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"GRABBING RISK BY THE HORNS"
PRIMA'S 2009 ANNUAL CONFERENCE in DALLAS



PRIMA's Annual Conference (National) was held in Dallas May 31 – June 3, 2009 at the Hilton Anatole. Texas Chapter PRIMA was the proud host chapter for this year's 30th annual conference.

Donna James-Spruce. The Nana was packed with Texas members and invited PRIMA guests networking and taking in the stunning 27th-story view of the Dallas skyline. A very special "THANK YOU!" to these National Reception sponsors for helping us continue this tradition: AS&G Claims Administration, Inc.; BMS Catastrophe; Cotton USA; JI Companies; McGriff, Seibels, & Williams; ScripNet.

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GOLF TOURNAMENT: The 2009 Annual Conference kicked off with Texas Chapter PRIMA hosting the conference golf tournament at The Tribute Golf Club on May 31. In addition to our Texas golfers, golfers from Alaska, Oregon, South Dakota, Colorado, Pennsylvania, and Maryland played the course. Regan Rychetsky, Texas PRIMA President-Elect, did a fantastic job in organizing this tournament.

TEXAS RECEPTION: Thanks to our sponsors for making it possible for Texas Chapter to host a reception at the national conference.



Texas Chapter PRIMA once again hosted a reception on Monday evening in the conference hotel's The Bar at Nana to honor our Texas Award winners: Regan Rychetsky, Alan Smith, and

VOLUNTEERS: The following Texas PRIMA Members provided volunteer assistance with these events as well as assisting PRIMA on-site with assembling conference materials, session set-ups, and providing information to attendees: Scott Payne, City of Denton; Diana Hamilton, TRISTAR; Linda Spacek, City of San Marcos; Melissa Sullinger, City of Baytown; Gary Urban, City of Waco; Wanda Browning; AS&G Claims Administration; Janina Flores, JI Companies; Donna James-Spruce, City of Corpus Christi; Tracy Seiler, University of Texas; David Kester, Harris County; Tammy Escobedo, HIM; Jacque Crouch, Mesquite ISD; Donna Stirman, Travis County; Regan Rychetsky, Texas Health & Human Services Commission; Susan Mullins, JI Companies; Drew Talley, JI Companies; Harmony Kmosko, JI Companies; Cindy Conyers, City of San Marcos; Norma Jean Rivera,

FROM THE KEYBOARD OF THE PRESIDENT NEVER A DULL MOMENT...

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Each year, the National Oceanic and Atmospheric Administration (NOAA) along with FEMA, State and Local Government organizations sponsor National Hurricane Preparedness Week, which this year was observed May 24-30, just in time for the start of Hurricane Season which began June 1st. This week provided an excellent opportunity for all of us to be informed and prepared to deal with the dangers associated with one of nature's worst events.

In Texas, whether you live directly on the Gulf Coast or not, we are well aware of the potential impact of Hurricanes in our region. The names of the "great storms" of the past are familiar to us all. When I say "Ike, Katrina, Rita" we all know what that means.

On the other hand, it doesn't always take a (full blown) Hurricane to make a disaster. Just ask those in the Houston area about a little 'ol tropical storm called Allison, or folks in Wichita Falls about the Tornados that hit some time back, hail storms in North Texas, fires and drought in many parts of the State.

Yes, Hurricanes are certainly something to be prepared for, but they are certainly not the only potential "disaster" we deal with. In fact, Texas leads the nation in FEMA Major Disaster Declarations (http://www.fema.gov/news/disaster_totals_annual.fema).

We have had wind, rain/hail and fire, so I suppose it should have not surprised us that we had a scare of pestilence with the recent threat of the H1N1 virus. I have heard it said that when we see locusts in the fields, we will just have about seen it all.

What does this all mean for the Risk Management profession? While it is often overwhelming, these events help prove the value of our profession and provide an opportunity for us to help our organizations manage the impact of disasters that may occur. Our partnership with emergency management professionals and planners can prove the value of an "all hazards" approach in managing risk in our organizations.

In the life of a risk manager, it is all in a day's work, and natural disasters are not the only challenge we face. I encourage you to take time to develop those relationships and strengthen the partnerships we need to help face those challenges.

