experienced professionals and tailored to municipal organizations like yours. Participants will be eligible for PDH credits.

View courses and register at www.freese.com/webinars
WHAT CAN YOU EXPECT COVID-19 TO DO TO YOUR HEALTHCARE COSTS?

What’s Happened So Far?

Early in the pandemic, as Texas locked down to help slow the spread of the novel coronavirus, health plan sponsors – including commercial plans and the TML Health Benefits Pool – saw an overall decrease in healthcare spending, as hospitals kept capacity clear for incoming COVID-19 cases by putting elective procedures on hold.

It’s worth noting that the category called “elective procedures” includes care that is necessary but not immediately life-threatening if delayed, such as heart valve replacements, or knee or hip surgery. As the state began reopening, spending returned, both as a result of patients seeking care that had been put on hold by closures, and as a result of a need for coronavirus-related care itself.

In counties that saw the biggest increases in COVID-19 cases, executive orders and local ordinances related to preventing the spread of the novel coronavirus were issued to help reduce the number of new cases, protecting patients from illness and local government employers from employee outbreaks. However, despite these measures, cases continue to rise in many hot spots.

Meanwhile, even with hospitals re-opened for elective care, many patients may still be delaying care they do not see as emergency care, in an effort to avoid exposure to COVID-19.

“As we get farther into the year, some people will choose to hold off until early 2021 for elective treatment because they can meet their annual deductible in January and...
have minimal out-of-pocket costs for all of next year,” says Jennifer Hoff, executive director of TML Health.

**Does That Mean Costs Will Go up When the Pandemic Abates?**

That doesn’t necessarily mean you’ll see a big increase in your healthcare expenses. Even with the rise in COVID-19 cases, the TML Health risk pool sees overall medical claims for most regions returning to pre-pandemic levels.

For commercial plans, the Affordable Care Act’s medical loss ratio requirements may require insurance carriers to issue rebates to customers on dollars collected in premiums but not spent on healthcare during the decrease in patients receiving elective procedures. As part of its policy of managing member equity, TML Health will issue $8 million in monthly credits to local governments in the upcoming plan year.

This means some financial good news. So far, the savings from postponed procedures has outweighed the cost of testing and treatment of coronavirus, so you can expect to see your overall healthcare spending remain the same or possibly decrease in the short term. However, as we move into 2021 and even 2022, healthcare costs will return to normal and perhaps run higher if postponing medical treatments causes health conditions to worsen.

**About TML Health Benefits Pool**

TML Health Benefits Pool brings together hundreds of Texas public entities to leverage collective purchasing power and risk sharing to offer big-employer health benefits at small town prices. By sharing in the Pool, TML Health’s members share the rewards of superior health coverage—lower costs, better health outcomes, and more personalized service.

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A Place I’m Glad to Call Home

This letter to the editor in the Temple Daily Telegram from a grateful Temple resident made us smile. We bet it will lift your spirits too.

Letter to the Editor, August 4, 2020

"Kudos to City of Temple Employees"

Kudos! In the midst of what has challenged all of us to deal with a new and changing reality, I would like to suggest that we focus for a moment on Temple’s leaders who are going about their multi-faceted jobs to keep Temple beautiful and up-to-date.

Specifically, I would like to thank the Parks and Recreation Dept. for the way in which improvements of the many neighborhood parks are regularly tended and upgraded with playground equipment and expanded to keep up with Temple growth. And what about the excellent job of those who maintain the streets with new asphalt and add new sidewalks to encourage walkers, making it possible for the mobility-disabled to enjoy a safe way to move about outside.

A big “Thank You” to all our city employees from our statewide-recognized city manager to the department heads, the contractors who are creating new sidewalks (without causing traffic jams), and the park attendants who take pride in helping to make Temple a place I’m glad to call home!

Shirley Gaines, Temple"

Pflugerville Partners Launch Pflugerville Cares Small Business Grant Program

The City of Pflugerville is partnering with the Pflugerville Community Development Corporation (PCDC), and the Pflugerville Chamber of Commerce to launch the Pflugerville Cares Small Business Grant Program (Pflugerville Cares) to award $920,000 in grants to eligible businesses that have been financially impacted by the coronavirus pandemic.

“We are pleased to work with the PCDC and the Pflugerville Chamber of Commerce to create awareness of this grant program for businesses adversely impacted by COVID-19,” said Mayor Victor Gonzales, City of Pflugerville. “We recognize that COVID-19 has impacted our community and especially local businesses. These grants are a way for us to work together and provide financial assistance to those who need it within our business community.”

Following grant award approval, all COVID Relief Funding (CRF) funding must be dispersed by
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We are committed to deploying a world-class program that is built on the foundation of trust, excellence, and science-based evidence, crucial to helping rebuild economy and businesses.

BV, in conjunction with the Cleveland Clinic is poised to act as Chief Medical Director, for BV’s Restart your Business with BV Program, is working to help you restore confidence in safety and hygiene standards. BV’s renowned knowledge in testing, inspection, and certification (TIC) will help you build confidence with employees, customers, and our communities across North America.

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Van Tran, CBO | 214.876.6855 | van.tran@bureauveritas.com
the City of Pflugerville prior to October 31 according to the interlocation agreement with Travis County.

To be eligible for the grant, businesses must be physically located and operating in the City limits of Pflugerville, in business on or before March 1, 2020, and verify a 15% revenue loss due to COVID-19. Applicants who received funds from other COVID relief programs are ineligible.

To administer the program, the City of Pflugerville contracted with Business & Community Lenders (BCL) of Texas who will review applications and verify eligibility for grant awards. All business funding requests are reviewed by the BCL and will be based on first come, first serve basis. Funding for the program utilizes CRF funds under the CARES ACT allocated by Travis County to the City of Pflugerville.

The link to apply is available at Pflugervillegrant.com. Applications were accepted from August 13-31.

**McAllen Begins Wifi Installation Throughout the City**

The City of McAllen has begun installing WiFi equipment in 16 McAllen neighborhoods in anticipation that the start of the school year may be virtual for most students. Equipment will be mounted on existing light poles in neighborhoods that will create a broad range coverage so that students can access the internet throughout the school day.

According to City of McAllen officials, the Wi-Fi equipment will provide free internet access and the funding for the equipment is being provided by the Development Corporation of McAllen. The equipment will also be eligible for CARES grant funding from the Hidalgo County.

“As the global COVID-19 pandemic continues to affect our schools and the way our children will be educated, we as a city commission realized that a virtual learning environment would hurt the most vulnerable in our community without access to affordable or reliable internet,” said McAllen Mayor Jim Darling. “That is why we decided we needed to invest in the infrastructure to be able to bring fast and free Wi-Fi throughout McAllen so that none of our children will fall behind.”

**San Marcos Announces Anti-Littering Mural Project**

The City of San Marcos Mural Arts Program is seeking artist submissions to be considered for a newly commissioned public mural to enhance the pair of bridge barriers on CM Allen Parkway by the Children’s Park.

