

AGENDA
Irving Convention and Visitors Bureau Board of Directors
Board and Business Development Committee
Friday, September 9, 2022 – 9:00 a.m.
Irving Convention Center - First Floor Boardroom
500 W. Las Colinas Blvd.
Irving, Texas 75039

NOTE: A possible quorum of the Irving Convention and Visitors Bureau Board of Directors and City Council may be present at this Committee meeting.

1. Citizen Comments on Items Listed on the Agenda
2. Approval of June 10, 2022, Meeting Minutes
3. Nominating Task Force Report & Recommendations
4. Board Member Annual Self-Evaluation – Review for any Updates/Changes
5. Update on Council Discussion on Boards and Commissions
6. Discussion of Board Member Criteria and Job Description
7. Strategic Plan Review and Committee Next Steps
 - a. Outreach to new Council members
8. Committee Chair Report
9. Next meeting December 9, 2022

CERTIFICATION

I, the undersigned authority, do hereby certify that this notice of meeting was posted on the kiosk at City Hall of the City of Irving, Texas, a place readily accessible to the general public at all times, and said notice was posted by the following date and time:

_____ at _____ and remained so posted at least 72 hours before said meeting convened.

Deputy Clerk, City Secretary's Office

This meeting can be adjourned and reconvened, if necessary, the following regular business day.

Any item on this posted agenda could be discussed in executive session as long as it is within one of the permitted categories under sections 551.071 through 551.076 and section 551.087 of the Texas Government Code.

A member of the public may address the governing body regarding an item on the agenda either before or during the body's consideration of the item, upon being recognized by the presiding officer or the consent of the body.

This facility is physically accessible and parking spaces for the disabled are available. Accommodations for people with disabilities are available upon request. Requests for accommodations must be made 48 hours prior to the meeting. Contact the City Secretary's Office at 972-721-2493 or Relay Texas at 7-1-1 or 1-800-735-2988.



MINUTES – BOARD AND BUSINESS DEVELOPMENT COMMITTEE
IRVING CONVENTION CENTER
Friday, June 10, 2022

Those in attendance: Committee Chair Richard Stewart Jr., Committee Vice Chair Herb Gears, Board Chair David Cole, and Sam Reed – Committee Members; Colvin Gibson – Board members; Carol Boyer, Maura Gast, Brice Petty, and Susan Rose – ICVB Staff.

Committee Chair Richard Stewart, Jr. called the meeting to order at 9:00 a.m. Stewart asked for any citizen comments and there were none.

Stewart asked for a motion to approve the Board and Business Development Committee minutes from March 11, 2022. With a motion from Board member Colvin Gibson, and a second from Board member Sam Reed, the motion unanimously was approved.

Discussion was held on Board member criteria and job descriptions. Included in the meeting packet are detailed Board member job descriptions that have been built over the years, and it was noted that regardless of the designed Board seat, these are the priorities.

- There are two Voting Hospitality Industry seats: one submitted by the Irving-Las Colinas Hotel Association for a local hotel General Manager or Senior Role in a larger hotel, one appointment is for the Chair of the Irving-Las Colinas Hotel Association.
- One Voting Restaurant Industry seat that is not restricted to Irving residents and can be submitted by the Greater Dallas Restaurant Association.
- One non-voting Industry-at-large appointment that is not restricted to an Irving resident.
- University of Dallas, TIF #1 Board, Las Colinas Association and Dallas County Utility & Reclamation District appointment. All are non-voting. UD seat was added due to land ownership in and around the Texas Stadium site. TIF, LCA and DCURD seats are tied with ICVB priorities as it relates to growth and development in and around the Urban Center.
- Former Board member appointment is a non-voting seat – ICVB Board makes this recommendation.