David Kester, President



David Kester (right), President of Texas PRIMA, welcomes Ron Hays, President of PRIMA Central, to Texas at the Texas PRIMA reception at the National PRIMA Conference held in Dallas, Texas.

PRIMA'S 2009 ANNUAL CONFERENCE in DALLAS...continued

San Patricio County; Charles Gillenwater, City of Mesquite. And nine Texas Chapter members volunteered to moderate conference sessions: Regan Rychetsky, Texas Health & Human Services; Linda Spacek, City of San Marcos; James Huckaby, Mesquite ISD; Norma Essary, DFW Airport; Scott Payne, City of Denton; Gary Urban, City of Waco; Robert Waggoner, McGriff, Seibels & Williams of Texas; John Palm, Mesquite ISD; and Donna James-Spruce, City of Corpus Christi. A Texas-size THANK YOU to these Texas PRIMA members for their assistance!!

AUSTRALIAN DELEGATION

Texas PRIMA, as host chapter, hosted a delegation from Australia representing a local government insurance pool that serves 14 Metropolitan Councils around Sydney. Scott Payne, City of Denton, was Texas PRIMA's ambassador for this delegation and worked diligently arranging tours and a meeting between the Australian delegation and representatives from our Texas pools. Thank you, Scott!

Thank you especially to Cindy Kirk for being the main liaison with National PRIMA for this event and for organizing all the volunteers!"

2009 NATIONAL PRIMA AWARDS LUNCHEON

Texas PRIMA members brought some awards home from the 2009 National PRIMA Conference in Dallas. The awards luncheon took place on June 1, 2009 at the Dallas Anatole and was a chance for these Texas PRIMA members to be rewarded for their dedication to develop programs to mitigate risks and provide a safe work environment for employees.



Donna James-Spruce, Risk Manager for the City of Corpus Christi, was selected for the Chapter Service Award for Texas. Donna was nominated by Texas Chapter PRIMA because she exemplifies hard work, dedication and enthusiasm. Donna coordinated the

Chapter membership drive, organizing a workgroup to cold call members to renew memberships or to become new members. Donna also organized and implemented the “Member-get-a-Member” campaign that provides for a free conference registration for members who bring in five new members to Texas PRIMA. Donna has been instrumental in the last few years coordinating the Texas PRIMA Conference decorating committee for the opening night reception.



Regan Rychetsky, director of HHS Risk Management and Safety, received First Place in the Risk Management Achievement Awards: Product Category for “Workplace Violence Awareness Training & Safety Program”. The HHS Workplace Violence Awareness Training is a computer based training that provides

policy and guidance information to employees covering a range of topics, from reporting incidents to recommended measures in the event a threat is received at work. The training also includes test questions to ensure employees understand the content. A workplace violence scenario unfolds throughout the program to ensure the employees are focused on the training. The scenario is based on an actual event that occurred in an HHS office. HHS also created posters to compliment the online training encouraging employees to wear their agency issued identification badges. The posters are displayed in all HHS offices.



Alan Smith (left), Garland Independent School District, received Honorable Mention in the Risk Management Achievement Awards: Program Category for his program “Vote for

Safety”. This campaign tied in with the National elections using “Vote for Safety” buttons, flyers, posters – all with an election campaign style. Employees were urged to vote for safety by acting safely.



Barbara Russell receives awards on behalf of the Garland ISD, which earned several awards this year from both the National Safety Council and the Texas Association of School Boards as well as from PRIMA Central.

CHAPTER MEMBERSHIP CONTINUES TO GROW

Donna James-Spruce was selected by National PRIMA for the Chapter Service award for her work as the membership chair for Texas Chapter.

It’s really wonderful to see our membership grow every month. The word is getting around that Texas PRIMA is the place to be for professional development and networking. Over the past couple of months we’ve seen new members join from across the state. Specifically, there were new members in three of our regions; North Texas, Central Texas, and the Gulf Coast.

