



GFOAT NEWSLETTER - SEPTEMBER 2007

PRESIDENT'S MESSAGE

Colleagues and Friends –

It's that time of year again: Year-end closing! Just as we are completing the budget, it is time to close out the old year and bring in the auditors. The exciting news this month is the pending conference. If you haven't made plans yet to attend, there is still time. The program is loaded on the website and we are continuing to make last minute refinements.



Of particular note are our opening and closing sessions. We are very excited to kick off the conference with representatives from GFOA and GASB. And, we are pleased to close the conference with updates regarding retirement systems and hear from the new executive director at TMRS.

On another front, I am pleased to announce that I will be joining the City of Irving as their new Chief Financial Officer. I have enjoyed five years here at Beaumont and have been able to work with some great people and get a lot of things accomplished. In retrospect, our team's greatest achievement during my tenure was dealing with the trauma of Hurricane Rita. A close second was working through the issues related to public safety staffing and compensation. With many happy memories behind me, I am excited about this new venture and look forward to working with the City of Irving.

I look forward to seeing you all in a couple of weeks in Corpus Christi!

Max

Government Finance Officers Association of Texas

www.gfoat.org



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TRAINING CALENDAR / NEWS

GFOAT NEWS TO USE.....

Fall Scholarship - Provides a scholarship to some working in local government to attend the Fall Conference in Corpus Christi. Congratulations to this year's winners:

Karen Hollingsworth, Accounting Manager, City of Azle

Shawna Tubbs, Accountant, City of Port Arthur

UPCOMING EVENTS...

FALL CONFERENCE - Corpus Christi Oct 10-12 ..."Off to the Races", get hotel information at www.gfoat.org/gfoatfall.pdf - Get in early and attend the following event sponsored by Bank of America:

Wednesday Night Social Event: An Evening on the Water - Join Bank of America as they host an evening on the Water, a unique nighttime bay area cruise, aboard the Captain Clark Flagship. This fun and relaxing cruise will include heavy hors d'oeuvres, drinks and musical entertainment. A Bank of America representative will meet you in the registration area of the GFOAT event beginning at 6:30 pm. And will escort you from the Omni at 6:45 pm to make the short walk down the pier to the Flagship. The boat will launch shortly after 7:00 pm and will return to the docks shortly before 9:00 pm. This looks to be an exciting opportunity for our GFOAT attendees. We recommend that you register early for this event, as space will fill up quickly. To RSVP for this nighttime excursion or for more information, please e-mail: irma.olivas@bankofamerica.com.

TML - GFOAT Affiliates Day - November 8, 2007, Dallas Convention Center - This just in!!!!!! Exclusively for those attending GFOAT Affiliates Day, Dr. Bob Bland will sign copies of his two most recent books, A Revenue Guide for Local Governments, and the best seller A Budgeting Guide for Local Government. Bring

your copy if you want it signed after his presentation. Either book can be purchased from the ICMA websites:

Budget book (2nd edition):

http://bookstore.icma.org/A_Budgeting_Guide_for_Local_Go_P1745C29.cfm

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Revenue book (2nd edition:

http://bookstore.icma.org/A_Revenue_Guide_for_Local_Gove_P1266C29.cfm

9:00 - 10:15 a.m.

Recent Developments in Budget Innovation: Linking Inputs, Outputs, and Outcomes - Find out the latest innovations in better linking budget inputs to outputs and outcomes. You'll also learn what public officials can anticipate during the next two decades in technology innovations, citizen participation, and analytical competencies in budgeting. Robert L. (Bob) Bland, Professor and Chair of the Department of Public Administration, University of North Texas, Denton

10:15 - 11:00 a.m.

Update from GFOAT: Current News and Events and Question-and-Answer Session. GFOAT Leaders

GFOA SATELLITE CONFERENCES - GFOA announces 7 host sites set up for the state of Texas for the **13th annual GFOA Annual Governmental GAAP Update** which is scheduled for the afternoon of **November 8, 2007**. Those 7 host sites are located in Houston, Laredo, Lubbock, McAllen, Galveston, Arlington and Richmond. Contact Celina Flowers at 312-578-5453 if you have any questions.

Host site information (<http://www.gfoa.org/downloads/GAAPHostFlyer07.pdf>)

Participant information (http://www.gfoa.org/downloads/GAAP07_RegFlyer.pdf)



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ARTICLE

DID YOU KNOW? LEGISLATIVE SUMMARY

Reprinted with permission from TML. Editorial Note by: Becky Brooks Grimm

Editors Note: *While the legislative year was relatively kind to issues regarding municipal and public finance, several bills passed that affect our operations. Below, we have reprinted the legislative summary from TML and have highlighted critical effective dates. The first bill referenced is one that may not have caught the attention of many of you and pertains to reporting consumption data. Also note several of the bills near the end that are NOT tax related, but do affect fiscal affairs. bbg*

H.B. 3693 – Energy Conservation: makes changes to various energy conservation statutes. Of interest to cities, the bill provides that:

1. Each political subdivision shall establish the goal of reducing electric consumption by five percent each state fiscal year for six years, beginning on September 1, 2007.
2. Notwithstanding any other law: (a) a governmental entity responsible for payments for electric, water, or natural gas utility services shall record in an electronic repository the governmental entity's metered amount of electricity, water, or natural gas consumed for which it is responsible to pay and the aggregate costs for those utility services; and (b) the governmental entity shall report the recorded information on a publicly accessible Internet Web site with an interface designed for ease of navigation if available, or at another publicly accessible location.
3. If the State Energy Conservation Office (SECO) determines, based on written recommendations from the Energy Systems Laboratory at Texas A&M University, that the energy efficiency provisions of the latest published editions of the International Residential Code or the International Energy Conservation Code for residential or commercial energy efficiency and air quality are equivalent to or more stringent than the provisions of previous editions, SECO by rule may adopt and substitute in the energy code the equivalent or more stringent editions.
4. If SECO adopts the latest published editions of the International Residential Code or the International Energy Conservation Code into the energy code, it shall establish an effective date for the new editions that is not earlier than nine months after the date of adoption.
5. SECO by rule shall establish a procedure for allowing an opportunity for persons, including city officials, who have an interest in the adoption of energy efficiency codes to comment on a code considered for adoption.



