



## AGENDA

### CITY COUNCIL SPECIAL MEETING

**OCTOBER 2, 2024 @ 7:00 PM**

Notice is hereby given that the City Council for the City of Parker will meet on Wednesday, October 2, 2024 at 7:00 PM at the Parker City Hall, 5700 E. Parker Road, Parker, Texas, 75002. The City Council meeting will be open to the public and live streamed.

Pursuant to Texas Government Code § 551.127, notice is given that it is the intent of the City Council that a quorum of the Council will be physically present for the above-referenced meeting at Parker City Hall, 5700 E. Parker Road, Parker, Texas. Some council members or City employees may participate in this meeting remotely by means of video conference call in compliance with state law.

#### **CALL TO ORDER – Roll Call and Determination of a Quorum**

#### **PLEDGE OF ALLEGIANCE**

AMERICAN PLEDGE: I pledge allegiance to the flag of the United States of America; and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

TEXAS PLEDGE: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

#### **PUBLIC COMMENTS – The City Council invites any person with business before the Council to speak to the Council. No formal action may be taken on these items at this meeting. Please keep comments to 3 minute**

#### **ITEMS OF COMMUNITY INTEREST**

##### 1. PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, OCTOBER 9, 2024, 5 PM

CANCEL OCTOBER 15, 2024 REGULAR CITY COUNCIL MEETING DUE TO INTERIM CITY ATTORNEY CLIFTON UNAVAILABILITY/RESCHEDULED TO OCTOBER 22, 2024

PARKERFEST - SUNDAY, OCTOBER 20, 2024, 3:00 PM to 6:00 PM

NATIONAL PRESCRIPTION DRUG TAKE BACK EVENT SATURDAY, OCTOBER 26, 2024, 10 AM – 2 PM

CANCEL NOVEMBER 5, 2024 REGULAR CITY COUNCIL MEETING DUE TO GENERAL ELECTION TO NOVEMBER 12, 2024

##### **REMINDER – NOVEMBER 5, 2024 – GENERAL ELECTION (EV AND ED INFO) – Early Voting Dates and Times**

Monday, October 21, 2024 – Friday, October 25, 2024 8 a.m. – 5 p.m.

Saturday, October 26, 2024 7 a.m. – 7 p.m.

Sunday, October 27, 2024 11 a.m. – 5 p.m.

Monday, October 28, 2024 – Friday, November 1, 2024 7 a.m. – 7 p.m.

## INDIVIDUAL CONSIDERATION ITEMS

2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2024-812, CONFIRMING AND RATIFYING APPOINTMENT OF LITIGATION COUNSEL.
3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2024-813, REGARDING NOMINATION OF A BOARD OF DIRECTOR POSITION FOR THE COLLIN CENTRAL APPRAISAL DISTRICT.

## ROUTINE ITEMS

### 4. UPDATE(S):

FM2551  
COMP PLAN  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)  
NOISE COMMITTEE  
PROJECTS IN PROGRESS  
ENGINEERING CONTRACTS

## DONATION(S)

### 5. ACCEPTANCE OF DONATION(S) FOR POLICE, FIRE, AND CITY STAFF FOR THE RECORD (Each valued at between \$0 - \$1,000 [RES. NO. 2024-801])

Mary Anne Seale donated Tiffs Treats valued at \$48 to the Parker Fire Department.

Maryam Boroujerdi and Mohammad Massoudi donated Nothing Bundt Cakes Bundtinis valued at \$28 to City Staff.

Junko Chigani donated 5 pizzas valued at \$60 [2 pizzas for Police Department, 1 pizza Fire Department, 1 pizza for City Hall Staff and 1 pizza for Public Works Department].

## FUTURE AGENDA ITEMS

### 6. FUTURE AGENDA ITEMS

#### **EXECUTIVE SESSION START TO FINISH – Pursuant to the provisions of Chapter 551, Texas Government Code the City Council may hold a closed meeting.**

RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN:

Government Code Section 551.074 Personnel—To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

Government Code Section 551.074 Personnel—To deliberate the appointment, employment, and duties of a City Attorney,

Government Code Section 551.071(1)—Consultation with City Attorney concerning Pending or Contemplated Litigation.

Government Code Section 551.071(2) – Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter (Open Meetings Act).

**RECONVENE MEETING.**

**ANY APPROPRIATE DELIBERATION AND/OR ACTION ON ANY OF THE EXECUTIVE SESSION SUBJECTS LISTED ABOVE.**

**ADJOURN**

In addition to any specifically identified Executive Sessions, Council may convene into Executive Session at any point during the open meeting to discuss any item posted on this Agenda. The Open Meetings Act provides specific exceptions to the requirement that a meeting be open. Should Council elect to convene into Executive Session, those exceptions will be specifically identified and announced. Any subsequent action, as a result of this Executive Session, will be taken and recorded in open session.

I certify that this Notice of Meeting was posted on or before September 29, 2024, by 5:00 p.m. at the Parker City Hall, and required by Texas Open Meetings Act (TOMA) is also posted to the City of Parker Website at [www.parkertexas.us](http://www.parkertexas.us)

The Parker City Hall is Wheelchair accessible. Sign interpretations or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972 442 6811.

---

Date Notice Removed

Patti Scott Grey  
City Secretary

The Parker City Hall is Wheelchair accessible. Sign interpretations or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972 442 6811.



## Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	Council
Fund Balance-before expenditure:	Prepared by:	ACA/CS Scott Grey
Estimated Cost:	Date Prepared:	September 23, 2024
Exhibits:	<u>None</u>	

### AGENDA SUBJECT

PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, OCTOBER 9, 2024, 5 PM

CANCEL OCTOBER 15, 2024 REGULAR CITY COUNCIL MEETING DUE TO INTERIM CITY ATTORNEY CLIFTON UNAVAILABILITY/RESCHEDULED TO OCTOBER 22, 2024

PARKERFEST - SUNDAY, OCTOBER 20, 2024, 3:00 PM to 6:00 PM

NATIONAL PRESCRIPTION DRUG TAKE BACK EVENT SATURDAY, OCTOBER 26, 2024, 10 AM – 2 PM

CANCEL NOVEMBER 5, 2024 REGULAR CITY COUNCIL MEETING DUE TO GENERAL ELECTION

**REMINDER – NOVEMBER 5, 2024 – GENERAL ELECTION (EV AND ED INFO) –**

#### Early Voting Dates and Times

Monday, October 21, 2024 – Friday, October 25, 2024 8 a.m. – 5 p.m.

Saturday, October 26, 2024 7 a.m. – 7 p.m.

Sunday, October 27, 2024 11 a.m. – 5 p.m.

Monday, October 28, 2024 – Friday, November 1, 2024 7 a.m. – 7 p.m.

### SUMMARY

Please review information provided.

### POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
<b>Approved by:</b>	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	09/26/2024
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	09/ <b>xx</b> /2024 via Municode
Mayor	<i>Lee Pettle</i>	Date:	09/ <b>xx</b> /2024



## Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	Council
Fund Balance-before expenditure:	Prepared by:	City Secretary Scott Grey for Interim City Attorney Clifton
Estimated Cost:	Date Prepared:	September 26, 2024
Exhibits:	1. <a href="#"><u>Proposed Resolution</u></a> 2. <a href="#"><u>Legal Services Agreement</u></a>	

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2024-812, CONFIRMING AND RATIFYING APPOINTMENT OF LITIGATION COUNSEL.

