

Jesse Lerma

From: Crissy Cantu
Sent: Wednesday, January 17, 2024 2:14 PM
To: Jesse Lerma
Subject: Professional Services Gen Exemption

Importance: High

Here you go, Mr. Lerma.

General Exemption Texas Local Gov't Code 252.022 (a)(4)- a procurement for personal, professional, or planning services. We require the firm's qualifications and fees on letterhead. Let me know if you have any questions.

Best,

Best,



Crissy Cantu, CTCD

Procurement Buyer

City of Mission | 1201 E. 8th Street Mission, TX 78572

Phone: 956.580.8667 Email: ccantu@missiontexas.us

•Peace be with you•

Please note that any correspondence, such as email or letters, sent to City staff or City officials may become a public record and made available for public/media review.

Notice: If you are not the intended recipient or have received this e-mail in error, please notify me via return e-mail and telephone at 956-580-8667, and permanently delete and purge the original and any copy thereof. This e-mail, with attachments hereto, if any, is intended only for receipt and use by the addressee(s) named herein, and may contain legally privileged and/or confidential information. Regardless of address or routing, if you are not the intended recipient, then you are hereby notified that any use, copying, reproduction, dissemination, distribution, or transmission of this e-mail, and any attachments hereto, is strictly prohibited. Whereas all reasonable steps have been taken to ensure the accuracy and confidentiality of the information and data submitted herein, the City of Mission and its employees are not liable if information or data is corrupted or does not reach its intended destination.

January 23, 2024

City of Mission
Mr. Randy Perez, City Manager
Mr. Jesse Lerma, Civil Service Director
1201 E. 8th Street
Mission, TX 78572

Mr. Perez / Mr. Lerma:

Thank you for the opportunity to extend my contract with the City of Mission. I have been privileged to serve as the special counsel for Civil Service (and related) matters since 2022 and look forward to continuing to do so.

Attached, you will find the information you requested regarding my (and my firm's) qualifications and rates.

Should you need anything else, please do not hesitate to contact me.

Sincerely,



Kevin D. Pagan
Of Counsel

City of Mission, Texas

Statement of Qualifications & Hourly Rates

CIVIL SERVICE ATTORNEY

Submitted by:



January 23, 2024

Contact: Kevin D. Pagan
813 North Main Street
Suite 513
McAllen, TX 78501
P 956-205-0344
F 956-683-9404
www.bickerstaff.com
kpagan@bickerstaff.com

STATEMENT OF QUALIFICATIONS

OVERVIEW

Established in September 1980 in Austin, Texas by two division chiefs from the Office of the Texas Attorney General, our firm began as Bickerstaff & Heath. Currently operating as Bickerstaff Heath Delgado Acosta LLP (“BHDA” or the “Firm”), we are one of the largest firms in Texas devoted extensively to the practice of state and local government law. The Firm’s client list includes large and small public entities of all types located throughout the state.

We are proud that many of our attorneys are former elected, appointed, and employed members of state and local government. A particular strength that sets us apart is our understanding of the governmental process, which enables us to provide practical advice both to local government entities and to private entities that interact with or are otherwise affected by government decision making.

Our firm draws heavily on active collaboration across our different practice groups to ensure that we deliver legal services that fully anticipate and address our clients’ needs. Given our collective experience, clients can be confident in relying on BHDA as their trusted advisor when seeking out innovative solutions or when addressing problematic issues.

FIRM QUALIFICATIONS

BHDA is prepared to serve as the City of Mission’s (the “City”) civil service attorney. For more than 40 years, our firm has placed special emphasis on the representation of governmental entities, including matters related to Civil Service issues. Our experience includes both city attorney work and comprehensive specialty services for municipalities and other types of local government entities throughout Texas. As a result, we have an extensive list of municipal clients that we have represented specifically in civil service matters, over the years, including (but not limited to):

- ◆ City of McAllen
- ◆ City of Edinburg
- ◆ City of Brownsville
- ◆ City of Alice
- ◆ City of Harlingen

Our extensive background in governmental service and our history of representing public entities has allowed us to develop an appreciation for the legal and legislative issues faced by cities – as well as the often-limited resources available to address these complex issues. We advise municipal clients in all areas of public law, including:

- ◆ Advising on meet and confer issues, including negotiations with police and fire departments.
- ◆ Advising executive department and employees regarding all matters with civil service.
- ◆ Local Government Code Title 5 Matters Affecting Public Officers and Employees.