The ultimate goal of the mural project is to serve as an anti-litter and river preservation reminder to those entering the San Marcos River District, as well as deter graffiti and beautify and add character to the neighborhood. The artist(s) selected will create a mural that graphically shows an anti-littering message reflective of community values that is visible and understandable by drive-by and foot traffic.

“This location serves as one of the gateways to the San Marcos River District, so we have a great opportunity to use the space as a reminder to keep our San Marcos River clean and our parks litter-free,” said Innovation Manager Charlotte Wattigny.

The bridge barrier measures 115 feet across, with a height ranging from 22 inches tall to three feet tall at each end. The painting of the mural is scheduled to begin in September 2020. The artist stipend for the project is $4,600 and materials for the project will be provided by the City of San Marcos. Artists interested in submitting artwork were required to submit proposals electronically by 5:00 p.m. on August 10, 2020.

For more information regarding artwork proposals, visit sanmarcostx.gov/callsforartists.
TEXAS TOWN & CITY • 15 • SEPTEMBER 2020

H-E-B Presents the
TABCCM Appreciation & Past President’s Event
At TOPGOLF

When: October 13, 2020
Where: Top Golf
2201 E. 4th St.
Fort Worth, TX 76102
Time: 12:00 pm - 4:00 pm
11:00 am registration

For more information and to register, please visit:
www.txabccm.org
Q **What is the local consolidated court fee?**

A Senate Bill 346, which became effective in 2019, consolidated a handful of local option municipal court fees into one fee. The resulting “local consolidated court fee” is a $14 fee assessed on a person convicted of a non-jailable misdemeanor. Tex. Loc. Gov’t Code § 134.103(a). The city is responsible for collecting the fee and establishing four different accounts to which the fee revenue is assigned. The fee revenue is apportioned as follows: (1) 35.7143 percent ($5.00 of each fee) to the Local Truancy Prevention and Diversion Fund; (2) 35 percent ($4.90) to the Municipal Court Building Security Fund; (3) 28.5714 percent ($4.00) to the Municipal Court Technology Fund; and (4) .7143 percent ($0.10) to the Municipal Jury Fund. Id. § 134.103(b).

Senate Bill 346 removed the “local option” component of the municipal court building security, municipal court technology, and juvenile case manager fee. Instead of adopting an ordinance to impose each of those fees, every city is now required to assign a portion of the local consolidated court fee revenue to building security, court technology, and juvenile case managers (through the local truancy prevention and diversion fund), without regard for whether or not the city formally adopted the fee.

Q **The fee is applied only to people “convicted” of offenses. How is that term interpreted?**

A The Code of Criminal Procedure defines “conviction” quite broadly with respect to triggering the local consolidated court fee. A person is considered to have
been convicted in a case, for purposes of collecting the fee, if: (1) a judgment, a sentence, or both a judgment and a sentence, are imposed on the person; (2) the person receives community supervision, deferred adjudication, or deferred disposition; or (3) the court defers final disposition of the case or imposition of the judgment and sentence. Id. § 134.002(b). Thus, most routine dispositions of criminal cases in municipal court, short of acquittal or dismissal, trigger the fee.

**Q** How is the local consolidated court fee collected?

**A** The municipal court clerk is required to collect the local consolidated court fee and remit the revenue to the city treasurer, who then must deposit the funds in the municipal treasury. Id. §§ 134.002(a)(2) and 134.0051.

**Q** What may money in the local truancy prevention and diversion fund be spent on?

A city may use money in the local truancy prevention and diversion fund to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses related to the position of a juvenile case manager employed pursuant to Code of Criminal Procedure Art. 45.056. Id. § 134.156(a). If there is money left in the fund after those costs are paid, a juvenile case manager is authorized—subject to the direction of the city council and on approval by the municipal court—to direct the remaining money to be used to implement programs directly related to the duties of the juvenile case manager, including juvenile alcohol and...
substance abuse programs, educational and leadership programs, and any other projects designed to prevent or reduce the number of juvenile referrals to the court. *Id.* § 134.156(a).

Q **What if the city does not employ a juvenile case manager?**

A The statute is unclear on this point. Because the city council maintains some discretion to spend funds that aren’t used on the juvenile case manager on programs directly related to the duties of a juvenile case manager, cities without juvenile case managers might be able to spend funds in this manner. However, the statute expressly prohibits money in the local truancy prevention and diversion fund from being used to supplement the income of an employee whose primary role is not that of a juvenile case manager. *Id.* § 134.156(b).

Q **What may money in the municipal court building security fund be spent on?**

A The revenue in the municipal court building security fund may be spent only to finance security personnel, services, and items related to buildings that house the operations of municipal courts, including:

1. X-ray machines and conveying systems;
2. Handheld metal detectors;
3. Walkthrough metal detectors;
4. Identification cards and systems;
5. Electronic locking and surveillance equipment;
6. Video teleconferencing systems;
7. Bailiffs of contract security personnel during times when they are providing appropriate security services;
8. Signage;
9. Confiscated weapon inventory and tracking systems;
10. Locks, chains, alarms, or similar security devices;
11. Bullet-proof glass;
12. Continuing education on security issues for court and security personnel; and
13. Warrant officers and related equipment.


Q **What may money in the municipal court technology fund be spent on?**

A The fees in the municipal court technology fund may be spent only to purchase or maintain technological enhancements for a municipal court’s operations, including: (1) computer systems; (2) computer networks; (3) computer hardware; (4) computer software; (5) imaging systems; (6) electronic kiosks; (7) electronic ticket writers; and (8) docket management systems. *Id.* § 102.0172(b).

Q **What may money in the municipal jury fund be spent on?**

A Revenue allocated to the municipal jury fund may be used by a city to fund only juror reimbursements and otherwise finance jury services. Tex. Loc. Gov’t Code § 134.154.

Q **What are child safety fines?**

A Separate and apart from the local consolidated court fee, cities may (and in some cases must) collect fines that are to be used for child safety.

Cities under 850,000 population may adopt an optional municipal court fine on parking violations, if the city has a parking ordinance that provides penalties for violations. For cities under 850,000 population, the optional court fine can be any amount up to $5 and is paid on conviction of a

Cities with a population greater than 850,000 and that have adopted parking ordinances must levy the fine in an amount between $2 and $5. Id. § 102.014(a).

Q  How is the child safety fine adopted?

A  A city council in a city with a population less than 850,000 must adopt the child safety fine by “order.” Id. § 102.014(b). In practice, an order would likely be no different from a resolution.

Q  What can the proceeds of the fine be spent on?

A  That depends on population: Cities under 850,000 population: If the city operates a school crossing guard program, the proceeds of the fine must be spent on that program. If the city does not operate a school crossing guard program, the city may either deposit the additional money in an interest-bearing account or expend it for programs designed to enhance child safety, health, or nutrition, including child abuse prevention and intervention and drug and alcohol abuse prevention. Id. § 102.014(g). A city under 850,000 population is also authorized to spend the additional money on programs designed to enhance public safety and security. Id.