### SUMMARY

*Art Rodriguez and his law firm, Russell, Hyde, Rodriguez, were previously appointed to represent the City in various matters; Mr. Rodriguez and his current firm, Messer Fort, PLLC have continued to represent the City in various matters as needed. This resolution confirms and ratifies that representation.*

### POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use

Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	09/26/2024
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	09/27/2024 via Municode
Mayor:	<i>Lee Pettle</i>	Date:	09/ <b>XX</b> /2024

**RESOLUTION NO. 2024-812****A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS CONFIRMING AND RATIFYING THE APPOINTMENT OF COUNSEL TO REPRESENT THE CITY OF PARKER IN LITIGATION.**

**WHEREAS**, the City of Parker has been sued in *Ted Lane, et. al. v. City of Parker*, Cause No. 401-04251-2024, in the 401<sup>st</sup> District Court of Collin County, Texas; and

**WHEREAS**, the City of Parker has been sued in *Cheri Ware, et.al. v. City of Parker*, Cause No. 296-02421-2024, in the 296<sup>th</sup> District Court of Collin County, Texas; and

**WHEREAS**, the City of Parker has previously engaged the firm of Messer Fort, PLLC to represent the City's interests; and

**WHEREAS**, the City of Parker has previously confirmed and ratified the appointment of Art Rodriguez and his firm, Messer Fort, PLLC;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS:**

**Section 1.** That the assignment of Art Rodriguez and his firm, Messer Fort, PLLC to represent the City of Parker in the litigation named in the preamble is confirmed and ratified.

**Section 2.** **Severability.** Should any part, section, subsection, paragraph, sentence, clause or phrase contained in this resolution be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this resolution, but in all respects said remaining portion shall be and remain in full force and effect.

**Section 3.** This Resolution shall become effective immediately from and after its passage.

**PASSED AND APPROVED** by the City Council of the City of Parker, Texas, this 2nd day of October, 2024.

---

Lee Pettle, Mayor

ATTEST:

---

Patti Scott Grey, City Secretary

APPROVED AS TO LEGAL FORM:

---

Catherine Clifton, Interim City Attorney

Proposed



September 11, 2024

VIA EMAIL: LPettle@parkertexas.us

Lee Pettle, Mayor  
**City of Parker**  
5700 E. Parker Road  
Parker, Texas 75002

RE: Legal Services Agreement

Dear Mayor Pettle,

As I have informed you previously, I have become partnered with Messer Fort PLLC (“MF” or “Firm”) and I appreciate the opportunity to continue to represent City of Parker. This letter outlines some of the specific terms of our engagement. If you have any questions about these matters, please call me.

1. **Client:** Our client will be the City of Parker. Our representation in this matter is limited to the City of Parker and the term “Client” does not include, and we do not represent, any other entities or individuals.
2. **Scope of Work:** City of Parker hereby engages MF to perform the following services:
  - a. issues related to Raw Water Purchase Contract.
  - b. Litigation matters as assigned.
  - c. Perform any other services mutually agreed upon by City of Parker and MF; however, either party may request an addendum to this Agreement in a form mutually agreeable to the parties prior to the provision of additional services hereunder.
3. **Conflicts:** MF represents that it has reviewed its records and has no conflicts of interest involving City of Parker. MF will do all within reason necessary to prevent and avoid any situation that might constitute a conflict. In the event a conflict arises, MF shall promptly advise City of Parker of such, in writing, and shall notify City of Parker of MF’s proposal to resolve the conflict.
4. **Personnel:** MF has over twenty attorneys, including six partners, in its North Texas office and three partners in its Austin office. Art Rodriguez will fulfill the duties and will have the primary responsibility for providing or supervising services for City of Parker. Other MF lawyers (including less experienced lawyers or contract lawyers selected by MF) and legal assistants

may be involved when MF believes it would be beneficial or is necessary to serve City of Parker. Attorney resumes can be viewed at [www.txmunicipallaw.com](http://www.txmunicipallaw.com).

**5. Results:** Any views MF expresses about a likely outcome are only expressions of judgment, we do not make representations or guarantees to City of Parker as to the probability of ultimate success or any particular result.

City of Parker acknowledges and agrees that MF's entitlement to payment for fees and expenses shall not be contingent upon the results obtained or the final disposition of the services for which MF has been retained.

**6. Records:** City of Parker should retain all originals and copies of documents City of Parker desires for future reference. MF will retain most of its file(s) for a certain period of time, but ultimately the file will be destroyed in accordance with our record retention schedule. MF does not contact the client prior to such destruction.

City of Parker recognizes that working papers shall be assembled and accumulated by MF in connection with this representation, and that same shall belong to and remain the property of MF.

**7. Litigation Matters:** MF will represent City of Parker with respect to the causes of action alleged against City of Parker, its officers, employees or agents in a lawsuit only upon the request of City of Parker. Likewise, we will initiate litigation only at the request of City of Parker.

**8. Fees:** MF shall bill City of Parker monthly for services rendered and expenses incurred, in the manner agreed to herein, until such time as this Agreement has expired by its own terms or has been terminated. MF shall separate invoices as requested by City of Parker. Attorney's fees are based upon a consideration of time and labor involved, the skill requisite to perform the services properly, the preclusion of other employment by MF due to acceptance of the matters identified herein, time limitations imposed by City of Parker or other circumstances, results achieved, experience, reputation and ability, extraordinary time requirements, and MF's hourly rates.

The Firm will bill City of Parker at the following rates:

	General Counsel	Litigation	Utility	Special Counsel
Partners	\$265	\$265	\$265	\$265
Associate Attorney/Of Counsel	\$215	\$215	\$215	\$215
Paralegal Support	\$125	\$125	\$125	\$125

Time for legal work and travel is billed in tenth of an hour increments, as follows:

.1 = 6 minutes	.5 = 30 minutes	.9 = 54 minutes
.2 = 12 minutes	.6 = 36 minutes	1.0 = 60 minutes
.3 = 18 minutes	.7 = 42 minutes	
.4 = 24 minutes	.8 = 48 minutes	

Opinion letters for bonds are a flat fee paid from the bond proceeds. Market rates (non-governmental) will be charged when City of Parker is being reimbursed for legal expenses, such as by a developer or a debt issuance. City of Parker understands that the costs of services can be estimated in advance on a per case basis, but no particular amount is guaranteed as the amount of time necessary to spend on a legal matter can be influenced by the actions of third parties. City of Parker further understands that MF hourly rates may be modestly increased on an annual basis, but that any annual increase shall be no more than ten percent of the current rate.

9. **Billing Practices and Payment:** MF bills for matters on a monthly basis, and payment is due upon receipt of the statement. We do not bill for expenses associated with our representation except for filing and recording fees, litigation costs, and charges for extraordinary items which may be generated by the particular demands of the project involved.

If experts or consultants are retained or if other support services are required, e.g., mediators, engineers, court reporters, investigators, etc., these individuals or firms will be retained based upon City of Parker's consent. City of Parker will be responsible for paying the fees of these individuals or firms, and such payments should be made within thirty days of receipt of their invoice or MF's invoice containing the charges for the third party. We will advise these individuals or firms that they are being retained by and for the benefit of City of Parker and that City of Parker is responsible for payment of their fees.

If City of Parker has a question about MF's billing procedures or statements, please ask Art Rodriguez. MF prefers that questions be raised as soon as possible so that we can address the concerns and be certain City of Parker understands our procedures and our statements and is fully satisfied with them.

10. **Termination:** Either party may terminate our representation at any time by notifying the other in writing. In either case, MF's withdrawal will be accomplished pursuant to applicable ethical requirements. Upon termination of the representation, City of Parker will be obligated to pay for all services rendered and expenses incurred.

11. **Amendments/Modifications:** City of Parker and MF may amend or modify this Agreement so long as such amendment or modification is reduced to writing and is mutually agreed upon by City of Parker and MF.

12. **Independent Legal Review:** MF has written this engagement letter on its own behalf. Please feel free to seek independent legal advice from legal counsel of your choosing in order to review this engagement letter. MF wishes to provide you ample opportunity to consult with independent counsel, we do not require that you return a signed copy of this letter immediately.