- ✦ Matters related to Chapter 143 (Civil Service) of the Texas Local Government Code.
- ✦ Employment and labor law issues including a wide range of experience related to personnel matters.
- ✦ Attending and providing counsel at Civil Service Commission meetings.
- ✦ Legal aspects of managing basic city functions such as police, fire, taxation, etc.

In addition, our firm routinely provides city management support services including, legal support to the City's management team and availability to advise on any of the following areas: finance and administration, development services, information resources, human resources (including EEOC, FLSA, FMLA, and ADA), fire services, police services, parks and recreation, utilities, and community services, issues involving real property, public information, human resources, utilities, police and fire services (including specific labor and employment issue management and development of policies and procedures), contract drafting and related issues, disaster response and recovery including guidance surrounding FEMA claims and policies, and general operational support. The Firm also has support staff qualified and available if necessary to assist the City Secretary's office on issues including elections, open meetings compliance, public information responses, and records retention/management.

Specialty Services Experience

In addition to the information above, we have included the following details specifically related to our experience in the areas of civil service; meet & confer negotiations; and police & fire specialty law.

a. Civil Service

The Firm's proposed lead attorney (Kevin Pagan) has represented the following cities with respect to civil service matters in the areas indicated below.

- ✦ **City of McAllen** – Served as City Attorney / Deputy City attorney for 27 years. During that time, he represented the city management in a large number of civil service matters ranging from indefinite suspensions (terminations) to reprimands and suspensions. For the first 13 years of the time mentioned above, Mr. Pagan also represented the McAllen Civil Service Commission as its general counsel in a wide variety of matters, including testing, promotional, contested hearings, and other matters.
- ✦ **City of Edinburg** – Served (and currently serves) as special counsel for the City of Edinburg Police (and now Police and Firefighters') Civil Service Commission for more than 20 years. In that capacity, Mr. Pagan serves as the Civil Service Commission and Civil Service Director's attorney providing advice and representation in a wide variety of civil service matters including testing issues, creation of local rules, promotional disputes, and interpretation of Chapter 143 (the Civil Service law) in all areas as needed.
- ✦ **Served as special counsel to Civil Service Commission** – Over the past 20 years for the following cities: City of Brownsville, City of Harlingen, and City of Alice. These representations generally involve providing the cities' Civil Service Director and Civil Service Commission legal advice during contested (or controversial) matters.

- **City of Mission** – Since 2022, Mr. Pagan has served as special counsel to the City of Mission, mainly assisting the Police and Fire Chiefs, the Civil Service Director, and HR Department in matters related to police and fire employment issues, including disciplinary cases. In this capacity, Mr. Pagan also serves as counsel to the Mission Civil Service Commission. (Prior to 2022, Mr. Pagan was hired by the City of Mission to assist the former Police Chief with a complex personnel/liability matter involving a police "pursuit" incident.)

b. Meet and Confer Negotiations

In his capacity as attorney for the City of McAllen, Mr. Pagan served as lead negotiator for the city management's collective bargaining team from the inception of collective bargaining more than 20 years ago until his retirement (from the City of McAllen) in January of 2021. (Collective bargaining involves processes very similar to "meet and confer," although there are distinctions, with which Mr. Pagan is also familiar.) As part of the above, Mr. Pagan also attended numerous high-level trainings in bargaining and negotiations provided by both the Federal Mediation and Conciliation Service as well as the Harvard / M.I.T. Program on Negotiations. (From the Harvard program, he attended sufficient trainings to obtain a "Negotiation Master Class" certification.)

In his capacity as Special Counsel to the Edinburg Civil Service Commission, Mr. Pagan has also provided general advice to the city staff in those areas where the Edinburg Meet and Confer agreements "intersect" with Civil Service requirements.

c. Police and Fire Specialty Law

As noted earlier, Mr. Pagan served as legal counsel to the City of McAllen for more than 27 years. In that capacity, he served as the primary legal advisor to both the police and fire chiefs for the duration of that time. As such, he is very familiar with the intricacies of Texas police and fire department issues of all types.