Cities over 850,000 population: The city must deposit the proceeds of the fine into the required municipal child safety trust fund under Chapter 106 of the Local Government Code. Id. § 102.014(f). With the exception of spending money on programs designed to enhance public safety and security, money in that fund is to be spent in a similar fashion to smaller cities above: school crossing guard programs, or other child safety and health initiatives. Tex. Loc. Gov’t Code § 106.003.

Q  In addition to the optional parking violation fine, are there other fines that must be spent on child safety?

A  Yes, school crossing zone violations and violations for improperly passing a stopped school bus trigger an automatic $25 fine that must be spent in the same manner as the optional parking violation court cost. Tex. Crim. Proc. Code § 102.014(c).
SMALL CITIES' CORNER

SMALL CITIES BENEFIT FROM TML SERVICES

The Texas Municipal League has a proud history of serving Texas cities. With a membership of 1,160 cities, the League is dedicated to representing the interests of all its members in a number of ways. Beyond the traditional services, we are continually looking for better ways to meet the needs of our members.

In 1990, the League recognized that while all Texas cities share many common interests and concerns, small cities have different needs than larger cities. At that time, we began to focus special attention on small cities and their unique needs and challenges. A Small Cities Advisory Council (SCAC) was formed and charged with advising the TML Board of Directors and staff on ways the League's services to small cities can be expanded or modified, consistent with TML's resources and the needs of the organization.

The advisory council, which meets at least three times each year, is a dedicated and diverse group of appointed and elected officials who represent Texas cities with populations of less than 15,000 from all corners of the State. There is to be no more than one representative from any city, and the intent is to have an elected and appointed official from each of the TML regions present on the council. Presently, the group is led by Chair Frank Archuleta, councilmember of Windcrest, and Vice Chair Charles Hunt, alderman of Hallsville.

With the SCAC's thoughtful input, TML strives to assist small cities manage the big challenges they face on a regular basis. There are many TML services available to assist small cities.

- The League employs five full-time attorneys who are available to provide member cities with advice and information on municipal legal matters.

- The Small Cities' Corner regular feature in Texas Town & City magazine provides a convenient exchange of information primarily focused on issues pertaining to small cities.

- In addition to our monthly (except October) magazine, Texas Town & City, TML publishes a variety of publications that are valuable resources for small cities. The most popular of digital publications are the Handbook for Mayors and Councilmembers, Revenue Manual for Texas Cities, How Cities Work issue of the Texas Town & City magazine, Economic Development Handbook, and Key Legal Requirements for Texas City Officials.

- Small cities sessions are offered at the TML Annual Conference and various workshops throughout the year.

- The TML website has a page dedicated to small cities, www.tml.org/221/small-cities. There you will find information about grant opportunities, information about the SCAC, and other resources.

- The League, under the direction of the SCAC, conducts a series of TML Small Cities' Problem-Solving Clinics across the state each year. These one-day workshops are designed to provide answers to and discussion on the questions most frequently asked by elected and appointed officials. Topics covered during the clinics include legal question-and-answer sessions, discussion on the Open Meetings and Public Information Acts, economic development tools for small cities, state legislative and agency actions impacting small cities, and more. Registration fees for the workshop are kept at a minimum—$40 per person with lunch included single city.

- Finally, the SCAC administers a TML training scholarship program for small cities with populations less than 15,000. For more information, visit www.tml.org/221/small-cities and click on “TML Training Scholarships for Small Cities.”

If you have an idea for a service that would be beneficial to smaller cities, communicate with the members of the SCAC in
your area. It may be that the service you want is already available and you just need help accessing it, or you may have an idea for a service unique to the needs of our 977 member cities with a population of less than 15,000. If you would like to be considered for a position on the SCAC, please check the vacancies on the SCAC. Currently, vacancies exist in TML regions 3, 9, and 10.

For information on TML services for small cities, contact Jacqueline Redin at 512-231-7480. ★

### 2020 TML SMALL CITIES ADVISORY COUNCIL

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<thead>
<tr>
<th>Name/Title</th>
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<td>James Marrs II,</td>
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<td>Dion Miller</td>
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<td>Frank Archuleta,</td>
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<td>Charles Hunt, Vice Chair</td>
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<td>Elizabeth Lea</td>
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<td>Roy McDonald</td>
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<td>Cindy Burchfield</td>
<td>Daisetta</td>
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(512) 585-9351
The primary function of the Texas Municipal League is advocating on behalf of its member cities. That’s the way it has been since the League’s formation in 1913 because many significant decisions affecting Texas cities are made by the Texas Legislature, not by municipal officials. Now, just as they did over a century ago, newly elected mayors and councilmembers quickly realize the legislature can address virtually any aspect of city government.

This fact is vividly demonstrated during each legislative session. For example, during the 2019 session, almost 7,500 bills or significant resolutions were introduced; more than 2,000 of them would have affected Texas cities in some substantial way. In the end, over 1,400 bills or resolutions passed and were signed into law; more than 300 of them impacted cities in some way.

The number of city-related bills as a percentage of total bills filed rises every year. Twenty years ago, around 17 percent of bills filed affected cities in some way. By 2019, that percentage has increased to almost 25 percent. In other words, almost a quarter of the legislature’s work is directed at cities, and much of that work aims to limit municipal authority.

League staff advocates against those efforts (and also seeks to pass beneficial legislation) based on a “legislative program” that is developed by member city officials. The program is essential to the legitimacy of the League’s advocacy efforts. To develop the program, city officials provide input in primarily two ways.

GET ACTIVE IN THE LEAGUE’S LEGISLATIVE POLICY DEVELOPMENT PROCESS

By Scott Houston, TML General Counsel and Deputy Executive Director for Policy Development
**ACT NOW:**
WHO WILL REPRESENT YOUR CITY AT THE TML BUSINESS MEETING AT THE VIRTUAL 2020 TML ANNUAL CONFERENCE AND EXHIBITION?

Resolutions go directly to the membership for consideration at the business meeting at the 2020 TML Annual Conference and Exhibition. The meeting will be held using Zoom technology on October 14, 2020, at 3:30 p.m. Each city is entitled to one delegate at the business meeting. The delegate isn’t required to have any special expertise, and an elected official delegate is encouraged but not required. The delegate must sign up in advance by October 9, 2020, at 5:00 p.m. at www.tml.org. To sign up, click on “Policy” at the top of the page, then “Legislative,” and finally “Policy Committees.” The “2020 Business Meeting” link will allow the delegate to sign up. For planning purposes, cities are encouraged to sign their delegate up early.