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6. With regard to each municipally owned electric utility that had retail sales of more than 500,000 megawatt hours in 2005: (a) the utility shall administer energy savings incentive programs; (b) customers of the utility will have a choice of and access to energy efficiency alternatives that allow customers to reduce energy consumption, peak demand, or energy costs; and (c) the utility will provide incentives for additional cost-effective energy efficiency.
7. A municipally owned utility shall: (a) consider net metering service as provided by the federal Public Utility Regulatory Policies Act of 1978 after proceedings conducted in accordance with that law; and (b) report the conclusions to SECO and include in that report information regarding metering electricity generated by solar panels on public school building rooftops.
8. To protect retail customers in this state and to ensure the continuation of cost-effective energy efficiency measures and delivery systems, an electric utility or transmission and distribution utility must report to and obtain approval of the Public Utility Commission before closing certain transactions or mergers, with certain limited exceptions.
9. The municipal governing body or a body vested with the power to manage and operate a municipally owned utility has exclusive jurisdiction to determine the extent to which the utility offers energy efficiency programs and how the programs are administered by the utility.
10. After a municipally owned utility adopts customer choice by decision of the governing body, the Public Utility Commission shall provide oversight and adopt rules and procedures, as necessary, to ensure that the utility can achieve energy efficiency goals in a market-neutral, nondiscriminatory manner, including existing energy efficiency programs already adopted by the utility.

FINANCE AND ADMINISTRATION

Property Tax

H.B. 438 – Property Taxes: does the following: (1) provides that the appraised value of a residence homestead may not increase more than ten percent in any single year (under current law, in areas of the state where homesteads are reappraised every two or three years, the appraised value of a homestead can increase 20 or 30 percent immediately following a reappraisal); and (2) provides that any increase in value caused by repairs to a homestead is included within the ten-percent appraisal cap. (This bill will take effect only if the voters approve the accompanying constitutional amendment, **H.J.R. 40**, at the November 6, 2007, election. Please see **H.J.R. 40**, below.)



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H.B. 621 – Property Taxes: does the following: (1) enacts the "super freeport" property tax exemption that was approved by the voters in 2001 as an amendment to the Texas Constitution; (2) exempts from property taxes any tangible personal property (other than oil and gas, aircraft, dealer's motor vehicle inventory, dealer's boat inventory, dealer's heavy equipment inventory, and retail manufactured housing) that is located at a site for less than 175 days and is not under control of the property owner (unlike freeport goods--an exemption under current law--super freeport goods need not be shipped out of state in order to qualify for the tax exemption); (3) provides that a city may choose to opt out of the exemption by holding a hearing and then adopting an ordinance or resolution to continue taxing super freeport goods at a meeting held prior to January 1 of the first tax year in which the city wishes to continue taxing the goods **(accordingly, a city must hold a hearing and then adopt an ordinance no later than December 31, 2007, if it wishes to continue taxing such goods for tax year 2008)**; (4) provides that a decision to continue taxing super freeport goods can be reversed for a future tax year, and that failure to act this year does not preclude a city from choosing to opt out of the exemption in future years; and (5) provides that a property owner receiving the super freeport exemption may not also receive the freeport exemption that exists under current law.

H.B. 1022 – Property Taxes: exempts from property taxes one motor vehicle that is used by an individual in the course of the owner's occupation or profession and is also used for some personal activities that do not involve the production of income. (This bill will take effect only if the voters approve the accompanying constitutional amendment, **H.J.R. 54**, at the November 6, 2007, election. Please see **H.J.R. 54**, below.)

H.B. 1210 – Property Taxes: does the following: (1) permits a city the option to extend, for good cause, the three-year deadline for a taxpayer to submit an application for a refund of overpayment or erroneous payment of property taxes; (2) provides that the extension may be for a two-year period, and (3) provides that an extension may not be granted for an overpayment caused by a change of exemption status or correction of a tax roll.

H.B. 1928 – Property Taxes: exempts certain travel trailers from property taxes. To qualify for an exemption, a travel trailer must: (1) occupy 400 square feet or less in set-up mode; (2) be designed primarily for use as living quarters in connection with recreation, camping, travel, or seasonal use; (3) be built on a single chassis mounted on wheels; and (4) be certified as complying with American National Standards Institute Standard A119.5.

H.B. 2087 – Property Tax Freeze: provides that: (1) a general law city that has had two failed, petition-initiated senior tax freeze elections within a 36-month period



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may not hold another petition-initiated election until the third anniversary of the most recent election; and (2) a home rule city that has had two failed, petition-initiated senior tax freeze elections within a 36-month period, and that receives a subsequent valid petition for an election, may postpone the election until the next regularly scheduled election for city officers.

H.B. 2092 – Tax Increment Financing: permits certain regional or commuter mass transit rail system land and facilities to qualify as a tax increment reinvestment zone.

H.B. 3191 – Property Taxes: increases from 50 percent to 100 percent the property tax exemption for certain community housing development organizations (CHDOs) where the low-income dwellings are sold rather than rented.