The Committee reviewed the ICVB Board Self Evaluation Form. The application for Board appointments is on the City's website. A suggestion was made to have a list of Irving non-profits and identify a group of people who are willing to be engaged, then have the conversation with City Council since there are usually so many more applicants for these seats than there are openings. Board member Colvin Gibson stated he has never seen a Board development package as comprehensive as the ICVB and is a credit to Gast and the Board. Reed agreed and noted it speaks to experiences, what worked and what hasn't worked. Cole added people are needed on the Board who will step up to the plate and have a foundation in the community and understand that they can help the Board and ICVB progress. It shows that the ICVB is serious about the work they do and want serious people with history and Irving knowledge. Gast noted the ICVB, and Irving Arts Board have more responsibilities and asks for commitments. Stewart commented the biggest obstacle is to have Council members know and use the criteria when making decisions. Building a relationship with Council members one-on-one will build their knowledge and show that the Board is serious about their responsibilities and commitments, and the type of people needed. It was noted there are two seats that will be open on the ICVB Board in 2023.

Gast reviewed the Board and Business Development Strategic Plan items and next steps.

- Pay back COI loan (FY2021) – Completed
- General fund balance of \$2 million by FY2022 – contingent on continued ARPA funding.
- Computer reserve fund balance of \$500,000 by FY2024 – contingent on continued ARPA funding.
- Tourism Public Improvement District by FY2025 – pending hotelier support and ARPA funding for consultant.
- Catastrophic reserve fund balance of \$5 million by FY2026.
- ICC CIP reserve fund balance of \$5 million by FY 2026
 - Utilize any excess in ICC 2% HOT, as allowed.
 - Re-allocate \$1.6 million in excess in HOT revenue to ICC CIP when Irving legislation ends September 1, 2026.

Gast noted that based on her conversations with the City Manager, she believes the ICVB will receive most of what was requested for next year's ARPA funding. The budget for next year will be hyper-conservative with a looming short-term recession and health concerns. Dollars will be put into the budget for replenishing our major funds.

All previous Action Items were reviewed and deemed completed.

Discussion was held on Board attendance and commitment. It was suggested to use the Board meeting as an opportunity for self-evaluation and a reminder to Board members of their commitments.

ACTION ITEM: Gast to add full Board job description in Board packet.

Stewart adjourned the meeting at 9:42 a.m.

Respectfully submitted,



Maura Allen Gast, FCDME
Executive Director

Irving Convention & Visitors Bureau Board Member Annual Self-Evaluation

This tool is designed to help you evaluate your individual board service, and to help you assess how effective you are in furthering the vision and mission of the Irving Convention & Visitors Bureau. It also allows you an opportunity to think about the Board as a whole, and its efforts and accomplishments. A board self-evaluation is an industry Best Practice and is a requirement for the ICVB's continued Accreditation through the Destination Marketing Accreditation Program.

The form is distributed annually at the August Board Meeting, to coincide with the City Council's schedule for re-appointments. It is for your personal use only. Please review the items below and check the box for those with which you see your service as on target. You are encouraged to talk with the Board Chair or Vice Chair about ways you can participate even more fully over the next year.

MY PERFORMANCE AS AN INDIVIDUAL BOARD MEMBER

- 1. I support the vision and mission of the ICVB, and the Board's Strategic Plan in promotion of these.
- 2. I understand the role of the Board and my legal, financial and ethical responsibilities as a Board Member.
- 3. I am familiar with the ICVB By-Laws, governing policies and Texas Open Meetings Act requirements as a Board appointed by the City Council.
- 4. I make my attendance at all regular Board and committee meetings, and related community events associated with ICVB activities a priority. If I miss a meeting, I contact Board leadership for an update.
- 5. I utilize the Board Portal to read all materials provided for Board and committee meetings, including the ICVB and ICC Financial Statements, and come to meetings prepared to participate.
- 6. I give the time and energy necessary for effective service on a committee, knowing the committee's goals and priorities, and contributing in a meaningful way to its accomplishments.
- 7. I recognize that I am welcome to participate in any committee meeting, whether or not I am a member.
- 8. I believe my knowledge, skills and insight are being effectively utilized, and I see how my service to the ICVB adds value.
- 9. I support the organization's legislative priorities and optimize my relationships with elected and appointed officials to further the work of the ICVB, consistent with the direction of the Board, and taking legislative action as requested to advance those priorities.
- 10. I can communicate the accomplishments and challenges of the Board, the ICVB and ICC to key city stakeholders.
- 11. I can explain to Irving residents and my associates why the ICVB and the visitor economy are critical to the overall well-being and financial viability of the City of Irving.
- 12. I act with decorum and support all Board decisions, even if I may have a different opinion than the majority.
- 13. I focus my attention on long-term and significant strategic and policy issues, rather than short-term administrative goals.
- 14. I help mentor and support new Board Members, and have a good working relationship with my Board peers.
- 15. I recommend qualified individuals with relevant skills and expertise as possible nominees for the Board.
- 16. I understand the distinctions between the ICVB, the ICC and the Chamber.
- 17. I support the Executive Director and staff, and understand the difference between the staff's responsibilities and my own as a Board Member.
- 18. I keep updated on trends and important developments in travel and tourism by frequently checking the "In The News" section of the Board Portal.