**HOW TO SUBMIT A RESOLUTION**

The TML Constitution states that resolutions for consideration at the Annual Conference and Exhibition must be submitted to the TML headquarters 45 calendar days prior to the first day of the Annual Conference. For 2020, this provision means that resolutions from any member city, TML region, or TML affiliate must arrive at TML headquarters no later than 5:00 p.m. on August 31, 2020. For details on the submission process, go to www.tml.org and click on “Policy” at the top of the page, then “Legislative,” and finally “Policy Committees.” The “2020 Business Meeting” page has a link to the process.
First, a member city, TML region, or TML affiliate may submit a resolution for consideration at the virtual business meeting of each year’s annual conference. (This year’s resolutions deadline was August 31, 2020.) Each city will be asked to provide one delegate to serve as its liaison at the virtual meeting. The delegates will be briefed on the content of the resolutions and given a chance to vote on whether they merit inclusion in the legislative program. The resolutions form the basis of a “fixed” legislative program, under which – each session – modifications to the program will only be made upon the request of a city official during the policy development process.

Second, member city officials can participate in the League’s “Municipal Policy Summit” during the summer of each even-numbered interim year. This year’s Summit met on August 3-4, 2020, using Zoom conferencing.

The summit delegates were appointed by the TML president based on volunteers and others chosen to balance the demographics of the TML membership at large. The delegates considered issues that arise each session, as well as issues brought by city officials.

By all accounts, the Zoom version of the Summit was a success. The report of the Summit takes the form of a special resolution that is submitted to the business meeting at the annual conference in interim years.

The somewhat complex policy development process is necessary to ensure that the League advocates as directed by its members. The League is nothing without the involvement and expertise of its members, and participation in the process is an invaluable part of protecting municipal authority.

Have questions or comments? Contact Scott Houston or JJ Rocha, TML grassroots and legislative manager, at 512-231-7400 ★

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**LEGISLATIVE POLICY PROCESS SCHEDULE**

The League’s 2019-2020 legislative policy development schedule is roughly as follows:

**October 2019** –
the TML membership considered resolutions at the 2019 Annual Conference and Exhibition at the annual Business Meeting.

**April 2020** –
the chair, vice-chairs, board representative, and participants of the League’s Municipal Policy Summit were appointed by the TML President.

**June 2020** –
Municipal Policy Summit materials were distributed to the membership.

**August 2020** –
the Municipal Policy Summit, a two-day policy briefing at which the members will make recommendations for the League’s 2021-2022 legislative program, was held virtually.

**October 2020** –
the report of the Municipal Policy Summit, along with any other resolutions, will go forward to the annual Business Meeting at the 2020 Annual Conference and Exhibition.

**December 2020** –
the TML Board will finalize the League’s 2021-2022 legislative program based on resolutions passed in both 2019 and 2020.
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- If you are sick, stay home and play another time.
- Wash your hands whenever possible.
- Practice safe social distancing.
- Sanitize your hands before and after play.
- Avoid touching your face.

Thank you for being part of the solution!
Gracias por ser parte de la solución.
THANK YOU, SPONSORS

TML relies on the participation and support of conference sponsors to provide vital resources for city officials.
THANK YOU, SPONSORS

TML relies on the participation and support of conference sponsors to provide vital resources for city officials.
RELIGIOUS DISPLAYS AT CITY HALL

City officials should use caution when placing or allowing religious displays of any type on public property. Although this topic can be troublesome all year long, the issue always seems to come to the forefront during the holiday season. Even well-intentioned religious displays may run afoul of the Establishment Clause of the United States Constitution, which reads in relevant part: “Congress shall make no law respecting an establishment of religion, or prohibiting the
free exercise thereof..." This prohibition against governmental advancement or inhibition of religion is more commonly known as the "separation of church and state," and it applies to all governmental entities: federal, state, and local.

The "separation of church and state" does not mean that government agencies are entirely barred from recognizing or celebrating holidays or events that have religious connections. City holiday displays that are limited to more secular images, like Santa Claus and Christmas trees, will generally survive a constitutional challenge. According to the Supreme Court in Allegheny County v. Greater Pittsburgh ACLU, the government may acknowledge Christmas as a cultural phenomenon, but it may not observe it as a Christian holy day by suggesting that people praise God for the birth of Jesus. Thus, a snowman and an angel displayed at a city are more justifiable as signals that Christmas is a time for peace on earth and good will toward men.

It is unclear whether a religious symbol, like a Nativity scene, can lawfully be displayed by a city or on city property. There is no federal or state statute covering this topic. Moreover, the case law provides very few hard and fast rules for such displays. As United States Supreme Court Justice Clarence Thomas observed, the Supreme Court's Establishment Clause jurisprudence has confounded the lower courts and rendered the constitutionality of displays of religious imagery on government property anyone's guess..." Utah Highway Patrol Ass'n v. Am. Atheists, Inc., 132 S. Ct. 12, 13 (2011) (Thomas, J., dissenting from the denial of cert.) Therefore, it is difficult to formulate a specific set of rules to ensure that a given display is constitutionally permissible if it has religious symbols in it.

The Supreme Court has held that a Hanukah menorah has both religious and secular connotations and may properly be displayed if the context presented is an overall holiday setting rather than the endorsement of religion. In Alleghany County, the Supreme Court found constitutionally permissible a holiday display that consisted of a menorah next to a larger Christmas tree, which was the "predominant element" of the display, and less significantly, a sign saluting liberty.

Part of the difficulty in determining whether a given holiday display will survive an Establishment Clause challenge is that the United States Supreme Court has adopted a very fact-specific approach to dealing with this issue. The best way to summarize the Court's approach is that, if the dominant theme of a holiday display seems to be an endorsement of a particular religion, or if someone could believe that the dominant theme of the display is religious, then the display...
might not survive a challenge. For instance, a manger scene mixed in with a Santa figure, a snowman, a menorah, and a Christmas tree will be more likely to survive an Establishment Clause challenge than will a manger scene alone. However, if the manger scene is the centerpiece of the larger display, and the other figures are much smaller than the manger or placed in such a way that the manger scene is the dominant theme of the display, then the display will probably not survive a challenge.

In what has been described as the leading case on the topic of city Christmas displays, the United States Supreme Court upheld the authority of a Rhode Island city to erect a Christmas display in a park owned by a nonprofit organization. The scene included such objects as a Santa Claus house, a Christmas tree, a banner that reads “Seasons Greetings,” and a Nativity scene. *Lynch v. Donnelly*, 465 U.S. 668 (1984). Focusing on the context of the Christmas season, the Court found that the city had a secular purpose for including the Nativity scene as one component of its holiday display, which did not impermissibly advance religion or create an excessive entanglement between religion and government. According to the Court, any benefit to one faith or religion or to all religions by the inclusion of the Nativity scene in the display is *indirect, remote, and incidental,* and is no more an advancement or endorsement of religion than the exhibition of religious paintings in governmentally supported museums. *See also Town of Greece v. Galloway,* 134 S.Ct. 1811, 1821 (2014) (explaining why legislative prayer does not have to be generic or nonsectarian).

