

VIA TELEPHONE CONFERENCE



**CITY OF FAIR OAKS RANCH
AGENDA – CITY COUNCIL TELECONFERENCE
September 17, 2020 6:30 PM
Via Teleconference
7286 Dietz Elkhorn, Fair Oaks Ranch**

THERE EXISTS A PUBLIC HEALTH EMERGENCY RELATED TO THE COVID-19 VIRUS THAT NECESSITATES A MEETING OF THE CITY COUNCIL TO TAKE PLACE VIA VIDEO CONFERENCE PURSUANT TO GOVERNMENT CODE CHAPTER 551.125, AS MODIFIED BY EXECUTIVE ORDER OF THE GOVERNOR

You can dial in using your phone:

United States (Local #): 210-714-4201

(Toll-Free #): 1-800-717-4201

*****Due to costs incurred by the city for each minute for each caller using the Toll Free line please consider using the Toll Number if your phone plan covers long distance calls.***

Conference ID: 2443302 #

If you wish to address the Council, please select *5 on your phone; this will place you in a queue for speaking. At the appropriate time the City Secretary will call upon each individual separately.

I. OPEN MEETING

- A. Roll Call – Declaration of a Quorum.

II. CITIZENS and GUEST FORUM / PRESENTATIONS

If you wish to address the Council, select *5 on your phone; this will place you in a queue for speaking. At the appropriate time the City Secretary will call upon each individual separately. In accordance with the Open Meetings Act, Council may not discuss or take action on any item which has not been posted on the agenda.

- A. Citizens to be heard.

III. PUBLIC HEARING

- A. Conduct a Public Hearing on the Fiscal Year 2020-2021 Proposed Budget and 2020-2021 Tax Rate.
1. Mayor opens the public hearing
 2. Staff presentation of the Proposed Budget and Tax Rate
 3. City Council receive citizen testimony for/against the Proposed Budget and Tax Rate
 4. Mayor closes the public hearing
 5. City Council discuss the Proposed Budget and Tax Rate, inclusive of asking questions of staff

IV. CONSENT AGENDA

All of the following items are considered to be routine by the City Council, there will be no separate discussion on these items and will be enacted with one motion. Items may be removed by any Council Member by making such request prior to a motion and vote.

- A. Approval of the September 3, 2020 Special City Council meeting minutes. Pgs. 60-62
- B. Approval of the September 9, 2020 Special City Council meeting minutes. Pg. 63
- C. Approval of the September 10, 2020 Special City Council meeting minutes. Pg. 64
- D. Approval of the Second Reading of an Ordinance amending the Code of Ordinances, Chapter 1, Article 1.07, Division 2 Oak Wilt Control.
Melissa Castro, Environmental Compliance Manager Pgs. 65-72
- E. Approval of a Resolution approving a Joint Election Agreement with Comal County Elections relating to the November 3, 2020 election and authorizing the City Manager to execute all documents in connection therewith.
Christina Picioccio, City Secretary Pgs. 73-79
- F. Approval of a Resolution approving a Joint Election Agreement with Kendall County Elections relating to the November 3, 2020 election and authorizing the City Manager to execute all documents in connection therewith.
Christina Picioccio, City Secretary Pgs. 80-91
- G. Approval of a Resolution adopting the Comal and Kendall County Election Voting System and Software for Election Day voting and provisional ballots in all future elections and the approval of the City Manager's execution of any documents necessary to use the designated voting system. Christina Picioccio, City Secretary Pgs. 92-94

V. CONSIDERATION/DISCUSSION ITEMS

- A. Consideration and possible action approving the first reading of an Ordinance adopting the City budget for fiscal year beginning October 1, 2020 and ending September 30, 2021. Sarah Buckelew, CPA, Finance Director Pgs. 95-97
- B. Consideration and possible action approving the first reading of an Ordinance levying a property tax rate of \$.3735 per \$100 taxable valuation on property in the City of Fair Oaks Ranch for tax year 2020; and determining due and delinquent dates. Sarah Buckelew, CPA, Finance Director Pgs. 98-101
- C. Consideration and possible action approving the first reading of an Ordinance amending Ordinance 35.9 establishing an all way stop signs at the intersection of Dietz Elkhorn road and Elkhorn Ridge/Square Gate in Fair Oaks Ranch, Bexar County, Texas.
Katherine Schweitzer, P.E., Manager of Engineering Services
Oscar Michael "Mike" Garza, P.E., PTOE, Legacy Engineering,
General Engineering Consultant Pgs. 102-121

- D. Consideration and possible action authorizing the City Manager to issue a work authorization for a Dietz Elkhorn Road Corridor Study.
Tobin Maples, AICP, City Manager
Oscar Michael “Mike” Garza, P.E., PTOE, Legacy Engineering,
General Engineering Consultant Pgs. 122-137
- E. Consideration and possible action approving the first reading of an Ordinance amending the Fair Oaks Ranch Code of Ordinances Chapter 3 Article 3.16.04 Membership of Board.
Laura Koerner, Council Member Pgs. 138-141
- F. Consideration and possible action approving the first reading of an Ordinance amending the City’s Code of Ordinances, Chapter 13, “Utilities”, Article 13.08 Water and Wastewater Impact Fees, Division 1, Section 13.08.004 “Definitions” and Section 13.08.018 “Functions of Advisory Committee” – 120 “Exemption from Ordinance”.
Laura Koerner, Council Member Pgs. 142-147
- G. Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Board of Appeals.
Laura Koerner, Council Member Pgs. 148-149
- H. Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Capital Improvement Advisory Committee.
Laura Koerner, Council Member Pgs. 150-153
- I. Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Municipal Development District Board of Directors.
Laura Koerner, Council Member Pgs. 154-156
- J. Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Planning and Zoning Commission.
Laura Koerner, Council Member Pgs. 157-158
- K. Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Zoning Board of Adjustment.
Laura Koerner, Council Member Pgs. 159-160
- L. Consideration and possible action approving a Memorandum of Understanding (MOU) with the Fair Oaks Ranch Homeowners Association (FORHA) regarding law enforcement services on FORHA property.
Tobin Maples, AICP, City Manager Pgs. 161-162
- M. Consideration and possible action to authorize the City Manager to sign a Grant Award Agreement between the Fair Oaks Ranch Municipal Development District (MDD) and the City of Fair Oaks Ranch for development of a civic center for an amount not to exceed \$600,000 as described in the terms and conditions of the Grant Award Agreement.
Tobin Maples, AICP, City Manager Pgs. 163-177
- N. Consideration on possible action approving a Resolution authorizing the use of CARES Act Funding through the Coronavirus Relief Fund for Supplemental Pay for eligible employees.
Tobin Maples, AICP, City Manager & Sarah Buckelew, CPA, Finance Director Pgs. 178-181

- O. Discussion regarding whether or not Council would like to be assigned as Trustees of an Employee Benefits Trust Professional Services Agreement on a Benefit Trust.