THE BOARD'S PERFORMANCE AS A WHOLE

- 1. I believe Board leadership has a clear vision of where the organization is going, and a defined path that will get us there.
- 2. I believe the Board has well-organized, working committees that are getting important work done.
- 3. I believe our time spent together as a Board is productive and serves our community, and the industry we represent, well.

ICVB Board Member Position Descriptions

Priorities for all:

- Balance of community insight, industry and business expertise
- Big picture and long-term thinkers
- Understanding of the role of the Convention and Visitors Bureau
- Ability to commit the time necessary to actively participate
 - Nominees are expected to attend the monthly ICVB board meetings and need to have the discretionary control over their calendars in order to effectively participate
 - Board members are asked to be active participants on at least one of the Board's committees
 - Seat-specific positions are expected to report on a regular basis on their respective elements/organizations
- Sensitive to real/perceived conflicts of interest

Board Member (Civic Appointees)

The ICVB priorities for consideration in board appointments would include: broadening community and industry involvement; creating opportunities for greater participation in process and strategy; and broadening and deepening board committee participation. Key to the success of the CVB board is the ability of its members to get the CVB "in the door" with high level trade associations and key community and business leaders – to have influence with those who have influence. A balance of business expertise, alongside citizen and industry interests, provides the most effective CVB board combination. Equally crucial to the success of the CVB board is that all appointees currently in the workforce be their respective company's president, owner, firm partner, CEO or other senior management executive. The CVB staff is composed of seasoned, experienced industry professionals; while industry knowledge is crucial to the board's overall effectiveness, the greatest need is for organizational advocates with strong ties in the community, as well as high level business experience.

Hospitality Industry

Nominees for this seat are not restricted to Irving residents, and are primarily focused on the hotel side of the industry. Hotel nominees are submitted by the Irving-Las Colinas Hotel Association; non-hotel nominees maybe submitted by the ICVB Board of Directors. Nominees should be: engaged within the industry and bring a desired industry perspective to the board, and be willing to engage with Irving elected and appointed officials on issues as needed. The ideal nominee will be engaged with the hospitality industry throughout Irving, and be able to represent the interests and concerns of all.

Hotel appointees should be either the General Manager of an Irving property, or Senior Management of a regional or corporate hotel management or development offices with properties represented in Irving, or a hotel corporate office in Irving. It is also important to identify geographic or market segment diversity when possible in these appointments.

Restaurant Industry

Nominees for this seat are not restricted to Irving residents. Nominees may be submitted by the Greater Dallas Restaurant Association. Nominees should be: engaged within the restaurant/food service industry, bring a desired industry perspective to the board, and be willing to engage with Irving elected and appointed officials on issues as needed. The ideal nominee will be engaged with the restaurant industry throughout Irving, and be able to represent the interests and concerns of all.

Restaurant appointees may include: General Manager of an Irving property; Senior Management of a regional or corporate restaurant, franchise, management or development offices with properties represented in Irving; or a restaurant/franchise corporate office in Irving.

Industry-At-Large

Nominees for this seat are not restricted to Irving residents. Nominees should be: engaged within the industry and bring a desired industry perspective to the board, and be willing to engage with Irving elected and appointed officials on issues as needed. Ideally, nominees will represent an Irving connection, whether it is via residency, an Irving-based business or through other formal or informal forums.