13. **Attorney Complaint Information:** MF intends to maintain the high standard of ethical conduct towards City of Parker and others as set out and enforced by the State Bar of Texas. If for any reason City of Parker believes an attorney in MF has violated the written rules of professional conduct for lawyers and/or has questions prior to filing a grievance, City of Parker may either contact the Office of the Chief Disciplinary Counsel of the State Bar of Texas by

calling 1-866-224-5999 (toll free) or writing to P.O. Box 12487, Austin, Texas 78711-2487. Please note that by signing the grievance form any attorney-client privilege which would otherwise keep discussions between your attorney and you confidential will be waived.

**14. Press Inquiries:** From time to time, we may receive media inquiries concerning City of Parker. Applicable ethical requirements may preclude or limit our response to those inquiries. Subject to ethical limitations, MF will abide by your instructions concerning whether and in what manner we respond to media inquiries. In the absence of specific instructions, we will respond to such inquiries in accordance with our best judgment, revealing non-confidential information when it is ethical to do so and appears to advance City of Parker's interests.

**15. Electronic Mail:** In the course of our representation, we may have occasion to communicate with you or with others by electronic mail. Such communications will not be encrypted. Although interception of such communications by a third party would constitute a violation of federal law, we can offer no assurance that such interception will not occur. We will abide by any instructions you may give us concerning electronic mail communications; in the absence of such instructions, we will use our own judgment regarding the advisability of using such means of communication.

**16. Miscellaneous:** Duplicate counterparts of this Agreement may be or may have been executed by the parties hereto. Each such executed copy or counterpart shall have the full force and effect of an original executed instrument.

Any notice or communication required or permitted hereunder shall be in writing, and shall be sent by (a) personal delivery (provided that such delivery is confirmed by the courier delivery service), or (b) expedited delivery service with proof of delivery, or by United States mail, postage pre-paid, registered or certified mail, or (c) pre-paid facsimile, addressed as follows:

**If to City of Parker:**

City of Parker  
Catherine Clifftson, Interim City Attorney  
1121 S. Carroll Ave. #240  
Southlake, Texas 76092

**If to the Firm:**

Messer Fort, PLLC  
Attn: Arturo D. 'Art' Rodriguez Jr.  
4201 W. Parmer Ln., Ste. C-150  
Austin, TX 78727

or to such other address or for the attention of such other person as thereafter shall be designated in writing by the applicable parties sent in accordance herewith. Any such notice or communication shall be deemed to have been given at either the time of personal delivery or, in the case of delivery service or certified or registered mail, as of the date of deposit or delivery to the United States Postal Service or expedited delivery service in the manner provided herein, or, in the case of facsimile, upon receipt. Any notice required by this Agreement shall be void and of no effect unless given in accordance with the provisions of this paragraph. Either party hereto may change the address for notice specified above for giving the other party two (2) days' advance, written notice of such change of address.

This Agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Collin County, Texas.

This Agreement is executed by the authorized agent of City of Parker and MF, effective as of the date first above written.

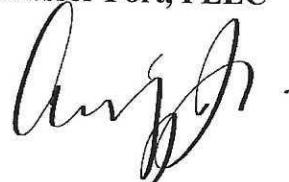
**17. Texas Lawyer's Creed:** On November 7, 1989, the Texas Supreme Court adopted the Texas Lawyer's Creed - a Mandate for Professionalism. Paragraph II, subparagraph 1 of the Creed requires us to advise you of its contents when we undertake representation. A copy of the Creed is enclosed. We intend to abide by the Creed.

If City of Parker agrees with the foregoing, please sign and return one enclosed copy of this letter and retain the other copy for your records to be effective upon execution.

Again, we appreciate you employing Messer, Fort & McDonald, PLLC to represent you and we look forward to working with you and establishing a mutually beneficial relationship.

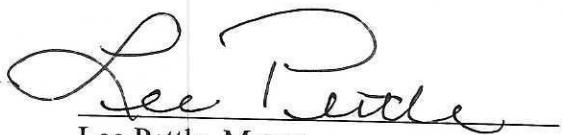
Sincerely yours,

**Messer Fort, PLLC**



Arturo D. 'Art' Rodriguez Jr.

THE CITY OF PARKER AGREES TO RETAIN MESSER FORT, PLLC ON THE FOREGOING TERMS.



Lee Pettle, Mayor  
City of Parker

**CC:**

Patty Scott Gray, Assistant City Administrator/City Secretary  
Catherine Clifton, Interim City Attorney

## **PRIVACY NOTICE**

Attorneys, like other professionals who advise on personal financial matters, are now required by a new federal law to inform their individual clients of their policies regarding privacy of client information. Attorneys have been and continue to be bound by professional standards of confidentiality that are even more stringent than those required by this new law. Therefore, we have always protected your right to privacy.

In the course of providing our clients with advice, we receive significant personal financial information from our clients and from others. If you are a client of Messer, Fort & McDonald, PLLC, you should know that all information that we receive from you or obtain in the course of representing you is held in confidence, and is not released to people outside the firm, except as expressly or implicitly authorized by you in the course of representing you, or as required under applicable law. We maintain physical, electronic, and procedural safeguards that comply with professional standards to protect your personal information.

**THE TEXAS LAWYER'S CREED—  
A MANDATE FOR PROFESSIONALISM**  
**Adopted November 7, 1989**  
*Table of Contents*

**ORDER OF ADOPTION**  
**THE TEXAS LAWYER'S CREED—A MANDATE FOR  
PROFESSIONALISM**

---

I.	Our Legal System
II.	Lawyer to Client.
III.	Lawyer to Lawyer.
IV.	Lawyer to Judge.

**ORDER OF ADOPTION**

The conduct of a lawyer should be characterized at all times by honesty, candor, and fairness. In fulfilling his or her primary duty to a client, a lawyer must be ever mindful of the profession's broader duty to the legal system.

The Supreme Court of Texas and the Court of Criminal Appeals are committed to eliminating a practice in our State by a minority of lawyers of abusive tactics which have surfaced in many parts of our country. We believe such tactics are a disservice to our citizens, harmful to clients, and demeaning to our profession.

The abusive tactics range from lack of civility to outright hostility and obstructionism. Such behavior does not serve justice but tends to delay and often deny justice. The lawyers who use abusive tactics instead of being part of the solution have become part of the problem.

The desire for respect and confidence by lawyers from the public should provide the members of our profession with the necessary incentive to attain the highest degree of ethical and professional conduct. These rules are primarily aspirational. Compliance with the rules depends primarily upon understanding and voluntary compliance, secondarily upon re-enforcement by peer pressure and public opinion,

and finally when necessary by enforcement by the courts through their inherent powers and rules already in existence.

These standards are not a set of rules that lawyers can use and abuse to incite ancillary litigation or arguments over whether or not they have been observed.

We must always be mindful that the practice of law is a profession. As members of a learned art we pursue a common calling in the spirit of public service. We have a proud tradition. Throughout the history of our nation, the members of our citizenry have looked to the ranks of our profession for leadership and guidance. Let us now as a profession each rededicate ourselves to practice law so we can restore public confidence in our profession, faithfully serve our clients, and fulfill our responsibility to the legal system.

The Supreme Court of Texas and the Court of Criminal Appeals hereby promulgate and adopt "The Texas Lawyer's Creed—A Mandate for Professionalism" as attached hereto and made a part hereof.

In Chambers, this 7th day of November, 1989.

## TEXAS LAWYER'S CREED

### THE TEXAS LAWYER'S CREED—A MANDATE FOR PROFESSIONALISM

I am a lawyer. I am entrusted by the People of Texas to preserve and improve our legal system. I am licensed by the Supreme Court of Texas. I must therefore abide by the Texas Disciplinary Rules of Professional Conduct, but I know that professionalism requires more than merely avoiding the violation of laws and rules. I am committed to this creed for no other reason than it is right.