In 2005, the United States Supreme Court decided two cases that provide further guidance for city officials. Both cases concerned the display of the Ten Commandments on public property. The cases applied the same law but yielded contrary results. In *Van Orden v. Perry,* the Texas Capitol was allowed to keep a large stone monument bearing the Commandments. On the other hand, in *McCreary County v. ACLU of Kentucky,* two Kentucky county courthouses lost their framed copies of the mandates entrusted to Moses. In both cases, the Supreme Court was asked to decide the legality of nearly identical texts erected on government property. Both cases forced the Court to review previous cases in an effort to balance the *religious* and *historical* significance of the Commandments. So, why different outcomes?

The sole point upon which all nine justices agreed was that the Ten Commandments communicate both a secular *moral* message and a Judeo/Christian *religious* message. The Court reminded us that the purposes of the Constitution’s “Religion Clauses” are to ensure religious liberty and tolerance for all, to avoid religious divisiveness, and to maintain the separation of church and state. The Court wrestled with two competing principles for applying the Establishment Clause:

(a) the strong role religion and religious traditions have played throughout our nation’s history; and
(b) that government intervention in religious matters can itself endanger religious freedom.

In *McCreary County,* the Court continued to rely on the three-part test of *Lemon v. Kurtzman,* a 1971 decision that questioned whether:

(1) the government activity in question has a secular purpose;
(2) the activity’s primary effect advances or inhibits religion; and
(3) the government activity fosters excessive entanglement with religion.

While the Court did not employ the *Lemon* test in the Texas case, in both the Texas and Kentucky cases, the Court focused on the “secular purpose” of the monuments by looking at the context of the displays. (The *Lemon* test has increasingly been criticized by the Court and replaced by a historical approach.) Were the Commandments there to communicate a religious message? Or did they merely show a moral and historical basis for our governments?

Although the Court did not specifically organize its analysis
in the following manner, these were the factors carefully considered by the justices in both the Texas and Kentucky cases:

- **Initiative:** Erection of the monument in Texas was initiated by the Fraternal Order of Eagles, a national civic, social, and patriotic organization that strives to reduce juvenile delinquency. County officials initiated the courthouse displays in Kentucky.

- **Funding:** The Fraternal Order of Eagles donated the Texas monument. The Eagles also paid the cost of erecting the monument. The displays in Kentucky were paid for by the counties.

- **Approvals:** Evidence from the legislative journal entries in Texas indicated an acceptance of the donation by the state legislature. The Historic Preservation Commission recommended the actual site for the monument. The displays in the Kentucky courthouses were ordered to be installed by each county’s judge and later ratified by the legislative body of each county. The Court has also looked for evidence of governmental contact with church authorities concerning the content or design of the exhibit prior installation.

- **Ceremonies:** The dedication of the monument in Texas was presided over by two state legislators. The ceremony opening the display in one Kentucky county was presided over by the county judge and included a clergyman who “testified to the certainty of the existence of God.”

- **Location:** The Texas monument is located outside on 22 acres. According to the state’s brief, its “location and orientation make it one of the least conspicuous monuments on the grounds.” The displays in Kentucky were located inside on the walls of high-traffic hallways frequently used by the public on a daily basis.

- **Surroundings:** The monument in Texas is one of 22 monuments and 17 historical markers, including tributes to soldiers and peace officers. Initially, the Commandments in Kentucky were alone. The county expanded the display twice, after the initial suit was filed- first to include similarly framed county resolutions stating that the Commandments were “the precedent legal code” and referring to Jesus Christ as the “Prince of Ethics,” and second (after the counties changed lawyers) to include framed copies of the Magna Carta, Mayflower Compact, Bill of Rights, Declaration of Independence, and the lyrics of the Star Spangled Banner.

- **Intensity:** The placement of the monument on the Texas State
Capitol grounds was found to be “far more passive”
than other examples previously considered by the Court. The displays in Kentucky were posted in the courthouses in a “high traffic area,” those being hallways “readily visible to… county citizens who use the courthouse to conduct their civic business, to obtain or renew driver’s licenses and permits, and to register cars, to pay local taxes, and to register to vote.”

• Duration: The Texas monument had existed at that location for over 40 years before being challenged by the plaintiff, who had first encountered the monument six years prior to filing suit. Kentucky erected the courthouse displays in the summer of 1999 and suit was brought that fall.

The differing results handed down by the Court demonstrate that context is crucial when determining a secular purpose. In Kentucky, even though other historic documents hung on the two county courthouse hallways separate from and in addition to the display at issue, the majority of the Supreme Court characterized the display (as a whole) as a “solo exhibit,” stating that when “the government initiates an effort to place this [religious] statement alone in public view, a religious object is unmistakable.”

The “fact-based” nature of any religious display case means that a set of standard guidelines is difficult to cultivate. For example, two lower courts held that if the County had erected the third expanded display in McCreary (which included the Magna Carta and other documents) first, it most likely would have withstood scrutiny. A case in the 10th Circuit, Green v. Haskell County Board of Commissioners, also dealt with a Ten Commandments display. In that case, unlike in Van Orden, the court concluded that the display had a primarily religious effect because two of the three County Commissioners made statements, attended events, and generally supported the monument in their capacity as commissioners. Further, the monument was challenged in the same year it went on display, like the display in McCreary County. Thus, the court found that the display was unconstitutional.

What if a private entity, with the city’s consent, places a religious holiday display on public property? City attorneys advise that a city may diminish the likelihood that such a display is unconstitutional by placing a sign disclaiming any city endorsement or participation in the display, or views depicted by the display. But that’s not always the case. For instance, in Felix v. City of Bloomfield, the court found certain restrictions on religious displays bind even private entities. 841 F.3d 848 (10th Cir. 2017), cert. denied. In Felix, the 10th Circuit found a Ten Commandments display unconstitutional even though it was created and donated by a private party, was accompanied by several secular monuments, was erected pursuant to a public-forum policy, and included a sign disclaiming any government endorsement of religion. While 10th Circuit opinions, including the aforementioned opinion in Green, are not binding on Texas cities, they demonstrate that, while cities can look to precedent for guiding principles, ultimately the outcome in any given case may not be predictable.

Because the law in this area is not black-and-white, the only way to ensure safety from litigation would be for cities to make sure their holiday displays are strictly secular in nature. Of course, many cities will decide to include certain religious imagery as a part of their holiday or other displays. In these cases, remember that religious symbols should not generally form the main theme of the display and be sure to contact your city attorney to determine if the display will run afoul of the Establishment Clause. ★
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- by engaging in their choice of wellness activities

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- **36.5%** of screened members identified with high blood pressure that they didn’t know they had
- **30%** of screened members had metabolic syndrome identified
- **20%** of screened members had pre-diabetes identified so they could seek treatment

Each member who was screened met with a nurse practitioner who reviewed their results, blood work, and medical history, and together they made a plan to get healthier.