H.B. 3195 – Property Taxes: does the following: (1) requires the city budget and budget hearing postings to contain specific notice of proposed increases in total property tax revenue; (2) requires a city that operates an Internet Web site to post its budget on that Web site; and (3) requires a city council to take a separate ratification vote to adopt any budget that will raise total property tax revenue. (Note: the provisions of this bill apply to a budget enacted after September 1, 2007.)

H.B. 3495 – Property Taxes: requires that the notice of a city council meeting at which the council will adopt a tax rate that exceeds the effective rate must contain certain comparative information about tax levies for the current year and the prior year. (Note: the provisions of this bill apply to a tax rate adopted after January 1, 2008.)

H.B. 3630 – Property Taxes: requires that the notice of tax increase hearings and the notice of a city council meeting at which the council will adopt a tax rate that exceeds the effective rate must both contain certain comparative information about tax levies for the current year and the prior year. (Note: the provisions of this bill apply to a tax rate adopted after January 1, 2008.)

H.J.R. 40 – Property Taxes: proposes an amendment to the Texas Constitution which, if approved by the voters on November 6, 2007, will authorize the legislature to provide that the appraised value of a residence homestead may not increase more than ten percent in any single year. (Under current law, in areas of the state where homesteads are reappraised every two or three years, the appraised value of a homestead can increase 20 or 30 percent immediately following a reappraisal.) (Please see **H.B. 438**, above.)

H.J.R. 54 – Property Taxes: proposes an amendment to the Texas Constitution which, if approved by the voters on November 6, 2007, will authorize the legislature



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to provide a property tax exemption for one motor vehicle that is used by an individual in the course of the owner's occupation or profession and is also used for some personal activities that do not involve the production of income. (Please see **H.B. 1022**, above.)

S.B. 426 (West) – Property Taxes: allows a community housing development organization (CHDO) tax exemption to survive foreclosure of the exempt property, provided the successor owner also qualifies for the exemption.

S.B. 456 -- Property Taxes: provides that notice of possible senior deferrals need only be included in delinquent tax correspondence that is sent to residential property. S.B. 1063 – Property Taxes: permits a city to waive interest and penalties on delinquent property taxes if the taxpayer attempted to pay the tax to the wrong address.

S.B. 1405 – Property Taxes: requires that unless a city notifies an appraisal district otherwise, the appraisal district shall give early notice to the city of estimated property values and assist the city in determining taxable values for budgetary purposes.

S.J.R. 44 – Property Taxes: proposes an amendment to the Texas Constitution which, if approved by the voters on November 6, 2007, will authorize the legislature to provide that, for a city with less than 10,000 population, the city council may call an election to allow the council to freeze property taxes for five years on properties in and around certain revitalization programs administered by the Texas Department of Agriculture. (Note: the accompanying legislative enactment failed to pass; thus, the exemption will go into effect only if a future legislature approves enacting legislation.)

Sales Tax

H.B. 3084 – Sales Tax: does the following: (1) abolishes the automatic four-year expiration of any street maintenance sales tax enacted after September 1, 2007; and (2) permits the abolition of a street maintenance sales tax by an election called by the city council on its own motion or upon the city's receipt of a petition signed by at least five percent of the registered voters of the city.

H.B. 3314 – Sales Tax: moves the current sales tax holiday from the first weekend to the third weekend in August and adds backpacks that cost less than \$100 to the list of exempt items during the sales tax holiday.

H.B. 3319 – Sales Tax: does the following: (1) moves the current sales tax holiday from the first weekend to the third weekend in August; (2) adds backpacks that cost



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less than \$100 to the list of items that are exempt during the sales tax holiday; (3) provides that city sales-tax-sourcing rules apply to sales of all taxable items, not just tangible personal property, as current law provides; (4) provides that certain nonresidential property-remodeling services are sourced at the job site for sales tax purposes; (5) specifies that the "sale for resale" sales tax exemption under current law applies to the transfer of a wireless voice communication device as an integral part of a taxable service, regardless of whether there is a separate charge for the device or whether the purchaser is the provider of the taxable service, if payment for the service is a condition for receiving the device; and (6) makes minor technical alterations to various sales tax exemption statutes.

S.B. 190 – Sales Tax Information: permits any city to request information from the state comptroller regarding sales tax remittance by any business with sales tax payments over \$25,000 (current law permits only a city with a population of 275,000 or less to request such information); permits a city that does not impose a property tax to request sales tax information by any business with sales tax payments over \$500; and requires a city to renew its request for sales tax information each year.

Purchasing

H.B. 447 – Construction Procurement: makes numerous changes to city procurement practices. Specifically, the bill: (1) prohibits a reverse auction procedure for a public works contract for which a performance or payment bond is required; (2) consolidates the provisions of current law relating to alternative delivery systems for construction projects (e.g., competitive sealed proposals, construction manager-agent, construction manager at-risk, design-build, job order contracting) by most governmental entities, including cities and any entity owned by a city or that operates a facility for the benefit of a city; (3) provides procedures and criteria for a governmental entity to use when selecting a construction contractor using an alternative method; (4) authorizes the use of any alternative delivery method, except for design-build and job order contracting, for any improvement to real property; (5) limits the use of design-build to buildings and associated structures, including an electric utility structure; (6) limits the use of job order contracting to a building or a structure or land, whether improved or unimproved, that is associated with a building; (7) provides that no alternative delivery system may be used for a project that receives money from a state or federal highway fund; (8) provides that a local government corporation created by a city must comply with all state laws related to the design and construction of projects, including the procurement of design and construction services, that apply to the city that created the corporation, with certain narrow exceptions; (9) clarifies that an interlocal agreement may authorize a local government to be reimbursed for its expenses or to share in the profits or revenue of the performing party for insurance products if the reimbursement or sharing assists in the management of a local government; (10)



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prohibits the use of an interlocal contract to purchase engineering or architectural services unless the services are in connection with the design or construction of a specific facility to be jointly owned, used, or financed by the parties to the contract; (11) prohibits the use of an interlocal contract to purchase construction services unless the services are in connection with the design or construction of a specific facility to be jointly owned, used, or financed by the parties to the contract, with certain exceptions; and (12) provides that the Professional Services Procurement Act may be enforced through an action for declaratory or injunctive relief filed not later than the 10th day after the date on which a contract is awarded.