#### I. OUR LEGAL SYSTEM

A lawyer owes to the administration of justice personal dignity, integrity, and independence. A lawyer should always adhere to the highest principles of professionalism.

1. I am passionately proud of my profession. Therefore, "My word is my bond."

2. I am responsible to assure that all persons have access to competent representation regardless of wealth or position in life.

3. I commit myself to an adequate and effective pro bono program.

4. I am obligated to educate my clients, the public, and other lawyers regarding the spirit and letter of this Creed.

5. I will always be conscious of my duty to the judicial system.

#### II. LAWYER TO CLIENT

A lawyer owes to a client allegiance, learning, skill, and industry. A lawyer shall employ all appropriate legal means to protect and advance the client's legitimate rights, claims, and objectives. A lawyer shall not be deterred by any real or imagined fear of judicial disfavor or public unpopularity, nor be influenced by mere self-interest.

1. I will advise my client of the contents of this creed when undertaking representation.

2. I will endeavor to achieve my client's lawful objectives in legal transactions and in litigation as quickly and economically as possible.

3. I will be loyal and committed to my client's lawful objectives, but I will not permit that loyalty and commitment to interfere with my duty to provide objective and independent advice.

4. I will advise my client that civility and courtesy are expected and are not a sign of weakness.

5. I will advise my client of proper and expected behavior.

6. I will treat adverse parties and witnesses with fairness and due consideration. A client has no right to demand that I abuse anyone or indulge in any offensive conduct.

7. I will advise my client that we will not pursue conduct which is intended primarily to harass or drain the financial resources of the opposing party.

8. I will advise my client that we will not pursue tactics which are intended primarily for delay.

9. I will advise my client that we will not pursue any course of action which is without merit.

10. I will advise my client that I reserve the right to determine whether to grant accommodations to opposing counsel in all matters that do not adversely affect my client's lawful objectives. A client has no right to instruct me to refuse reasonable requests made by other counsel.

11. I will advise my client regarding the availability of mediation, arbitration, and other alternative methods of resolving and settling disputes.

#### III. LAWYER TO LAWYER

A lawyer owes to opposing counsel, in the conduct of legal transactions and the pursuit of litigation, courtesy, candor, cooperation, and scrupulous observance of all agreements and mutual understandings. Ill feelings between clients shall not influence a lawyer's conduct, attitude, or demeanor toward opposing counsel. A lawyer shall not engage in unprofessional conduct in retaliation against other unprofessional conduct.

1. I will be courteous, civil, and prompt in oral and written communications.

2. I will not quarrel over matters of form or style, but I will concentrate on matters of substance.

3. I will identify for other counsel or parties all changes I have made in documents submitted for review.

4. I will attempt to prepare documents which correctly reflect the agreement of the parties. I will not include provisions which have not been agreed upon or omit provisions which are necessary to reflect the agreement of the parties.

5. I will notify opposing counsel, and, if appropriate, the Court or other persons, as soon as practicable, when hearings, depositions, meetings, conferences or closings are cancelled.

## TEXAS LAWYER'S CREED

6. I will agree to reasonable requests for extensions of time and for waiver of procedural formalities, provided legitimate objectives of my client will not be adversely affected.

7. I will not serve motions or pleadings in any manner that unfairly limits another party's opportunity to respond.

8. I will attempt to resolve by agreement my objections to matters contained in pleadings and discovery requests and responses.

9. I can disagree without being disagreeable. I recognize that effective representation does not require antagonistic or obnoxious behavior. I will neither encourage nor knowingly permit my client or anyone under my control to do anything which would be unethical or improper if done by me.

10. I will not, without good cause, attribute bad motives or unethical conduct to opposing counsel nor bring the profession into disrepute by unfounded accusations of impropriety. I will avoid disparaging personal remarks or acrimony towards opposing counsel, parties and witnesses. I will not be influenced by any ill feeling between clients. I will abstain from any allusion to personal peculiarities or idiosyncrasies of opposing counsel.

11. I will not take advantage, by causing any default or dismissal to be rendered, when I know the identity of an opposing counsel, without first inquiring about that counsel's intention to proceed.

12. I will promptly submit orders to the Court. I will deliver copies to opposing counsel before or contemporaneously with submission to the Court. I will promptly approve the form of orders which accurately reflect the substance of the rulings of the Court.

13. I will not attempt to gain an unfair advantage by sending the Court or its staff correspondence or copies of correspondence.

14. I will not arbitrarily schedule a deposition, court appearance, or hearing until a good faith effort has been made to schedule it by agreement.

15. I will readily stipulate to undisputed facts in order to avoid needless costs or inconvenience for any party.

16. I will refrain from excessive and abusive discovery.

17. I will comply with all reasonable discovery requests. I will not resist discovery requests which are not objectionable. I will not make objections nor give instructions to a witness for the purpose of delaying or obstructing the discovery process. I will encourage witnesses to respond to all deposition questions which are reasonably understandable. I will neither encourage nor permit my witness to quibble about words where their meaning is reasonably clear.

18. I will not seek Court intervention to obtain discovery which is clearly improper and not discoverable.

19. I will not seek sanctions or disqualification unless it is necessary for protection of my client's lawful objectives or is fully justified by the circumstances.

## IV. LAWYER AND JUDGE

Lawyers and judges owe each other respect, diligence, candor, punctuality, and protection against unjust and improper criticism and attack. Lawyers and judges are equally responsible to protect the dignity and independence of the Court and the profession.

1. I will always recognize that the position of judge is the symbol of both the judicial system and administration of justice. I will refrain from conduct that degrades this symbol.

2. I will conduct myself in Court in a professional manner and demonstrate my respect for the Court and the law.

3. I will treat counsel, opposing parties, the Court, and members of the Court staff with courtesy and civility.

4. I will be punctual.

5. I will not engage in any conduct which offends the dignity and decorum of proceedings.

6. I will not knowingly misrepresent, mischaracterize, misquote or miscite facts or authorities to gain an advantage.

7. I will respect the rulings of the Court.

8. I will give the issues in controversy deliberate, impartial and studied analysis and consideration.

9. I will be considerate of the time constraints and pressures imposed upon the Court, Court staff and counsel in efforts to administer justice and resolve disputes.

## STANDARDS FOR APPELLATE CONDUCT

*Lawyers are an indispensable part of the pursuit of justice. They are officers of courts charged with safeguarding, interpreting, and applying the law through which justice is achieved. Appellate courts rely on counsel to present opposing views of how the law should be applied to facts established in other proceedings. The appellate lawyer's role is to present the law controlling the disposition of a case in a manner that clearly reveals the legal issues raised by the record while persuading the court that an interpretation or application favored by the lawyer's clients is in the best interest of the administration of equal justice under law.*

The duties lawyers owe to the justice system, other officers of the court, and lawyers' clients are generally well-defined and understood by the appellate bar. Problems that arise when duties conflict can be resolved through understanding the nature and extent of a lawyer's respective duties, avoiding the tendency to emphasize a particular duty at the expense of others, and detached common sense. To that end, the following standards of conduct for appellate lawyers are set forth by reference to the duties owed by every appellate practitioner.

Use of these standards for appellate conduct as a basis for motions for sanctions, civil liability or litigation would be contrary to their intended purpose and shall not be permitted. Nothing in these standards alters existing standards of conduct under the Texas Disciplinary Rules of Professional Conduct, the Texas Rules of Disciplinary Procedure or the Code of Judicial Conduct.