Sarah Buckelew, CPA, Finance Director and Dan Santee, Legal Counsel Pgs. 182-186

VI. REPORTS FROM STAFF/COMMITTEES/COUNCIL

- A. None.

VII. CONVENE INTO EXECUTIVE SESSION

Pursuant to Section 551.101 of the Open Meetings Act, Texas Gov't Code, a quorum of the governing body hereby convenes into closed session:

- A. Sec. 551.071 (Consultation with Attorney) the City Council will meet in private consultation with legal counsel to seek the advice of its attorneys about pending or contemplated litigation, a settlement offer, and/or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Chapter 551 of the Government Code; to wit:
 - 1. Claims made on behalf of a real property owner against the City's operation of the K-3 Trinity Glen Rose Water Well.
 - 2. To receive legal advice from Special Counsel and the City Attorney regarding the City's ground water rights.
 - 3. To receive legal advice and to receive and deliberate an offer of settlement for claims made on behalf of a real property owner against the City's operation of well K-2.
 - 4. Cause No. 2018-CI-00202; the City of Fair Oaks Ranch, Texas vs. Edward I. Hill, Robert E. Heckendorn, Craig M. Kuitjen, Roger Fuentes, Wesley A. Pieper, Esther W. Hicks, William A. McDowell, Yolanda D. Ayala, PG Pfeiffer Ranches LLC, Maureen Pfeiffer Stevenson Family Trust.
 - 5. Cause No. 2020CI15746; Boerne Ranch Estates, LLC vs. the City of Fair Oaks Ranch, Texas.
- B. 551.074 (Personnel Matters)
 - 1. The City Council will meet in private to discuss the applicants for board vacancies on the Fair Oaks Ranch Municipal Development District.

VIII. RECONVENE INTO OPEN SESSION

Discussion and possible action on items discussed in Executive Session.

IX. ADJOURNMENT

Requests for City topic needing additional information/research; or, potential consideration for a future agenda.

Signature of Agenda Approval:



I, Christina Picioccio, City Secretary, certify that the above Notice of Meeting was posted on the outside bulletin board at the Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas, and on the city's website www.fairoaksranchtx.org, both places being convenient and readily accessible to the general public at all times. As per Texas Government Code 551.045, said Notice was posted by 5:00 PM, September 14, 2020 and remained so posted continuously for at least 72 hours before said meeting was convened.

The Fair Oaks Ranch City Hall is wheelchair accessible at the side entrance of the building from the parking lot. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary's office at (210) 698-0900. Braille is not available. The City Council reserves the right to convene into Executive Session at any time regarding an issue on the agenda for which it is legally permissible; pursuant to *Texas Government Code* Chapter 551. Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 17, 2020

AGENDA TOPIC: Conduct a Public Hearing on the Fiscal Year 2020 – 2021 Proposed Budget and 2020-2021 Tax Rate

DATE: September 17, 2020

DEPARTMENT: Finance

PRESENTED BY: Sarah Buckelew, CPA, Finance Director

INTRODUCTION/BACKGROUND:

Conduct a public hearing on the FY 2020-2021 Proposed Budget and Tax Rate.

Sequence for the agenda item is as follows:

- Mayor opens the public hearing
- Staff presentation of the Proposed Budget and Tax Rate
- City Council receive citizen testimony for/against the Proposed Budget and Tax Rate
- Mayor closes the Public Hearing
- City Council discuss the Proposed Budget and Tax Rate, inclusive of asking questions of staff

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

See attachments:

- Proposed FY 20-21 Budget
- FY 20-21 Tax Notice
- FY 20-21 Budget/Tax Rate Calendar

Public Hearing FY 2020-21 Budget and 2020 Tax Rate

City of Fair Oaks Ranch
September 17, 2020



Agenda

General Fund

- Review of Tax Rolls and Maximum Tax Rates
- Draft Budget Highlights and Considerations
- Review of Budget
- Discussion and Direction by Council

Enterprise Fund

- Draft Budget Highlights and Considerations
- Review of Budget
- Discussion and Direction by Council



General Fund



Review of Tax Rolls and Maximum tax rates

Total under protest or not certified is \$107M, which is approximately \$365k of tax revenue.

Truth in Taxation states that the City must adopt a budget that ties to the certified value.

Current budget assumes no change in overall tax rate.

Comparison of FY 19-20 to FY 20-21 Budgeted Property Tax Revenue			Yr over Yr
	2019-20 Budget	2020-21 Budget	
Tax Rate/\$100 Valuation			<u>Yr over Yr</u>
General Fund (M&O)	0.3395	0.3406	0.0011
Debt Service Fund (I&S)	0.0340	0.0329	-0.0011
Total Tax Rate	0.3735	0.3735	0.0000
Estimated Assessed Valuation	1,638,748,734	1,604,604,198	(34,144,536)
M&O Tax Rate/\$100 Valuation	0.3395	0.3406	0.0011
Total M&O Tax Levy	5,563,552	5,465,282	(98,270)
Total Taxable Valuation	1,652,879,019	1,711,773,767	58,894,748
I&S Tax rate/\$100 Valuation	0.0340	0.0329	-0.00116
Total I&S Tax Levy	562,174	551,075	(11,099)
Total Current Levy	\$ 6,125,726	\$ 6,016,357	\$ (109,370)
Yr. over Yr. increase in Levy		\$ (109,370)	
Percent of Levy Collected	98%	98%	@ 98.0%
DISTRIBUTION BY FUND			
General Fund	5,452,281	5,355,976	(96,305)
Debt Service Fund	550,931	540,054	(10,877)
Current Collections	\$ 6,003,212	\$ 5,896,030	\$ (107,182)
Yr. over Yr. Increase in collections		\$ (107,182)	
Average Home	504,541	517,079	\$ 12,538
Average Tax Bill	1,847	1,893	\$ 46

Draft Budget for Consideration

- ▶ We will need a budget adjustment with the Tax Levy to account for resolved protest value since it is a large amount to our City (Late November or Early December).
- ▶ Some of the budget items currently not funded can be considered at that time:
 - ▶ Deer Survey \$1k
 - ▶ Additional set aside for Compensation Study (2-4%)
 - ▶ Benefits Savings (Pending Council Approval)
 - ▶ \$35k Additional professional services scope for Gunda
 - ▶ \$15k for Judge's Kendall County magistrate duties
 - ▶ \$65k for portable building
 - ▶ Building/Civic Center Enhancements
 - ▶ Pledge to the General Fund Operating Reserve



Draft Budget for Consideration

- ▶ Other Highlights of the General Fund:
- ▶ New IT department broken out from Finance department
- ▶ New Civic Center department
- ▶ 5% for compensation study is funded
- ▶ \$1.7M of Strategic Projects Funded
- ▶ City Hall renovation estimate is funded
- ▶ Civic Center project is dependent on receipt of MDD Grant prefunding agreement. As the project moves forward, the Civic Center will be temporarily funded from reserves until the MDD grant is received.