H.B. 1491 – Conflicts of Interest: makes numerous changes to the 2005 conflicts disclosure enactment, including the following:

1. requires a member of the city council, a person designated as the executive officer of the city, or an employee that a city council has voted to make subject to the statute to file a disclosure statement if the city officer or officer's family member has an employment or business relationship with a vendor that results in the officer or family member receiving taxable income that exceeds \$2,500 (current law has no minimum amount);
2. requires an officer to file a disclosure statement if the officer or officer's family member receives one or more gifts from a vendor that have an aggregate value of \$250;
3. provides that an officer is not required to file a disclosure statement if the officer or officer's family member receives taxable income from a vendor that is investment income (dividends, capital gains, or interest income generated from a personal or business checking or savings account, a personal or business investment, or a personal or business loan);
4. provides that an officer is not required to file a disclosure statement in relation to a gift accepted by the officer or officer's family member if the gift is given by a family member of the person accepting the gift, is a political contribution, or is food, lodging, transportation, or entertainment accepted as a guest;
5. requires a city to reprimand, suspend, or terminate a city employee that knowingly fails to comply with the requirements of the statute;
6. makes it an exception to prosecution, rather than a defense to prosecution (as current law provides) that the officer filed a disclosure statement not later than the seventh business day after the date the person received notice from the city of the alleged violation;
7. requires a vendor that enters or seeks to enter into a contract with the city to file a conflicts questionnaire only if the vendor has a business relationship with the city and an employment or other business relationship with an officer or officer's family member, or the vendor has given an officer or the officer's family member one or more gifts;



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8. requires a vendor to file an updated conflicts questionnaire not later than the seventh business day after the date of an event that would make a statement in the questionnaire incomplete or inaccurate;
9. makes it an exception to prosecution, rather than a defense to prosecution (as current law provides) that the vendor filed a conflicts questionnaire not later than the seventh business day after the vendor received notice from the city of the alleged violation;
10. provides that city does not have a duty to ensure that a vendor files a conflicts questionnaire;
11. provides that the validity of a contract between a city and a vendor is not affected solely because a vendor fails to comply with the requirements of the statute;
12. provides that a city that maintains a Web site shall provide access to statements and questionnaires required to be filed, but does not require a city to maintain a Web site;
13. requires a city to maintain disclosure statements and conflicts questionnaires in accordance with the city's records retention schedule; and
14. provides that a city is not required to disclose any information that is excepted from disclosure by the Public Information Act.

H.B. 1886 – Civil Works Projects: authorizes the use of additional procurement methods for certain projects. Specifically, the bill: (1) authorizes the use of competitive sealed proposals and construction manager at-risk for any improvement to real property; (2) provides that if a job order contract or an order issued under the contract requires engineering or architectural services that constitute the practice of engineering or architecture, then a city shall select or designate an architect or engineer to prepare the construction documents for the facility; (3) authorizes a city to use the design-build method for the construction, rehabilitation, alteration, or repair of a civil works project, which is defined as a roadway project, transit project, water supply treatment or transmission project, wastewater treatment or transmission project, desalination project, or electric utility project; (4) provides procedures and criteria for selecting a design-build firm using a combination of qualifications, cost, and technical capabilities; (5) provides that before September 1, 2009, the provisions of the bill apply to a city with a population of 500,000 or more, and that on or after September 1, 2009, and before September 1, 2011, the provisions of the bill apply to a city with a population of more than 100,000; (6) provides that for four years a city with a population of 500,000 or more may contract for not more than three projects using the design-build method in any fiscal year, and a city with a population of 100,000 or more but less than 500,000 may contract for not more than two projects in any fiscal year; (7) provides that after four years a city with a population of 500,000 or more may contract for not more than six projects using the design-build method in any fiscal year, and a city with a population of 100,000 or more but less than 500,000 may contract for not more than four projects in any fiscal year; (8) mandates that a city assume certain risks



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associated with procurement using the design-build method; (9) creates a stipend payment that would, among other things, authorize a city to offer one-half of one percent of the contract amount to retain the rights to the intellectual property of unsuccessful bids, at the election of the unsuccessful bidder; (10) provides that if the contract for a facility involves the use of state or federal highway funds, the purchasing requirements of the appropriate state or federal funding entity apply, unless otherwise waived by the appropriate state or federal funding entity; (11) prohibits certain contract provisions that provide that an engineer or architect whose work product is the subject of the contract must indemnify, hold harmless, or defend a governmental agency against liability for certain damages; (12) provides that an interlocal contract between a governmental entity and a purchasing cooperative may not be used to purchase engineering or architectural services; (13) authorizes the enforcement of the Professional Services Procurement Act through an action for declaratory or injunctive relief filed not later than the 10th day after the date a contract is awarded; and (14) mandates that a local government corporation must comply with all state laws related to the design and construction of projects, including the procurement of design and construction services, that apply to the local government that created the corporation, with certain exceptions.