KEY PROFESSIONALS

The Firm is pleased to propose Kevin Pagan (Of Counsel) as the lead attorney for the City. Mr. Pagan will have primary responsibility for managing the relationship between the City and the Firm—as well as administering the City's account, keeping regular contact with the City, and supervising the work of the Firm's other attorneys and legal assistants. In addition to Mr. Pagan, Vanessa Gonzalez and Joshua Katz are available to assist the City on an as-needed basis. We have included brief bios below for our proposed attorneys and their full resumes are attached as EXHIBIT A.

- **Kevin D. Pagan, Of Counsel (Proposed Lead Attorney)**

Kevin Pagan focuses his practice on representing Texas municipalities in all types of issues faced by city governments and their elected officials and administrators. Mr. Pagan has extensive experience in the area of municipal law. For nearly 15 years, he served as the city attorney for the City of McAllen, where he oversaw the operations of the city's legal department, which included a team of municipal prosecutors and general counsel attorneys, legal personnel, and administrative staff. During this

time, Mr. Pagan led the department in a wide range of matters including economic development, voting rights and elections, governance and compliance, and labor and employment matters among many others. He also worked as deputy city attorney and assistant city attorney for the City of McAllen, and interim city manager for the City of Mercedes. Mr. Pagan works in the Firm's McAllen office.

• **Vanessa A. Gonzalez, Partner**

Vanessa Gonzalez leads the Firm's employment law litigation group and is Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization. Her employment law experience includes successful jury trials and the dismissal of numerous claims by motions for summary judgment and motions to dismiss. She regularly counsels government and private employers to ensure compliance in all areas of state and federal employment laws; conducts workplace investigations; prepares and negotiates employment contracts; prepares and updates employee manuals; and provides management training.

In addition to traditional employment law claims brought under the FLSA, Title VII, the ADA, the FMLA, and the Texas Labor Code, Ms. Gonzalez has extensive experience defending constitutional employment law claims and whistleblower claims against government entities with a focus on defending cities. She has also represented employers in administrative proceedings before the Equal Employment Opportunity Commission, the Texas Workforce Commission, and the Department of Labor; and she has defended law enforcement officials in claims of excessive force, denial of medical care, and false arrest claims.

• **Joshua D. Katz, Partner**

Joshua Katz practices in the areas of municipal law, environmental law, administrative law, water law, electric utility regulation, Public Information Act and Open Meetings Act issues, and related litigation. He represents municipalities, river authorities, water districts, and private entities in these and related matters before state and federal agencies and in state court. Mr. Katz currently serves as City Attorney for the City of Granite Shoals and the Village of Salado, and as Assistant City Attorney to the City of Lakeway. He also serves as outside counsel to numerous cities including the City of Roma, where he previously served as City Attorney.

Mr. Katz has provided general and specialty counseling to municipalities in all areas of the law that concern cities, including ordinance drafting, annexation, eminent domain, utilities, elections, building code, procurement, employment, zoning, and land use matters. In addition, he has handled numerous environmental and property law litigation cases including groundwater rights cases, title and easement disputes, and land use disputes.

AVAILABILITY AND COMMITMENT

The Firm has a total of 22 attorneys and 20 support staff across four offices located in McAllen, Austin, El Paso, and Houston. We are proud to maintain a considerable workload, which will in no way diminish our ability to render legal services to the City in a timely and effective manner. Our attorneys have built lasting

relationships with our municipal clients in part by remaining easily accessible and responsive. Our firm is committed to providing the City with its required representation. In addition to the attorneys outlined in this proposal, the full resources of our firm are available to assist the City on an as-needed basis. The size of our firm, combined with the skill and experience of our personnel, ensure that the City's matters will always be handled efficiently and effectively. Our attorneys have the capacity and capability to perform on short notice and in a timely manner.

PROPOSED RATES & FEES

HOURLY RATES

Unless otherwise indicated in writing, our fees for city attorney legal services are determined on the basis of the hourly rates of the respective attorneys, paralegals, and specialists who perform the services. These rates vary depending on the expertise and experience of the individual. Hourly rates for the attorneys included in this proposal are indicated below.