Examples of industry perspective that would bring added value to the Board include but are not limited to: airlines, airports, attractions, museums, transportation providers, tour operators, hoteliers, restaurants, catering companies, event management companies, entertainment providers, event venues, “shared economy” leaders (i.e., regional managers for Uber, Lyft, Air BNB, etc.), retailers, retail developers, etc.

University of Dallas, TIF #1 Board and Dallas County Utility & Reclamation District

Nominees for these seats are not restricted to Irving residents, and there are no specific term limits associated with these positions. These positions are primarily focused on development opportunities and issues that are key to the city’s hospitality industry; in addition, the University of Dallas position brings a connection to advanced education for the board perspective.

Nominees should be: actively engaged within the Irving community, in an outward-facing role; a very senior member of the organization; highly attuned to development issues and opportunities; and willing to engage with Irving’s elected and appointed officials, on local, state and national basis, on issues as needed.

The TIF #1 Board position is for the chair of the TIF Board or his/her designee. The DCURD position is that Board chair’s designee. The UD position is a University representative and may be a senior level staff person, board/trustee member, or other designee.

Former Board Member

Nominees for this seat should be: a former voting member of the Board; still an Irving resident; still engaged locally and still willing to engage on issues. Nominees also should be an active participant in other community forums, either formal or informal, such as Henry Holmes Breakfast Forum, “House of Commons,” Rotary, etc. The seat is not limited to former chairs, but any former board member.

The board’s objective in filling this position primarily is to keep former board members engaged and up-to-date on the current board’s activities. Former board members bring tremendous institutional awareness and perspective that is invaluable to the current board.

This position is for a single two-year term, which may be renewed for a second term based on the Board’s recommendation.



September 2, 2022
Number 35

Fifth Circuit Opinion Strikes Down STR Residency Restrictions

On August 22, 2022, the U.S. Court of Appeals for the Fifth Circuit issued an opinion in the case of [*Hignell-Stark v. City of New Orleans*](#), striking down the city’s short term rental (STR) ordinance as unconstitutionally restricting interstate commerce. Because Texas is one of three states included in the Fifth Circuit’s jurisdiction, the Court’s opinion is binding on Texas cities.

In 2019, the City of New Orleans city council significantly revised its STR licensing scheme. These revisions included, among other things, a residency requirement for STRs in residential neighborhoods. Under the ordinance, a person could only receive an STR license if the STR is located on the same lot as the owner’s primary residence for which they claim a Louisiana homestead property tax exemption. Following the ordinance revisions, a group of property owners sued the city, claiming that the STR residency requirement violated their constitutional rights.

One of the property owners’ claims was that the city’s residency requirement violated the “dormant” Commerce Clause by discriminating against interstate commerce. The Court agreed with the property owners’ argument, holding that the ordinance precluded out-of-state property owners from participating in the STR market in New Orleans altogether. Further, the Court held that there are other nondiscriminatory alternatives the city could have used to achieve its policy

goals of preventing nuisances, promoting affordable housing, and protecting neighborhoods' residential character. According to the Court, the same goals could be achieved by increased enforcement, increased local taxes on STRs, a requirement that STR owners have a non-resident operator stay on the property during the night, or by capping the number of STR licenses available for any given neighborhood. In the Court's words: "The City has many options to address the problems caused by STRs in residential neighborhoods. But it chose the one the Constitution forbids."

What does this opinion mean for Texas cities? It likely prevents the enforcement of any city STR ordinance provisions that contain a similar prohibition on non-owner occupied STRs, and further calls into question any STR ordinance provision that treats residents and non-residents differently. City officials in cities with STR ordinances are encouraged to consult with their city attorney in light of this opinion.

Texas Opioid Abatement Fund Council Begins Outreach on Disbursement of Statewide Opioid Settlement Funds

The Texas Opioid Abatement Fund Council (O AFC), operated through the comptroller's office, has begun outreach to Texas cities regarding opioid settlement funds.

In response to the millions of dollars in costs incurred by the state and local governments due to the opioid epidemic in Texas, the Texas Legislature passed [Senate Bill 1827](#) in 2021. S.B. 1827 requires the state to maintain an account and a fund related to opioid abatement settlements. The account and fund are used to manage payments received by the state from settlements against opioid manufacturers, distributors, or other parties subject to violation of state or federal laws on the manufacture, marketing, distribution, or sale of opioids.