H.B. 3517 – Purchasing: modifies the municipal procurement process by: (1) authorizing a city to use the competitive sealed proposal procedure for the purchase of goods or services, including high technology items and insurance; (2) providing that the governing body of a city that is considering using a method other than competitive sealed bidding must determine before notice is given the method of purchase that provides the best value for the city; (3) authorizing the governing body to delegate its authority to decide which method provides that best value to a designated representative; and (4) requiring the city to consider specific criteria to determine which proposal provides the best value for the city.

H.B. 3560 – Purchasing: this bill relates primarily to renaming and restructuring state agencies, but one part of the bill enacts a new subsection (e) of Section 2161.061 of the Government Code to provide that a local government that certifies historically underutilized businesses (HUBs) or that conducts a certification program shall make available to the public an online, searchable database containing detailed information about HUBs.

S.B. 1765 – Purchasing: would raise from \$25,000 to \$50,000 the amount of expenditure that triggers the competitive bidding and historically underutilized business procedures, and would exempt advertising, other than legal notices, from the competitive bidding requirement.



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Elections

H.B. 556 – Electronic Voting Machines: as originally filed, this bill exempted one special district from the requirement to have any handicap-accessible voting machines. The bill as passed does that, but also allows a city (except in a joint election where a federal office appears on the ballot), if the city provides notice to the Texas secretary of state, to have: (1) no electronic voting machines if the city is in a county with a population of less than 2,000; (2) one electronic voting machine on election day if the population of the county is between 2,000 and 5,000, and the city publishes the location of the voting machine in a newspaper of general circulation; (3) one electronic voting machine available during early voting and on election day if the population of the county is between 5,000 and 10,000, and the city publishes the location of the voting machine in a newspaper of general circulation; and (4) one electronic voting machine during early voting and on election day if the population of the county is between 10,000 and 20,000, the city makes a showing that further compliance would be an undue burden, the city deploys one mobile, electronic voting machine to each early voting location at least once during the early voting period, and the city publishes the location of the voting machine in a newspaper of general circulation. This bill also: (1) requires an early voting clerk to provide a reasonable accommodation to cast a ballot to a voter with a disability who requests a reasonable accommodation by the 21st day before the date of the election; and (2) allows a city to show an undue burden by filing an application with the Texas secretary of state not later than the 90th day before the election date with proof that election costs related to electronic voting machines reflect an increase of at least 25 percent.

H.B. 1446 – Elections: this bill: (1) provides that voted ballots shall be preserved for at least 60 days after the date of the election; and (2) provides that on the 61st day after the election, the custodian of records may require a person who has possession of a key that operates the lock on a ballot box containing voted ballots to return the key to the custodian, unlock the ballot box, and transfer the voted ballots to another secure container for the remainder of the 22-month preservation period.

H.B. 2823 – Early Voting: allows a person who applied for and was supposed to file an early vote by mail, but who did not, to cast a provisional ballot on election day at the person's precinct.

H.B. 3619 - Election Dates: authorizes any city to change the date of its general election to another uniform election date if the change is made by December 31, 2008.



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S.B. 361 – Early Voting: would provide that a member of the armed services may submit an application for a federal postcard election by the 20th day before election day.

S.B. 493 – Elections Administrators: authorizes the creation of a joint elections administrator to streamline the administration of elections. Specifically, the bill: (1) creates the position of joint elections administrator in a single county if the commissioners court and the governing body of one or more other political subdivisions located in that county separately adopt a written order creating the position; (2) creates the position of joint elections administrator for multiple counties if the commissioners courts of two or more adjacent counties and, if applicable, the governing body of one or more other political subdivisions located in either county separately adopt a written order creating the position; (3) provides that a political subdivision may not adopt a written order creating the position of joint elections administrator unless a county in which the political subdivision is wholly or partly located adopts a written order creating the position; (4) requires participating political subdivisions to create a joint elections commission consisting of representatives from the participating entities; (5) provides that the joint elections commission appoints the joint elections administrator and sets the number of deputies and other persons that the joint elections administrator may employ; (6) provides that the employment of the joint elections administrator may be terminated at any time for good and sufficient cause; (7) provides that the participating entities shall share the cost of the operating expenses of the administrator's office, subject to certain restrictions; (8) mandates that the joint elections administrator perform the duties and functions of the voter registrar, with certain exceptions, and the duties and functions relating to elections placed on an officer of a participating entity formerly required to conduct elections; (9) divides certain duties between the joint elections administrator and the officers of a political subdivision; and (10) provides that the secretary of state shall adopt rules that classify the duties and functions placed on the officers of the participating entities according to whether they are to be performed by the joint elections administrator or by the officers.

Open Government

H.B. 1497 – Public Information Act: provides that a city that sends a written request for clarification or additional information to a requestor may consider a public information request withdrawn if: (1) the request is sent to the requestor's mailing address by certified mail; (2) the city includes a notification in the request that failure to respond to the city's request for clarification could result in the original request being treated as withdrawn; and (3) no response is received within 60 days.

H.B. 2061 – Disclosure of Social Security Numbers: provides that the social security number of a living person is excepted from disclosure under the Public



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Information Act, but is not confidential under law. (Note: This bill addresses attorney general opinion GA-519, which concluded that any release of a living person's social security number is a crime.)