Several members were referred by current members of Texas PRIMA. This is a good indication that many members are taking advantage of the *member-get-a-member* campaign. Remember, you could go to the 2009 Annual Conference for free. Refer five new members to Texas PRIMA and you will receive a free conference registration!! For more information, check out the Texas PRIMA website at www.texasprima.org. *Submitted by Donna James-Spruce*



David E. Kester, President
Director, Human Resources and Risk Management, Harris County
713-755-5586,
david_kester@hctx.net

Regan J. Rychetsky, President—Elect
HHS Enterprise Director of Risk Management
Texas Health & Human Services Commission
512-424-6985,
regan.rychetsky@hhsc.state.tx.us

Tracy Seiler, Secretary
Manager of Risk Finance, The University of Texas System
512-499-4401, tseiler@utsystem.edu

Scott Payne, CGBA, Treasurer
Risk Manager, City of Denton
940-349-7836,
scott.payne@cityofdenton.com

Melissa Sullinger, Immediate Past President
Risk Manager, City of Baytown
281-420-5362,
melissa.sullinger@baytown.org

Alan W. Smith, CPCU, ARM, Past President
Risk Manager, Garland I.S.D.
972-494-8382, aws-mith@garlandisd.net

Directors

Charles Gillenwater
Safety & Risk Manager, City of Mesquite
972-216-8168,
cgillenw@ci.mesquite.tx.us

Donna James-Spruce
Risk Manager, City of Corpus Christi
361-826-3739, donnaj@cctexas.com

Daniel Mansour, ARM-P, CGBA
Risk Manager, Travis County HRMD
512-854-9499,
dan.mansour@co.travis.tx.us

Bill Tarro
Executive Director of Risk Management, Lubbock ISD
806-766-1109,
btarro@lubbockisd.org

Director Emeritus
Cindy Kirk, CGBA
Risk Management Director, City of Bryan
979-209-5054, ckirk@bryantx.gov

Legal Counsel
David J. LaBrec
Attorney, Strasburger & Price, LLP
214-651-4752,
david.labrec@strasburger.com

It is difficult to believe we are entering late-June, early July, watching the temperature reach triple digits and asking ourselves, where is spring, and what happened between January and now. Rhetorical as the question may be, it does point us to the challenges we face today that did not exist a year ago, or at least were not as prominent in our day to day life. One of the most important challenges before us today is managing the cost of risk.

Within the challenges we face, as public entity risk management professionals, is working with a reduced budget to design and implement new or modified loss prevention programs. Successfully promoting programs or processes that effectively control risks, resulting from today's economic environment, deserves special recognition.

Public risk managers also recognize that with difficult times there are opportunities to refine, broaden and improve their risk management program. For proof of that simply look at our colleagues who faced Hurricanes Ike and Katrina, and other environmental disasters. We have an opportunity to recognize those successful risk management professionals and the programs they successfully employed to face those challenges.

Texas PRIMA has three award levels that serve to recognize deserving programs or individuals who stand out for their work in public risk management.

Awards are presented at the November Conference held this year at Moody Gardens, Galveston, Texas.

Achievement Award – If you have a program, or know of one, that has made a positive difference in managing risk take this opportunity to submit the program for recognition by Texas PRIMA.

Risk Management Associate of the Year - we all know of a deserving risk management staff person whose abilities and hard work contribute to a successful risk program. This award focuses attention on that person for their risk management accomplishments. If you know of a deserving member propose that they be considered for this award.

Risk Manager of the Year – Risk Managers wear many hats in their daily work. Good leadership and management skills are among the most prevalent traits of a successful Risk Manager. The ability to communicate new ideas or resolve difficult situations of a sensitive nature requires diplomacy and tact. Risk Managers face complex issues, some of which elevate the Risk Manager for recognition by their peers. Please take a moment to consider a colleague to recommend for the Risk Manager of the Year award.

To access forms go to texasprima.org and click on Awards then in the right column click on Download Application for the appropriate award.

GULF COAST REGIONAL MEETING

On May 14th 40 members and guests attended Texas PRIMA's Gulf Coast regional meeting, held at Harris County's Tom Bass III park. The meeting included speakers from the Harris County and focused primarily on relating the experiences, challenges, and lessons learned from Hurricane Ike.

