

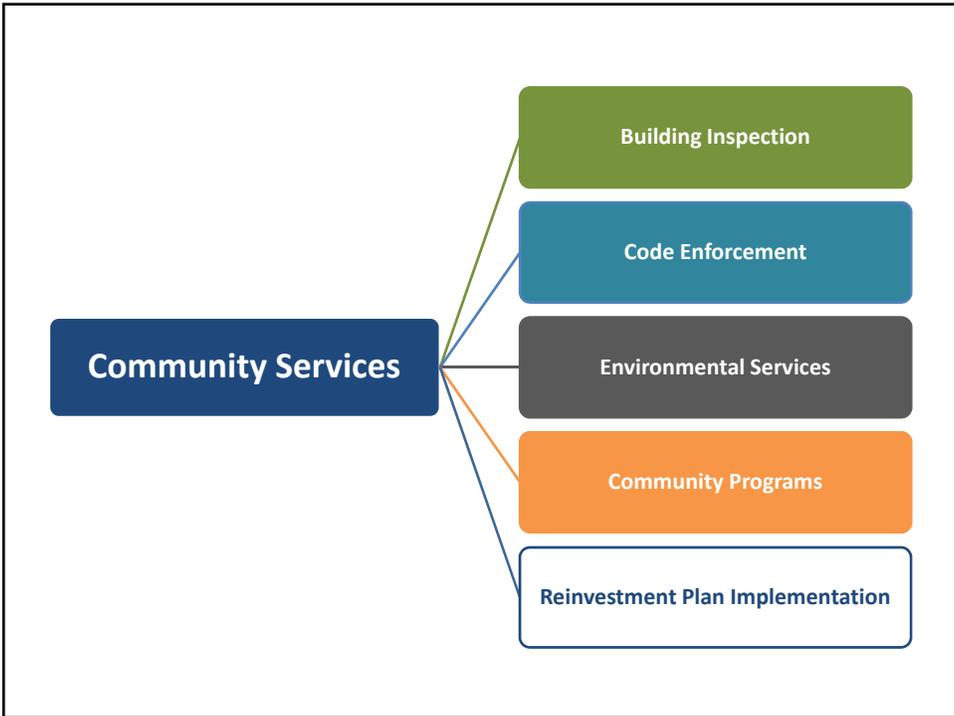
**An International Celebration
of Safe and Sensible Structures**



BUILDING SAFETY MONTH

— INTERNATIONAL CODE COUNCIL FOUNDATION —

MAY 2011



BUILDING SAFETY MONTH

Advance public interest in the role building code enforcement plays in ensuring a high quality of life in communities across the nation, as well as raise awareness about the positive contributions building inspection professionals make in their community.



BUILDING SAFETY MONTH



BUILDING SAFETY MONTH

- Building Safety Month is a month-long celebration of all aspects of building safety that helps families, employers and leaders understand and appreciate the best practices that keep the places we live, work and play safe.
- First observed in 1980 as Building Safety Week, Building Safety Month 2011 highlighted four areas during the month.

BUILDING SAFETY MONTH

- **Energy & Green Building**
 - Spotighting the latest advancements in sustainable design and building



BUILDING SAFETY MONTH

- **Disaster Safety & Mitigation**
 - Raising awareness about how to prepare for a natural disaster and take action when one strikes



BUILDING SAFETY MONTH

- **Fire Safety & Awareness**
 - Protecting our homes and workplace with essential safety precaution measures



BUILDING SAFETY MONTH

- **Backyard Safety**
 - Keeping kids safe at play,
with the back yard at bay



BUILDING SAFETY MONTH

- Proclamation
- Week In Review
- Email Update Features
- Articles, brochures and other resources via a link to Building Safety Month online
- City Council briefing
- Staff Recognition



BUILDING SAFETY MONTH

- The International Code Council's 50,000 members work to ensure the safety of the structures in which all of us live, work, attend school, worship and play.
- These professionals provide the first line of defense against building disasters. They are silent but vigilant guardians who work daily to ensure safety in the built environment.

**An International Celebration
of Safe and Sensible Structures**



BUILDING SAFETY MONTH

— INTERNATIONAL CODE COUNCIL FOUNDATION —

MAY 2011

SCRIVENER'S ERRORS, ORDINANCE 3818

Scrivener's error:

Generally, a minor mistake of a typographical nature (or a minor mapping error) where a word is inadvertently misspelled or something is left out or added in to the text being drafted. In the case of the West Spring Valley PD ordinance, the corrections proposed will reflect the Council's motion and eliminate inconsistencies between sections. The proposed corrections do not change the legislative intent of the regulations.

Article IV. Section B(7)(a)(iii), B(7)(b)(v), C(3)(b)

Correct to reference Subsection B.7.c. instead of B.7.d.

As a result of an earlier reformatting of the document, there is no longer a Subsection B.7.d. (see p. 3)

Article IX. Section I(4)

Combine (f) and (g) into one Subsection (f), to read as follows:

(f) A nonconforming structure, which is nonconforming as to height and setback only, may be expanded provided: (i) the new building area does not cumulatively increase the foot print of the original building area by more than 15%; (ii) such building addition is architecturally compatible with the requirements of the Subdistrict in which the building is located; and (iii) the new building area extends the existing building wall to a location between the existing building wall and the build-to-line required in the Subdistrict.

The expansion of a nonconforming structure must meet all three criteria; in the approved ordinance, this is not clear. (see p. 4)

Appendix 1, Permitted Uses

Correct the Districts where Apartments and Condominiums are allowed and require Major Modification approval for these uses within 150' of single-family residential to the north for Area B, D and F.

Appendix 1 must be consistent with Table 2, Article IV, Subdistrict Building Types, to reflect the Council's motion (see p. 5 and p. 6)

On the following pages:

Sections highlighted in yellow reflect the approved text/tables in Ordinance 3818.

Sections highlighted in turquoise indicate the proposed corrections.

Article IV. Buildings

Section B. Building Standards

7. Exterior Façade Materials

The use of durable, high-quality, high-performance materials is encouraged as a means of creating visual interest and building articulation. Except where otherwise specified in this Ordinance, the following shall apply to all exterior walls of buildings and parking structures for Mixed Use, Live/Work, Mixed Residential or Commercial buildings:

...

- a. Exterior walls at the ground floor level. Exterior walls facing a street, walkway, private courtyard or public open space (excluding windows, doors and other openings) at the ground floor level shall be constructed of a minimum of 50% masonry material.

...

- iii. Concrete tilt wall, site-cast concrete panels or other similar materials are prohibited, except as provided in Subsection **B.7.d.** below. **[B.7.c.]**

- b. Exterior walls above the ground floor level. Exterior walls (excluding windows, doors and other openings) above the ground floor level shall be constructed of the following materials or combinations thereof:

...

- v. Concrete tilt wall, site-cast concrete panels or other similar materials are prohibited, except as provided in Subsection **B.7.d.** below. **[B.7.c.]**

...

- c. Glass Curtain Wall. Notwithstanding the above, up to 100% glass curtain wall shall be permitted as a building material:

- i. On exterior walls above the ground floor level on a Commercial Building of six stories or more where allowed in Area B. Exterior walls at ground floor level shall be constructed of 50% masonry as required in Paragraph 7.a. above. Concrete spandrels or other concrete wall sections may be permitted in combination with glass curtain wall; and
 - ii. On the "Middle" portion of a Mixed Use, Live/Work, Mixed Residential or Commercial building as defined under "tripartite architecture" in Subsection 4.a.ii.

...

Section C. Buildings Containing Residential Units

3. Windows in Residential Units

...

"(b) Windows in Live/Work, Mixed Residential and Mixed Use Buildings shall represent a minimum of 30% and a maximum of 60% of each Building Elevation above the ground floor; however, because loft units generally contain large amounts of window area, an increase of up to 15% may be approved for building elevations containing lofts by Minor Modification. Increases greater than 15% shall require a Major Modification except glass curtain wall shall be permitted in accordance with Subsection **B.7.d.** above. **[B.7.c.]**

Article IX. Administration

Section I. Nonconforming Uses

4. Expansion, Restoration of Nonconforming Structure, Use or Sign

- f. A nonconforming structure, which is nonconforming as to height and setback only, may be expanded provided the new building area does not cumulatively increase the footprint of the original building area by more than 15% and further provided that such building addition is architecturally compatible with the requirements of the Subdistrict in which the building is located.
- g. A nonconforming structure, which is nonconforming as to height and setback only, may be expanded, provided the new building area extends the existing building wall to a location between the existing building wall and the build-to-line required in the Subdistrict.

Combined subsection

- f. A nonconforming structure, which is nonconforming as to height and setback only, may be expanded provided: (i) the new building area does not cumulatively increase the footprint of the original building area by more than 15%; (ii) such building addition is architecturally compatible with the requirements of the Subdistrict in which the building is located; and (iii) the new building area extends the existing building wall to a location between the existing building wall and the build-to-line required in the Subdistrict.”

Article IV. Buildings.

TABLE 2. SUBDISTRICT BUILDING TYPES
(No Corrections Required)

SUBDISTRICT BUILDING TYPE	AREA A	AREA B ¹	AREA C	AREA D	AREA E	AREA F	AREA G
Patio Home				X	X	X	
Duplex				X	X	X	
Townhome	X	X		X	X	X	
Mixed Residential		X, MjM ²		X, MjM ²		X, MjM ²	
Live-Work	X	X	X				X
Mixed Use	X ³	X	X				X
Commercial	X	X	X				X

Note:

¹ No non-residential uses in buildings in Area B west of St. Paul Drive within 200 feet of property outside the District zoned for single-family uses

² Major Modification required for Mixed Residential Buildings in Areas B, D and F within 150 feet of property outside the District zoned for single-family uses

³ Mixed Use Buildings prohibited north of James Drive in Area A

APPENDIX 1. WSVL DISTRICT USES

Permitted Uses

Land Use	Area						
	A	B	C	D	E	F	G
Residential							
Apartments	P*	P*	P*	P, MjM****		P	
Condominiums, residential	P*	P*	P*	P		P	

P = PERMITTED BY RIGHT
MnM = MINOR MODIFICATION REQUIRED
MjM = MAJOR MODIFICATION REQUIRED
(BLANK) = PROHIBITED

NO NON-RESIDENTIAL USES IN AREA B WEST OF ST.
PAUL DRIVE WITHIN THE 200 FOOT BUFFER ZONE

* IN A MIXED USE BUILDING ONLY
** SUBJECT TO THE SUPPLEMENTAL REGULATIONS IN
ARTICLE XXII-E OF THE COMPREHENSIVE ZONING
ORDINANCE
*** SUBJECT TO THE STANDARDS CONTAINED FOR
THESE USES IN THE CODE OF ORDINANCES
**** SUBJECT TO MJM WITHIN THE 200' BUFFER ZONE
IN AREA D

Corrected table and notes

Permitted Uses

Land Use	Area						
	A	B	C	D	E	F	G
Residential							
Apartments	P*	P*, MjM****	P*	P, MjM****		P, MjM****	
Condominiums, residential	P*	P*, MjM****	P*	P, MjM****		P, MjM****	

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THESE USES IN THE CODE OF ORDINANCES
**** SUBJECT TO MJM WITHIN THE 150' BUFFER ZONE
IN AREA B, D AND F

Ordinance 3818 Scrivener's Errors



City Council Work Session
06/06/2011



1

Scrivener's Errors

- Generally, a minor mistake of a typographical nature (or a minor mapping error) where a word is inadvertently misspelled or something is left out or added in to the text being drafted.
- In the case of the West Spring Valley PD ordinance, the corrections proposed will reflect the Council's motion and eliminate inconsistencies between sections.
- The proposed corrections do not change the legislative intent of the regulations.