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This information is illustrative and for education and convenience purposes only. Past performance may not be indicative of future performance as individual results may vary. TML Health does not guarantee the same or similar results as displayed in this document.
Agenda at a Glance for the 2020 TML Annual Conference and Exhibition

All conference events will be held virtually. For detailed session descriptions, speaker information, and to register, visit the conference website at https://tmlconference.org.

Wednesday, October 14

11:00 a.m.-Noon
Opening General Session and Presentation of Awards
Leadership as an Act of Service
Mark A. Welsh

III. Dean, The Bush School of Government & Public Service, Texas A&M University

Noon
TML Municipal Marketplace Grand Opening

1:30-2:30 p.m.
TML Small Cities Advisory Council Meeting

1:30-2:45 p.m.
Concurrent Sessions

3:00-4:15 p.m.
Concurrent Sessions

3:00-3:30 p.m.
TAMCC Board Meeting

3:30 p.m.-Conclusion
TML Business Meeting

Thursday, October 15

All Day and Night!
TML Municipal Marketplace

7:30-8:45 a.m.
Update from the Pools: TML Health and TML Intergovernmental Risk Pool

8:00-11:45 a.m.
Affiliates’ Board, Business, or Educational Sessions

9:00-10:15 a.m.
Concurrent Sessions

9:15-11:15 a.m.
TML Board of Directors Meeting

10:30-11:45 a.m.
Concurrent Sessions

Friday, October 16

All Day and Night!
TML Municipal Marketplace

1:00-1:45 p.m.
General Session Keynote

Finding the Power of Your Unique Voice
Torin Perez, Diversity, Equity, and Inclusion Influencer

2:00-3:15 p.m.
Concurrent Sessions

2:00-5:00 p.m.
Affiliates’ Board, Business, or Educational Sessions

3:30-4:45 p.m.
Closing General Session Keynote
Shaping Texas’ Future
Margaret Spellings, President and CEO, Texas 2036

8:30-10:00
2021 Texas Legislative Session Outlook
Aqua Texas can help you improve your community’s water and wastewater service.

With more than 130 years of experience in the water and wastewater industry, Aqua has the expertise and resources needed to serve water and wastewater systems of all sizes. We have been serving communities throughout Texas since 2003 and have invested more than $300 million to improve and rebuild pipes, plants, wells and other infrastructure.

Learn about new Texas Fair Market Value legislation.

Did you know that Fair Market Value benefits municipalities by addressing urgent water and wastewater infrastructure needs while unlocking capital for other priorities? Ask us how.

Terry Franks
Director, Utility Solutions
512.990.4400, ext. 56125
TFranks@AquaAmerica.com

Learn more at WaterByAqua.com
The 2020 TML exhibit hall is embracing the unique advantages and opportunities presented by a virtual conference format – not as a replacement for the face-to-face connections we hold dear – but as a chance to make new discoveries through an online environment.

No longer restricted to a specific date and place, our exhibitors and sponsors are thinking “outside the booth” and taking their products and services beyond the boundaries of the exhibit hall through the new 2020 TML Municipal Marketplace.

Available to all TML member cities beginning October 14, city officials are invited to browse the Municipal Marketplace and enjoy:

**Complimentary Access:** No badge? No problem! The Marketplace welcomes all Texas city officials and staff, regardless of conference registration.

**Convenience:** 24 hour browsing, 7 days a week.

**Curated Content:** The Marketplace is custom-built, ensuring that each online storefront is designed specifically with the Texas city official in mind.

**Dynamic Search Engine:** Search by product category, keyword, company name, and more, and receive tailored recommendations based on your browsing.

**Privacy:** You decide which companies you’d like to hear from.

**Wealth of Resources:** Peruse nearly 300 companies across 22 product categories including architecture and engineering, communications and technology solutions, public safety, economic development, strategic planning, and more.

Collect, download, save, and share collateral, product spotlights, company contacts, and exclusive offers and promotions.

**No Dress Code:** Join us in your jammies!

The TML Municipal Marketplace will be unveiled on October 14, and accessible online until January 14, 2021 at tmlconference.org.

This year, discover a mecca of city products and resources from the comfort of your workspace, and look forward to friendly smiles and handshakes when we return to the aisles for 2021. ★
The TML Greenhouse is making its return for the 2020 TML Annual Conference and Exhibition in a new online landscape! Our virtual TML Greenhouse is where conference attendees can unearth homegrown solutions on their own turf, through ready-to-view sessions of 30 minutes or less.

The participation and support of our Greenhouse sponsors ensures that Texas cities continue to plant strong roots and thrive in every season. Our sponsors have a green thumb when it comes to cultivating ideas for weathering the storm, and planting seeds for growth.

TML Conference registrants are invited to view on-demand Greenhouse presentations as part of the virtual conference beginning on October 14, including:

**Strategic Planning for Economic Recovery**
Strategic planning is fundamental to expediting post-pandemic economic recovery. This session explores topics in strategic planning, including specific actions and best practices that local governments and their economic development organizations can take to speed-up recovery in their communities. *Presented by HdL Companies*

**Small Town Texas Goes BIG!**
Representatives from the City of Mount Belvieu share their experience designing and planning a lightening-speed broadband network; including the opportunities, hurdles, and successes encountered along the way. Gain skills in understanding the steps to achieving the fastest internet in Texas! *Presented by Magellan Advisors*

**Managing Retail Performance in Uncertain Times**
Managing retail performance in uncertain times is key to sustaining a viable sales tax base. This session explores the relationship between emerging economic trends and retail performance. Attendees will leave with practical steps that local governments can take to improve their post-pandemic retail performance, including specific evaluation methods, strategies, and best practices. *Presented by HdL Companies*

**Planning and Partnerships Spur Local Economic Development, and Improve Connectivity for Texans**
This session will explore regional broadband development through partnerships with local stakeholders and neighboring municipalities. Attendees will gain insight into how to bring much-needed broadband to rural areas, stimulate economic development and strategically build political will for regional broadband projects. *Presented by Magellan Advisors*

Thank you, TML Greenhouse Sponsors★

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**HdL Companies**

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**Magellan Advisors**

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Questions and Answers
The TML Annual Conference and Exhibition is taking place virtually this year! You will have access to keynote presentations, concurrent sessions, and the TML Municipal Marketplace (online exhibition) starting on October 14.

When does registration open for the virtual conference?
Registration will open on September 1 at https://tmlconference.org.

How much will it cost to participate?
The early conference registration fee is $220. After October 1, the fee will increase to $270.

What do I get for my registration fee?
Your registration fee will give you unlimited access to all keynote and conference sessions through January 2021. You can view sessions and visit with exhibitors any time of day and as often as you want during this timeframe.