Harris County's Homeland Security and Emergency Management Coordinator, Mark Sloan highlighted the meeting, recounting first hand experiences from Ike and how the preparation and responses of those in the region saved lives. Gray Stansell, one of the lead trainers for Harris County's National Incident Management Training program gave an overview of requirements under that program, while Shain Carrizal (Financial Administrator) outlined the trials and trevails of FEMA recovery after the storm. John Blount, a Director in the County's Public Infrastructure department recounted the massive undertaking of the County's efforts to manage and dispose of the nearly 3.5 million cubic feet of debris that covered the area in the aftermath of Ike.

2009 NATIONAL PRIMA GOLF TOURNAMENT

Wow! *The Tribute Golf Club!* What a course! For those who missed the golf tournament at the 2009 National PRIMA Conference in Dallas on Sunday, May 31st, you passed up an opportunity to play a links style course patterned after some of the most famous and challenging holes of the Scottish links and British Open history. The fairways were open and lush; bunkers deep and spotted throughout the fairways and guarding the greens. Those who lace the fairways would love this course. Those who think they can read greens, should play this course just to test their skills. The course was challenging but fair. **Cindy Kirk, City of Bryan, did yeoman's work to schedule the golf tournament and to round-up volunteers.**

Everyone had a great time. The staff at The Tribute was terrific and accommodating. The beverage carts seemed to meet everyone's 'requirements' for performance enhancing beverages.

The Texas Chapter would like to thank McGriff, Seibels & Williams; JI Companies, CIGNA, and A,S&G for their generous donations to make this tournament a success. Their continued support of Texas PRIMA is invaluable to the success of this and other Texas PRIMA events. The Chapter also wants to say "Thank You!" to all of our volunteers: Tammy Escobedo and her two sons Dylan and Hayden Leverett, Jacque Crouch, Donna James-Spruce, Diana Hamilton, Donna Stirman, Linda Spacek, Cindy Kirk, David Kester, and Gary Urban (golf trophies). These folks worked hard all morning to ensure the tournament went off without a hitch.



Incidentally, the first and second place teams both shot a 59. The tiebreaker was the best team score on the #1 handicap hole on the course. The following is the list of winners for the 2009 National PRIMA Golf Tournament:



1st Place Team: (59)

Mark Fennel, Ron Graybeal, Ron Cutter,
Larry Della Vedova



2nd Place Team: (59)

Robert Waggoner, Paul Wood, Vance
Root and Tom Keel



3rd Place Team: (60)

Bruce Griffiths, Mr. Hartigan, Jeff Hord
and Eric Wiant



Longest Drive – Ladies: Karen Lesko
Closest to the Pin – Ladies: Karen Lesko



Longest Drive – Men: Sean Crandell



Closest to the Pin – Men: Jeff Hord



NORMA ESSARY PROMOTED

DFW recently announced the promotion of Norma Carabajal Essary to Vice President, Risk Management. Norma joined DFW in 2002 and previously served as the Assistant Vice President of Risk Management.

In her new role, Norma will direct the strategic planning and the execution of enterprise-wide risk management programs that affect the Airport's business and operations. In addition, she will continue to direct the Airport's Live Well program and wellness center.

She also will direct the Airport's integrated disability program, which includes management of all the Airport's "leave" benefits such as short term, long term, family medical leave and workers' compensation injuries/illnesses.

Prior to joining DFW, she served as the Risk Manager for the City of Albuquerque, and also served as the Assistant Vice President of Marketing Services for Argus Services Corporation. She also held Risk Management and Loss Prevention Director positions for school districts in the San Antonio area. She currently serves as a Vice-Chairperson for the Airport Council International's Insurance & Risk Management committee, and as a Board Member for the Texas State University Alumni Association. Previously, she served as a Board of Director for the Texas Department of Insurance, Surplus Lines Office, and is a past president of Texas PRIMA.

On July 1, 2009, the amendments to the "Medicare, Medicaid, and SCHIP Extension Act of 2007" take effect. Under the new rules, all insurers with respect to liability (no-fault, workers' compensation, as well as self-insurers) will be required to determine whether a claimant is entitled to Medicare benefits. If an insurer fails to notify the Centers for Medicare and Medicaid Services (CMS) in accordance with the new guidelines, a civil penalty of \$1,000 per day will be charged per claimant.

Complicating the process is that the CMS contractor, the Medicare Secondary Payer Recovery Contractor (MSPRC) has limited resources. The MSPRC is responsible for collecting the Medicare reimbursement amount. They are asked to accumulate the data related to the injury caused by a negligent third party and issuing demands for payment.