◆ Kevin D. Pagan (proposed lead attorney)	\$225 per hour
◆ Vanessa A. Gonzalez	\$225 per hour
◆ Joshua D. Katz	\$225 per hour

OTHER COSTS

The Firm incurs expenses on behalf of clients only when required by the legal needs of the clients. Some cases or matters require extensive use of outside copy facilities, and other cases may not be so paper-intensive. Standard services handled within the Firm are not charged, and client specific expenses are billed to the client needing those services. An explanation of the billing structure is as follows:

Not Charged

Secretarial and word processing time, routine postage, file setup, file storage, local or ordinary long-distance charges, fax charges, and computerized legal research data charges.

Delivery Services

Outside delivery services are used for pickup and delivery of documents to the client as well as to courts, agencies, and opposing parties. Outside delivery fees are charged to the client at the rate charged to the Firm. Overnight delivery services are also charged at the rate charged to the firm. The Firm's Office Services Department personnel may provide delivery service in urgent situations and charges for such in-house service will not exceed the charge that would be made by an outside service in a similar situation.

Postage

Our postal equipment calculates exact U.S. postage for all sizes and weights of posted material. The rate charged for postage is the same as the amount affixed to the material that is mailed. We will not charge clients for postage on routine correspondence; however, the cost of large-volume mail, certified mail, or other additional mail services will be charged to the client.

Copies and Prints

Our standard rate for black and white copies and prints made by firm personnel is \$0.15 per page. Color copies and prints are charged at a standard rate of \$0.55 per page. These charges cover paper, equipment costs, and other supplies. If savings can be realized within the required time frame by sending copy jobs to subcontractors, the firm uses only qualified legal services copiers and the cost charged to the client is the same as the amount billed to the Firm.

Phone Charges

Only charges for conference calls or international calls are charged, and charges are billed at the same amount billed to the Firm by the outside provider.

Travel

Attorney and other timekeeper time spent traveling on behalf of a client is billed to the client. Hotel, meals, local transportation, and similar expenses are charged based on receipts and travel expense forms submitted by the attorney. Documentation is available to the client if requested.

Maps

Maps produced in conjunction with a project will be billed at \$50 for each 34 x 44-inch map and \$20 for each smaller map, plus cost (time fees) for preparation.

Other Expenses

Expenses incurred with outside providers in connection with the client's legal services will be paid by the client directly to the outside provider unless specifically arranged in advance. If the Firm agrees to pay outside providers, the cost charged to the client will be the same as the amount billed to the Firm. Examples of such charges include court reporter fees, filing fees, newspaper charges for publication notices, expert witness fees, consultants and other similar expenses.

EXHIBIT A – ATTORNEY RESUMES



Kevin D. Pagan

Of Counsel

McAllen Office

813 North Main Street
Suite 513
McAllen, Texas 78501

Phone: 956-205-0344
Fax: 956-683-9404
Email: kpagan@bickerstaff.com

Attorney Overview

Kevin Pagan focuses his practice on representing Texas municipalities in all types of issues faced by city governments and their elected officials and administrators.

Mr. Pagan has extensive experience in the area of municipal law. For nearly 15 years, he served as the City Attorney for the City of McAllen, where he oversaw the operations of the city's legal department, which included a team of municipal prosecutors and general counsel attorneys, legal personnel, and administrative staff. During this time, Mr. Pagan led the department in a wide range of matters including economic development, voting rights and elections, governance and compliance, and labor and employment matters among many others. He also worked as Deputy City Attorney and Assistant City Attorney for the City of McAllen, and Interim City Manager for the City of Mercedes.

In addition to his legal career, Mr. Pagan is a Major in the U.S. Air Force Auxiliary and part of the McAllen Composite Squadron Civil Air Patrol, where he serves as an aerospace education officer and a cadet orientation pilot.

Career Highlights

- Led the City of McAllen's transition from a third party "insured" risk system to a "self-insured" system, saving taxpayers some \$800,000 each year.
- Led the City of McAllen's collective bargaining teams, successfully negotiating more than a dozen collective bargaining agreements with the City's Fire and Police Associations.