Strategic Projects Funded

Strategic Projects Fund				
	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Beginning Fund Balance	223,508	955,378	1,110,229	1,006,190
Revenues:				
Grant Revenue				600,000
Transfer from General Fund	1,037,171	1,199,525	599,525	152,500
Transfer from Bond Fund				-
Total Revenue	1,037,171	1,199,525	599,525	752,500
Financial Integrity				
Grants and Utilities Reporting Requirements	-	10,000	-	10,000
Stormwater Utility cost center set-up	-	50,000	-	50,000
Responsible Growth Mangement				
City Right of Way Beautification	-	-	-	10,000
Tree Preservation and Oak Wilt Program	-	-	-	15,000
Reliable and Sustainable Infrastructure				
City Civic Center	-	600,000	-	600,000
City Campus Renovation	-	450,000	25,000	436,729
Public Health, Safety, and Welfare				
Public Safety Command Structure Program Review	-	25,000	-	25,000
Fire Services Program Review	-	25,000	-	25,000
Emergency Medical Services Program Review	-	25,000	-	25,000
Operational Excellence				
Communications and Marketing Strategy	-	5,000	5,000	29,000
IT Infrastructure projects	-	50,000	50,000	166,185
City Records Digitization Program	-	-	-	26,000
Agenda and Minutes Software program	-	-	-	10,000
Ticketing with GIS compatibility	-	-	-	12,500
Capital Improvement				
Land/Land Improvement	-	-	-	-
Bldg/Bldg Improvement	26,415	-	-	-
Infrastructure	10,451	110,669	110,669	-
Furniture and Equipment (City Hall Renovation)	-	22,600	6,600	261,000
Total Expenditures	150,450	1,952,269	703,563	1,701,414
Total Change in Fund Balance	886,721	(752,744)	(104,038)	(948,914)
Transfer to/(from) Allocated Fund Balance	-	-	-	(948,914)
Transfer to/(from) Unallocated Fund Balance	-	-	-	-
Total Change in Fund Balance	-	-	-	(948,914)
Ending Fund Balance	1,110,229	202,634	1,006,191	57,276



General Fund

- ▶ Review of Budget Document
- ▶ Discussion and Direction from Council



Enterprise Fund



Draft Budget for Consideration

Highlights of the Enterprise fund:

- ▶ Stormwater Utility is showing half a year of revenues and expenses for its first year. It is very unlikely that we will be billing for the Stormwater Utility by March 2021.
 - ▶ Stormwater Utility also has no capital projects currently kicking off in 20-21. Doing so would need to be addressed as part of a larger debt issuance.
- ▶ No debt is shown in this draft, including issuing debt for legal fees.
- ▶ Any larger projects involving a debt issuance are not currently in this draft, as the project criticality hasn't been finalized.
 - ▶ Including the Solids handling Project of \$850k
- ▶ Book loss of (\$222k) is driven primarily from non-capitalizable project costs that are being funded from allocated fund balance rather than current year revenues.



Draft Budget for Consideration

Highlights of the Enterprise fund (continued)

- ▶ \$1.5M of Strategic Projects funded, leaving no fund balance in the SAP and Capital Projects fund.

Utility Capital Projects Rollforward

	Fund Balance Projected 2019-20	Transfers between projects	Fund Balance Projected 2019-20	Transfer from Operations	Funded through Debt	Budgeted Spend 2020-21	Fund Balance Projected 9/30/21
Water Rate Study	-	75,000	75,000	-	-	75,000	-
Plant 2 Hydrotank and Variable Drives	-	-	-	364,810	-	364,810	-
Elevated Storage Tank	323,528	-	323,528	-	-	323,528	-
Water System EPA Risk Assessment	-	-	-	50,000	-	50,000	-
Creek Crossing West Waterline	335,000	(90,000)	245,000	-	-	245,000	-
GIS compatible work order system	-	-	-	6,250	-	6,250	-
SCADA System Upgrades	-	150,000	150,000	-	-	150,000	-
Unallocated Fund Balance	123,903	(135,000)	(11,098)	11,098	-	-	-
Total Water CIP Fund Balance	782,431	-	782,431	432,158	-	1,214,588	-
Wastewater Rate Study	-	75,000	75,000	-	-	75,000	-
Solids Handling Improvements	22,680	(22,680)	-	-	-	-	-
Wastewater Treatment Plant Regional Study	-	200,000	200,000	-	-	200,000	-
GIS compatible work order system	-	-	-	6,250	-	6,250	-
Wastewater System EPA Risk Assessment	-	-	-	50,000	-	50,000	-
Unallocated Fund Balance	236,411	(252,320)	(15,909)	15,909	-	-	-
Total WW CIP Fund Balance	259,091	-	259,091	72,159	-	331,250	-
Total Enterprise Fund	1,041,522	-	1,041,522	504,317	-	1,545,838	-

Enterprise Fund

- ▶ Review of Budget Document
- ▶ Discussion and Direction from Council



City of
FAIR OAKS RANCH

**PROPOSED ANNUAL BUDGET
FY 2020-2021**



PROPOSED ANNUAL BUDGET

Fiscal Year October 1, 2020-September 30, 2021

This budget will raise less total property taxes than last year's budget by \$93,865 which is a 1.56% decrease.

CITY COUNCIL RECORD VOTE

The record vote of each member of the governing body by name voting on the adoption of the budget is as follows:

<u>Governing Body</u>	<u>Record Vote</u>
Mayor Garry Manitzas	
MaryAnne Havard	
Roy Elizondo	
Steve Hartpence	
Laura Koerner	
Snehal Patel	
Greg Maxton	

The Governing Body will vote on the proposed budget September 24, 2020.