### LAWYERS' DUTIES TO CLIENTS

*A lawyer owes to a client allegiance, learning, skill, and industry. A lawyer shall employ all appropriate means to protect and advance the client's legitimate rights, claims, and objectives. A lawyer shall not be deterred by a real or imagined fear of judicial disfavor or public unpopularity, nor be influenced by mere self-interest. The lawyer's duty to a client does not militate against the concurrent obligation to treat with consideration all persons involved in the legal process and to avoid the infliction of harm on the appellate process, the courts, and the law itself.*

1. Counsel will advise their clients of the contents of these Standards of Conduct when undertaking representation.
2. Counsel will explain the fee agreement and cost expectation to their clients. Counsel will then endeavor to achieve the client's lawful appellate objectives as quickly, efficiently, and economically as possible.
3. Counsel will maintain sympathetic detachment, recognizing that lawyers should not become so closely associated with clients that the lawyer's objective judgment is impaired.
4. Counsel will be faithful to their clients' lawful objectives, while mindful of their concurrent duties to the legal system and the public good.
5. Counsel will explain the appellate process to their clients. Counsel will advise clients of the range of potential outcomes, likely costs, timetables, effect of the judgment pending appeal, and the availability of alternative dispute resolution.
6. Counsel will not foster clients' unrealistic expectations.
7. Negative opinions of the court or opposing counsel shall not be expressed unless relevant to a client's decision process.
8. Counsel will keep clients informed and involved in decisions and will promptly respond to inquiries.
9. Counsel will advise their clients of proper behavior, including that civility and courtesy are expected.
10. Counsel will advise their clients that counsel reserves the right to grant accommodations to opposing counsel in matters that do not adversely affect the client's lawful objectives. A client has no right to instruct a lawyer to refuse reasonable requests made by other counsel.
11. A client has no right to demand that counsel abuse anyone or engage in any offensive conduct.
12. Counsel will advise clients that an appeal should only be pursued in a good faith belief that the trial court has committed error or that there is a reasonable basis for the extension, modification, or reversal of existing law, or that an appeal is otherwise warranted.

13. Counsel will advise clients that they will not take frivolous positions in an appellate court, explaining the penalties associated therewith. Appointed appellate counsel in criminal cases shall be deemed to have complied with this standard of conduct if they comply with the requirements imposed on appointed counsel by courts and statutes.

## **LAWYERS' DUTIES TO THE COURT**

*As professionals and advocates, counsel assist the Court in the administration of justice at the appellate level. Through briefs and oral submissions, counsel provide a fair and accurate understanding of the facts and law applicable to their case. Counsel also serve the Court by respecting and maintaining the dignity and integrity of the appellate process.*

1. An appellate remedy should not be pursued unless counsel believes in good faith that error has been committed, that there is a reasonable basis for the extension, modification, or reversal of existing law, or that an appeal is otherwise warranted.
2. An appellate remedy should not be pursued primarily for purposes of delay or harassment.
3. Counsel should not misrepresent, mischaracterize, misquote, or miscite the factual record or legal authorities.
4. Counsel will advise the Court of controlling legal authorities, including those adverse to their position, and should not cite authority that has been reversed, overruled, or restricted without informing the court of those limitations.
5. Counsel will present the Court with a thoughtful, organized, and clearly written brief.
6. Counsel will not submit reply briefs on issues previously briefed in order to obtain the last word.
7. Counsel will conduct themselves before the Court in a professional manner, respecting the decorum and integrity of the judicial process.
8. Counsel will be civil and respectful in all communications with the judges and staff.
9. Counsel will be prepared and punctual for all Court appearances, and will be prepared to assist the Court in understanding the record, controlling authority, and the effect of the court's decision.
10. Counsel will not permit a client's or their own ill feelings toward the opposing party, opposing counsel, trial judges or members of the appellate court to influence their conduct or demeanor in dealings with the judges, staff, other counsel, and parties.

## **LAWYERS' DUTIES TO LAWYERS**

*Lawyers bear a responsibility to conduct themselves with dignity towards and respect for each other, for the sake of maintaining the effectiveness and credibility of the system they serve. The duty that lawyers owe their clients and the system can be most effectively carried out when lawyers treat each other honorably.*

1. Counsel will treat each other and all parties with respect.
2. Counsel will not unreasonably withhold consent to a reasonable request for cooperation or scheduling accommodation by opposing counsel.
3. Counsel will not request an extension of time solely for the purpose of unjustified delay.
4. Counsel will be punctual in communications with opposing counsel.
5. Counsel will not make personal attacks on opposing counsel or parties.
6. Counsel will not attribute bad motives or improper conduct to other counsel without good cause, or make unfounded accusations of impropriety.
7. Counsel will not lightly seek court sanctions.
8. Counsel will adhere to oral or written promises and agreements with other counsel.
9. Counsel will neither ascribe to another counsel or party a position that counsel or the party has not taken, nor seek to create an unjustified inference based on counsel's statements or conduct.
10. Counsel will not attempt to obtain an improper advantage by manipulation of margins and type size in a manner to avoid court rules regarding page limits.
11. Counsel will not serve briefs or other communications in a manner or at a time that unfairly limits another party's opportunity to respond.

## THE COURT'S RELATIONSHIP WITH COUNSEL

*Unprofessionalism can exist only to the extent it is tolerated by the court. Because courts grant the right to practice law, they control the manner in which the practice is conducted. The right to practice requires counsel to conduct themselves in a manner compatible with the role of the appellate courts in administering justice. Likewise, no one more surely sets the tone and the pattern for the conduct of appellate lawyers than appellate judges. Judges must practice civility in order to foster professionalism in those appearing before them.*

1. Inappropriate conduct will not be rewarded, while exemplary conduct will be appreciated.
2. The court will take special care not to reward departures from the record.
3. The court will be courteous, respectful, and civil to counsel.
4. The court will not disparage the professionalism or integrity of counsel based upon the conduct or reputation of counsel's client or co-counsel.
5. The court will endeavor to avoid the injustice that can result from delay after submission of a case.
6. The court will abide by the same standards of professionalism that it expects of counsel in its treatment of the facts, the law, and the arguments.
7. Members of the court will demonstrate respect for other judges and courts.

### STANDARDS OF PRACTICE TO BE OBSERVED BY ATTORNEYS APPEARING IN CIVIL ACTIONS

Adopted in *Dondi Properties Corp. v. Commerce Sav. and Loan Assn.*,  
121 F.R.D. 284 (N.D. Tex., July 14, 1988)

- A. In fulfilling his or her primary duty to the client, a lawyer must be ever conscious of the broader duty to the judicial system that serves both attorney and client.
- B. A lawyer owes, to the judiciary, candor, diligence and utmost respect.
- C. A lawyer owes, to opposing counsel, a duty of courtesy and cooperation, the observance of which is necessary for the efficient administration of our system of justice and the respect of the public it serves.
- D. A lawyer unquestionably owes, to the administration of justice, the fundamental duties of personal dignity and professional integrity.
- E. Lawyers should treat each other, the opposing party, the court, and members of the court staff with courtesy and civility and conduct themselves in a professional manner at all times.
- F. A client has no right to demand that counsel abuse the opposite party or indulge in offensive conduct. A lawyer shall always treat adverse witnesses and suitors with fairness and due consideration.
- G. In adversary proceedings, clients are litigants and though ill feeling may exist between clients, such ill feeling should not influence a lawyer's conduct, attitude, or demeanor towards opposing lawyers.
- H. A lawyer should not use any form of discovery or the scheduling of discovery, as a means of harassing opposing counsel or counsel's client.
- I. Lawyers will be punctual in communications with others and in honoring scheduled appearances and will recognize that neglect and tardiness are demeaning to the lawyer and to the judicial system.
- J. If a fellow member of the Bar makes a just request for cooperation, or seeks scheduling accommodation, a lawyer will not arbitrarily or unreasonably withhold consent.
- K. Effective advocacy does not require antagonistic or obnoxious behavior and members of the Bar will adhere to the higher standard of conduct which judges, lawyers, clients, and the public may rightfully expect.