CMS contractors provide interim statements and make adjustments based upon written requests for unrelated treatment. Processing time to obtain an interim statement is anticipated to take at least four months. No final statements will be issued unless a settlement, award, judgment or other payment is received or agreed to be paid to the Medicare-eligible claimant. Priority is given by the MSPRC to claims already resolved, and such priority delays the processing of requests for reimbursement amounts.

Previously, attorneys for plaintiffs were obligated to communicate with their clients and determine whether any medical care was provided by Medicare. The new legislation will expand this burden to defendants, insurers, and attorneys for the defense. The federal government will assume a more aggressive role to enforce payment of Medicare liens, and any entity that ultimately pays a settlement, award, judgment or other payment to a Medicare-eligible claimant will be responsible for "double damages" if the lien is not timely satisfied.

The unintended consequences of the added layer of reporting and the government's increased aggressiveness to monitor tort-related liens are wide ranging. Any claim involving a plaintiff on Medicare will be much less likely to settle. This is because as soon as a defendant settles a nuisance value claim, the government will expect its lien to be paid in full without downward modification based upon comparative levels of fault. It is not a leap in logic to predict disenfranchisement of the elderly with respect to legal representation. Medicare is looking for a dollar-for-dollar recovery (much like the workers' compensation lien, with some adjustment for "procuring" the recovery); thus, there is a distinct likelihood that more claims will be tried to verdict due to the existence of the lien.

All such consequences are compounded by the fact that, by all accounts, our society is "graying" at a rapid rate. Most learned estimates place Medicare recipients at 52 million individuals, and this number is expected to increase, exponentially, in the coming years.

Adapted from an article, Medicare Reporting: Are Your Clients Ready to Report?, written by Jeffrey J. Signor, and reproduced in the TEXAS UPDATE!

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NSC STUDENT AMBASSADOR AWARD INVITATION & APPLICATION

The National Safety Council (NSC) through its College & University Initiative: Education & Research Advisory Committee offers Graduate and Undergraduate (junior or senior year) students pursuing a degree in Occupational Safety & Health an opportunity to submit an application to participate in the Student Ambassador Award Program for the NSC 2009 Congress & Expo in Orlando, Florida, October 26-28. If chosen, the award would be used to assist in defraying the costs of attending.

As part of the Student Ambassador Award Program requirements, awarded students must attend specified on-site Congress events and Post-Congress; share their experiences (as specified) through short essays of 120 words or less. Student Ambassador Requirements include but are not limited to:

Attending the NSC Congress and Expo Opening Session

Attending the NSC College & University Initiative: Education & Research Meeting and Awards Presentation, Joining in the NSC Congress and Expo Welcome Reception, Participating in the NSC Defensive Driving program *Alive at 25* peer-to-peer training;

Attending an on-site NSC Technical Session of choice and **Post-Congress**; and share their experience through short essays on how attending the sessions will help further their study and career goals.

Interested prospective award students are asked to provide the following information by: the deadline date of: **June 30, 2009** to StudentAmbassador@nsc.org or Fax to: 630-285-1613 – Attn: NSC College & University Initiative: Education and Research group.

COMING SOON: TEXAS PRIMA GOLF



Remember Texas PRIMA has a golf tournament on Wednesday morning, November 18th, in Galveston at the completely updated Moody Gardens Golf Course. We would love a large turn-out. If you are a golfer, please register and play. The more the merrier. If you have not played in a Texas PRIMA tournament lately please register; you will have a lot of fun. We will have goody bags for all golfers and door prizes for lucky golfers. It is a great networking opportunity, a chance to relax; and everyone should be back before any of the sessions begin Wednesday afternoon.

Submitted by Regan J. Rychetsky

NATIONAL CONFERENCE SESSIONS

PRIMA’s 30th Annual Conference began with Mesquite ISD’s Jaguar Battalion from Dr. John Horn High School presenting the colors at the Conference Opening Session.