Tax Rate Information					
Fiscal Year	Property Tax Rate	No-New-Revenue Rate	No-New-Revenue M&O Rate*	Voter Approval Rate	Debt Rate
2020-21	0.3735	0.3693	0.3472	0.3820	0.0326
2019-20	0.3735	0.3536	0.3269	0.3791	0.0340

* Unadjusted for sales tax

Municipal Debt Obligations as of October 1, 2020 - \$5,508,965

The above information is presented on the cover page of the City's FY 2020-21 proposed budget to comply with requirements of section 102.005 of the Texas Local Government Code

PROPOSED ANNUAL BUDGET

FISCAL YEAR 2020-21

THE HONORABLE GARRY MANITZAS

Mayor

COUNCIL MEMBERS

MaryAnne Havard

Council Member, Place 1

Roy Elizondo

Mayor Pro-Tem, Place 2

Steve Hartpence

Council Member, Place 3

Laura Koerner

Council Member, Place 4

Snehal Patel

Council Member, Place 5

Greg Maxton

Council Member, Place 6

CITY MANAGER

Tobin Maples, AICP

ASSISTANT CITY MANAGER

Carole Vanzant, CPM, TRMC, MMC

CHIEF OF POLICE

Tim Moring

DIRECTOR OF PUBLIC WORKS

Ron Emmons, P.E.

DIRECTOR OF FINANCE

Sarah Buckelew, CPA

DIRECTOR OF HR & COMMUNICATIONS

Joanna Merrill

CITY SECRETARY

Christina Picioccio



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Consolidated Budget

By Fund

	Government Operations	Government SAP	Government Equip Repl	Government Debt Service	TOTAL GOVERNMENTAL	Water Operations	Wastewater Operations	Stormwater Operations	Enterprise SAP	Enterprise Equip Repl	TOTAL ENTERPRISE	GRAND TOTAL
Beginning Fund Balance Projected	4,819,885	1,006,190	758,655	21,213	6,605,943						14,260,382	20,866,325
Revenues:												
Taxes	6,161,691			553,153	6,714,844						-	6,714,844
Franchise Fees	632,700				632,700						-	632,700
Interest	69,000			1,000	70,000						-	70,000
Permits	242,750				242,750						-	242,750
Animal Control	3,400				3,400						-	3,400
Fines & Forfeitures	100,263				100,263						-	100,263
Fees & Services	268,711				268,711						-	268,711
Miscellaneous Income	18,400	600,000			618,400						-	618,400
Utility Revenues					-	3,951,644	1,168,461	282,011	-	-	5,402,116	5,402,116
Transfers from other Funds	240,000	152,500	290,493		682,993						-	682,993
Total Revenues	7,736,915	752,500	290,493	554,153	9,334,061	3,951,644	1,168,461	282,011	-	-	5,402,116	14,736,177
Expenditures:												
Personnel	4,751,988			-	4,751,988	836,075	709,935	-	-	-	1,546,010	6,297,998
Supplies, Maintenance & Operations	702,325			-	702,325	1,733,967	673,994	51,028	-	-	2,458,988	3,161,313
Professional Services	1,243,318			-	1,243,318	117,908	82,103	17,593	-	-	217,603	1,460,920
Shared Services	371,466				371,466						-	371,466
Capital Outlay	240,000	1,701,414		-	1,941,414	5,000	60,000	-	1,545,838	-	1,610,838	3,552,252
Debt Service	-			551,075	551,075	68,074	12,966	-	-	-	81,040	632,115
Transfers & Non-Cash Adjustments	442,993		240,000	-	682,993	(44,996)	349,243	15,614	(504,317)	(105,614)	(290,069)	392,924
Total Expenditures	7,752,090	1,701,414	240,000	551,075	10,244,579	2,716,027	1,888,241	84,234	1,041,522	(105,614)	5,624,410	15,868,989
Operating Reserve	157,251	-	-		157,251	80,000	80,000				160,000	317,251
Allocated Fund Balance	(184,539)	(948,914)	50,493		(1,082,960)				(1,041,520)	105,614	(935,905)	(2,018,865)
Restricted Fund Balance	12,113			3,078	15,191	-					-	15,191
Unallocated Fund Balance	-				-	403,750	(611,450)	197,777			(9,923)	(9,923)
Net investment in Capital Assets	-				-	681,758	(118,222)				563,536	563,536
Savings/(Use of) Fund Balance	(15,175)	(948,914)	50,493	3,078	(910,517)							(1,132,811)
Surplus/Deficit	-	-	-	-	-	1,165,507	(649,672)	197,777	(1,041,520)	105,614	(222,293)	-
Ending Fund Balance	4,804,710	57,276	809,148	24,291	5,695,424						14,038,089	19,733,514

Consolidated Governmental Budget**By Fund**

	General Operations	General SAP	General Equip Repl	Debt Service	TOTAL GOVERNMENTAL
Beginning Fund Balance Projected	4,819,885	1,006,190	758,655	21,213	6,605,943
Revenues:					
Taxes	6,161,691			553,153	6,714,844
Franchise Fees	632,700				632,700
Interest	69,000			1,000	70,000
Permits	242,750				242,750
Animal Control	3,400				3,400
Fines & Forfeitures	100,263				100,263
Fees & Services	268,711				268,711
Miscellaneous Income	18,400	600,000			618,400
Transfers from other Funds	240,000	152,500	290,493		682,993
Total Resources	7,736,915	752,500	290,493	554,153	9,334,061
Expenditures:					
Personnel	4,751,988			-	4,751,988
Supplies, Maintenance & Operations	702,325			-	702,325
Professional Services	1,243,318			-	1,243,318
Shared Services	371,466				371,466
Capital Outlay	240,000	1,701,414		-	1,941,414
Debt Service	-			551,075	551,075
Transfers & Non-Cash Adjustments	442,993		240,000	-	682,993
Total Expenditures	7,752,090	1,701,414	240,000	551,075	10,244,579
Operating Reserve	157,251	-	-		157,251
(Use) Allocated Fund Balance	(184,539)	(948,914)	50,493		(1,082,960)
Restricted Fund Balance	12,113			3,078	15,191
(Use) of Unallocated Fund Balance	-				-
Savings/(Use of) Fund Balances	(15,175)	(948,914)	50,493	3,078	(910,517)
Suplus/(Deficit)	-	-	-	-	-
Ending Fund Balance	4,804,710	57,276	809,148	24,291	5,695,424