H.B. 2248 – Public Information Act: provides that: (1) a governmental body may ask the Texas attorney general for another decision concerning the precise information that was at issue in a prior decision if: (a) a suit challenging the prior decision was timely filed against the attorney general concerning the precise information at issue; (b) the attorney general determines that the requestor has voluntarily withdrawn the request for the information in writing or has abandoned the request; and (c) the parties agree to dismiss the lawsuit; and (2) a court may dismiss a suit challenging a decision of the attorney general if all parties to the suit agree to the dismissal, and the attorney general determines and represents to the court that the requestor has voluntarily withdrawn the request for information in writing or has abandoned the request.

H.B. 2564 – Public Information Act: provides that: (1) a governmental body may establish a reasonable limit on the amount of time that personnel of the governmental body are required to spend producing public information for inspection or duplication by the requestor, providing copies to the requestor, or complying with a request submitted in the name of a minor without recovering costs attributed to that personnel time; (2) such time limit may not be less than 36 hours for a requestor during the city's fiscal year; (3) a governmental body that establishes such a time limit must provide the requestor with a written statement of the amount of personnel time spent complying with the request and the cumulative amount of time spent complying with requests for public information from that requestor during the applicable 12-month period, not including the time spent preparing the statement; (4) if the cumulative amount of personnel time spent complying with the request for public information equals or exceeds the time limit established by the governmental body, the governmental body shall provide the requestor with a written estimate of the total cost on or before the 10th day after the date on which the information was requested; (5) if the governmental body needs additional time to prepare the written statement, the governmental body shall inform the requestor; (6) a governmental body is not required to produce the public information in response to the requestor's request, unless on or before the 10th day after the date that the governmental body provided the written statement, the requestor submits a statement in writing to the governmental body in which the requestor commits to pay the lesser of the actual costs incurred in complying with the requestor's request, including personnel time, or the amount stated in the written statement; (7) a requestor is considered to have withdrawn the request if the requestor fails or refuses to submit the statement committing to pay the costs incurred by the governmental body; and (8) radio stations, television stations, newspapers, elected officials, and publicly-funded legal services organizations are excepted from the limits of this legislation.



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S.B. 175 – Public Information Act: this bill: (1) extends the deadline for a requestor to make a deposit or post a bond before a request will be considered withdrawn (current law provides that the deadline is the 10th day after the city notifies the requestor of the deposit or bond requirement, while this bill provides that the deadline is ten business days after the required date); (2) provides that the attorney general's office is allowed 45 business days to issue a decision after the date the office receives a request for a decision, with an extension period for the attorney general's action of ten business days; and (3) requires a city to release information to a person with a special right of access not later than the tenth business day after the receipt of a request for information.

S.B. 1306 – Open Meetings Act: excludes from the definition of a "meeting" the gathering of a quorum of a governmental body at a ceremonial event or press conference if formal action is not taken and any discussion of public business is incidental to the ceremonial event or press conference.

S.B. 1499 – Open Meetings Act: provides that the sudden relocation of a large number of residents from the area of a declared disaster to a governmental body's jurisdiction is considered a reasonably unforeseeable situation for a reasonable period immediately following the relocation, and thus would be an "emergency" pursuant to the two-hour posting requirement in the Open Meetings Act. In addition, the bill provides that notice of an emergency meeting or supplemental notice of an emergency item added to the agenda to address the emergency must be given to members of the news media not later than one hour before the meeting.

Other Bills

H.B. 1 – State Budget / Parks: this is the state budget bill. Of interest to cities, local parks grant funding will be affected as follows: (1) the allocation of sporting goods sales tax revenue to the local parks grant account will increase from \$5.2 million per year to \$15.5 million per year; (2) total general fund revenue to the local parks grant account will increase from \$0.8 million for the biennium to \$16.7 million; and (3) \$16.7 million of local parks grant funding will be "earmarked" for eighteen specific local park projects. (Total funding will increase from \$11.3 million to \$47.658 million per biennium.)

H.B. 11 – Alcohol and Tobacco Taxes: improves the state's procedures relating to the filing of alcohol and tobacco sales reports with the state comptroller, and is estimated to generate roughly \$5 million in municipal revenue statewide in fiscal year 2008 and \$17 annually by fiscal year 2012.

H.B. 730 – Certificates of Obligation: extends from 14 to 30 days the required time period between the first newspaper notice of a city's intention to issue



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certificates of obligation and the meeting date at which the city council authorizes their issuance.

H.B. 1268 – Attorney's Fees: provides that a governmental contract for general construction, an improvement, a service, a public works project, or a purchase of supplies, materials, or equipment may not provide for the award of attorney's fees to the governmental entity in a dispute unless the contract provides for the award of attorney's fees to each other party to the contract.

H.B. 1456 – Annual Financial Statement: extends from 120 days to 180 days the time period, following the last day of a fiscal year, for a city to file the annual financial statement for the fiscal year with the city secretary.

H.B. 1560 – Liability: expands the definition of recreation to include "paint ball use," and provides that a city must post a sign containing specific language on any premises that a city owns, operates, or maintains on which certain recreational activities are conducted.

H.B. 2365 – Postemployment Benefits/GASB 45: provides that: (1) a city's accounting and financial reporting system must be consistent with state law and may not misrepresent financial activities; (2) a city may follow the "statutory modified accrual basis" method of financial accounting; (3) any generally accepted accounting principles that require reporting of postemployment benefits in any method other than "pay as you go" do not have to be used by Texas or its political subdivisions; and (4) "other postemployment benefits" must be disclosed in a city's annual financial statement in the detailed manner laid out in the bill. **(Note: finance officers and auditors should carefully review this bill. It will take effect immediately when it is signed by the governor.)**

H.B. 2438 – Hotel Occupancy Taxes: authorizes a city to use hotel occupancy tax revenue to own or finance a transportation system that transports tourists from hotels to the commercial center of the city, a convention center, other hotels, or tourist attractions in the city. This bill also provides that a transportation system funded by hotel occupancy tax revenue cannot be used to serve the general public.