2

Article IV. Section B(7)(a)(iii),B(7)(b)(v) and C(3)(b), Exterior Façade Materials

- **Approved text:**

B(7)(a)(iii) and B(7)(b)(v)

“Concrete tilt wall, site-cast concrete panels or other similar materials are prohibited, excepted as provided in Subsection B.7.d. below.”

C(3)(b)

“Increases greater than 15% (in the percentage of glass) shall require a Major Modification except glass curtain wall shall be permitted in accordance with Subsection B.7.d. below.”

- **Due to an earlier reformatting of the document, B.7.d. (“Glass Curtain Wall”) is now B.7.c. ; there is no B.7.d.**

- **Correction:**

Change B.7.d. to B.7.c.

3

Article IX. Section I(4), Nonconforming Uses

- **Approved text:**

(f) A nonconforming structure, which is nonconforming as to height and setback only, may be expanded provided the new building area does not cumulatively increase the footprint of the original building by more than 15% and further provided that such building addition is architecturally compatible with the requirements of the Subdistrict in which the building is located.

“(g) A nonconforming structure, which is nonconforming as to height and setback only, may be expanded provided the new building area extends the existing building wall to a location between the existing building wall and the build-to-line required in the Subdistrict.”

4

Article IX. Section I(4), Nonconforming Uses

- The paragraphs need to be combined so that it is clear that all three provisions apply.
- Correction:

“A nonconforming structure, which is nonconforming as to height and setback only, may be expanded provided:

(i) the new building area does not cumulatively increase the footprint of the original building area by more than 15%;

(ii) such building addition is architecturally compatible with the requirements of the Subdistrict in which the building is located; and

(iii) the new building area extends the existing building wall to a location between the existing building wall and the build-to-line required in the Subdistrict.”

5

Appendix 1, Permitted Uses

Table 2. Subdistrict Building Types

Building Type	Area A	Area B ¹	Area C	Area D	Area E	Area F	Area G
Patio Home				X	X	X	
Duplex				X	X	X	
Townhome	X	X		X	X	X	
<u>Mixed Residential*</u>		X, MjM ²		X, MjM ²		X, MjM ²	
Live-Work	X	X	X				X
Mixed Use	X ³	X	X				X
Commercial	X	X	X				X

¹ No non-residential uses in Area B west of St. Paul Drive within 200 feet of property outside the District zoned for single-family uses

² Major Modification required for Mixed Residential Buildings in Area B, D and F within 150 feet of property outside the District zoned for single-family uses

³ Mixed Use buildings prohibited north of James Drive in Area A

6

District Plan



Appendix 1, Permitted Uses

Approved Table:

APPENDIX 1. WSVIC DISTRICT USES

Permitted Uses

Land Use	Area						
	A	B	C	D	E	F	G
Residential							
Apartments	P*	P*	P*	P, MJM****		P	
Condominiums, residential	P*	P*	P*	P		P	

P = PERMITTED BY RIGHT
 MmM = MINOR MODIFICATION REQUIRED
 MJM = MAJOR MODIFICATION REQUIRED
 (BLANK) = PROHIBITED

NO NON-RESIDENTIAL USES IN AREA B WEST OF ST. PAUL DRIVE WITHIN THE 200 FOOT BUFFER ZONE

* IN A MIXED USE BUILDING ONLY
 ** SUBJECT TO THE SUPPLEMENTAL REGULATIONS IN ARTICLE XXII-E OF THE COMPREHENSIVE ZONING ORDINANCE
 *** SUBJECT TO THE STANDARDS CONTAINED FOR THESE USES IN THE CODE OF ORDINANCES
 **** SUBJECT TO MJM WITHIN THE 200' BUFFER ZONE IN AREA D

Appendix 1, Permitted Uses

- To correctly reflect Table 2, Subdistrict Building Types, Article IV
- Corrected Table:

APPENDIX 1. WSVC DISTRICT USES

Permitted Uses

Land Use	Area						
	A	B	C	D	E	F	G
Residential							
Apartments	P*	P*, MJM****	P*	P, MJM****		P, MJM****	
Condominiums, residential	P*	P*, MJM****	P*	P, MJM****		P, MJM****	

P = PERMITTED BY RIGHT
 MnM = MINOR MODIFICATION REQUIRED
 MJM = MAJOR MODIFICATION REQUIRED
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 PAUL DRIVE WITHIN THE 200 FOOT BUFFER ZONE

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 THESE USES IN THE CODE OF ORDINANCES
 **** SUBJECT TO MJM WITHIN THE 150' BUFFER ZONE
 IN AREA B, D AND F

**City of Richardson
Budget Calendar
Fiscal Year 2011-2012 - ADOPTION ON SEPTEMBER 26, 2011**

April 1- May 1	Dallas Central Appraisal District & Collin Central Appraisal District prepare to mail notices of appraised value
May	City to receive Preliminary Values from appraisal districts
Fri. May 6	Departmental revenue projections, budgets and all support documentation due to the Budget Office
May 24 - June 15	Departmental budget presentations to Budget Team
June/July	Budget Team begins making revised revenue and expenditure forecasts
Fri., July 15	Post notice of City Council Budget Retreat
Mon., July 18 - Thurs., July 21	City Council Budget Retreat - 5:30pm
Mon., July 25	Certified tax rolls received by the City
Week of July 25-29	Calculation of effective and rollback tax rates (including uploading & balancing data from CADs)
Wed. Aug. 3	Newspaper deadline for "Effective and Rollback Tax Rates (ETR)"
Sun. Aug 7	Publish "Effective and Rollback Tax Rates (ETR)" (or publish "ETR" at the same time as the "Notice of Public Hearings")
Fri., Aug. 12	City Manager files budget w/City Secretary for public review (by August 15, 2011) (Budget Public Hearing must be at least 15 days after filing of Budget w/City Secretary) Post notice of City Council Meeting, for discussion of tax rate, setting public hearing and to take a record vote on tax rate.
Mon., Aug 15	City Council Budget Workession- Discuss tax rate, set public hearing on tax rate & take record vote on tax rate AND set Date & Place of Public Hearing on Budget. (Public hearings required if proposed rate will exceed the lower of the rollback rate or the effective tax rate)
Wed., Aug. 17	Newspaper deadline for "Notice of Public Hearing on Tax Increase" (must have results of record vote)
Fri. Aug 19	Publish "Notice of Public Hearing on 2011-2012 Budget" Publish "Notice of Public Hearings on Tax Increase" (At least 7 days before 1st Public Hearing on tax rate)
Mon., Aug 22	Internet & CITV "Notice of Public Hearings on Tax Increase" (Posted at least 7 days immediately before the 1st hearing on the tax rate & until 2nd public hearing is concluded)
Fri., Aug 26	Post notice of City Council Meeting, for public hearings on budget and tax rate
Mon., August 29	City Council - Hold Public Hearing on Budget and 1st Public Hearing on tax rate (2nd Public Hearing required at least 3 days after the 1st Public Hearing)
Mon., Sept. 5	Newspaper deadline for "Notice of Tax Revenue Increase" #1 (NTRI) Labor Day - No Meeting, City offices closed
Thur., Sept.8	Publish (1 of 2) "Notice of Tax Revenue Increase" (NTRI)
Fri., Sept. 9	Post notice of City Council Meeting, for 2nd public hearing on tax rate.
Mon., Sept.12	City Council Meeting - Hold 2nd Public Hearing on tax rate (Adopt tax rate within 7 - 14 days) Newspaper deadline for "Notice of Tax Revenue Increase" #2 (NTRI)
Thur., Sept. 15	Publish (2 of 2) "Notice of Tax Revenue Increase" (NTRI)
Fri., Sept. 16	Internet & CITV "Notice of Tax Revenue Increase" (NTRI) (post at least 7 days prior to vote on tax rate)
Fri., Sept 23	Post notice of City Council Meeting, adoption of budget and property tax rate
Mon., Sept 26	City Council Meeting - Vote to Adopt Budget and Property Tax Rate for FY 2011-2012 (Must be 7-14 days after the 2nd Tax Public Hearing OR "NTRI" must be published a third time) Actual time, 14 days - therefore, a third "NTRI" is not required.

Executive Summary
Preliminary 2011-2012 Tax Roll
May 19, 2011

Background:

- The City of Richardson is served by two county appraisal districts providing their respective portions of the city's appraisal information. The Dallas Central Appraisal District (DCAD) represents approximately 66% of the value and the Central Appraisal District of Collin County (CCAD) represents approximately 34%.
- The City recently received the 2011 DCAD and CCAD preliminary tax rolls and is now able to summarize a total preliminary evaluation.
- These values represent the values as of this past January 1, 2011 – the benchmark status date for this annual effort.
- The preliminary rolls are presented differently by each of the appraisal districts.
 - DCAD - provides the value that is in their system as of May 19, 2011. This value then changes throughout the summer as the appraisal review board hears protests and as late renderings are received for business personal property, etc.
 - CCAD - provides a forecasted estimated value of what they believe the value will be on the July 25th certification date.

Preliminary Value Analysis:

- When we combine the information for both appraisal districts, the following first summaries are provided:

	2011		2010			
	PRELIMINARY		CERTIFIED FINAL		DIFFERENCE	PERCENT
CCAD	\$ 3,277,900,000	\$	3,383,595,727	\$	(105,695,727)	-3.12%
DCAD	\$ 6,477,999,591	\$	6,327,562,641	\$	150,436,950	2.38%
	\$ 9,755,899,591	\$	9,711,158,368	\$	44,741,223	0.46%

- With the expected property owner's review, and opportunity to protest their appraisal to the Review Boards, reduced values from these preliminary values are expected. For the current year, the following was experienced:

	2010		2010			
	PRELIMINARY		CERTIFIED FINAL		DIFFERENCE	PERCENT
CCAD	\$ 3,187,000,000	\$	3,383,595,727	\$	196,595,727	6.17%
DCAD	\$ 6,631,750,218	\$	6,327,562,641	\$	(304,187,577)	-4.59%
	\$ 9,818,750,218	\$	9,711,158,368	\$	(107,591,850)	-1.10%

- The City will receive periodic updates to these preliminary values from DCAD as reviews occur over the next two months.