Governmental General Operations Fund				
Revenue Detail				
Revenue Type	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Taxes				
General Property	5,079,045	5,452,281	5,479,372	5,360,694
Delinquent Property	11,963	30,000	24,036	30,000
Penalty & Interest	40,885	25,000	20,168	25,000
Mixed Beverage	22,734	25,000	16,000	25,000
Local Sales	569,512	505,000	686,664	480,665
Street Maintenance	142,535	120,186	171,666	120,166
Property Reduction	142,534	120,186	171,666	120,166
Total Taxes	6,009,208	6,277,653	6,569,572	6,161,691
Franchise Fees				
Time Warner Cable	66,081	31,000	61,000	62,000
GVTC Cable/Telephone	74,788	36,000	63,000	63,000
AT &T Cable/Telephone	20,500	10,500	10,500	10,500
Miscellaneous	672	1,500	750	1,500
City Public Service	375,070	370,000	370,000	370,000
Pedernales Electric Company	42,479	41,000	46,000	80,000
Grey Forest Utilities	10,156	10,500	16,500	16,500
Garbage Regular	26,528	27,000	27,000	27,000
Garbage Recycling	2,484	2,200	2,200	2,200
Total Franchise Fees	618,758	529,700	596,950	632,700
Interest				
Bank/Investment Interest	139,817	115,000	77,024	69,000
Total Interest	139,817	115,000	77,024	69,000
Permits				
New Residential Permits	182,487	180,000	225,000	180,000
New Commerical Permits	-	2,600	53,287	2,600
Remodeling/Additions	28,309	31,200	8,808	20,000
Other BC and Permits	29,499	26,000	58,851	26,000
Contractor Registration	9,375	10,000	9,975	10,000
Food/Health	4,145	2,700	4,150	4,150
Total Permits Costs	253,815	252,500	360,071	242,750

Governmental General Operations Fund				
Revenue Detail				
Revenue Type	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Animal Control				
Pet Licenses	2,095	1,500	1,000	1,500
Pet Impound/Quarantine	1,310	1,900	900	1,900
Animal Traps	-	-	-	-
Total Animal Control	3,405	3,400	1,900	3,400
Fines & Forfeitures				
Municipal Court Fines	129,049	120,000	80,000	90,000
Municipal Court Security	3,454	3,200	3,200	3,200
Municipal Court Technology	4,605	4,300	3,300	4,300
Municipal Court Efficiency	68	70	70	70
Court Truancy Prevention Fund	-	-	1,185	2,640
Municipal Court Jury Fund	-	-	24	53
Total Fines & Forfeitures	137,176	127,570	87,779	100,263
Fees & Services				
FORU Management	192,808	202,017	202,017	202,261
Special Fees	17,635	10,480	40,480	30,000
FORMDD Management	26,750	26,750	30,150	26,750
Community Center Rentals	-	-	-	5,100
Credit Card Service Fee	4,676	4,600	5,300	4,600
Total Fees & Services	241,869	243,847	277,947	268,711
Miscellaneous				
Miscellaneous	5,035	4,000	4,000	4,000
City Event Sponsorships	2,230	2,000	5,230	2,000
Street Bond Reimbursements	-	-	-	-
Sale of Assets	20,206	-	128,721	-
Donations/Grants	3,685	-	4,350	3,000
School Guard Crossing Fund	7,839	7,400	7,400	7,400
Lease Proceeds	1,825	1,700	1,908	2,000
Police Seized Proceeds	3,440	-	1,820	-
Total Miscellaneous	44,260	15,100	153,429	18,400
Total Revenue	7,448,307	7,564,770	8,124,672	7,496,915
Transfers				
Equipment Replacement	152,707	292,000	288,232	240,000
Total Transfers	152,707	292,000	288,232	240,000
Total Resources	7,601,013	7,856,770	8,412,903	7,736,915

General Fund Budget by Department								
	Mayor & Council	City Administration	City Secretary	HR and Communications	Finance	Information Technology *NEW*	Municipal Court	Public Safety and Emergency
Personnel								
Salaries	-	348,051	124,622	128,794	199,715	75,852	109,096	1,733,121
Overtime	-	235	-	-	231	-	458	22,395
Taxes - Social Security	-	21,594	7,727	7,985	12,397	4,703	6,792	108,842
Taxes - Medicare	-	5,050	1,807	1,868	2,899	1,100	1,589	25,455
Taxes SUTA/FUTA	-	675	450	450	563	225	450	6,300
Retirement	-	1,566	561	580	899	341	491	73,137
Health Insurance	-	40,915	14,640	15,130	23,489	8,911	12,870	206,229
Workmans' Compensation	-	31,819	19,005	16,533	18,054	7,469	14,565	244,951
Uniform Allowance	-	-	-	-	-	-	-	26,000
Car Allowance	-	7,200	-	-	-	-	-	-
Relocation Allowance	-	-	-	-	-	-	-	-
Total Personnel Costs	-	457,105	168,811	171,340	258,246	98,601	146,311	2,446,431
Supplies, Maintenance & Operations								
Supplies and Consumables	-	750	1,250	2,200	1,325	200	2,200	4,000
Minor Equipment and Furniture	-	500	200	1,200	500	200	200	27,960
Fuel	-	300	-	-	-	-	-	30,000
Uniforms	350	250	100	100	250	100	100	15,720
Miscellaneous	-	-	494	-	-	-	-	-
Vehicle Maintenance/Repairs	-	-	-	-	-	-	-	23,550
Equipment Maintenance/Repairs	-	-	-	-	-	-	-	-
Building Maintenance/Repairs	-	-	-	-	-	-	-	-
Landscaping & Greenspace Maintenance	-	-	-	-	-	-	-	-
Street Maintenance	-	-	-	-	-	-	-	-
Drainage Work	-	-	-	-	-	-	-	-
Committees - Communications	1,000	-	-	-	-	-	-	-
Committees - Planning & Zoning	1,000	-	-	-	-	-	-	-
Committee - Board of Adj	1,000	-	-	-	-	-	-	-
Committee - Audit	1,000	-	-	-	-	-	-	-
Urban Wildlife	1,000	-	-	-	-	-	-	-
Donations & Grants	1,000	-	-	-	-	-	-	-
Court Technology	-	-	-	-	-	-	6,050	-
Court Security	-	-	-	-	-	-	10,000	-
Total Supplies, Maintenance & Operations Costs	6,350	1,800	2,044	3,500	2,075	500	18,550	101,230
Services								
Professional Services	8,100	100,000	16,895	-	78,836	-	58,230	521,887
Dues/Subscriptions	2,800	2,310	512	1,902	1,430	-	800	3,950
Training/Seminars & Related Travel	7,000	17,270	5,550	27,763	7,900	11,300	3,000	14,000
Elections	-	-	20,000	-	-	-	-	-
Investigations	-	-	-	-	-	-	-	15,000
Lease Training	-	-	-	-	-	-	-	4,000
K-9 Program	-	-	-	-	-	-	-	-
Public Relations	250	-	-	38,450	-	-	-	7,507
Employee Appreciation	-	250	100	9,370	250	100	100	1,400
Employment Costs	-	-	-	4,450	-	-	-	-
Recording/Reporting/History	-	-	3,000	-	-	-	-	-
Meetings and Related Travel	6,200	5,595	1,528	900	400	100	500	2,500
Total Services Costs	24,350	125,425	47,585	82,835	88,816	11,500	62,630	570,244
Shared Services								
Facility Contracts & Services	-	-	-	-	-	18,568	-	-
Tech/Internet/Software Maintenance	-	-	-	-	-	178,355	-	-
Postage	-	-	-	-	-	-	-	-
General Liability Insurance	-	-	-	-	-	-	-	-
Electricity	-	-	-	-	-	-	-	-
Phone/Cable/Alarms	-	-	-	-	-	36,752	-	-
Total Shared Services Costs	-	-	-	-	-	233,675	-	-
Capital Outlay								
Land/Land Improvement	-	-	-	-	-	-	-	-
Building/Building Improvement	-	-	-	-	-	-	-	-
Infrastructure	-	-	-	-	-	-	-	-
Furniture, Fixtures, Equipment & Vehicles	-	24,000	-	-	-	-	-	216,000
Capital Projects	-	-	-	-	-	-	-	-
Total Capital Outlay Costs	-	24,000	-	-	-	-	-	216,000
Transfers & Debt Service								
Debt Service	-	-	-	-	-	-	-	-
Transfer to Intergov Fund 06	-	-	-	-	-	-	-	-
Transfer to Cap Improv Fund 02	-	-	-	-	-	-	-	-
Transfer to GF Veh/Equip F 31	-	-	-	-	-	-	-	-
Total Transfers & Debt Service Costs	-	-	-	-	-	-	-	-
Total General Fund Budget by Department	30,700	608,330	218,440	257,674	349,137	344,275	227,491	3,333,905