Following the Opening Session, there were more than 60 educational sessions with 11 being presented by Texas Chapter members:

Do’s & Don’ts of the “Request for Proposal” Process - Robert Bookhammer, Wachovia Insurance Services, Inc., and Charles Gillenwater, City of Mesquite

Eeny-Meeny-Miny-Moe-Catch a Standard by the Toe - Dorothy Gjerdrum, Arthur J. Gallagher Risk Management Services, Inc.

Alphabet Soup: Recent Changes to ADA, FMLA and Other Assorted Acronyms - Joanna Lippman Salinas, Fletcher, Farley, Shipman & Salinas, L.L.P.

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AUSSIES VISIT TEXAS



Aussies visit Texas, left to right: John Palm, Mesquite ISD; Michael Maclean, Parramatta City Council; Peter Brown, Lane Cove City Council; Erna Ferrer, Marrickville Council; James Huckaby, Mesquite ISD; Andrew Armitstead, Westpool/Metro Pool; Charles Gillenwater, City of Mesquite; Courtney Sturgeon, City of Mesquite;

National PRIMA is not just a gathering of risk management professionals from all over the country, but is also an international gathering as well. Just ask Cindy Kirk, City of Bryan, and Alan Smith, Garland ISD, our very own recipients of the International Scholarship program, about the hospitality of our risk management colleagues from around the globe.

At this year’s PRIMA conference in Dallas, Texas, our chapter had the opportunity to show a delegation from Westpool/Metro Pool in New South Wales, Australia, what good ol’ fashioned Texas hospitality is all about. The membership of Westpool/Metro Pool consists of approximately 14 Councils (cities) and provides public liability, property coverage and other pooled self-insurance products to its members. These pools were formed in 1987 in response to Australia’s insurance crisis, much the way Texas pools were formed in the early 80’s in response to our own insurance issues.

Andrew Armitstead, Executive Officer for the pool, and board members Mr. Peter Brown, General Manager, Lane Cove City Council, Mr. Phil Pinyon, General Manager, Blue Mountains City Council, Mrs. Erna Ferrer, Risk Manager, Marrickville Council and Mr. Michael Maclean, Risk Manager, Parramatta City Council attended the PRIMA conference and then stayed in Dallas for a few extra days to learn more about pooling and public entities in Texas.

The first event on the agenda was a meeting, sponsored by Texas PRIMA, with representatives from the Texas Municipal League (TML) and Texas Political Subdivisions (TPS) to discuss pooling in Texas. All participants had an enjoyable time talking about their respective pools, how they have addressed various situations, and the many similarities and differences between local governments in Texas and Australia. And of course, we fed them a grand meal of Texas BBQ!

Next the Australian delegation was received with more Texas hospitality by the Mesquite Independent School District and the City of Mesquite. They toured the MISD / City of Mesquite Employee Health Center; City Law Enforcement Center and new Fire Station. Additionally they were treated to a Texas-style steak dinner and a night at the Mesquite Championship Rodeo. This was the first time our Australian guests had ever been to a rodeo before, and a fun time was had by all.

The last stop on the “Texas Hospitality Tour” was a visit to the DFW Airport where staff took them on a “behind the scenes” tour of the airport operations and showed them the finer points of risk management at one of the largest and busiest airports in the country. It was extremely informative for the Aussies as they were not aware that DFW was a public entity or how much like a municipality the airport’s operations are.

A special thanks to Carol Loughlin (TML), Paul Clayton (TPS), James Huckaby, and the staff at Mesquite ISD, Charles Gillenwater, and the staff at the City of Mesquite, and Norma Essary, and the staff at DFW Airport, for taking time out of their busy schedules to host our Australian friends!

Submitted by Scott Payne

What School Officials and Law Enforcement Agencies Need to Coordinate and Implement Before an Incident Occurs - Robert Krall, Trident Insurance Services

Public Entity Risk Solutions (PERS): When ERM Doesn't Quite Fit Your Entity Structure and You Need Something New That Works - Joey Page, Essential Risk Solutions, John Billingham, Arthur J. Gallagher Risk Management Services, Inc., and Darrell Wells, City of Odessa

Sifting Through the Pricing Pitfalls: Know What You're Really Paying Your Service Providers - Glenn Backus, Alternative Service Concepts

Reporting Risk Management to Decision Makers - Dorothy Gjerdrum, Arthur J. Gallagher Risk Management Services, Inc., and James Huckaby, Mesquite Independent School District

Three Models Risk Managers Can Use to Reduce Aggression in Schools - Dorothy Gjerdrum, Arthur J. Gallagher Risk Management Services, Inc.