S.B. 653 – Mayoral Vacancy: provides that a person serving on a municipal governing body in a general law city is not, because of that service, ineligible to be appointed to fill a vacancy in the office of mayor, but the person may not vote on the person's own appointment. For a home rule city, this bill grants the same authority unless the city charter or Chapter 26 of the Local Government Code provides otherwise.

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S.B. 1086 – Charter Amendments: provides that: (1) the published notice of an election on a proposed home rule charter amendment must include an estimate of the anticipated fiscal impact to the city if the proposed amendment is approved; and (2) no person may seek a judicial remedy to enforce the estimate on the city.

S.B. 1332 – Debt: requires a municipal investment advisor to: (1) be a registered dealer or adviser under state or federal law; (2) have relevant experience in providing financial advice relating to public securities; (3) make certain written acknowledgements to the city being advised; and (4) follow certain ethical guidelines set out in the bill.

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MEMBER SPOTLIGHT

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Education

BA 1972 University of Texas at Austin
MBA 1976 Columbia University, NY
MA 1979 University of Texas at Austin

Experience

05/07 - Treasury Manager, City of Arlington
09/00 - Current Associate Director, Center For Public Management - UNT
10/99 - 09/00 Director of Investment Training, CPM-UNT
03/97 - 09/99 Marketing Director, TexPool, First Southwest Co.
06/95 - 03/97 Vice President, LOGIC, Southwest Securities
08/94 - 06/95 Vice President, Friedman, Luzzatto, & Company
02/93 - 08/94 Vice President, Principal Financial Securities
06/89 - 01/93 Treasurer, City of Austin
05/78 - 06/89 Cash & Debt Manager, City of Dallas
06/76 - 05/78 Credit Analyst, InterFirst Bank

Certifications / Awards

GFOAT Outstanding Service Award 2005

GFOAT Service

Legislative Committee, Former Chair
Program Development Committee, Co-Chair

What has been one of your greatest accomplishments as a Government Finance Officer?



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In 1987, I joined a group of dedicated and committed public finance professionals who convinced the Texas legislature to approve the Public Funds Investment Act. This accomplishment has “paid dividends” in unexpected ways, since it led to joining GFOAT, chairing the GFOAT Legislative Committee for a couple of regular legislative sessions, and serving on the GFOAT Program Development Committee.

What was one of your greatest learning experiences in your government finance career?

I still draw from the experience of working with the three City of Austin employee pension systems during my time as city treasurer. The relationship between the treasury office and the pension systems was unique in Texas local government at the time, and I gained a perspective on investing that could only come from attending, and, in some cases, being actively involved in board decisions. Yesterday’s pension funding issues and the consequences of the methods used to address them are at the top of today’s concerns.

Who has influenced or had a great impact on you and your career in government finance?

I need more room to answer this question! One person I would like to acknowledge here is Dr. Bob Bland, who is often praised by UNT students as a great educator. For his current and former students, you should know that Bob is also a great listener and an unwavering supporter of our profession. As you progress in your career, do not forget what a valuable resource he is.

What has been one of your greatest challenges as a Government Finance Officer?

Learning to be patient with the decision-making process remains my greatest challenge. Finding ways to improve operations and processes is one of my favorite things, but it takes time (and lots of meetings!) to convince those in control that there is a problem and that you know the best way to fix it.

What, to date, has been your biggest screw-up; no let’s say ‘on-the-job learning experience’?

Let’s just say that “compromise” is a good word to keep in the daily vocabulary.

In your crystal ball, what do you see as a future challenge for government finance?

One of the major issues for the next several years will be structuring and financing retiree health care and pension obligations. Another issue will be determining the long term impact on the city’s finances from today’s economic development efforts.



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What words of wisdom would you pass on to a new Government Finance Officer?

You will be faced with situations where the choice between right and wrong will not always be clear. Be prepared to live with whatever decision you make or the one that is made for you.

What are your hobbies that help keep you sane?

Movies are my favorite escape from reality.

Who is your favorite actor?

Since going to the movies is my hobby, I have many favorite actors. If I had to create a top 10 list, Russell Crowe would be number one.

Who is your favorite singer?

I enjoy listening to many different kinds of music. Two of my favorites are Ella Fitzgerald and Billie Holiday. I am definitely "old school" when it comes to jazz.

What was your favorite TV show when you were a kid?

"I Love Lucy" still makes me laugh.

What is your favorite movie?

"Lawrence of Arabia" is my favorite movie, and it must be seen in a theater to be appreciated.

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COMMITTEES AND REGIONS

Scholarship & Foundation: Application **DEADLINES EXTENDED** - Fall Scholarship by **Sept 7** <http://www.gfoat.org/FILES/scholarship.pdf>; Fellowship by **October 31** <http://www.gfoat.org/FILES/anderson.pdf>; contact Rhonda.Young@baytown.org

Professional Development/CGFO: Next exams: Keller, TX **October 5**, 2:00-4:30 pm; Fall Conference, Corpus Christi, **Wednesday October 10**, 2007 3:00-5:30pm

Region 8 & 13: Next meeting dates at NCTCOG Arlington: **Sept 21st**. Contact Dana Navarette at DNavarrette@nctcog.org