GOVERNMENTAL OPERATIONS FUND

General Fund Budget by Department										
	Maintenance	Building Codes and Permits	Engineering and Planning	Civic Center *NEW*	Non-Departmental & Shared	Total Governmental Operations	Strategic and Capital Projects	Equip Replacement	Debt Service	Governmental Fund Grand Total
Personnel										
Salaries	299,617	184,642	230,742	-	-	3,434,252	-	-	-	3,434,252
Overtime	975	173	1,000	-	-	25,467	-	-	-	25,467
Taxes - Social Security	18,637	11,459	14,368	-	-	214,503	-	-	-	214,503
Taxes - Medicare	4,359	2,680	3,360	-	-	50,166	-	-	-	50,166
Taxes SUT A/FUTA	1,688	675	788	-	-	12,263	-	-	-	12,263
Retirement	22,063	1,663	2,507	-	-	103,808	-	-	-	103,808
Health Insurance	35,312	21,711	27,224	-	-	406,431	-	-	-	406,431
Workmans' Compensation	62,943	25,442	31,118	-	-	471,898	-	-	-	471,898
Uniform Allowance	-	-	-	-	-	26,000	-	-	-	26,000
Car Allowance	-	-	-	-	-	7,200	-	-	-	7,200
Relocation Allowance	-	-	-	-	-	-	-	-	-	-
Total Personnel Costs	445,592	248,445	311,106	-	-	4,751,988	-	-	-	4,751,988
Supplies, Maintenance & Operations										
Supplies and Consumables	3,800	450	11,255	2,500	6,000	35,930	-	-	-	35,930
Minor Equipment and Furniture	10,800	300	900	-	-	42,760	-	-	-	42,760
Fuel	10,200	1,300	1,301	-	-	43,101	-	-	-	43,101
Uniforms	6,275	530	1,865	-	-	25,640	-	-	-	25,640
Miscellaneous	200	-	-	-	-	694	-	-	-	694
Vehicle Maintenance/Repairs	8,000	-	-	-	-	31,550	-	-	-	31,550
Equipment Maintenance/Repairs	12,300	-	-	-	-	12,300	-	-	-	12,300
Building Maintenance/Repairs	15,300	-	-	-	-	15,300	-	-	-	15,300
Landscaping & Greenspace Maintenance	5,000	-	-	-	-	5,000	-	-	-	5,000
Street Maintenance	33,000	-	430,000	-	-	463,000	-	-	-	463,000
Drainage Work	5,000	-	-	-	-	5,000	-	-	-	5,000
Committees - Communications	-	-	-	-	-	1,000	-	-	-	1,000
Committees - Planning & Zoning	-	-	-	-	-	1,000	-	-	-	1,000
Committee - Board of Adj	-	-	-	-	-	1,000	-	-	-	1,000
Committee - Audit	-	-	-	-	-	1,000	-	-	-	1,000
Urban Wildlife	-	-	-	-	-	1,000	-	-	-	1,000
Donations & Grants	-	-	-	-	-	1,000	-	-	-	1,000
Court Technology	-	-	-	-	-	6,050	-	-	-	6,050
Court Security	-	-	-	-	-	10,000	-	-	-	10,000
Total Supplies, Maintenance & Operations Costs	109,875	2,580	445,321	2,500	6,000	702,325	-	-	-	702,325
Services										
Professional Services	-	9,560	195,775	-	-	989,283	-	-	-	989,283
Dues/Subscriptions	600	290	570	-	-	15,164	-	-	-	15,164
Training/Seminars & Related Travel	8,541	4,075	8,023	-	-	114,421	-	-	-	114,421
Elections	-	-	-	-	-	20,000	-	-	-	20,000
Investigations	-	-	-	-	-	15,000	-	-	-	15,000
Lease Training	-	-	-	-	-	4,000	-	-	-	4,000
K-9 Program	-	-	-	-	-	-	-	-	-	-
Public Relations	-	-	-	-	-	46,207	-	-	-	46,207
Employee Appreciation	400	150	350	-	-	12,470	-	-	-	12,470
Employment Costs	-	-	-	-	-	4,450	-	-	-	4,450
Recording/Reporting/History	-	-	-	-	-	3,000	-	-	-	3,000
Meetings and Related Travel	100	600	900	-	-	19,323	-	-	-	19,323
Total Services Costs	9,641	14,675	205,618	-	-	1,243,318	-	-	-	1,243,318
Shared Services										
Facility Contracts & Services	-	-	-	-	39,799	58,367	-	-	-	58,367
Tech/Internet/Software Maintenance	-	-	-	-	-	178,355	-	-	-	178,355
Postage	-	-	-	-	10,125	10,125	-	-	-	10,125
General Liability Insurance	-	-	-	-	51,418	51,418	-	-	-	51,418
Electricity	-	-	-	3,750	32,700	36,450	-	-	-	36,450
Phone/Cable/Alarms	-	-	-	-	-	36,752	-	-	-	36,752
Total Shared Services Costs	-	-	-	3,750	134,042	371,466	-	-	-	371,466
Capital Outlay										
Land/Land Improvement	-	-	-	-	-	-	-	-	-	-
Building/Building Improvement	-	-	-	-	-	-	-	-	-	-
Infrastructure	-	-	-	-	-	-	-	-	-	-
Furniture, Fixtures, Equipment & Vehicles	-	-	-	-	-	240,000	-	-	-	240,000
Capital Projects	-	-	-	-	-	-	1,701,414	-	-	1,701,414
Total Capital Outlay Costs	-	-	-	-	-	240,000	1,701,414	-	-	1,941,414
Transfers & Debt Service										
Debt Service	-	-	-	-	-	-	-	-	551,075	551,075
Transfer to Intergov Fund 06	-	-	-	-	-	-	-	-	-	-
Transfer to Cap Improv Fund 02	-	-	-	-	152,500	152,500	-	-	-	152,500
Transfer to GF Veh/Equip F 31	-	-	-	-	290,493	290,493	-	240,000	-	530,493
Total Transfers & Debt Service Costs	-	-	-	-	442,993	442,993	-	240,000	551,075	1,234,068
Total General Fund Budget by Department	565,108	265,700	962,045	6,250	583,035	7,752,090	1,701,414	240,000	551,075	10,244,579