- Using a 5 year history of these adjustments, the following is a **very informal** forecast of what an average of the 5 years of bi-weekly adjustments may produce as a final 2011 Certified roll:

Preliminary to Certified Forecast: Five-year Adjustment history method

2011 EVR DATE	2011 TAXABLE VALUE	2011 Gain/Loss Estimate (5-yr average)
4/28	\$ 3,277,900,000	
5/19	6,477,999,591	
	9,755,899,591	
2	3,277,900,000	
	6,481,704,291	3,704,700
	9,759,604,291	3,704,700
3	3,277,900,000	
	6,465,941,619	(15,762,672)
	9,743,841,619	(15,762,672)
4	3,277,900,000	
	6,401,167,443	(64,774,175)
	9,679,067,443	(64,774,175)
5	3,277,900,000	
	6,256,831,543	(144,335,900)
	9,534,731,543	(144,335,900)
Certified Estimate	3,277,900,000	
Certified Estimate	6,088,294,205	(168,437,338)
	\$ 9,366,294,205	(168,437,338)
	\$ 9,366,294,205	(389,605,386)
-3.6% Change from 2010 Cert. Val.		
-4.0% Change from 2011 Prelim. Val.		

(Estimates are in bold)

- This 3.6% decrease from last year's certified roll would be the third decrease in three years.

Comparison to Previous Year Certified Roll:			
Fiscal Year (Tax Year)	Taxable Value	Change from Prior Year	Percent Change
2006/2007 (2006)	\$ 9,244,635,756		
2007/2008 (2007)	9,536,507,360	291,871,604	3.20%
2008/2009 (2008)	9,914,847,711	378,340,351	4.00%
2009/2010 (2009)	9,884,098,045	(30,749,666)	-0.30%
2010/2011 (2010)	9,711,158,368	(172,939,677)	-1.70%
2011/2012 (2011)	\$ 9,366,294,205	\$ (344,864,163)	-3.60%

- Each 1% of the tax roll is worth about \$595,000 of tax revenue. Each \$0.01 cent of the tax rate is worth about \$936,000.

- DCAD and CCAD provide summary reports by taxing entity. The DCAD detail sheets provide a summary by taxing entity for their Grand Total, and information on the three key components of those values: Commercial, Business Personal Property (BPP), and Residential. CCAD detail sheets do not reflect the three components, so only the Grand Total is reflected here.

DCAD Percent Change: 2010 Certified to 2011 Preliminary

	Residential	Commercial	BPP	Grand
Richardson	0.01%	3.76%	6.19%	2.38%
Dallas County	-0.69%	3.52%	4.99%	1.68%
R.I.S.D.	-0.39%	3.43%	3.02%	1.37%
Other Dallas Co. Cities:				
Carrollton	-0.77%	4.73%	12.62%	5.47%
Addison	-0.26%	6.65%	2.57%	4.75%
Irving	0.30%	3.15%	5.34%	2.87%
Grand Prairie	-1.37%	3.46%	13.63%	2.21%
Dallas	-0.71%	3.58%	4.36%	1.68%
Farmers Branch	-1.93%	2.92%	-0.31%	1.02%
Mesquite	-1.86%	2.94%	4.10%	0.40%
Garland	-1.59%	2.61%	0.68%	-0.14%

CCAD Percent Change: Supplemented 2010 to Preliminary 2011

	Residential	Commercial	BPP	Grand
Richardson	N/A	N/A	N/A	-3.19%
Collin County	N/A	N/A	N/A	-0.67%
P.I.S.D.	N/A	N/A	N/A	-1.24%
Other Collin Co. Cities:				
Plano	N/A	N/A	N/A	-1.67%
Frisco	N/A	N/A	N/A	-0.23%
McKinney	N/A	N/A	N/A	0.04%
Allen	N/A	N/A	N/A	0.70%

Summary:

- Staff will continue to note adjustments to the preliminary roll resulting from protest resolutions and any clerical adjustments as DCAD updates their records.
- As required by law, the Certified roll is due on Monday, July 25.

Collin County Parks & Open Space Project Funding Assistance

June 6, 2011
City Council Work Session

TRAILS
CITY OF RICHARDSON

Park Grants Background

HISTORY OF GRANT REQUEST - JANUARY 1987 – MAY 2011

NUMBER OF GRANT REQUEST 45

NUMBER OF GRANTS AWARDED 27

SOURCES OF THE CITY'S MATCH

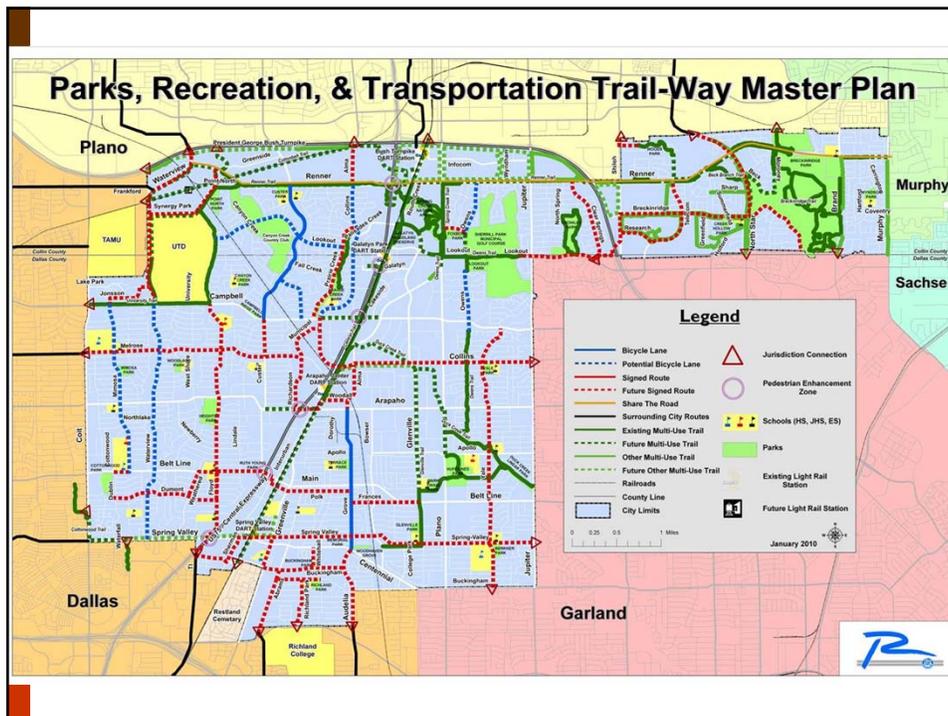
- Value of Donated Land
- City Bond Funds
- Collin County Grants
- Dallas County Grants
- Richardson Soccer Association

❖ SOURCES OF GRANT PROGRAMS

- Collin County Grants
- Dallas County Grants
- TP&W
- NCTCOG Funds
- TXDoT
- Federal Transportation Funds
- Texas Commission on the Arts
- North Texas Soccer Association

Park, Recreation, and Transportation Trail-Way Master Plan

- ❑ Parks, Recreation, and Open Space Master Plan (PROSMP) adopted in 2010
- ❑ Included the PROSMP is the Park, Recreation, and Transportation Trail-Way Master Plan
- ❑ Trails were identified in the PROSMP as the “number one” facility citizens seek for exercise or recreation



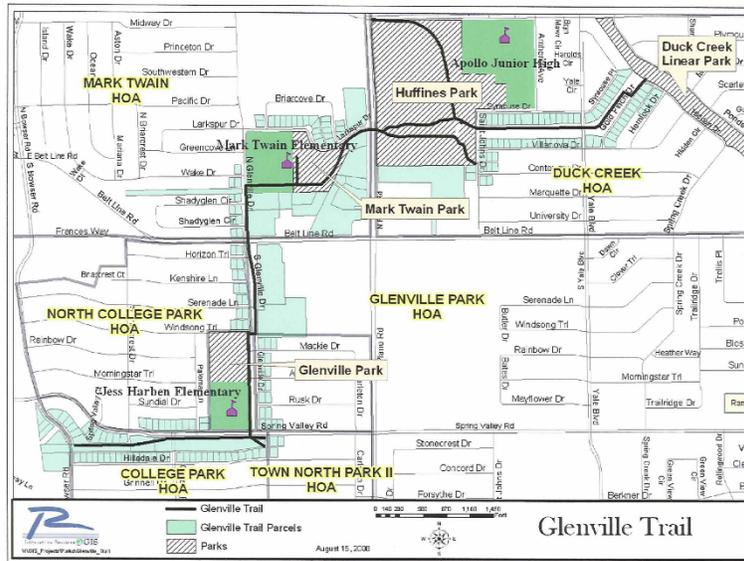
Park, Recreation, and Transportation Trail-Way Master Plan

TRAILS

- “There is a need to expand the trail system and close the gaps in the existing trail network to provide meaningful routes”
- “There is a need to improve existing trails with shade, landscaping, signage and other appropriate amenities”
- “There is a need to provide a wide array of trail types including: soft trails, multi-use paved trails and bicycle trails”

Recently Completed Trail Project

Glenville Trail



Glenville Trail

- 2.67 Miles, concrete multi-use trail, 10' wide.
 - Connects 4 Parks, 3 Schools, retail, & residential
- Funding:
 - Dallas County \$1.33M
 - City of Richardson General Obligation Bonds \$1.33M
 - **Total Funding \$2.66 Million**
- Project Status:
 - Complete





Trail Projects Under Construction

Spring Creek Trail Central Trail Status

Trail A & B

Construction to be complete July 2011

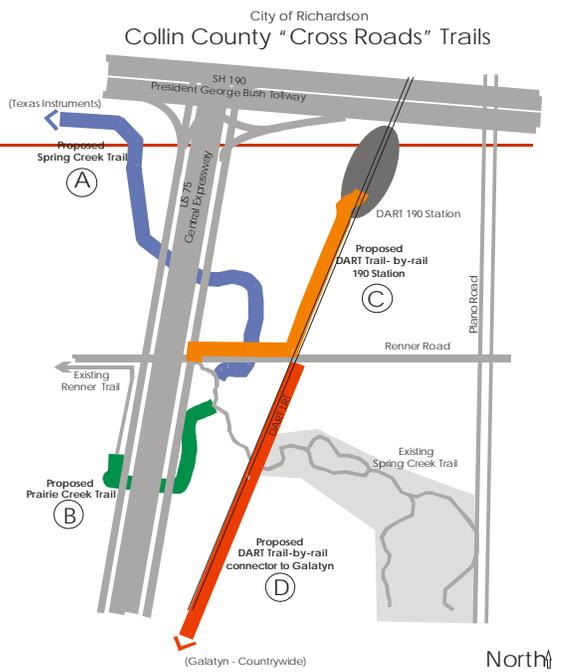
Trail C

Fully funded, in planning phase.