Region 14: Next meeting date: **October 18th**. Contact jcooksey@gcwda.com

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The new FY2007-08 invoice forms and packets are available. Please click on the above link to download the packet and update your sponsorship. As a reminder, sponsors are encouraged to bring small brochures and business cards to our FALL CONFERENCE for the resource tables. Also, we plan to host a sponsor feedback session during one of the concurrent workshops, so look for information on site. We are also soliciting articles from sponsors for the upcoming four months. Please contact Becky at bbgrimm@gfoat.org

Thanks to **renewals** of these sponsors:

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chad.nobles@siemens.com

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brian.dodge@wamu.net

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JOB POSTINGS

City of Denton-Accountant III

Job Posted on: 9/21/2007

Closing Date: 10/20/2007

Salary: \$4,036-\$4,485/mo DOQ

[View Details](#)

City of North Richland Hills-Director of Budget and Research

Job Posted on: 9/20/2007

Closing Date: 11/19/2007

Salary: Negotiable Depending on Qualifications

[View Details](#)

City of Decatur-Director of Finance

Job Posted on: 9/20/2007

Closing Date: 10/19/2007

Salary: DOQ

[View Details](#)

City of College Station-Budget/Management Analyst

Job Posted on: 9/19/2007

Closing Date: 10/30/2007

Salary: \$44,819 - \$54,878/yr DOQ

[View Details](#)

City of Plano-Budget Analyst II

Job Posted on: 9/18/2007

Closing Date: 11/17/2007

Salary: \$3,613-\$5,275/month

[View Details](#)

City of College Station-Treasurer

Job Posted on: 9/13/2007

Closing Date: 10/30/2007

Salary: \$50,479-\$60,854/yr DOQ

[View Details](#)

City of Tualatin, OR-Director of Finance

Job Posted on: 9/13/2007

Closing Date: 11/12/2007

Salary: \$85,000-\$108,000

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[View Details](#)

City of Denton-Budget and Treasury Administrator

Job Posted on: 9/10/2007

Closing Date: 10/10/2007

Salary: Hiring Range: \$75,300-\$93,100/yr DOQ

[View Details](#)

Municipal Court Administration-Court Clerk (Part-time)

Job Posted on: 9/7/2007

Closing Date: 11/6/2007

Salary: \$8.36 per hour

[View Details](#)

City of North Richland Hills-Budget Analyst

Job Posted on: 8/27/2007

Closing Date: 10/26/2007

Salary: Hiring Range: \$43,140-\$53,925/yr

[View Details](#)

City of North Richland Hills-Financial Analyst

Job Posted on: 8/27/2007

Closing Date: 10/26/2007

Salary: Hiring Range: \$46,111-\$57,639/yr

[View Details](#)

Texas Municipal Retirement System-Director of Internal Auditing

Job Posted on: 8/27/2007

Closing Date: 10/26/2007

Salary: 94,400 to 141,610

[View Details](#)

City of Conroe-Accountant I

Job Posted on: 8/23/2007

Closing Date: 10/22/2007

Salary: 45,457 to 56,821

[View Details](#)

Laguna Madre Water District-Director of Finance

Job Posted on: 8/21/2007

Closing Date: 10/20/2007

Salary: \$62,000 to \$72,000 DOQ

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City of Friendswood-Accountant

Job Posted on: 8/20/2007

Closing Date: 10/19/2007

Salary: DOQ

[View Details](#)

City of Bryan-Chief Financial Officer

Job Posted on: 8/17/2007

Closing Date: 10/16/2007

Salary: Depends on Qualifications

[View Details](#)

City of Lancaster-Not specified

Job Posted on: 8/17/2007

Closing Date: 10/16/2007

Salary: DOQ

[View Details](#)

City of Grapevine-Utility Billing Supervisor

Job Posted on: 8/16/2007

Closing Date: 10/15/2007

Salary: \$3,376 - \$4,726/mo.

[View Details](#)

CITY OF LUFKIN-FINANCE ACCOUNTANT

Job Posted on: 8/13/2007

Closing Date: 10/31/2007

Salary: COMMENSURATE WITH EDUCATION AND EXPERIENCE

[View Details](#)

City of Fort Worth-FINANCIAL PROFESSIONALS NEEDED

Job Posted on: 8/10/2007

Closing Date: 9/30/2007

Salary: Commensurate with Qualifications

[View Details](#)

City of Uvalde-Director of Finance

Job Posted on: 8/7/2007

Closing Date: 10/6/2007

Salary: \$70,000 + negotiable DOQ

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City of Weatherford-Director of Finance

Job Posted on: 7/31/2007

Closing Date: 9/29/2007

Salary: \$83,803 - \$100,564 DOQ

[View Details](#)



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ETHICS CORNER

Food For Thought Article

Jane Winters, an empty nester and divorcee, has been the Payroll Assistant for the City of Frost since 1993. Jane built a luxury home in the fall of 2003.

Summer, Jane's best friend, recently & suddenly widowed, asked to move in with Jane to help lessen the effects of the loss of income she's experiencing until she can get back on her feet, hopefully sometime in the spring. Jane reluctantly agrees to the arrangement, worrying she'll give up at least some of her privacy. The two also agree to carpool because Summer works in the Frost Senior Center located just across the street from City Hall.

About a month into the arrangement, Summer stumbles across some of Jane's opened mail on the kitchen countertop. There's a letter from the IRS accusing Jane of filing fraudulent income tax returns using social security numbers of persons shown as dependents on another individual's return. Summer recognizes the taxpayer name on the letter as that of an employee working in the City of Frost Parks department.

It doesn't appear from the letter that Jane has stolen any money from the city. More importantly, Summer doesn't want to be implicated. Should Summer report what she knows to the Frost Finance Director or Human Resources? Or she could just move out and hope the whole ordeal just blows over. Just some food for thought.

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