MAYOR & CITY COUNCIL OPERATIONAL BUDGET FY 2020-21

Expenditure Type	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Personnel				
Salaries	-	-	-	-
Overtime	-	-	-	-
Taxes - Social Security	-	-	-	-
Taxes - Medicare	-	-	-	-
Taxes SUTA/FUTA	-	-	-	-
Workmans' Compensation	-	-	-	-
Retirement	-	-	-	-
Health Insurance	-	-	-	-
Uniform Allowance	-	-	-	-
Car Allowance	-	-	-	-
Relocation Allowance	-	-	-	-
Total Personnel Costs	-	-	-	-
Supplies, Maintenance & Operations				
Supplies and Consumables	315	-	-	-
Minor Equipment and Furniture	-	-	-	-
Fuel	-	-	-	-
Uniforms	225	350	350	350
Miscellaneous	-	-	-	-
Vehicle Maintenance/Repairs	-	-	-	-
Equipment Maintenance/Repairs	-	-	-	-
Building Maintenance/Repairs	-	-	-	-
Landscaping & Greenspace Maintenance	-	-	-	-
Street Maintenance	-	-	-	-
Drainage Work	-	-	-	-
Committees - Communications	62	2,000	500	1,000
Committees - Planning & Zoning	595	1,000	250	1,000
Committee - Board of Adjustments	172	1,000	200	1,000
Committee - Audit	-	-	-	1,000
Urban Wildlife	961	1,000	891	1,000
Donations & Grants	-	1,000	-	1,000
Court Technology	-	-	-	-
Total Supplies, Maintenance & Operations Costs	2,329	6,350	2,191	6,350
Services				
Professional Services	-	-	8,100	8,100
Dues/Subscriptions	-	2,800	2,775	2,800
Training/Seminars & Related Travel	432	7,000	4,250	7,000
Meetings and Related Travel	1,862	6,200	1,450	6,200
Elections	-	-	-	-
Investigations	-	-	-	-
Lease Training	-	-	-	-
Asset Forfeiture	-	-	-	-
Public Relations	6,758	8,000	7,285	250
Employee Appreciation	-	-	-	-
Employment Costs	-	-	-	-
Recording/Reporting/History	-	-	-	-
Total Services Costs	9,052	24,000	23,860	24,350
Shared Services				
Facility Contracts & Services	-	-	-	-
Tech/Internet/Software Maintenance	-	-	-	-
Postage	-	-	-	-
General Liability Insurance	-	-	-	-
Electricity	-	-	-	-
Phone/Cable/Alarms	-	-	-	-
Total Shared Services Costs	-	-	-	-
Capital Outlay & Transfers				
Land/Land Improvement	-	-	-	-
Building/Building Improvement	-	-	-	-
Infrastructure	-	-	-	-
Furniture, Fixtures, Equipment & Vehicles	-	-	-	-
Transfer to Cap Improv Fund 02	-	-	-	-
Transfer to GF Veh/Equip F 31	-	-	-	-
Total Capital Outlay & Transfers Costs	-	-	-	-
Total Departmental Budget	11,382	30,350	26,050	30,700



ADMINISTRATION OPERATIONAL BUDGET FY 2020-21

Expenditure Type	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Personnel				
Salaries	265,705	375,002	326,781	348,051
Overtime	-	235	144	235
Taxes - Social Security	15,089	23,265	18,391	21,594
Taxes - Medicare	3,845	5,441	4,859	5,050
Taxes SUTA/FUTA	18	900	447	675
Workmans' Compensation	791	1,544	906	1,566
Retirement	32,568	44,475	39,590	40,915
Health Insurance	22,536	39,969	29,573	31,819
Uniform Allowance	-	-	-	-
Car Allowance	7,200	7,200	7,200	7,200
Relocation Allowance	-	-	-	-
Total Personnel Costs	347,752	498,031	427,890	457,105
Supplies, Maintenance & Operations				
Supplies and Consumables	398	650	650	750
Minor Equipment and Furniture	3,072	2,900	500	500
Fuel	88	300	300	300
Uniforms	69	250	250	250
Miscellaneous	-	-	-	-
Vehicle Maintenance/Repairs	-	-	-	-
Equipment Maintenance/Repairs	-	-	-	-
Building Maintenance/Repairs	-	-	-	-
Landscaping & Greenspace Maintenance	-	-	-	-
Street Maintenance	-	-	-	-
Drainage Work	-	-	-	-
Committees - Other	-	-	-	-
Committees - Planning & Zoning	-	-	-	-
Committee - Board of Adjustments	-	-	-	-
Urban Wildlife	-	-	-	-
Donations & Grants	-	-	-	-
Court Technology	-	-	-	-
Total Supplies, Maintenance & Operations Costs	3,627	4,100	1,700	1,800
Services				
Professional Services	135,290	100,000	100,000	100,000
Dues/Subscriptions	3,495	2,390	2,390	2,310
Training/Seminars & Related Travel	2,650	15,320	6,320	17,270
Meetings and Related Travel	1,218	5,345	1,345	5,595
Elections	-	-	-	-
Investigations	-	-	-	-
Lease Training	-	-	-	-
Asset Forfeiture	-	-	-	-
Public Relations	-	-	-	-
Employee Appreciation	-	250	190	250
Employment Costs	-	-	-	-
Recording/Reporting/History	-	-	-	-
Total Services Costs	142,652	123,305	110,245	125,425
Shared Services				
Facility Contracts & Services	-	-	-	-
Tech/Internet/Software Maintenance	-	-	-	-
Postage	-	-	-	-
General Liability Insurance	-	-	-	-
Electricity	-	-	-	-
Phone/Cable/Alarms	-	-	-	-
Total Shared Services Costs	-	-	-	-
Capital Outlay & Transfers				
Land/Land Improvement	-	-	-	-
Building/Building Improvement	-	-	-	-
Infrastructure	-	-	-	-
Furniture, Fixtures, Equipment & Vehicles	-	-	-	24,000
Transfer to Cap Improv Fund 02	-	-	-	-
Transfer to GF Veh/Equip F 31	-	-	-	-
Total Capital Outlay & Transfers Costs	-	-	-	24,000
Total Departmental Budget	494,031	625,436	539,835	608,330