## Council Agenda Item

Budget Account Code:		Meeting Date: See above.
Budgeted Amount:		Department/ Requestor: City Council
Fund Balance-before expenditure:		Prepared by: ACA/CS Scott Grey for Interim City Attorney Clifton
Estimated Cost:		Date Prepared: September 26, 2024
Exhibits:	1. <a href="#"><u>Proposed Resolution</u></a> 2. <a href="#"><u>Collin Central Appraisal District letter, dated Thursday, September 26, 2024 10:57 AM</u></a> 3. <a href="#"><u>Texas Property Tax Code § 6.03</u></a>	

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2024-813, REGARDING NOMINATION OF A BOARD OF DIRECTOR POSITION FOR THE COLLIN COUNTY CENTRAL APPRAISAL DISTRICT.

### SUMMARY

Please review information provided and be prepared to nominate one (1) to five (5) board candidates for the Collin Central Appraisal District's Board of Directors to serve two-year terms, with the next term beginning January 1, 2025, in accordance with Texas Property Tax Code § 6.03. This is Step 1: Nominations.

### POSSIBLE ACTION

City Council may direct staff to take appropriate action.

---

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	09/26/2024
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	09/27/2024 via Municode
Mayor:	<i>Lee Pettle</i>	Date:	09/XX/2024

**RESOLUTION NO. 2024-813**  
*(Collin County Appraisal District Board Nomination(s))*

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER, TEXAS;  
 NOMINATING A CANDIDATE OR CANDIDATES FOR THE COLLIN CENTRAL  
 APPRAISAL DISTRICT BOARD OF DIRECTORS.**

**WHEREAS**, in accordance with the Texas Property Tax Code at Section 6.03, the Collin Central Appraisal District's five (5) directors are to be appointed by the taxing units that participate in the District; and

**WHEREAS**, each taxing unit may nominate one (1) to five (5) board candidates; and,

**WHEREAS**, the nomination(s) must be made in an open meeting and a written resolution from the presiding officer of your governing body must be delivered to the Chief Appraiser by October 11, 2024; and,

**WHEREAS**,

1. \_\_\_\_\_ ;
2. \_\_\_\_\_ ;
3. \_\_\_\_\_ ;
4. \_\_\_\_\_ ;
5. \_\_\_\_\_ ;

meet(s) the qualifications and has/have expressed an interest in serving on the District's Board of Directors;

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Parker, Texas that:

The City Council of the City of Parker, Texas authorizes the Mayor to execute and deliver this Resolution to the Chief Appraiser of the Collin Central Appraisal District making the following nomination(s) as a candidate or candidates for the District Board of Directors:

1. Name: _____ Address: _____ Parker, Texas Zip _____	2. Name: _____ Address: _____ Parker, Texas Zip _____
3. Name: _____ Address: _____ Parker, Texas Zip _____	4. Name: _____ Address: _____ Parker, Texas Zip _____
5. Name: _____ Address: _____ Parker, Texas Zip _____	

**DULY PASSED AND APPROVED** by the City Council of the City of Parker, Collin County, Texas, on this the 2nd day of October, 2024.

**CITY OF PARKER:**

---

Lee Pettle, Mayor

ATTEST:

---

Patti Scott Grey, City Secretary

APPROVED TO FORM:

---

Catherine Clifton, Interim City Attorney

Proposed

# Collin Central Appraisal District

September 26, 2024

To: Collin Central Appraisal District taxing entities

From: Marty Wright, Chief Appraiser

RE: Election of Collin Central Appraisal District Board of Directors

Ladies and Gentlemen,

The purpose of this letter is to provide an overview of the election process, and provide a detailed timeline for each phase for taxing entity appointed Board of Director's members. The process for electing the District's Board of Directors is outlined in the Texas Property Tax Code (TPTC) § 6.03. The deadline dates for the election are statutory and controlled by TPTC § 6.03.

On July 24, 2023, Governor Greg Abbott signed Senate Bill 2 into law which has added TPTC § 6.0301. In accordance with the new section, the District's Board of Directors makeup has changed significantly. The Legislature has seen fit to increase the total number of directors from five (5) appointed and one voting tax assessor-collector director, to nine (9) total directors.

Starting January 1, 2024 the Board of Directors will include three (3) publicly elected directors in addition to the five (5) appointed directors which are still elected by the taxing units that participate in the Appraisal District. Each taxing unit may nominate one to five board candidates. Appointed directors will begin staggered four-year terms on January 1<sup>st</sup> of even-numbered years, and elected directors will begin staggered four-year terms on January 1<sup>st</sup> of odd-numbered years. Another significant change in this new section is that the tax assessor-collector is now a voting ex officio member to ensure there are no tie votes.

## **CALENDAR OF EVENTS FOR APPOINTED MEMBERS ON JANUARY 1, 2025**

**Title of Event:** Allocation of Votes

**Deadline:** Before October 1<sup>st</sup>, (September 30, 2024)

**Action:** Calculate the number of votes for each entity and notify the county judge, commissioners of the county, and presiding officers for cities, towns, school districts and college district.

**Responsible for Action:** Chief Appraiser

**Tax Code:** 6.03 (e)

**Summary of Action:** There are 5,000 total votes to be distributed based on tax levy. Each taxing unit's vote allocation is based on their tax levy compared to the grand total levy for all taxing units. Each taxing unit's vote allocation will be delivered to the taxing unit in late-September.

*Example: If a taxing unit's tax levy calculates to be 10% of the grand total levy for all taxing units, the taxing unit would be allocated 500 votes.*

**Title of Event:** Nomination of Candidates

**Deadline:** Before October 15<sup>th</sup>, (since October 14, 2024 is Columbus Day the deadline will shift to the Friday before). **Deadline for delivery of nominating Resolution, received by the Chief Appraiser, is end-of-day October 11, 2024.**

**Action:** Nominate up to one (1) candidate for each position to be filled on the Board of Directors. All five (5) of the board positions are included in this election, therefore each taxing unit can nominate a maximum of five (5) candidates.

**Responsible for Action:** Governing body of each entity and entity's presiding officer.

**Tax Code:** 6.03 (g)

**Summary of Action:** A taxing unit's nomination(s) by written Resolution can be submitted at any time, as long as it is received by the Chief Appraiser by end-of-day October 11, 2024. The Resolution must include the name and address of each candidate nominated. To be eligible to serve on the board, an individual must be a resident of the district and must have resided in the district for at least two years immediately preceding the date they take office.

**Note:** This is the nominations part of the process and the written Resolution associated with this phase of the election should only include nominations of candidates.

**Title of Event:** Delivery of Ballots

**Deadline:** Before October 30<sup>th</sup>, Deadline for delivery of ballots is end-of-day October 30, 2024.

**Action:** Prepare and deliver a ballot listing the candidates whose names were timely submitted by a taxing unit.

**Responsible for Action:** Chief Appraiser

**Tax Code:** 6.03 (j)

**Summary of Action:** The Chief Appraiser will deliver a ballot listing the candidates, with their names sorted alphabetically by surname, to the presiding officer for each taxing unit. Additionally, each ballot will list the taxing unit name and their vote allocation. The ballots will be mailed the third week of October.

**Title of Event:** Taxing Units Cast Their Votes

**Deadline:** Before December 15<sup>th</sup>, (December 15<sup>th</sup> falls on a Sunday). Deadline for delivery of voting Resolution, received by the chief appraiser, is end-of-day December 13, 2024.