Organizations & Involvement

- Texas City Attorneys Association, Board of Directors, 2017-present

Practice Areas

- Municipalities
- Water Districts
- Civil Service Commissions
- Open Government
- Collective Bargaining
- Non-Profits
- General Counsel Matters
- Employment & Labor
- Litigation

Education

- Southern Methodist University School of Law, J.D., 1986
- Arkansas State University, B.S., 1983
- Reformed Theological Seminary, Master of Arts in Religion, 2019

Admissions

- Supreme Court of Texas, 1986
- United States District Court for the Northern District of Texas
- United States Bankruptcy Court for the Southern District of Texas

-
- Stark College and Seminary, Board of Trustees Member and Executive Committee Member
 - Baptist Temple Church, Chief Legal Officer/Chief Financial Officer
 - Texas Aerospace and Aviation Advisory Committee, Former Member (appointed by Governor Rick Perry)
 - Texas Department of Motor Vehicle's Board, Former Chairman, Vice-chairman, and Member (appointed by Governor's Rick Perry and George W. Bush)



Vanessa A. Gonzalez

PARTNER

AUSTIN OFFICE

3711 S. MoPac Expressway
Building One, Suite 300
Austin, Texas 78746

Phone: 512-472-8021
Fax: 512-320-5638
Email: vgonzalez@bickerstaff.com

Attorney Overview

Vanessa Gonzalez is Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization and leads the Firm's employment litigation group. She defends employers in complaints filed with the EEOC, the TWC, the DOL, and in state and federal courts. Ms. Gonzalez's jury trial experience includes successful employment law verdicts in federal courts.

She also represents and provides consultation to institutions of higher education in employment law matters as well as matters related to Title IX, the Clery Act, the Public Information Act, and the Family Educational Rights and Privacy Act.

Representative Experience

Employment Law Counseling

- ◆ Ms. Gonzalez regularly counsels employers on personnel issues and compliance with state and federal employment laws. She also assists employers in the preparation and updating of their employee personnel manuals and employee documentation.
- ◆ Ms. Gonzalez counsels employers in the preparation and negotiation of employment agreements, including non-compete agreements, non-solicitation agreements, severance agreements, and independent contractor agreements. She also represents clients in contract disputes in state court and in audits by the Department of Labor.

Administrative Representation

- ◆ Ms. Gonzalez has represented numerous clients before the Equal Employment Opportunity Commission (EEOC), the Texas Workforce Commission (TWC), the former Texas Commission on Human Rights (TCHR), and the Austin Human Rights Commission.
- ◆ Ms. Gonzalez has represented restaurants, janitorial companies, and other small businesses in audits and investigations conducted by the Department of Labor.



Practice Areas

- ◆ Employment
- ◆ Civil Litigation
- ◆ Higher Education
- ◆ Open Government

Education

- ◆ University of Texas School of Law, J.D. 1995
- ◆ Texas A&M University, B.A., Speech Communication 1991

Admissions

- ◆ Supreme Court of Texas, 1995
- ◆ United States Court of Appeals for the Fifth Circuit
- ◆ United States District Courts for the Eastern, Northern, Southern, and Western Districts of Texas

Training and Investigations

- ◆ Ms. Gonzalez regularly speaks at conferences on employment law matters and provides training for employers, supervisors, and managers.
- ◆ Ms. Gonzalez is often selected as an outside investigator to investigate allegations of workplace misconduct. She has conducted investigations of police chiefs, city managers, elected officials, judges, CEO's, and managers. Ms. Gonzalez also advises employers when they conduct their own internal workplace investigations including consultation for institutions of higher education in their Title IX investigations.

Employment Law Litigation and Jury Trials

- ◆ Ms. Gonzalez recently defended a private institution of higher education in a disability discrimination lawsuit in federal court. The case was dismissed after Ms. Gonzalez filed a Motion to Dismiss for failure to state a claim.
- ◆ Ms. Gonzalez recently defended a community college in a section 1981 federal court lawsuit. The case was dismissed after Ms. Gonzalez filed a Motion for Judgment on the Pleadings.
- ◆ Ms. Gonzalez defended a Central Texas employer wrongfully accused of violating the Equal Pay Act. She successfully tried the case to a jury in federal court and the jury determined the employer did not violate the Act.
- ◆ Ms. Gonzalez defended a Central Texas employer with over 12,000 employees in a racial harassment lawsuit filed in state court by two plaintiffs. The matter was prepared for two separate jury trials but was then resolved before trial.
- ◆ Ms. Gonzalez defended an employer in a claim brought in federal court by a terminated employee under the Family and Medical Leave Act. Summary judgments were filed by both sides and the case was prepared for trial but was then resolved before trial.
- ◆ Ms. Gonzalez recently defended a private employer in a disability discrimination and failure to accommodate claim brought under the Texas Labor Code in state district court. The plaintiff claimed he was entitled to medical expenses and damages for injuries sustained after the employer allegedly failed to accommodate the plaintiff. The case was resolved shortly after Ms. Gonzalez filed a motion for summary judgement with the court.