To date, Texas has participated in settlement agreements with different companies to resolve legal claims against them for their role in the opioid crisis. Funding is dependent on the number of subdivisions or local governments that join the settlement agreements. The companies include opioid manufacturer Johnson and Johnson ("Janssen"); pharmaceutical distributors AmerisourceBergen, Cardinal Health, and McKesson; opioid marketing consultant McKinsey; and pharmaceutical companies Endo and Teva.

S.B. 1827 requires the Texas Treasury Safekeeping Trust Company (Trust Company) to distribute the settlement proceeds of the statewide opioid settlement agreement to the political subdivisions listed in Article IX, Section 17.18 of the 2022-2023 General Appropriations Act (GAA) from the Opioid Abatement Trust Fund.

Over the next 18 years, the state of Texas anticipates receiving approximately \$1.6 billion from opioid settlement agreements. Of this amount, \$1.3 billion will be deposited into the Opioid Abatement Trust Fund for allocation by the O AFC, established by S.B. 1827. Under SB 1827, \$239.2 million of these funds are allocated to cities and counties based on the list in Article IX, Section 17.18 of the GAA.

Outreach efforts are underway by the Trust Company to cities and counties in preparation to disburse settlement funds related to the opioid crisis. You can ensure your city receives important information, including any settlement dollars for which it is eligible, by providing contact information for your entity to oafc.public@cpa.texas.gov. Please include your full name, your entity's name, email, position/title, phone number, and email address in your message to O AFC.

To learn more about O AFC and view settlement agreement records and related documents, please visit the Texas Comptroller's Statewide Opioid Settlement Initiatives webpage at <https://comptroller.texas.gov/programs/opioid-council>.

Texas Comptroller Releases List of Ten Financial Companies that Boycott the Energy Sector

Last week, the comptroller's office released its initial [list](#) of ten financial companies that "boycott" the energy sector. This is significant because during the 2021 regular legislative session, the Texas Legislature passed S.B. 13, adding Chapters 809 and 2274 to the Texas Government Code, which took effect September 1, 2021.

[Chapter 809](#) did not create any new direct obligations for cities; rather, it directs certain state retirement systems to divest from investments that "boycott" energy companies, as defined in that chapter. This chapter also tasks the comptroller with preparing a list of financial companies that boycott energy companies.

[Chapter 2274](#), on the other hand, directly prohibits a city from entering certain contracts with a value of \$100,000 or more unless the contract contains a written verification from the company that it: (1) does not boycott energy companies (as defined in Chapter 809); and (2) will not boycott energy companies during the term of the contract. Chapter 2274 does not contain explicit enforcement provisions or penalties for a city's failure to obtain the required verification, nor does it explicitly prohibit a city from contracting with companies on the comptroller's list.

The comptroller's office also released its [methodology for determining](#) which financial entities boycott energy companies. The release of the list triggers certain deadlines applicable to state government retirement systems and does not have a similar direct effect on cities. That said, because Chapters 809 and 2274 operate under the same definition of "boycott," the list can help cities remain compliant with their Chapter 2274 obligations when contemplating contracts with financial services companies. With these laws being so new, open questions remain regarding the effect of entering a contract that triggers the Chapter 2274 requirements with a vendor on the comptroller's list who is willing to make the written verification to the city. Some risk remains that the contract would be voidable if challenged, since the comptroller's list is evidence that the verification was false when the contract was entered. Keep in mind that for contracts with a value of under \$100,000, Chapter 2274 does not require a city to obtain the boycott verification, even if the vendor appears on the comptroller's list.

Please discuss any potential impact these laws and the comptroller's list may have on your city with your city attorney. The League will continue to monitor the comptroller's website for updates.

Federal Infrastructure Bill Update

In November 2021, the federal Infrastructure Investment and Jobs Act (IIJA) was signed into law. The IIJA is altogether a \$1.2 trillion bill that will invest in the nation's core infrastructure priorities including roads, bridges, rail, transit, airports, ports, energy transmission, water systems, and broadband.