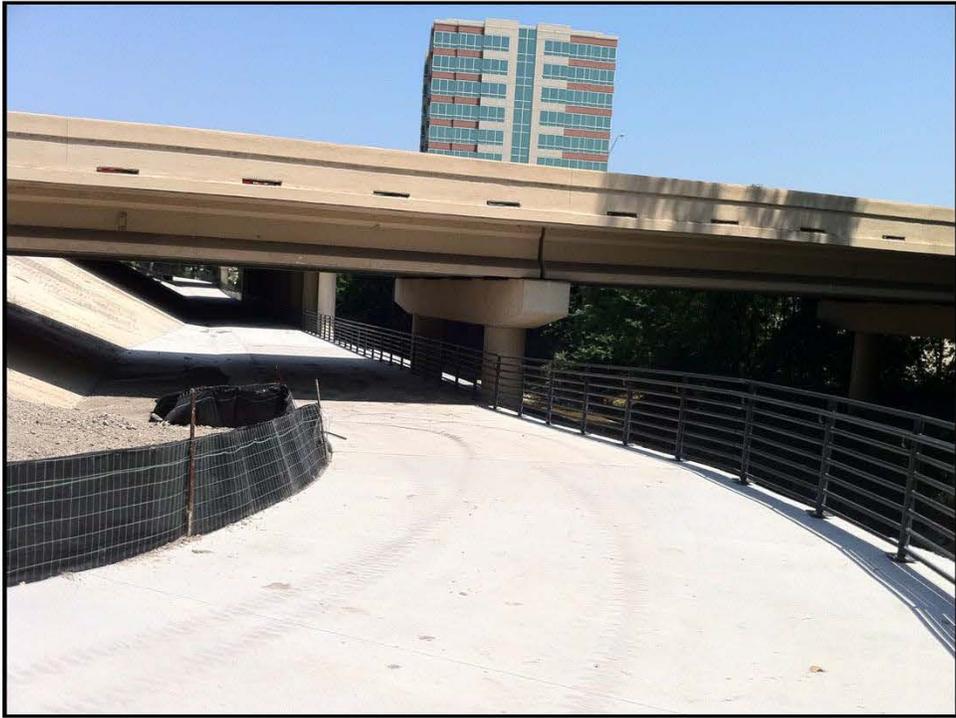
Coordination with development and extension of Routh Creek Parkway.

Trail D

Complete







Spring Creek Trail & Central Trial (North) Extension

- Concrete multi-use trail, 12' wide.
 - Spring Creek Trail 1.3 miles
 - Central Trail (North) .5 miles
- **Funding \$4.215 Million**
 - Federal ISTE A & ARRA Funding \$.975M
 - Collin County \$.661M
 - RTR Funds \$2.312M
 - City of Richardson General Obligation Bonds \$.267M
- Project Status:
 - Projects are fully funded
 - Projects "A&B" to be completed in July 2011
 - Road alignment extension of Ruth Creek Parkway is nearly complete, at that time, the trail planning can begin on project "C".

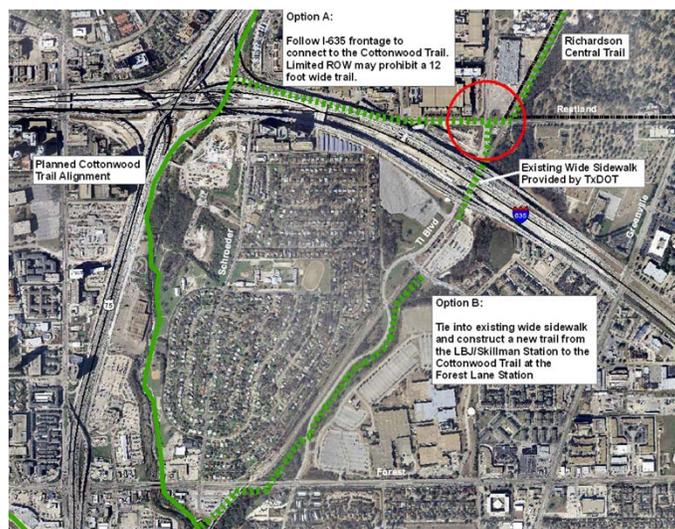
Funded Trail Projects Under Design

Central Trail (South)

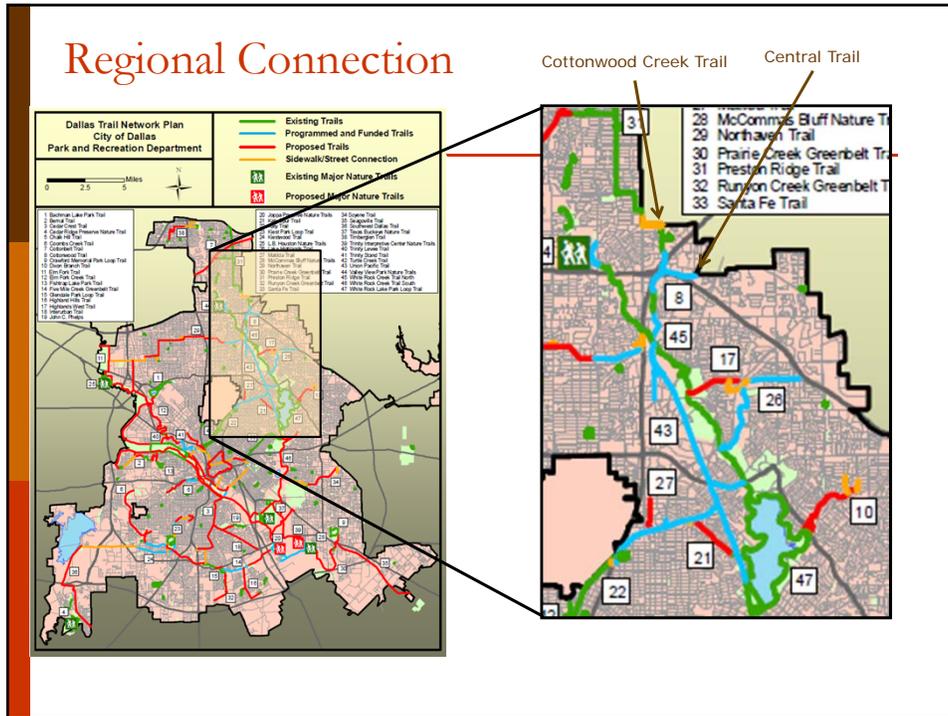
- Central Trail emerged from City/DART partnership to use DART ROW rail corridor for connecting trails
- Existing Central Trail stops at Arapaho Rd/DART Station
- Master Plan seeks full city extension, then southern connection to Dallas
- Important linkage with TIF redevelopment projects



Central Trail Connection to the Dallas Trail System

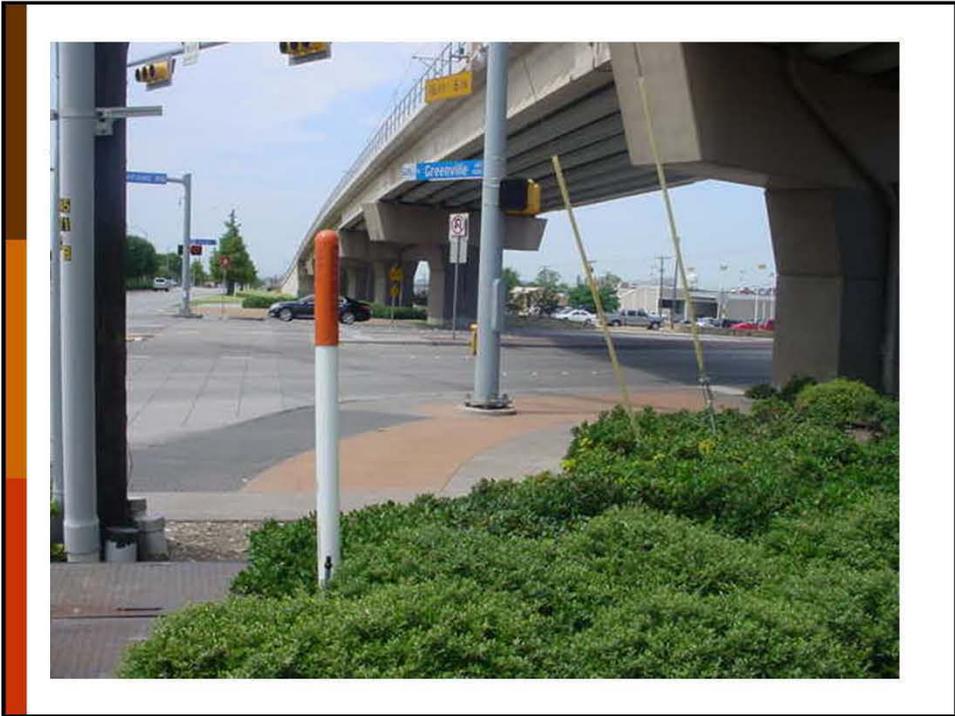


Regional Connection



Central Trail (South)

- ❑ 1.9 Miles, concrete multi-use trail, 10' wide
- ❑ Funding:
 - Dallas County \$2.5M
 - City of Richardson 2010 Bond \$1.5M
 - **Total Funding \$4 Million**
- ❑ Project Status:
 - Construction Documents are 65% complete.
 - Dallas County



