

# Profile in Public Service: City Attorney, Monte Akers

Monte Akers is an example of the hundreds of hard-working, dedicated city officials serving small cities in Texas. We think it is important to profile the public servants from time to time.

## Please tell us a little about yourself.

Monte Akers: I'm happy to do so, and honored to be interviewed by TML. I'm married to Patty L. Akers, who is also my law partner. We have two children, Nathan and Megan, both of whom are married, respectively, to Alexis Sterling Akers and Kyle Wineman. Nathan and Lexy have blessed us with two fantastic granddaughters, Madison Marie Akers, who is six, and Harper Channing Akers, who is two.

I grew up in the Panhandle near Higgins, Texas, on my father's cattle ranch. If anyone had told me when I was a boy herding and working cattle or fixing fence or bucking hay bales that I would grow up and be a city attorney, I would have thought that person was delusional. Once I was convinced he or she wasn't, I probably would have hugged and kissed them—I never cared for bucking bales or fixing fences. However, despite working for cities, we live in the country, with room for a small menagerie of dogs and cats, as well as four horses.

I have a bachelor's degree from the University of Texas at Arlington, and a Juris Doctorate from the University of Houston. I started working for local governments in 1990, went to work for TML in 1992 where I served as Director of Legal Services, and went into private practice in 2003.

My personal passions are American history, particularly the collecting of historic artifacts and writing. I've written five books that have been published, as well as a bunch that haven't been, and have just finished my sixth book which will be published this fall.


## Will you please describe what you do, and what your responsibilities are in your current position?

**MA** : Our law firm—four attorneys and an office manager—serves as city attorneys for 14 small to medium-sized cities around the state, from as far away as Marfa or the Metroplex, to others close to Austin, such as Bee Cave. Some cities want us to attend all council, board, and commission meetings. Others, particularly the small ones, rarely ask us to attend any kind of meeting, and limit our work to drafting documents and answering questions on the phone. Email, phone, fax, and Skype work wonderfully to take care of most tasks we're asked to handle. The fact that Texas law allows a contract city attorney to attend meetings by video or teleconference means we can work for cities that are hundreds of miles away. We also do specialty work for another dozen or so cities, as well as provide

representation for seven economic development corporations. We provide a full range of municipal legal services from annexation to zoning, including litigation, training, municipal court prosecution, legislative work, or whatever else a city may need.

## Are there any common misconceptions about the work you do? If so, what are they?

**MA** : A common misconception from citizens is that we represent them in keeping the city in line or punishing the city council or staff for not doing what the public wants. A misconception from city officials is that we are their personal attorneys, or that the city attorney is the city disciplinarian who is supposed to punish city officials who don't vote or think "correctly," which usually means "different than I vote and think." A broad range of attitudes and expectations exists from city to city. Some cities want an attorney who will tell them what to do each time a difficult question arises, while others want little more than a scrivener. An effective city attorney is one who always remembers that he or she is a counselor, advisor, and advocate who helps the city carry out and defend legally authorized policies, but is not a policy maker.



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**What are the greatest challenges and/or opportunities that the cities you represent face?**

**MA** : Change brought on by an election is one of the greatest challenges we face. A city council may have taken years to become proficient at working together and governing, but an election occurs and a new majority takes over. The new majority usually has little experience, and often has a “let’s clean house” agenda that has very little basis in how good a job a city manager, police chief, city attorney, or others have been doing. It is disheartening to know that you have done an excellent job for a city council, and that you were appreciated by its members, only to have them replaced by a new majority that views you as part of the problem.

**What do citizens want from local government, and has it changed?**

**MA** : Unfortunately, many citizens expect their city to provide all possible municipal services with minimal taxes, little or no annexation, by employees who are paid only minimum wages, with no assistance or input from them. Citizens are not apathetic in every city, but they are in too many. It is not unusual to see elections—not just for city council, but for bond issues, charter amendments, and other propositions—decided by an infinitesimally small percentage of the qualified voters. Then, when something happens that creates bad publicity, citizens may turn out in droves to criticize and demand reform, sometimes forming groups with acronyms like “CAVE” (citizens against virtually everything). I wish I could say this is a trend that is going away, but it seems more common now than it was 10 or 20 years ago.

**What has been your proudest professional accomplishment?**

**MA** : This may sound self-serving, but I believe I am proudest of having been in TML’s legal division and having served as TML’s Director of Legal Services for 11-plus years. There is no other job on earth that trains an attorney so well and so completely in municipal law. And no other experience will boost a career in municipal law like having encountered virtually every municipal law question and issue, in one form or another, as that job does. There is no substitute for knowing you will be able to accurately advise a city client on any subject related to what cities may want to do or may encounter.

**Please describe a typical work week.**

**MA** : Our firm’s business model is different than many in that we spend a lot of time on the road, traveling to council, economic development corporation, and other meetings in cities that are from 10 to 200 miles from the office. A typical week involves the drafting of two to five ordinances and resolutions, preparing two or three legal opinions, answering 30 to 50 telephone and email inquiries, and traveling to and attending two or three meetings or, for an associate, prosecuting in municipal courts.

**Why do you attend the TML Annual Conference and Exhibition, or other TML training events?**

**MA** : We rarely miss an Annual Conference, never miss a Texas City Attorneys Association seminar or conference, and attend an occasional regional meeting or training event, sometimes as speakers. The TML Annual Conference is an amazing, one-of-a-kind event that offers opportunities to meet and network like no other. I remember former Executive Director Frank Sturzl saying once that he had helped organize and sponsor dozens of annual conferences, so that doing one was commonplace, yet every year he was amazed at how huge each was and how much planning was involved.

**What advice can you offer to someone new to your position?**

**MA** : The key to success in municipal law, like any area of the law, is experience. Find a position in which you will be exposed to as much variety in municipal issues as possible, from the lowest drudge work to the latest developments at the legislature and the appellate courts, even if it means volunteering as an intern in the beginning. In some areas of the law, a client has no expectation of an immediate answer or work product, but that is not the case with cities. City staff and city councils do not ask a question or request work until they need it, and they usually need it immediately. They do not want to pay an attorney to research the issue or be trained, so the quicker you can become comfortable with the questions that arise, the better off you will be. As with most positions an attorney takes on, there will be a learning curve of two or three years, maybe more. Municipal law is more complicated than laymen realize, and cities have jurisdiction over dozens, or even hundreds, of different topics, so accept that you will not be an overnight success. The rewards will not be instantaneous, but they will come and they can be very fulfilling. Cities affect the lives of more people than any other level of government, and it can be very satisfying to realize that you have genuinely and legally helped a city to help its citizens. ★