**Action:** Taxing unit determines its votes in public session by Resolution.

**Special Action (Tax Code Amendment): Taxing Units with 5% or more of the total votes MUST determine its votes by Resolution adopted at the FIRST or SECOND OPEN meeting of the governing body held after the Chief Appraiser delivers the ballot and the Resolution must be submitted to the chief appraiser not later than the THIRD day following the date the Resolution was adopted. Taxing units with 250 or more votes are affected by this Tax Code change.**

**Responsible for Action:** Governing of each entity and entity's presiding officer.

**Tax Code:** 6.03 (g), 6.03 (k and k-1 effective 1-1-2022)

**Summary of Action:** The governing body of each taxing unit entitled to vote shall determine its vote by Resolution. If an entity marks their votes next to the nominees name on the Ballot received from the Chief Appraiser, the marked Ballot must have an accompanying Resolution adopted in a public meeting determining the tax unit's votes. The Resolution adopted in an open meeting of the taxing unit, or a copy of marked Ballot accompanied by the taxing unit's voting Resolution must be received by the Chief Appraiser by end-of-day December 13, 2024. **Taxing units with 250 or more votes, please refer to the "Special Action (Tax Code Amendment)" section above concerning the deadlines for adopting your vote Resolution and submitting the Resolution to the Chief Appraiser.**

**Title of Event:** Election Results

**Deadline:** Before December 31<sup>st</sup>, (December 30, 2024)

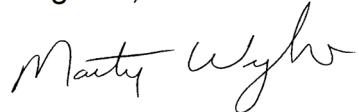
**Action:** Count the votes and declare the five (5) candidates who receive the largest cumulative vote totals elected to a staggered four-year term, beginning January 1, 2025.

**Responsible for Action:** Chief Appraiser

**Tax Code:** 6.03 (k)

**Summary of Action:** The Chief Appraiser will submit the election results before December 31, 2024 to each taxing unit and to the candidates.

Regards,



Marty Wright, CCA, RPA  
Chief Appraiser

## Texas Tax Code - TAX § 6.03. Board of Directors

Current as of April 14, 2021, | Updated by [FindLaw Staff](#)

(a) The appraisal district is governed by a board of directors. Five directors are appointed by the taxing units that participate in the district as provided by this section. If the county assessor-collector is not appointed to the board, the county assessor-collector serves as a nonvoting director. The county assessor-collector is ineligible to serve if the board enters into a contract under [Section 6.05\(b\)](#) or if the commissioners court of the county enters into a contract under [Section 6.24\(b\)](#). To be eligible to serve on the board of directors, an individual other than a county assessor-collector serving as a nonvoting director must be a resident of the district and must have resided in the district for at least two years immediately preceding the date the individual takes office. An individual who is otherwise eligible to serve on the board is not ineligible because of membership on the governing body of a taxing unit. An employee of a taxing unit that participates in the district is not eligible to serve on the board unless the individual is also a member of the governing body or an elected official of a taxing unit that participates in the district.

(b) Members of the board of directors other than a county assessor-collector serving as a nonvoting director serve two-year terms beginning on January 1 of even-numbered years.

(c) Members of the board of directors other than a county assessor-collector serving as a nonvoting director are appointed by vote of the governing bodies of the incorporated cities and towns, the school districts, the junior college districts, and, if entitled to vote, the conservation and reclamation districts that participate in the district and of the county. A governing body may cast all its votes for one candidate or distribute them among candidates for any number of directorships. Conservation and reclamation districts are not entitled to vote unless at least one conservation and reclamation district in the district delivers to the chief appraiser a written request to nominate and vote on the board of directors by June 1 of each odd-numbered year. On receipt of a request, the chief appraiser shall certify a list by June 15 of all eligible conservation and reclamation districts that are imposing taxes and that participate in the district.

(d) The voting entitlement of a taxing unit that is entitled to vote for directors is determined by dividing the total dollar amount of property taxes imposed in the district by the taxing unit for the preceding tax year by the sum of the total dollar amount of property taxes imposed in the district for that year by each taxing unit that is entitled to vote, by multiplying the quotient by 1,000, and by rounding the product to the nearest whole number. That number is multiplied by the number of directorships to be filled. A taxing unit participating in two or more districts is entitled to vote in each district in which it participates, but only the taxes imposed in a district are used to calculate voting entitlement in that district.

(e) The chief appraiser shall calculate the number of votes to which each taxing unit other than a conservation and reclamation district is entitled and shall deliver written notice to each of those units of its voting entitlement before October 1 of each odd-numbered year. The chief appraiser shall deliver the notice:

- (1) to the county judge and each commissioner of the county served by the appraisal district;

(2) to the presiding officer of the governing body of each city or town participating in the appraisal district, to the city manager of each city or town having a city manager, and to the city secretary or clerk, if there is one, of each city or town that does not have a city manager;

(3) to the presiding officer of the governing body of each school district participating in the district and to the superintendent of those school districts; and

(4) to the presiding officer of the governing body of each junior college district participating in the district and to the president, chancellor, or other chief executive officer of those junior college districts.

(f) The chief appraiser shall calculate the number of votes to which each conservation and reclamation district entitled to vote for district directors is entitled and shall deliver written notice to the presiding officer of each conservation and reclamation district of its voting entitlement and right to nominate a person to serve as a director of the district before July 1 of each odd-numbered year.

(g) Each taxing unit other than a conservation and reclamation district that is entitled to vote may nominate by resolution adopted by its governing body one candidate for each position to be filled on the board of directors. The presiding officer of the governing body of the unit shall submit the names of the unit's nominees to the chief appraiser before October 15.

(h) Each conservation and reclamation district entitled to vote may nominate by resolution adopted by its governing body one candidate for the district's board of directors. The presiding officer of the conservation and reclamation district's governing body shall submit the name of the district's nominee to the chief appraiser before July 15 of each odd-numbered year. Before August 1, the chief appraiser shall prepare a nominating ballot, listing all the nominees of conservation and reclamation districts alphabetically by surname, and shall deliver a copy of the nominating ballot to the presiding officer of the board of directors of each district. The board of directors of each district shall determine its vote by resolution and submit it to the chief appraiser before August 15. The nominee on the ballot with the most votes is the nominee of the conservation and reclamation districts in the appraisal district if the nominee received more than 10 percent of the votes entitled to be cast by all of the conservation and reclamation districts in the appraisal district, and shall be named on the ballot with the candidates nominated by the other taxing units. The chief appraiser shall resolve a tie vote by any method of chance.

(i) If no nominee of the conservation and reclamation districts receives more than 10 percent of the votes entitled to be cast under Subsection (h), the chief appraiser, before September 1, shall notify the presiding officer of the board of directors of each conservation and reclamation district of the failure to select a nominee. Each conservation and reclamation district may submit a nominee by September 15 to the chief appraiser as provided by Subsection (h). The chief appraiser shall submit a second nominating ballot by October 1 to the conservation and reclamation districts as provided by Subsection (h). The conservation and reclamation districts shall submit their votes for nomination before October 15 as provided by Subsection (h). The nominee on the second nominating ballot with the most votes is the nominee of the conservation and reclamation

districts in the appraisal district and shall be named on the ballot with the candidates nominated by the other taxing units. The chief appraiser shall resolve a tie vote by any method of chance.

(j) Before October 30, the chief appraiser shall prepare a ballot, listing the candidates whose names were timely submitted under Subsections (g) and, if applicable, (h) or (i) alphabetically according to the first letter in each candidate's surname, and shall deliver a copy of the ballot to the presiding officer of the governing body of each taxing unit that is entitled to vote.

(k) The governing body of each taxing unit entitled to vote shall determine its vote by resolution and submit it to the chief appraiser before December 15. The chief appraiser shall count the votes, declare the five candidates who receive the largest cumulative vote totals elected, and submit the results before December 31 to the governing body of each taxing unit in the district and to the candidates. For purposes of determining the number of votes received by the candidates, the candidate receiving the most votes of the conservation and reclamation districts is considered to have received all of the votes cast by conservation and reclamation districts and the other candidates are considered not to have received any votes of the conservation and reclamation districts. The chief appraiser shall resolve a tie vote by any method of chance.