Constitutional Law and Whistleblower Litigation and Jury Trials

- ◆ Ms. Gonzalez defended a Texas county and county commissioner in a First Amendment retaliation lawsuit filed in federal court. The terminated employee claimed he was terminated because of his political affiliation. Ms. Gonzalez' motion for summary judgment was granted by the court and the case was dismissed.
- ◆ Ms. Gonzalez defended a Texas county sheriff who was accused of terminating a chief deputy in violation of the chief deputy's freedom of speech and freedom in political association. Ms. Gonzalez successfully tried the case to a jury in federal court and the judgment was entered for the defense.
- ◆ Ms. Gonzalez defended a Texas county and county commissioner in a First and Fourteenth Amendment lawsuit filed by a former employee in federal court in Austin, Texas. The lawsuit involved a previous sexual harassment claim, and sensitive depositions were taken under a protective order from the court. The matter was resolved before trial.
- ◆ Ms. Gonzalez defended a First Amendment employment retaliation claim and a whistleblower claim in federal court in Houston, Texas. The jury awarded \$1,200 on the plaintiff's \$97,000 claim.

Higher Education and School Law

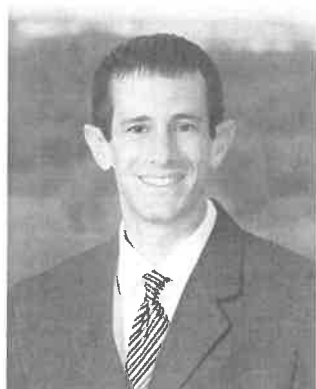
- ◆ Ms. Gonzalez represented a community college in a claim brought by a student under the Texas Human Resources Code, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. Ms. Gonzalez's plea to the jurisdiction was granted and the case was dismissed.
- ◆ Ms. Gonzalez recently defended a community college in a claim brought under Title II of the Americans with Disabilities Act for alleged restricted access due to architectural barriers present on the college campus.
- ◆ Ms. Gonzalez represented a school district sued by a contractor for breach of contract. Ms. Gonzalez drafted the motion for summary judgment which led to a prompt settlement of the case for a low amount favorable to the school district.

Organizations & Involvement

- ◆ Austin Bar Association – Member
- ◆ Austin Human Resources Management Association - Member
- ◆ Travis County Women Lawyers' Association - Member
- ◆ The Robert W. Calvert American Inn of Court - Member
- ◆ Communities in Schools - Board of Directors (2018 - present)
- ◆ Austin PBS - Board of Directors (2010-2016) (2017-present)
- ◆ Greater Austin Hispanic Chamber of Commerce - Former Board of Directors (2013-2017); Education Committee Chair, Developed the AISD High School Entrepreneurs Competition (2014-2018)
- ◆ Literacy Coalition of Central Texas - Former Board of Directors (2007-2013)
- ◆ Leadership Austin - Graduate, Essential Class of 2007
- ◆ Hispanic Bar Association of Austin - President (2004-2005); Education Outreach Committee Chair, Developed the Middle School Essay Competition (2004-2014)

Publications & Presentations

- ◆ Civil Rights Issues, 65th Annual V.G. Young School for County Commissioners Courts (February 2023)
- ◆ Employment Law Practices and the Pandemic, Texas Association of Community College Attorneys 2021 Virtual Conference (January 2021)
- ◆ Stump the Experts: A Legal Panel Discussion of FFCRA, COVID-19, and Return to Work Issues, Austin Human Resources Management Association Webinar (June 2020)
- ◆ Constitutional Employment Law Claims, TCAA Summer Conference (June 2019)
- ◆ Workplace Harassment After #MeToo Movement, Austin Human Resources Management Association (July 2018)
- ◆ Harassment Response and Investigations, Williamson County HR Management Association (May 2018)
- ◆ Employment Law Hot Topics, South Texas County Judges and Commissioners Association Conference (June 2017)
- ◆ Public Transparency v. Student Privacy: The Intersection of FERPA and Open Records in Colleges, Texas Association of Community College Attorneys Annual Conference (January 2017)
- ◆ Religion in the Workplace, V.G. Young Institute's School for Local Government HR Professionals (April 2016)
- ◆ Legal Risks: Terminating Employees, V.G. Young School for County Commissioners Courts (February 2016)