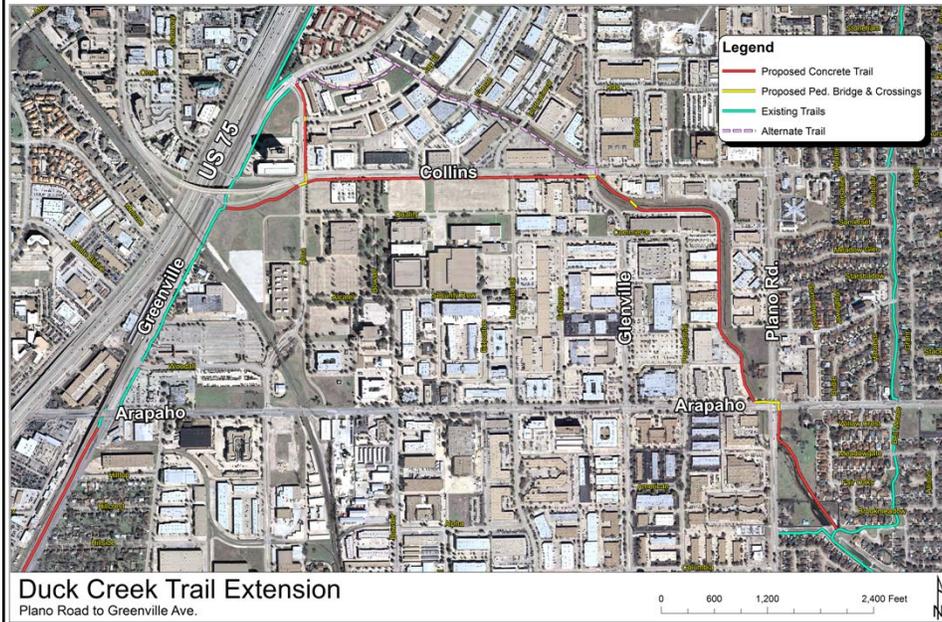






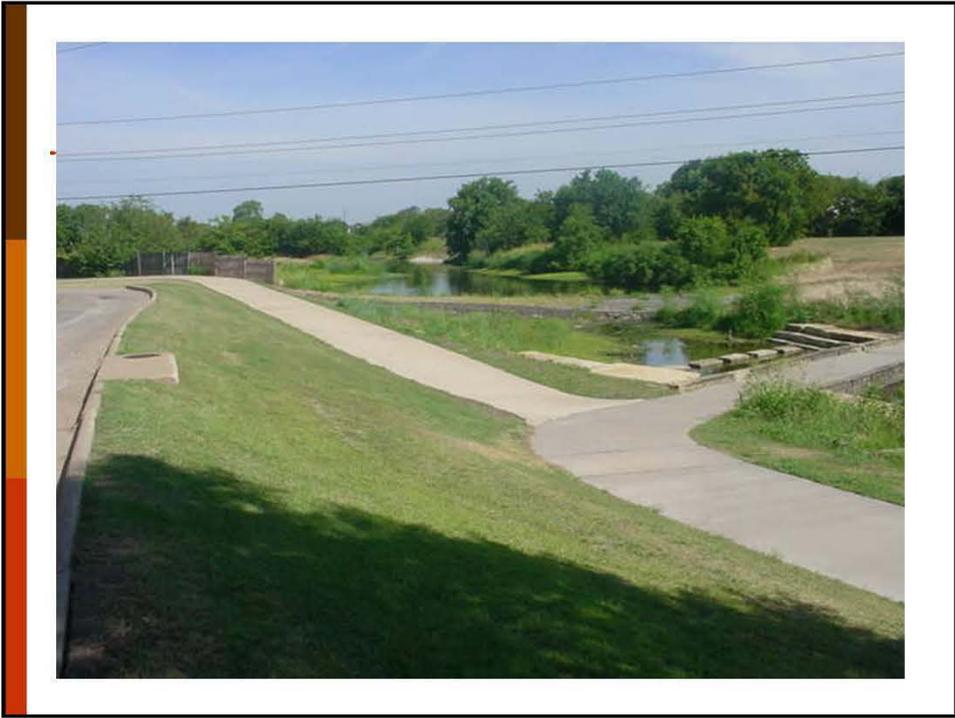


Duck Creek Trail Extension

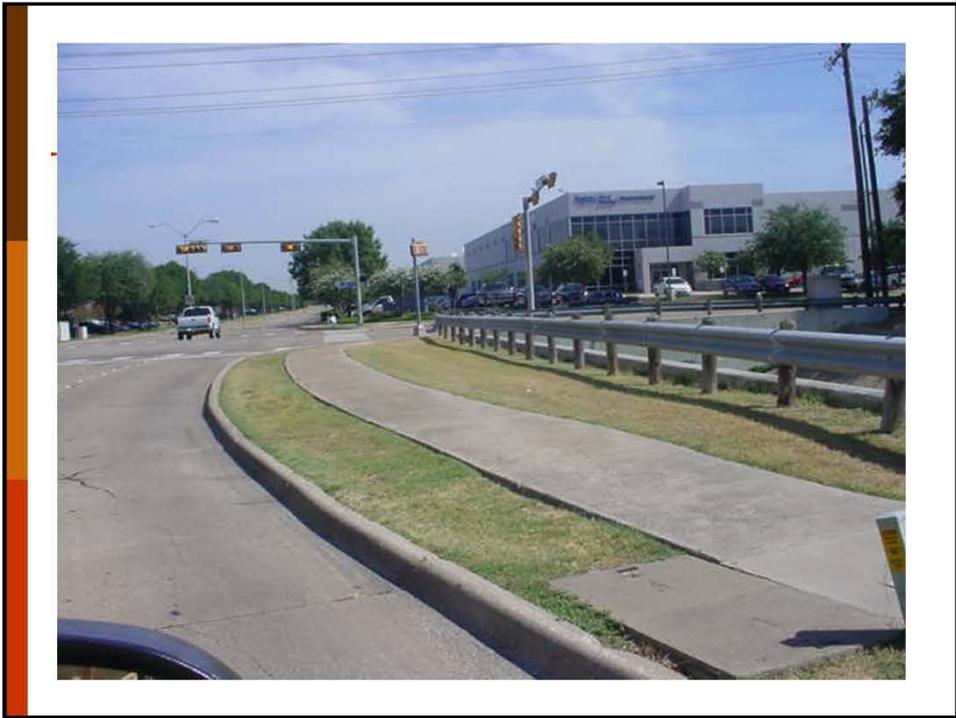


Duck Creek Trail Extension

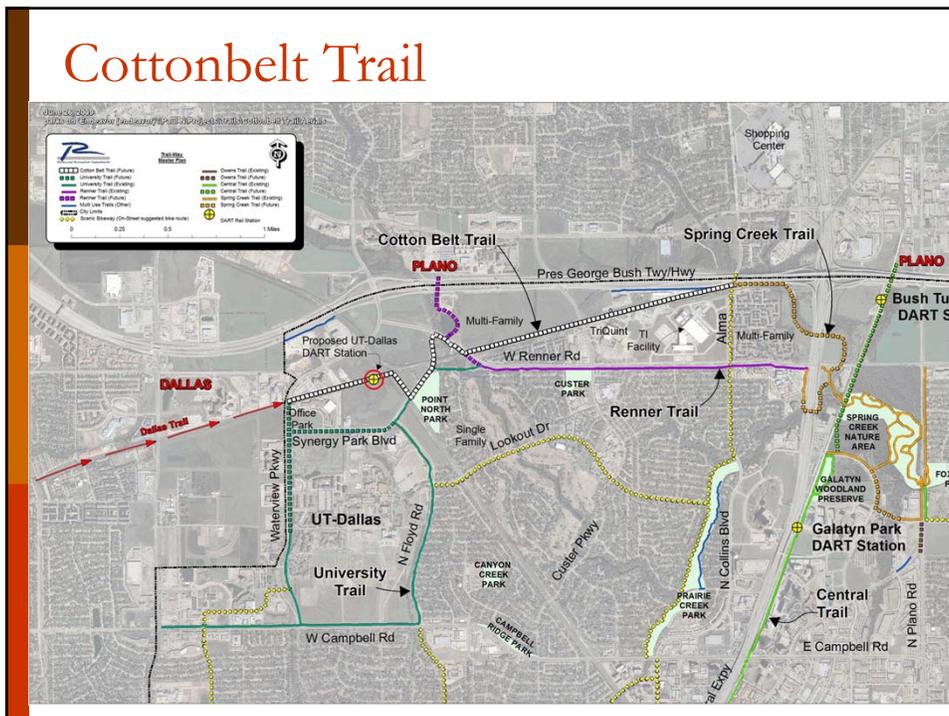
- 2.1 Miles concrete multi-use trail, 10' wide, also utilizes two lanes on Collins Boulevard for Bike Lanes.
- Funding:
 - Federal Funds \$2.1M
 - Dallas County (local match) \$1.2M
 - **Total Funding \$3.3 Million**
- Project Status:
 - Funding sources confirmed, project about to begin schematic planning to confirm alignment and move into construction documents.







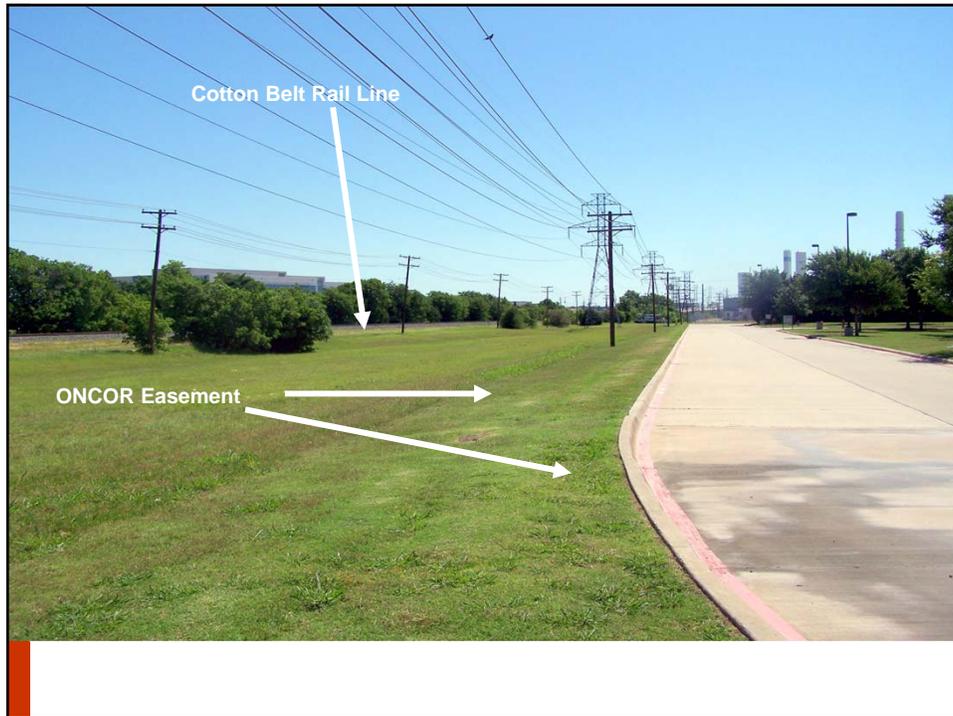
Trail Projects Seeking Funding



Cottonbelt Trail

- ❑ 2.7 Miles concrete multi-use trail, 12' wide
- ❑ Funding:
 - ❑ Collin County \$150K for planning
 - ❑ City of Richardson \$150K (local obligation) for feasibility planning
 - Total Funding \$300,000
- ❑ Estimated project cost \$ 3.1 M
- ❑ Project Status:
 - Construction documents & bid documents planned to begin when Cottonbelt Rail alignment is finalized and funding secured.
 - Funding shortfall \$3.1 M





Breckinridge Trail

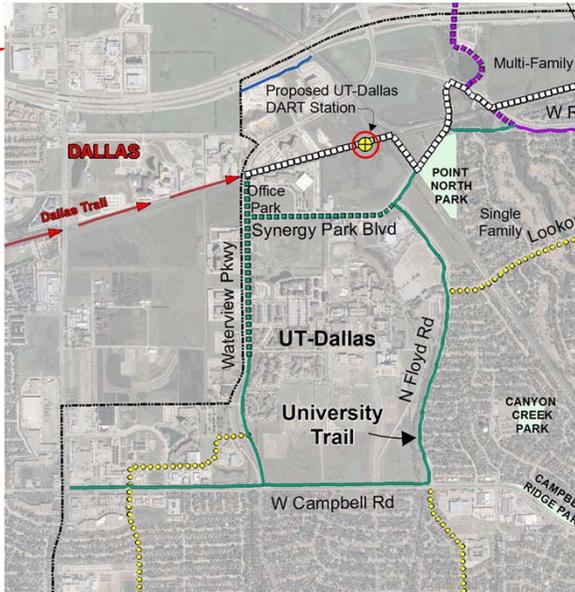
- .75 Miles, concrete multi-use trail, 12' wide
- Funding:
 - TPWD possible 50/50 match for grant \$500,000
 - City of Richardson Match \$600,000
 - **Total Funding sought at this time \$1.1 Million**
- Project Status:
 - March 1, 2011 Grant application was submitted to Texas Parks and Wildlife Department
 - Grant award pending