How will this virtual conference thing work?
Take a look now at the full conference program at https://tmlconference.org. The virtual conference will follow the timed program with the Opening General Session launching at 10:30 a.m. on Wednesday, October 14, the TML Municipal Marketplace opening at noon, and the first set of concurrent sessions online at 1:30 p.m. All sessions will be recorded and archived so you can access the sessions you missed or want to view again whenever the mood strikes, until January 31.

Can our city council and staff share one registration?
Just like the in-person TML Annual Conference and Exhibition, your registration fee is for a single individual and cannot be shared. You will receive a unique join link for your personal online connection to the virtual conference.

Instructions on how to access conference sessions and the TML Municipal Marketplace will be sent to the email used when you register.

Will TML refund my registration fee if I need to cancel?
Your registration cannot be cancelled for any reason. No refunds will be provided since the conference content will be archived and available through January 2021.

Will speaker handouts be available?
Conference registrants will be able to download all presentation handouts received by TML from the virtual conference website starting on October 14.

Can I earn TMLI credits as an elected city official?
If you are an elected city official participating in the TMLI program, you can earn Continuing Education Units (CEUs) for attending the virtual TML Annual Conference and Exhibition.
CEU forms will be available at http://tmlconference.org. For more information on the TMLI program, contact us at tmli@tml.org or visit https://www.tml.org/278/Certification-for-Elected-Officials-TMLI.

Can I submit a resolution for the TML Business Meeting?

Resolutions for consideration by TML member cities at the TML Business Meeting on October 14 at 3:30 p.m. (central) will be available on the TML website in advance of the meeting.

In accordance with the TML Constitution, no resolution shall be eligible to be considered at the Business Meeting unless: (1) the same has been submitted at least 45 full calendar days prior to the first day of the Annual Conference (August 31, 2020 by 5:00 p.m.); or (2) there is a two-thirds vote of the cities represented at the business meeting in favor of suspending the timely submission rule.

How can my city participate in the TML Business Meeting?

At the 2020 TML Annual Conference, all resolutions will go directly to the membership at the TML Business Meeting, which will meet using Zoom technology on October 14, 2020, at 3:30 p.m. Each city is entitled to one representative at the business meeting. The representative isn’t required to have any special expertise, and an elected official representative is encouraged but not required. The representative must sign up electronically prior to October 9, 2020, for planning purposes. Cities are encouraged to sign up their representative early. Interested city officials can sign up here: https://www.tml.org/FormCenter/Member-Resources-5/2020-TML-Business-Meeting-67.
Firefighting is a dangerous profession, and the City of Mesquite continues to do all it can to protect its firefighters with additional equipment, improved operations, and new facilities. From medical calls, to responding to major vehicle accidents on community streets and five major highways, to structure fires and incidents at industrial plants, the Mesquite Fire Department responded to 18,817 calls for service in 2019. On each call, firefighters put themselves at risk, including physical danger and exposure to environmental hazards.

Statistics and studies confirm the dangers that firefighters face while on duty, specifically exposure to carcinogens or cancer-causing agents, often found in synthetic and plastic materials used in building materials and furnishings. The National Fire Protection Association (NFPA) cites a growing body of research and data that underscores the contribution of job-related exposures to the development of chronic conditions and illnesses, including cancer. According to the NFPA, the National Institute for Occupational Safety and Health (NIOSH) undertook two large studies focused on firefighter cancer and concluded that firefighters face a nine percent increase in cancer diagnoses, and a 14 percent increase in cancer-related deaths, compared to the average person in the United States. The NFPA is considered the leader in the fire profession for creating
codes and standards for the backbone of fire operations and firefighter health and safety.

With NFPA standards and best practices in mind, during the past two years, Mesquite has invested more than $400,000 in a focused cancer prevention initiative to improve the health and safety of its firefighters. Mesquite Fire Chief Mark Kerby said, “The protection of our firefighters is essential. They must know that they have the best possible equipment and training available to perform their job. Today, firefighters have a higher rate of cancer than the average citizen due to the dangers of their job. Mesquite is doing everything it can to reduce those dangers.”

In 2018, Mesquite began a strategic and comprehensive program to improve firefighter health and safety. A key component of this program was purchasing back-up bunker gear so that every firefighter has two sets for every 24-hour shift. As of this summer, every Mesquite firefighter assigned to an operational position has been provided a second set of bunker gear that is sized specifically for them. If one set of gear is worn in a fire during the shift, they can use their second set of gear while it is being cleaned, reducing their exposure to the carcinogens encountered at the earlier fire scene. Each of the City’s seven fire stations now has a specialized industrial laundry machine (extractor), uniquely engineered to remove the cancer-causing carcinogens from bunker gear. A fire captain oversees the delivery and fitting of each set of bunker gear and is present to provide guidance on its proper use and maintenance. As gear is replaced in the Department, new sets are purchased that have been designed with additional flaps and coverings to offer elevated protection from carcinogens. The personalized attention to detail and updated bunker gear assures each Mesquite firefighter has gear that both fits properly and provides a greater degree of protection than in years past.

The City’s efforts to keep firefighters safe from exposure to carcinogens does not stop with cleaning bunker gear. In 2020, Mesquite became one of three municipal fire departments in Texas to acquire a SOLO Rescue Decon Washer to clean SCBA (self-contained breathing apparatus) equipment for every firefighter involved in a fire incident. This machine allows for more thorough, efficient and safe cleaning of SCBAs than could be achieved through...
cleaning the SCBAs by hand, and it can also be used to clean additional firefighting equipment. This includes the boots, helmets, and gloves worn by each firefighter. The Department has trained technicians on staff to operate the cleaning machine, as well as to maintain all Department SCBAs.

Additionally, Mesquite’s fire station bays have special exhaust capture and ventilation systems for their vehicles. This equipment attaches to the exhaust pipes of the Department’s trucks, engines, and ambulances. It allows for the proper and safe collecting and venting cancer-causing vehicle fumes away from the firefighters in the enclosed areas as they leave the station and return from incidents. Kerby explained, “Firefighters encounter carcinogens through diesel exhaust in the station bays and from various chemical compounds released during combustion from building materials and contents during firefighting operations. These carcinogens can be inhaled or absorbed through the skin. Having back up protective equipment, clean self-contained breathing apparatus, and special facilities helps lessens the exposure to these toxic chemicals.”

Mesquite’s senior leadership and city council have enthusiastically supported this program from the moment it was presented by Chief Kerby. The city council has invested in additional resources, equipment, and facilities to keep Mesquite firefighters safe. They budgeted about $260,000 for 119 sets of new bunker gear, invested $110,000 to install bunker gear extractors in all fire stations, and bought the SCBA cleaner for $30,000. Additionally, the City planned for additional layers of safety when they built a new fire station.