Reducing Healthcare Costs through On-Site Medical Clinics: Is a Clinic Right for You? - Joey Page, Essential Risk Solutions, and Darrell Wells, City of Odessa

Active Campus and Workplace Violence Mitigation Strategies - Robert Krall, Trident Insurance Services

Disaster 101: Been There, Done That! - Nancy Sylvester, Arthur J. Gallagher Risk Management Services, Inc.

How to Embed Risk Management Ideas in Your Culture - Alan Smith, Garland Independent School District

SCHOOLHOUSE ROCK, MASONRY OR BRICK?



What does it matter to a city whether a school district chooses to build with rock, masonry or brick? According to the Texas Attorney General, home rule cities have a legitimate interest in the issue. On February 27, 2009, the **Texas Attorney General issued Opinion No. GA-0697**, which stated that a home rule city may enforce land development regulations upon a school district for the purposes of aesthetics and the maintenance of property values. The Opinion affects not only school districts, but also businesses and residents whose property is located near school district properties.

Since 1964, Texas cities have the authority to enforce building codes upon school district property; *Port Arthur Indep. Sch. Dist. v. City of Groves*, 376 S.W.2d 330, 333 (Tex. 1964). In 1973, the Texas Supreme Court clarified its earlier opinion and held that a city may not use its police powers or zoning regulation to exclude school facilities from its boundaries; *Austin Indep. Sch. Dist. v. City of Sunset Valley*, 502 S.W.2d 670, 673 (Tex. 1973). Throughout the decades, there have been numerous struggles between cities and school districts over the power of cities in enforcing zoning or other municipal regulations upon school districts, such as set back, height regulation, and other design standards.

In Opinion No. GA-0697, the Texas Attorney General was asked specifically whether a home rule city may enforce certain provisions of its zoning ordinance upon the local school district, including: set back and height regulations; community design standards; sign standards; landscaping and screening requirements; supplemental requirements for screening of mechanical equipment and service areas; general provisions for fences and free standing walls; and fines for violation of such ordinances.

In seeking this Opinion, the school district opposed the regulations, saying that they only serve to protect the aesthetic appearance and property values of commercial property in the city, which regulations are unrelated to health or safety.

The Texas Attorney General ruled that the zoning ordinances and land development standards are part of a city's statutory police power. They are generally granted for the purpose of "promoting the public health, safety, morals or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance."

The Texas Attorney General's Opinion relied heavily on Chapter 211 of the Texas Local Government Code, which relates to zoning powers. The Opinion concluded that a home rule city may enforce reasonable land development regulations and ordinances on a school district, even for the purposes of aesthetics and the maintenance of property values.

These important issues impact cities and school districts when it comes to planning new projects and understanding pertinent regulations and municipal limitations that previously may not have been imposed on schools.

Adapted from an article by Julie Y. Fort, Partner, Collin County, STRASBURGER & PRICE, LLP, which appeared in the [GOVERNMENTAL NEWSLETTER](#), APRIL 09.

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Correspondence

The Texas PRIMA Press is the official newsletter of Texas PRIMA. Correspondence should be sent to:

Texas PRIMA

PO Box 4693

Austin, TX 78765-4693

Telephone: 512-394-0719

Fax: 512-394-0720

For information about the Chapter, visit the Texas PRIMA website at <http://www.texasprima.org>.

Communications Committee

Board Liaison:

Charles Gillenwater

Newsletter:

Courtney Sturgeon

Judyann Robinson

Website:

Rene Burt

Newsletter Editor:

Henry Kaplan, ARM, ALCM

972-494-8382

hdkaplan@garlandisd.net

About This Newsletter

This newsletter is published quarterly for the benefit of Texas PRIMA members. However, the opinions expressed in the newsletter are those of the writers and do not necessarily represent the views of Texas PRIMA. The aim of this newsletter is to provide information to our members about Chapter events and risk management issues.

Please send news, information, comments, etc. to the editor via email, hdkaplan@garlandisd.net.