Breckinridge Park West Side Trails



Breckinridge Park Trails
TPWD Outdoor Recreation Grant

University Trail



University Trail

- 1.2 Miles, concrete multi-use trail, 12' wide
- Funding:
 - Collin County possible 50/50 match for grant \$750,000
 - City of Richardson Match (to be determined) \$750,000
 - **Total Funding sought at this time \$1.5 Million**
- Project Status:
 - Need schematic plans and refined cost estimate to assist project to the next level of funding.
 - Drive "A" to Synergy at Floyd
 - 6,240 linear feet -12' wide concrete trail, handicap ramps at driveways, benches, litter receptacles, plus A&E costs







Richardson Trails Funding Summary

- **Richardson has 25.7 miles of existing multi-use trails**
- **Currently, there are 5 active trail projects totaling \$12.45M**
 - 6.59 miles of multi-use trails are funded, under design, or under construction
- **There are 3 projects seeking partners totaling \$5.7M**
 - 4.65 miles of multi-use trails are actively seeking funds to complete future trail projects
- **Collin County call for projects could help close the gap in trail funding**
 - June 13, 2011 – Parks and Recreation Department will seek City Council Resolution for application of Collin County Open Space grant funds
 - July 8, 2011 - Collin County Grant submittal
 - City of Richardson will submit University Trail request \$750,000

Collin County Parks & Open Space Project Funding Assistance

June 6, 2011
City Council Work Session

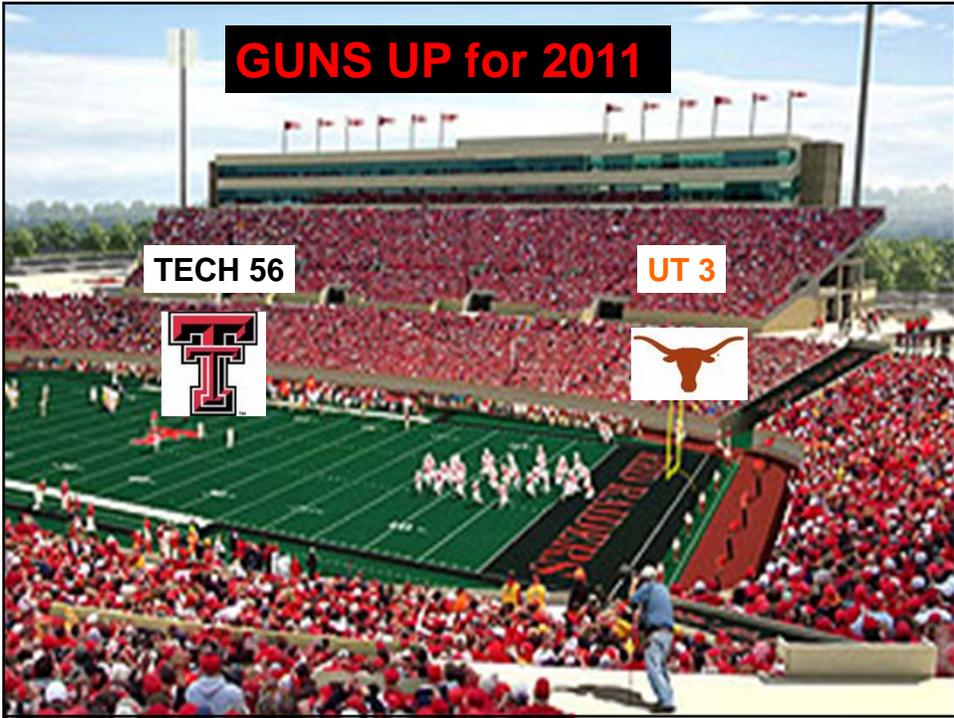
TRAILS
CITY OF RICHARDSON

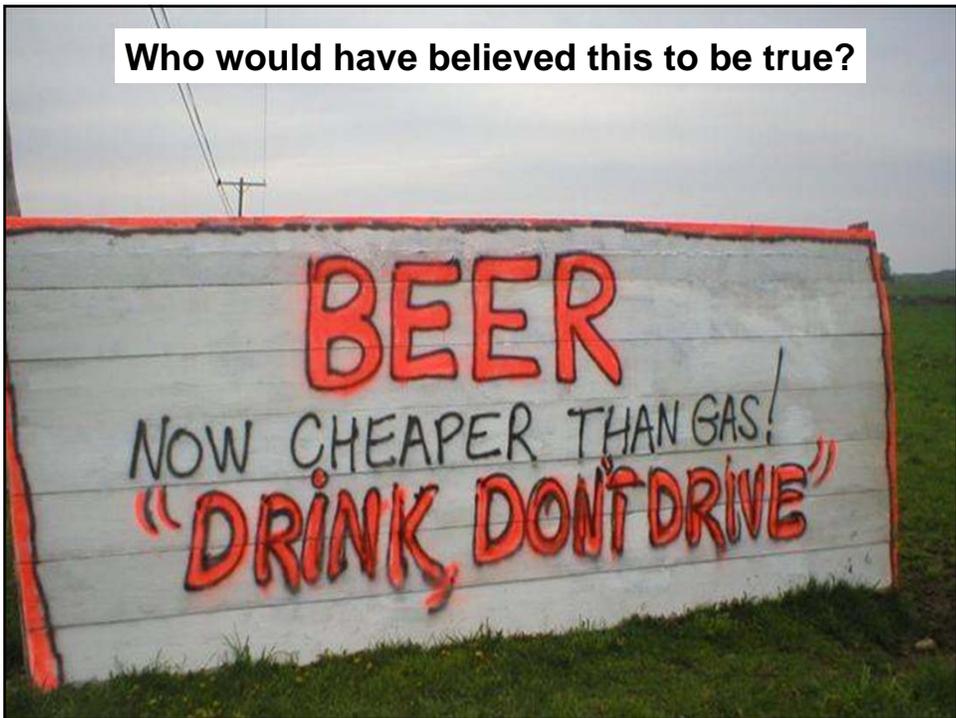
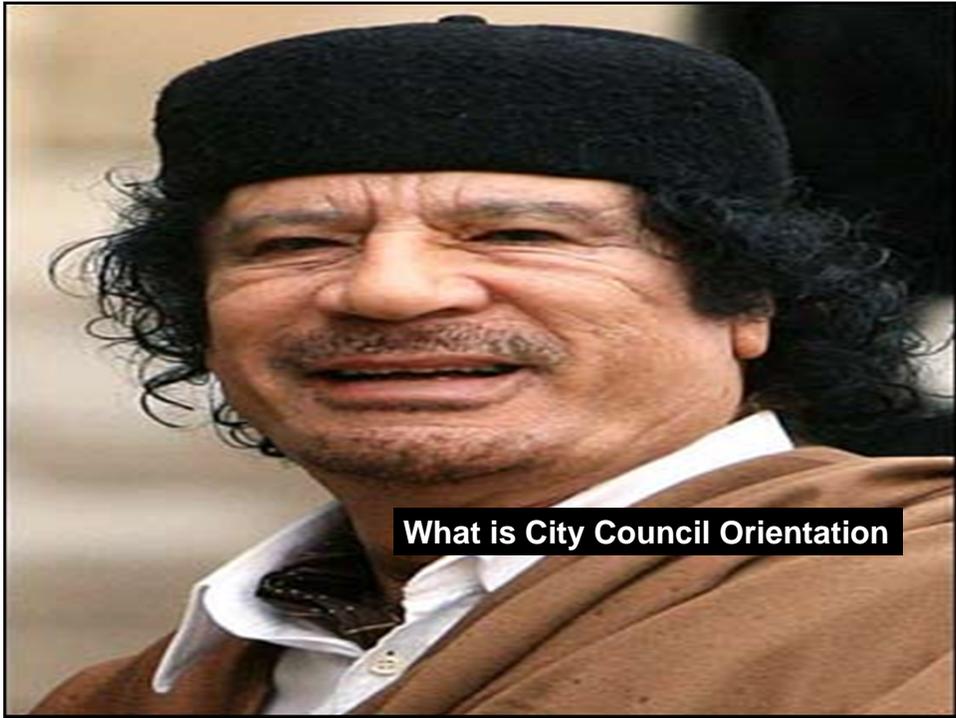
2011 City Council Orientation



Peter G. Smith
Nichols, Jackson, Dillard, Hager & Smith









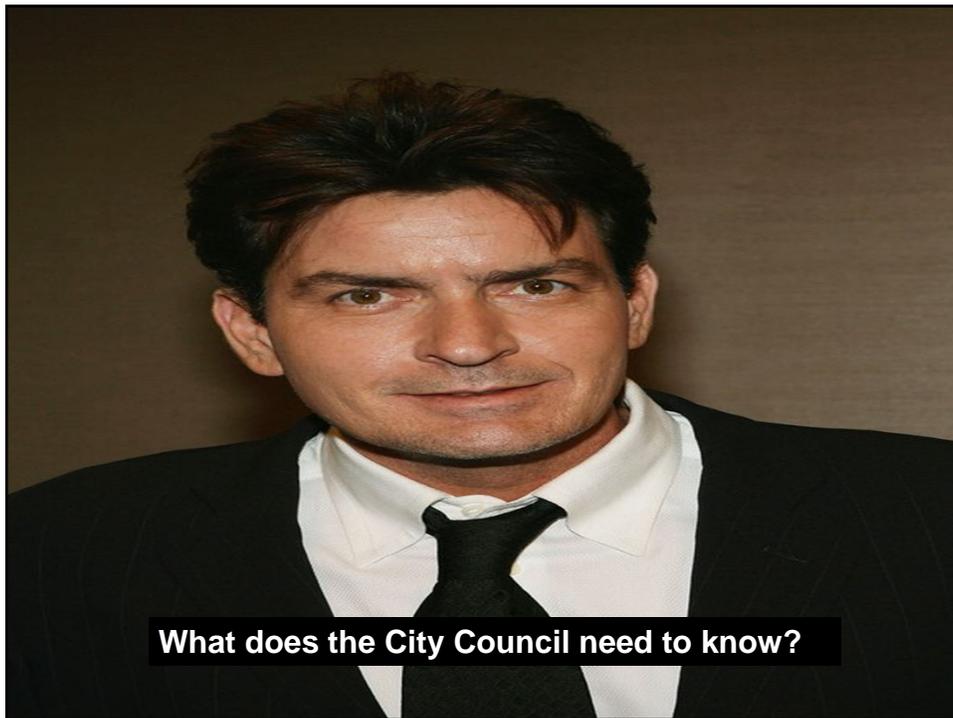
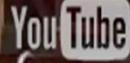
Rare picture of Bill Keffler and Dan Johnson



City Council duties can have hidden troubles



**Shank a pot amus
remember when service
on a public body was simple?**



What does the City Council need to know?

**15 minutes
With Pete
could save
You 15% of the
Stress of being
A public official**



City Attorney

- **Directly accountable to the City Council.**
- **Provides legal advice to Council, Boards, Commissions and all City Departments regarding municipal issues.**

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This proves that even
city attorneys have mothers



Council-Manager Form of Government

- Similar corporation - the stockholders elect a board of directors which then hires a chief executive officer to manage the corporation.
- Voters elect City Council which employs a City Manager to manage the City.