New Fire Station #4, which was opened this year, was constructed on a budget of $5.8 million and includes major innovations and enhanced safety and health amenities for the firefighters. The 13,989 square-foot station replaces the 4,500 square-foot former station, built in 1963. The new facility features specially designed air-lock entry areas that prevent carcinogens from entering the living quarters from the station bay. This passageway from the firefighting equipment to the areas where the firefighters eat and sleep is essential, providing an extra level of protection for them and visiting family members as well as other guests in the living quarters. Additionally, the station has special showers located immediately off the bay for firefighters to use if needed, to keep contamines outside the station living quarters. This showering area compliments the importance of cleaning the carcinogens from the skin of the firefighters, just as the extractors have for cleaning the equipment and exhaust systems have for keeping the immediate vehicle areas clear of the dangerous material in the air. The modern station incorporates enhanced critical safety functionality throughout a beautifully designed building. Designed by Brown Reynolds Watford Architects and constructed by SEDALCO Construction Services, Mesquite Fire Station No. 4 is a wonderful example of placing firefighter health as the top priority when building a municipal fire station.

The Leukemia & Lymphoma Society is at the forefront of the fight to cure cancer. The largest nonprofit dedicated to creating a world without blood cancers states that when materials burn, they release a number of carcinogens including polycyclic aromatic hydrocarbons (PAHs), a group of more than 100 chemicals. Exposure to some PAHs can cause cancer. Kerby shared that many times the firefighters just do not know what type of materials or elements are in a fire or a structure as they arrive on scene. The City of Mesquite’s three-step process of cleaning protective clothing, scrubbing the breathing equipment, and reducing exposure to carcinogens and PAHs in its fire station bays and living quarters has placed the Mesquite Fire Department as one of the leaders in firefighter safety in Texas.

Kerby, who will retire from the department September 30, praised the entire leadership team who played a huge role in all these new safety measures. He said, “The City has been a tremendous advocate and champion of the program. They have created an environment and culture that makes the health of our firefighters a top priority. It has helped limit the exposure of our firefighters to the dangers of carcinogens.” He shared that the two-year timetable to plan, implement, and complete the initiative was extraordinary. From building budgets, to building a fire station as well as acquiring the equipment – many employees from several City departments helped make the success of the program a reality.

City Manager Cliff Keheley declared, “Safety innovation is an investment in our people. Anything we can do to provide a safer work environment for our firefighters is a benefit to the entire community. They keep us safe, and we need to keep them safe.”

★
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LOOK AND SOUND YOUR BEST ON YOUR NEXT VIRTUAL MEETING

By Jennifer Stamps, TML Creative Manager

You’ve probably had your fair share of virtual meetings during this pandemic where in-person meetings and conferences have shifted to online. If you are hosting or joining these virtual meetings from home, they can still look and feel professional.

Here are seven tips to look and sound your best on your next virtual meeting.

**Lighting**

Lighting is everything. Join the meeting in a space with plenty of natural light (think about a room with a large window or glass door). Place the light in front of you. This means, you sit facing the light while your device camera faces away from the light.

**Background**

Tidy up your background space. A clean and organized bookshelf is okay, as is a painting or artwork. However, make sure you are comfortable sharing everything in your background with hundreds of people. Private documents should be kept completely out of sight.

**Raise Your Device**

It’s important to look into your webcam head-on at eye level. Looking up or down can look unflattering and unprofessional. This is as easy as placing your laptop or webcam on a stack of books on your desk.

**Headphones**

If you have headphones available, use them. Bluetooth headphones are preferred, however wired will work. Attendees will hear you better when you use your headphone microphone and it will help cut out unwanted and often unplanned background noise.

**Sounds**

This leads us to sound. Make sure you are in a quiet room. Try to find a place without interruptions from children or pets. Be sure you silence your cellphone or landline phone.

**Test**

Test your video ahead of time. Log in to the meeting in advance to make sure everything is set up correctly: sound, lighting, and the level of your device.

**Get Comfortable**

Sit back and relax. Find a sitting position that is comfortable for you, and try not to lean into your webcam. Make sure you are a comfortable distance from your camera. Your face should not take up the entire screen (too close to the camera), but we also don’t want to see too much of your background (too far from the camera).
At least one thing got easier this year.

The all-new BuyBoard has arrived.

New Design | New Features
Same Compliance Focus

We can’t answer all of this year’s difficult questions, but we’ll make your purchasing easier.

Go to buyboard.com and shop for everything you need for your city, from cleaning supplies and high-efficiency air filters to road graders and a variety of safety equipment.

When it comes to city procurement...

There’s only one BuyBoard.
@cityofhutto
A beautiful night to get outdoors for National Parks & Recreation month at Hutto Lake Park.

Photo by: @josh.explores

SHOWCASE YOUR CITY

Do you want to see your city highlighted here? It’s easy! You can get involved and share photos a few different ways!

- Tag us on Instagram @TML_Texas
- Use the hashtags #MyTexasCity and #CitiesProvide

We will share your photos on our Instagram account and each month we will pick the very best to showcase here. If you don’t have a city or personal Instagram account, you can still participate! Email us your photos (jen@tml.org) with a brief photo description. Don’t worry about cropping or editing the photo, but please make sure the photograph is crisp and clear.

@visitfortworth
Looking to explore Fort Worth’s growing mural scene? Stay tuned for a citywide mural page coming soon.

Credit: @bronwengfwtx
BUILDING FUN FOR A PARTY OF ONE
TIPS FOR CREATIVITY DURING A PANDEMIC

The world is in unchartered territory due to the pandemic. Limited travel, social activity, and human contact are stifling our creative expression. How can we generate creative ideas when we’re not immersed in the communities and space that inspire us the most?

Implement these tips into your daily life and re-awaken your creative abilities!

1. **MAKE TIME**
   Flex your creative muscle by dedicating 30 minutes a day to creative thinking.

2. **LEARN SOMETHING NEW**
   Broaden your knowledge of new or unfamiliar topics to foster innovative ideas and divergent thinking.

3. **KEEP A RUNNING LIST**
   Whether it’s a paper notepad, your laptop, or even your smart phone, be prepared to record your thoughts quickly and easily without relying on memory.

4. **CHANGE IT UP**
   Outfit your workspace with unusual objects and regularly make small changes – from the colors in your work area to the photos on the wall – to help inspire original ideas.

5. **STEP AWAY**
   Give your brain a chance to slow down with a mental rest by stretching, meditating, or taking a mid-day nap.

6. **DELIGHT IN A POSITIVE MOMENT**
   Enjoy a coffee break, quick walk, or a doodle drawing. Even the smallest joys can lessen stress and boost creativity.

Kraftsman Commercial Playgrounds & Waterparks is proud to sponsor the 2020 TML Annual Conference and Exhibition, an event that has sparked creativity in city officials for more than 100 years!
The 2020 TML Annual Conference and Exhibition Is Now an
ALL-VIRTUAL EVENT

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2020 ANNUAL CONFERENCE AND EXHIBITION
• OCTOBER 14–16 •

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www.tmllconference.org