(l) If a vacancy occurs on the board of directors other than a vacancy in the position held by a county assessor-collector serving as a nonvoting director, each taxing unit that is entitled to vote by this section may nominate by resolution adopted by its governing body a candidate to fill the vacancy. The unit shall submit the name of its nominee to the chief appraiser within 45 days after notification from the board of directors of the existence of the vacancy, and the chief appraiser shall prepare and deliver to the board of directors within the next five days a list of the nominees. The board of directors shall elect by majority vote of its members one of the nominees to fill the vacancy.

(m) Repealed by [Acts 2007, 80th Leg., ch. 648, § 5\(4\)](#).



## Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	Council
Fund Balance-before expenditure:	Prepared by:	City Secretary Scott Grey for Mayor Pettle
Estimated Cost:	Date Prepared:	September 26, 2024
Exhibits:	<u><b>None</b></u>	

### **AGENDA SUBJECT**

#### **UPDATE(S):**

FM2551

COMP PLAN

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

NOISE COMMITTEE

PROJECTS IN PROGRESS

ENGINEERING CONTRACTS

### **SUMMARY**

*Please review information provided.*

### **POSSIBLE ACTION**

City Council may direct staff to take appropriate action.

Inter – Office Use

Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	09/26/2024
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	09/xx/2024 via Municode
Mayor:	<i>Lee Pettle</i>	Date:	09/xx/2024



## Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	City Council
Fund Balance-before expenditure:	Prepared by:	City Secretary Scott Grey for City Administrator Olson
Estimated Cost:	Date Prepared:	September 26, 2024
Exhibits:	<u><b>None</b></u>	

### AGENDA SUBJECT

#### ACCEPTANCE OF DONATION(S) FOR POLICE, FIRE, AND CITY STAFF FOR THE RECORD (Each valued at between \$0 - \$1,000 [RES. NO. 2024-801])

Mary Anne Seale donated Tiffs Treats valued at \$48 to the Parker Fire Department.

Maryam Boroujerdi and Mohammad Massoudi donated Nothing Bundt Cakes Bundtinis valued at \$28 to City Staff.

Junko Chigani donated 5 pizzas valued at \$60 [2 pizzas for Police Department, 1 pizza Fire Department, 1 pizza for Fire Department, 1 pizza for City Hall Staff and 1 pizza for Public Works Department].

### SUMMARY

*Please review information provided.*

### POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
<b>Approved by:</b>	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	09/26/2024
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	09/XX/2024 via Municode
Mayor:	<i>Lee Pettle</i>	Date:	09/XX/2024



## Council Agenda Item

Budget Account Code:	Meeting Date: See above.
Budgeted Amount:	Department/ Requestor: City Council
Fund Balance-before expenditure:	Prepared by: ACA/CS Scott Grey
Estimated Cost:	Date Prepared: September 26, 2024
Exhibits:	<a href="#"><u>Future Agenda Items</u></a>

### AGENDA SUBJECT

#### FUTURE AGENDA ITEMS

### SUMMARY

This item has been updated, uploaded to the packet, and will be provided at Council meeting.

### POSSIBLE ACTION

City Council may direct staff to take appropriate action.

#### Inter – Office Use

Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	09/26/2024
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	09/27 /2024 via Municode
Mayor:	<i>Lee Pettle</i>	Date:	09/ <del>XX</del> /2024

**FUTURE AGENDA ITEMS**

	<b>ITEM DESCRIPTION</b>	<b>CONTACT</b>	<b>Notes - Last Updated</b>
<b>2024</b>			
Feb(Mar), May (July), Aug, Nov	Fire Department Quarterly Report	Sheff/Miller	2nd Qtr 2024 0917 CC Agenda - Done
Feb(Mar), May (July), Aug, Nov	Investment Quarterly Report	Savage	2nd Qtr 2024 0820 - Done
Feb(Mar), May (July), Aug, Nov	Enterprise Update	ICA CC/F-HR GS	Waiting on Update
	Mayor Pettle 2024 1002 Update	Pettle	Mayor Pettle 2024 1002 Update
October 2, 2024	Other items ready from FAI		Mayor Pettle - 2024 0909 email
October 2, 2024	Pump station	PWD GM	Public Works Director Gary Machado
October 2, 2024	Enterprise contract	F/HR GS/ICA CC	Interim City Attorney Catherine Clifton
October 22, 2024	SF rezonings (2)	PWD GM, ICA CC	2024 0822 P&Z Agenda - Done
October 2, 2024	Any plats ready		Mayor Pettle - 2024 0909 email
October 2, 2024	Any Resolutions/ILAs ready resolution		Mayor Pettle - 2024 0909 email
October 2, 2024	Rescind Newsletter committee resolution		Mayor Pettle - 2024 0909 email
October 2, 2024	ETJ Discussion if ready		Mayor Pettle - 2024 0819 email
October 2, 2024	NTMWD of anything ready		Mayor Pettle - 2024 0819 email
October 2, 2024	Records Retention Policy		Mayor Pettle - 2024 0819 email
October 2, 2024	Annual Records Review		Mayor Pettle - 2024 0819 email
October 2, 2024	Attorney appointment if ready		Mayor Pettle - 2024 0819 email
November 12, 2024	Investment Policy	F/HR GS	
November 12, 2024	TMRS	F/HR GS	

**FUTURE AGENDA ITEMS**

	ITEM DESCRIPTION	CONTACT	Notes - Last Updated
January xx, 2025	Fee Schedule	ICA CC, PWD GM, & F/HR D GS	Interim City Attorney Catherine Clifton, Public Works Director Gary Machado, & FIN/HR Director Grant Savage
	Presentation:	Pettle	Per Mayor Pettle 2024 0826 email
TBD	Town Hall		
	Updates:	Pettle	Per Mayor Pettle 2024 0826 email
October 2, 2024	FM2551		
October 2, 2024	Comp plan		Tentative 2024 0926 P&Z - waiting on Public Hearing Notice
October 2, 2024	TCEQ		
October 2, 2024	Projects in Progress		
October 2, 2024	Engineering contracts		
October 2, 2024	PIA Spreadsheet		
October 2, 2024	Dublin Water Line		
	Workshops:	Pettle	Per Mayor Pettle 2024 0826 email
TBD	city protocols - Minutes, Agendas, Open Records requests process, etc.		
TBD	Fire Department	Miller/Kendrick	
TBD	Departmental Reports		
TBD	ADA Website/Info Workshop Agenda, etc.	MLP	2024 0830 Mayor Lee Pettle update
	Future Agenda Items	Pettle	Per Mayor Pettle 2024 0826 email
TBD	Southridge gate 2025		
TBD	Rescind Newsletter committee		
TBD	Procedural Manual		
TBD	Personnel Manual		

**FUTURE AGENDA ITEMS**

	ITEM DESCRIPTION	CONTACT	Notes - Last Updated
TBD	Procedures for Presentations		
TBD	Procedures for agendas		
TBD	Employment :Required time with city for paid training		
TBD	water impact fees (July 2025)		
TBD	CIP updates (April/May 2025)		
TBD	Microphones for Council Chambers, if not done	IT MF	Information Technology Mike Farchie
TBD	Pump station if not done		
TBD	Records retention policy		
TBD	Annual records review		
TBD	Any ILAs needed		
TBD	St Paul ILA/agreement		
TBD	Exceptions/Exemptions to water moratorium	ICA CC	
TBD	Contract review of expiring contracts fy 23-24		
TBD	Exemptions to water moratorium		
TBD	Attorney appointment		