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Council-Manager Form of Government

City Council

- legislative body;
- approves the budget;
- sets the tax rate;
- policy maker which determines the scope and functions of the city government.

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Council-Manager Form of Government

- Council, board and commissions have no administrative duties.
- Administrative duties are vested in the city manager who directs the workforce and manages the programs of the City in accordance with city ordinances, rules and regulations adopted by the council.



City Secretary

- An employee appointed by the City Council.
- Performs administrative and legislative duties for the City Council.
- Responsible for preparing, keeping and maintaining minutes of the City Council meetings and serves as the records custodian for the City.

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City Manager

- An employee appointed by the City Council.
- Chief Executive Officer.
- Directs the work force and carries out the day to day operation of the City.

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Open Meetings Act

- Every regular, special or called meeting of the a governing body is open to the public unless a closed meeting is authorized by the Act.
- Governing body includes quasi-judicial boards and commissions but not advisory board.
- Act requires 72-hour posted notice of meeting.

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Bodies Subject to the Act

- City Council, City Plan Commission, Board of Adjustment, Building and Standards Commission, Civil Service.
- Advisory board, commission or committee, such as the Library Board which has no authority over public business or policy is not subject to the Act.

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Bodies Subject to the Act

- Committees consisting of members of the Council even though less than a quorum are subject to the Act when the committee meets to discuss public business.
- By local City policy all boards and commissions follow the Act.

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Meeting Subject to the Act

- Any discussion or deliberation between a quorum (majority), or between a quorum and another person, about public business or policy which the Board/Commission controls or supervises, or during which formal action is taken.
- Deliberation is defined as a verbal exchange during a meeting between a quorum, or between a quorum and another person concerning public business or policy.

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Notice

- 72 hours prior written notice of the date, hour, place, and subject of each meeting, including authorized closed meetings with the exception of a closed meeting for consultation with an attorney.
- Notice must be sufficient to inform the public of the subject matter that will consider in an open or closed meeting.
- More critical the topic, the more specific the notice.
- General descriptions are insufficient.

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Internet Web Site Notice

- City and economic development corporation that maintains an Internet Web site is required to post **notice of its meetings** on its Web site.
- City with population of 48,000 or more and economic development corporation in a city with a population of 48,000 or more that maintains a Internet Web site must post the **meeting agenda** on the Web site.

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Emergency Meetings

- Must be imminent threat to the public health or safety or reasonably unforeseen situations requiring immediate attention.
- Notice posted at least two (2) hours before the scheduled meeting and clearly state the urgent public necessity or emergency.
- Notice given by telephone or telegraph to news media previously requesting notice and agreeing to pay cost of providing the notice.

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Open Meetings Act Does Not Apply

- Convention, Seminar, Social Meetings;
- Purely social meetings unrelated to public business;
- Conventions, seminars or workshops if no formal action is taken and any discussion of public business is incidental; and
- Testimony before legislature and agencies.

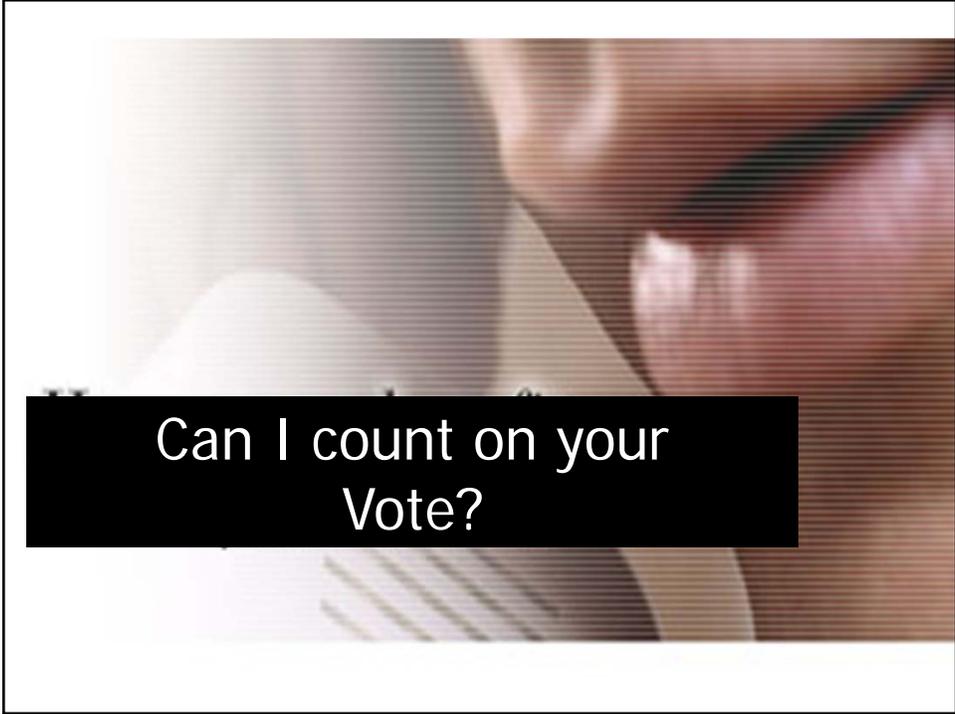
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Secret Deliberations

- May not contact members by telephone for the purpose to arrive at a decision or consensus concerning public business.
- May not use email/ voice mail to arrive at a decision.
- May not meet in numbers less than a quorum for the purpose of secret deliberations.

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Can I count on your
Vote?



Secret Deliberations

- May not meet or conspire to meet in numbers that do not physically constitute a quorum at any one time but through successive gatherings secretly discuss a public matter with a quorum.
- **Golden Rule:** If public deprived of opportunity to see deliberation, and see officials in action, then such telephone/email exchange or other gatherings should be avoided.

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Videoconference Call

- May hold an open or closed meeting by videoconference call.
- Quorum must be present at one location.
- Notice of the meeting must specify the location where the quorum is to be present, and each other location where a member of the governmental body who will participate in the meeting will be physically present.
- Each location is open to the public during the open portions of the meeting.

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Consultation with Attorney

May use a telephone conference call, videoconference call, or internet communications to consult with an attorney in open or closed meeting, if the attorney is not an employee of the City .

Pete and his crew are not employees of the City.

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Subcommittees

Committees consisting of members of a governmental body even though less than a quorum are subject to the Act when the committee meets to discuss public business.

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Final Action

- Decision must be made in public.
- No voting in closed session or by secret ballot.
- May disclose what was discussed in closed session, but may not disclose certified agenda or tape from closed meeting.

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Minutes

- Must prepare and retain minutes or a tape of each of its meetings – staff function.
- Minutes state the subject matter of each deliberation, vote, order, decision, or other action and are available to the public.
- Tape or certified agenda required for closed meetings.

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Closed Meetings

- Limited to specific purposes.
- Notice must be posted listing the specific Section of the Gov Code and give brief description.
- Common examples: seek the advice of attorney, discuss real estate, discuss personnel and economic development.

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Procedure for Closed Sessions

- Quorum first convenes in open meeting for which proper posted notice is given.
- Presiding officer announces that a closed meeting will be held and states the applicable sections of the Gov Code and the subject matter.

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Procedure for Closed Sessions

- Certified agenda or tape recording must be kept.
- Certified agenda must include: announcement at the beginning and end of meeting stating the date and time; and subject matter and any action taken.
- Certified agenda may not be released to the public except by court order.
- Attendance should be limited to persons necessary for purpose of executive session and whose interest is not adverse to the City.

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Consultation with Attorney

- Seek the advice of attorney about pending or contemplated litigation or a settlement offer, the agenda notice should describe the lawsuit.
- If during the course of a meeting, a situation arises in which the city council seeks legal advice and in order to preserve the attorney/client privileged communication, the city council may convene a closed meeting to seek legal advice even though not listed on the meeting agenda.

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Deliberation Regarding Real Property

Governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental affect on the position of the governmental body in negotiations with third person.

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Personnel Matters

- May conduct a closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee.
- If the officer or employee who is the subject of the deliberation or hearing requests a public hearing, it must be open.

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Personnel Matters

- Public officers are members of quasi-judicial boards or boards that perform more than advisory duties or governmental functions largely independent of the control of others.
- Includes members of the City Plan Commission, Board of Adjustment, Civil Service, Building and Standards Commission, DART Board and NTMWD.

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Deliberation Regarding Economic Development Negotiations

To discuss or deliberate commercial or financial information that the city has received from a business prospect with which the city has conducted negotiations, and to deliberate the offer of incentives to such business prospect.

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Videotaping, Etc.

The public has a right, subject to reasonable access, to tape or videotape open meetings.



Citizen Appearance

- Act does not grant the public the right to speak at or to control public meetings.
- If the city council allows public to speak, it must do so in a nondiscriminatory matter.
- Citizen's presentation time may be limited but not the content.

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Citizen Appearance

Should not discuss the matters presented by the citizen except to:

- Discuss whether to place the matter on a subsequent agenda for discussion or referral to proper department or agency;
- a statement of factual information in response;
- a recitation of existing policy in response;
- Mayor and/or City Manager usually responds that the City Manager or appropriate staff person will review the matter and respond back to the citizen.

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Social Media

- Facebook etc.
- Avoid appearance that members are deliberating by posting comments about public business.
- Posting comments may be construed as a meeting or EVEN WORSE.



R

Violations

- Action taken in violation of the Act is voidable.
- Action may be set aside by a court/but can be cured by subsequent meeting.
- Members who knowingly conspire to circumvent the Act by meeting in numbers less than a quorum for the purpose of secret deliberations in violation of the Act, commit a misdemeanor offense.

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Violations

- Knowingly call or aid in calling or organizing an illegal closed meeting or participate in an illegal closed meeting; close or aid in closing the meeting to the public - misdemeanor offense.
- Offense if participating in a closed meeting knowing that a certified agenda is not being kept or that a tape recording of the closed meeting is not being made.

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Violations

- Disclosure of the certified agenda or tape recording of a meeting that was lawfully closed to the public under the Act is a misdemeanor.
- Member is liable to the person who is injured or damaged by the disclosure for actual damages, including damages for personal injury, lost wages, defamation, mental or emotional distress, reasonable attorney's fees, and court costs.

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Confidentiality

- Act does not prohibit members from making public statements about the subject matter of closed session **but Code of Ethics Does.**
- Each member should respect the privilege afforded to the Board to conduct a closed meeting.
- If those in attendance do not intend to keep the matter privileged and confidential, then the Board should not deliberate in a closed meeting.

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Ethics

- Conduct of Richardson public officials is governed by the City Charter, the Code of Ethics and State Law.
- Members of the City Council and the members of all boards and commissions appointed or confirmed by the City Council must be knowledgeable of the City Charter, the Code of Ethics and State Law regarding ethics when participating in and making decisions while serving on a board or commission.

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Ethics

- Charter – no interest in any contract with the City – goods, property, services - **more restrictive than State law-**

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Ethics

- State law - Chapter 171 Loc Gov. Code.
- Code of Ethics – applies to City Council, Plan Commission, Board of Adjustment, Building and Standards Commission.