Joshua D. Katz

PARTNER

AUSTIN OFFICE

3711 S. MoPac Expressway,
Building One, Suite 300
Austin, Texas 78746

Phone: 512-472-8021
Fax: 512-320-5638
Email: jkatz@bickerstaff.com

Attorney Overview

Josh Katz practices in the areas of municipal law, environmental law, administrative law, water law, electric utility regulation, and civil litigation. He represents municipalities, river authorities, water districts, and private entities in these and related matters before state agencies and in state and federal courts.

Career Highlights

Prior to joining Bickerstaff Heath in 2010, Josh was an associate with a large Austin firm and an environmental and property law litigation boutique. He also researched and drafted publications and other documents while clerking at TCEQ and the Jones McClure Publishing Company, where he drafted and edited various *O'Connor's* legal publications.

Representative Experience

- Handled numerous environmental and property law litigation cases, including groundwater rights cases, title and easement disputes, and land use disputes
- Represented clients in contested case hearings before the Texas Commission on Environmental Quality (TCEQ) and Public Utility Commission (PUC), including electric and water utility rate cases and issues pertaining to municipal utility districts
- Drafted comments on behalf of clients in administrative rulemaking proceedings, and successfully litigated challenges of administrative rulemakings
- Participated in administrative proceedings regarding permitting and operations of municipal solid waste facilities, permitting of groundwater wells and surface water impoundments, eminent domain proceeding, electric utility transmission, generation and cost recovery, and water utility compliance and operations

Practice Areas

- Cities
- Civil Litigation
- Water Law
- Annexation & Land Use
- Environmental
- Voting Rights & Redistricting
- Groundwater Conservation Districts
- River Authorities & Water Districts

Education

- University of Houston Law Center, J.D., *cum laude*
—Chief Articles Editor, *Houston Journal of Health Law and Policy*, 2004-2005
—President, University of Houston Environmental and Energy Law Society, 2003-2004
- Rice University, B.A. -
Economics and English

Admissions

- Supreme Court of Texas, 2005
- United States District Court for the Western District of Texas, 2012; Southern District, 2013; Eastern District, 2013
- United States Court of Appeals for the Fifth Circuit, 2010

- Litigated breach of contract disputes and other civil litigation on behalf of public entity and private party clients
- Experienced in appellate law, having drafted successful appellate briefs in appeals of administrative decisions, groundwater litigation, land use and development litigation, and breach of contract cases
- Experienced in drafting and reviewing contracts and property rights transfer documents, including water and mineral rights transfers

Organizations & Involvement

- Member, State Bar of Texas (Environmental and Natural Resources Law Section and Administrative and Public Law Section); Member, Austin Bar Association (Administrative Law Section and Natural Resources, Environmental, and Water Law Section).
- Board of Directors Member – Austin Symphony BATS (Be At The Symphony); Treasurer, 2008-2010.

Publications, Papers, & Presentations

- *Walk Hard: The Walking Quorum Story*, Texas City Attorneys Association Summer Conference (June 2020).
- *Can I Sue Your City? Dealing with the Public and Pro Se Litigants*, 2016 Texas City Attorneys Association Summer Conference (June 2016).
- *Regulatory Takings: The Intersection of Takings and Property Rights*, 2014 Texas Water Law Institute (November 2014).
- *Case Update on Texas Farm Bureau v. TCEQ*, Austin Bar Association, Natural Resources, Environmental, and Water Law Section (May 2013).
- *Case Update on Texas Farm Bureau v. TCEQ*, Texas Water Conservation Association Annual Conference (March 2013).
- *Case Law and Litigation Update*, Co-Author, presented at CLE International Texas Water Law Conference (September 2009).