The League will monitor state and federal agencies and work with the National League of Cities (NLC) to access the latest information relating to the IIJA. We will be providing periodic updates in the Legislative Update on resources for Texas cities on how to access IIJA funding for local infrastructure projects.

U.S. Department of Agriculture (USDA)

Earlier this month, the USDA [announced](#) it is accepting applications for the second round of 2022 funding for the Rural eConnectivity Program, also called the ReConnect Program. The program is designed to facilitate broadband deployment in rural areas. Local governments are eligible applicants, among many others. Beginning on September 6, applications can be submitted through the Rural Utilities Service on-line application portal until 10:59 CST on November 2. More on the program can be found [here](#).

Federal Communications Commission (FCC)

Earlier this month, the FCC announced the establishment of the [Affordable Connectivity Outreach Grant Program](#). The program is designed to provide grant funding to entities, including cities, to support those entities' outreach efforts in raising awareness of the Affordable Connectivity Program. As previously reported in this column, the Affordable Connectivity Program is designed to help low-income households pay for broadband internet service and connected devices. More information on the outreach grant program can be accessed in [this article](#) from the National League of Cities.

National League of Cities (NLC)

The [Local Infrastructure Hub](#), sponsored by NLC and the U.S. Conference of Mayors, among others, is now live. The Hub is designed to help city officials navigate the funding programs made available by the IIJA. Interested city officials can sign up for the mailing list, attend virtual learning events, and access articles and other resources on some of the key IIJA funding opportunities.

[Upcoming events](#) on the Local Infrastructure Hub include:

- September 13, 2022 – Advancing Energy Efficiency: The Energy Efficiency and Conservation Block Grant Program (EECBG)
- September 27, 2022 – Delivering Results: Building Resilient Infrastructure and Communities

House and Senate Committee Interim Hearings

The Texas House and Senate Committees are underway studying interim charges outlined by Speaker Phelan and Lt. Governor Dan Patrick.

Below is a full list of committee hearings set to hear certain city-related charges. All hearings will be held at the Texas Capitol unless otherwise indicated. If a committee has newly posted notice and was not included in last week's edition of the *Legislative Update*, it is indicated as such.

House Committee on Ways and Means

The committee will meet on Thursday, September 8 at 11:00 a.m. to hear the following interim charges:

Actively oversee associated rulemaking and agency actions to ensure the intended legislative outcome of:

- [H.B. 2404](#), relating to creating and maintaining a database of information regarding certain local economic development agreements; and
- [S.B. 2](#) (86R – The Property Tax Reform and Transparency Act of 2019) and related tax reform legislation passed by the 87th Legislature, including [H.B. 1869](#), [H.B. 2429](#), [H.B. 2723](#), [S.B. 1438](#).

The committee has invited TML staff to testify on the charges above.

Study Texas' property tax appraisal system and make appropriate recommendations to improve the appraisal system. The study should include:

- Assessing the accuracy of appraised values and operational effectiveness of appraisal districts;
- Evaluating methods of selected chief appraisers, appraisal review boards, and appraisal district directors;
- Evaluating existing appraisal protections for taxpayers and ease of taxpayer participation in the appraisal process; and
- Conduct a comprehensive review of not renewing Chapter 313, Tax Code. Evaluate tax incentives offered by other states and make recommendations for incentivizing manufacturers and other capital-intensive businesses to locate to Texas.

Information on the hearing, including how to register and submit electronic comment, can be found [here](#).

House Committee on State Affairs and Committee on Energy Resources

The two committees will meet jointly on Tuesday, September 13 at 10:00 a.m. to hear the following joint interim charge:

Monitor the agencies and programs under the Committee's jurisdiction and oversee the implementation of relevant legislation passed by the 87th Legislature. Conduct oversight of all associated rulemaking and other governmental actions taken to ensure the intended legislative outcome of all legislation, including the following:

- [S.B. 3](#), relating to preparing for, preventing, and responding to weather emergencies and power outages.

Information on the hearing, including how to register and submit electronic comment, can be found [here](#).

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