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Code of Ethics

- Code does not apply to employees, including those individuals employed on a full-time, part-time or internship basis nor to independent contractors of the City.
- Code does not apply to members of City boards, committees or commission who do not exercise quasi-judicial responsibilities or responsibilities beyond those that are advisory in nature.
- Code adopts the State Law governing conflicts of interest for local public officials under Chapter 171 of the Texas Local Government Code and contains additional and stricter standards than found in State Law or the City Charter.

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Code of Ethics

- Ensure public officials are independent, impartial and responsible only to the citizens;
- Prevent any interest, financial or otherwise, direct or indirect, or engagement in any business, transaction or professional activity of a public official to conflict with the proper discharge of their duties in the public interest;
- Prevent public office from being used for personal gain; and ensure that the boards and commissions are at all times maintained as nonpartisan bodies.

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Code of Ethics

- Even the mere appearance of impropriety impacts the effectiveness of public officials.
- Public confidence and respect best promoted if public officials, whether paid or unpaid, whether elected or appointed, uniformly treat all citizens with courtesy, impartiality, fairness and equality under the law and avoid both actual and potential conflicts between their private self-interest and the public trust.

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Code of Ethics

If Richardson public official has a substantial interest in a matter pending before the body of which the Richardson public official is a member, the person must, before a vote or decision on such matter, file an affidavit on a form provided by the City, disclosing the interest and abstain from further participation in such matter.

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**Have confidence when making
the tough decisions**



Code of Ethics

- **Example:** Board of Adjustment member or spouse of such board member may not have a contract to sell goods, materials or services to the City.

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Chapter 171 Loc Gov Code Conflicts of Interest

Rule:

- A member commits an offense if the official knowingly participates in a vote or decision on any matter involving a business entity or real property in which the official has a "substantial interest."

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Required Filing of Affidavit & Abstaining

- File an affidavit revealing the nature and extent of the interest with the governing body
- Abstain from further participation on the matter
- Affidavit is to be filed with the Board Secretary

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R

Substantial Interest?

- Section 171.002 of the Loc Gov Code defines “substantial interest” in a Business Entity as:
 - ❖ the official owns at least 10% share of the voting stock or shares of the business entity, or at least \$15,000 of the fair market value of the business entity; or
 - ❖ funds received by the official from the business entity exceeds 10% of the official’s gross income for the previous year.

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Substantial Interest?

- Alternatively, a person has “substantial interest” in Real Property if:
 - ❖ It is reasonably foreseeable that an action on the matter will have special economic effect distinguishable from its effect in the public; and
 - ❖ The official’s interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

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Substantial Interest – Relatives in First Degree

- Also considered to have “substantial interest” if a relative in the first degree, by either consanguinity or affinity, would have a substantial interest in a business entity or real property under these tests.

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Relatives in the First Degree

Consanguinity	Affinity
Parents	Spouse of those
Children	under consanguinity
	Spouse
	Spouse's parents
	Spouse's children
	Stepparents or
	stepchildren

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2nd Degree

By Consanguinity

- Grandparents
- Grandchildren
- Brothers & Sisters

By Affinity

- Spouses of relatives listed by consanguinity
- Spouse's grandparents
- Spouse's grandchildren
- Spouse's brothers & sisters

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3rd Degree

By Consanguinity

- Great grandparents
- Great grandchildren
- Nieces & nephews

By Affinity

- NO PROHIBITIONS

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Actions Not Voided by Member's Participation

- An action will be void because of official's participation in a decision **ONLY** if that participation is determinative.

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Penalty for Failing to File or Participating

- Failure to file the affidavit and to abstain constitutes a Class A Misdemeanor, punishable by a fine of up to \$4,000 and a one-year jail sentence.

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Public Information Act

- **Similar to the Federal Freedom of Information Act.**
- **Applies to information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official City business.**
- **Includes information that the City owns or has a right of access - every form of information.**

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- **Information in existence.**
- **Not required to conduct research, collect data or create new records.**
- **A citizen may request copies of information or to inspect information on-site.**
- **City may not inquire into the requestor's motives but may require the request to be in writing.**

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- Public information must be made available to the public during normal business hours within ten (10) business days after the request is made.
- If the City is unable to provide the information within ten (10) business days, it must notify the requestor and establish a reasonable date for production.

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If a city determines that a requestor has made a request for information which it has previously furnished copies or made available, the city can either:

- furnish the information again; or
- certify in writing when the information was previously provided and that no subsequent additions or corrections have been made.

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R

- City may require a bond or deposit for certain costs.
- City can charge for certain programming and labor charges.
- Requestor must complete examination within 10 business days after made available, or it is deemed withdrawn, unless extension requested.
- New request is deemed withdrawn if requestor fails to make deposit or bond for previous request within 10 business days of due date.

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R

- Requestor and city must comply with copyright laws.
- Some information is protected by statute or other law and may not be disclosed to the public.
- Other information may be withheld from disclosure but the City must within ten (10) business days request an opinion from the Texas Attorney General as to whether the requested information should be disclosed.

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- City must submit comments and sample materials within fifteen (15) business days and notify the requestor that an Attorney General Opinion has been requested.
- Information is not released until the Attorney General issues a written opinion requiring the disclosure of the requested information.
- May file suit if City disagrees.

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Information that May be Withheld

- Confidential informant.
- Information relating to litigation in which the City is, or may be, a party, or to which a public official or employee of the City is or may be a party.
- Trade secrets and certain commercial or financial information.
- Social Security numbers.

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Information that May be Withheld

- Information relating to economic development negotiations between the City and business prospects.
- Home address, email address, cell phone numbers and telephone number of elected official and City employees.
- E-mail address of member of the public unless consent to disclosure; audit working papers.
- Certain law enforcement records.

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Public Information

- Name of each official and the final record of voting.
- Bill for attorney's fees.
- A settlement agreement to which a governmental body is a party.

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Public Information

- A completed report, audit, evaluation, or investigation made.
- Name, sex, ethnicity, salary, title, and dates of employment of each employee or officer of a governmental body.
- Information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body.

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Emails

- E-mail communications of City staff and Council, personal notes of City staff and Council members.
- Home emails on personal computers are public records if city employee or official transacts city business in such manner.
- Home email address is excepted from public disclosure if elected to keep home telephone number confidential.

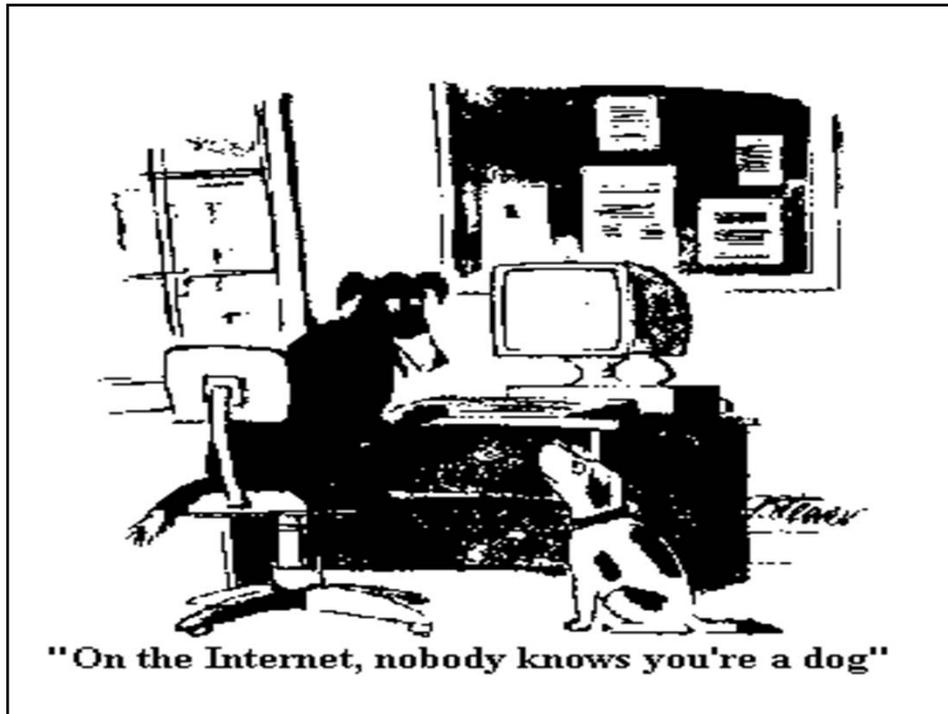
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Emails

- To the extent an email has been deleted from the "trash bin" and thus the location of the file on the hard drive has been deleted from the FAT, the email is no longer being "maintained" and is no longer public information.
- Records retention policy – 2 years.

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Open Government Training

Each elected or appointed member of a governmental body (City Council, Plan Commission, Board of Adjustment, Building and Standards Commission, and Civil Service Commission shall complete an open meetings and public information training course of not less than one hour or more than two hours.

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Open Government Training

- Training must be completed not later than 90 days after the member takes the oath of office or assumes the responsibilities of the office.
- Entity providing training shall provide a certificate of course completion, and each governmental body shall maintain the certificates of its members.

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Open Government Training

- Failure to complete training does not affect the action taken by the governmental body.
- Course completion may not later be used in a criminal proceeding as prima facie evidence of a “knowing” violation of the Open Meetings Act.

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Open Government Training

- City designating a public information coordinator satisfies the open records training requirement.

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- Conflicts disclosure Chapter 176
- Council member must file conflict disclosure statement if business entity or close relative is, or intends to do business with the city.
- 7 days to file the disclosure form.
- Class C Misdemeanor



Liability and Immunity Issues

- Lawsuits against members for damages are remote.
- City has insurance.
- When a member is sued in the member's "official capacity" it is essentially the same as suit against the City.

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Liability and Immunity Issues

When sued in member's "personal capacity", it represents a claim that the individual has taken illegal actions under color of law for which they should be personally liable- **be concerned!**

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Civil Rights

- Majority of lawsuits against individuals in their individual capacity are brought under 42 USC §1983.

Example:

Council denies zoning based on religion:
Violation of First Amendment, freedom of speech and association.

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Immunity

- Qualified immunity and official immunity.
- Qualified and official immunity are one and the same, the difference being qualified immunity shields officials from liability or civil damages under federal law, while official immunity is a state common law defense that provides immunity for state law claims.

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Immunity

- Immunity protects officials for the consequences of their actions taken to carry out their duties if there is no violation of a well established law.
- Provides freedom from suit and liability to those officials performing discretionary functions, unless their conduct violated clearly established statutory or constitutional rights of which a reasonable person would have known.

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Qualified Immunity

- Members are protected if their actions are reasonable and do not violate clearly established statutory laws.
- Protects all but “the plainly incompetent or those who knowingly violate the law.”

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Immunity

- Do not have to be studied in current constitutional law in order to be protected.
- Members will have qualified immunity from suit and liability, unless all reasonable Board members would have known that the actions in question were illegal.

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Slander and Libel

- Members may be exposed to personal liability for communications that infringe on others.
- Written communications that may defame another individual –libel.
- Slander - verbal defamation.

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