CITY SECRETARY OPERATIONAL BUDGET FY 2020-21

Expenditure Type	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Personnel				
Salaries	93,226	113,389	106,881	124,622
Overtime	64	-	-	-
Taxes - Social Security	5,392	7,030	6,642	7,727
Taxes - Medicare	1,261	1,644	1,553	1,807
Taxes SUTA/FUTA	18	450	288	450
Workmans' Compensation	337	489	287	561
Retirement	11,136	13,439	12,667	14,640
Health Insurance	18,535	18,841	15,720	19,005
Uniform Allowance	-	-	-	-
Car Allowance	-	-	-	-
Relocation Allowance	-	-	-	-
Total Personnel Costs	129,970	155,283	144,039	168,811
Supplies, Maintenance & Operations				
Supplies and Consumables	923	1,150	1,150	1,250
Minor Equipment and Furniture	2,980	200	224	200
Fuel	-	-	-	-
Uniforms	126	100	100	100
Miscellaneous	23	481	481	494
Vehicle Maintenance/Repairs	-	-	-	-
Equipment Maintenance/Repairs	-	-	-	-
Building Maintenance/Repairs	-	-	-	-
Landscaping & Greenspace Maintenance	-	-	-	-
Street Maintenance	-	-	-	-
Drainage Work	-	-	-	-
Committees - Other	-	-	-	-
Committees - Planning & Zoning	-	-	-	-
Committee - Board of Adjustments	-	-	-	-
Urban Wildlife	-	-	-	-
Donations & Grants	-	-	-	-
Court Technology	-	-	-	-
Total Supplies, Maintenance & Operations Costs	4,053	1,931	1,955	2,044
Services				
Professional Services	6,991	5,000	3,000	16,895
Dues/Subscriptions	2,826	912	715	512
Training/Seminars & Related Travel	2,766	6,789	4,041	5,550
Meetings and Related Travel	219	1,326	226	1,528
Elections	1,028	10,000	-	20,000
Investigations	-	-	-	-
Lease Training	-	-	-	-
Asset Forfeiture	-	-	-	-
Public Relations	-	-	-	-
Employee Appreciation	-	100	100	100
Employment Costs	-	-	-	-
Recording/Reporting/History	2,993	3,000	2,500	3,000
Total Services Costs	16,822	27,127	10,582	47,585
Shared Services				
Facility Contracts & Services	-	-	-	-
Tech/Internet/Software Maintenance	-	-	-	-
Postage	-	-	-	-
General Liability Insurance	-	-	-	-
Electricity	-	-	-	-
Phone/Cable/Alarms	-	-	-	-
Total Shared Services Costs	-	-	-	-
Capital Outlay & Transfers				
Land/Land Improvement	-	-	-	-
Building/Building Improvement	-	-	-	-
Infrastructure	-	-	-	-
Furniture, Fixtures, Equipment & Vehicles	-	-	-	-
Transfer to Cap Improv Fund 02	-	-	-	-
Transfer to GF Veh/Equip F 31	-	-	-	-
Total Capital Outlay & Transfers Costs	-	-	-	-
Total Departmental Budget	150,844	184,341	156,576	218,440



HUMAN RESOURCES AND COMMUNICATIONS OPERATIONAL BUDGET FY 2020-21

Expenditure Type	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Personnel				
Salaries	55,662	117,603	104,757	128,794
Overtime	-	-	-	-
Taxes - Social Security	3,363	7,291	6,589	7,985
Taxes - Medicare	787	1,705	1,541	1,868
Taxes SUTA/FUTA	9	450	288	450
Workmans' Compensation	230	512	300	580
Retirement	6,644	13,939	12,415	15,130
Health Insurance	5,924	16,385	11,748	16,533
Uniform Allowance	-	-	-	-
Car Allowance	-	-	-	-
Relocation Allowance	-	-	-	-
Total Personnel Costs	72,618	157,885	137,639	171,340
Supplies, Maintenance & Operations				
Supplies and Consumables	719	1,700	1,700	2,200
Minor Equipment and Furniture	3,285	3,700	3,700	1,200
Fuel	-	-	-	-
Uniforms	57	100	114	100
Miscellaneous	-	-	-	-
Vehicle Maintenance/Repairs	-	-	-	-
Equipment Maintenance/Repairs	-	-	-	-
Building Maintenance/Repairs	-	-	-	-
Landscaping & Greenspace Maintenance	-	-	-	-
Street Maintenance	-	-	-	-
Drainage Work	-	-	-	-
Committees - Other	-	-	-	-
Committees - Planning & Zoning	-	-	-	-
Committee - Board of Adjustments	-	-	-	-
Urban Wildlife	-	-	-	-
Donations & Grants	-	-	-	-
Court Technology	-	-	-	-
Total Supplies, Maintenance & Operations Costs	4,060	5,500	5,514	3,500
Services				
Professional Services	8,752	-	-	-
Dues/Subscriptions	1,044	1,755	1,708	1,902
Training/Seminars & Related Travel	9,309	3,663	3,980	27,763
Meetings and Related Travel	-	300	494	900
Elections	-	-	-	-
Investigations	-	-	-	-
Lease Training	-	-	-	-
Asset Forfeiture	-	-	-	-
Public Relations	11,042	32,700	2,251	38,450
Employee Appreciation	4,022	12,370	12,370	9,370
Employment Costs	1,950	3,000	3,000	4,450
Recording/Reporting/History	-	-	-	-
Total Services Costs	36,119	53,788	23,803	82,835
Shared Services				
Facility Contracts & Services	-	-	-	-
Tech/Internet/Software Maintenance	-	-	-	-
Postage	-	-	-	-
General Liability Insurance	-	-	-	-
Electricity	-	-	-	-
Phone/Cable/Alarms	-	-	-	-
Total Shared Services Costs	-	-	-	-
Capital Outlay & Transfers				
Land/Land Improvement	-	-	-	-
Building/Building Improvement	-	-	-	-
Infrastructure	-	-	-	-
Furniture, Fixtures, Equipment & Vehicles	-	-	-	-
Transfer to Cap Improv Fund 02	-	-	-	-
Transfer to GF Veh/Equip F 31	-	-	-	-
Total Capital Outlay & Transfers Costs	-	-	-	-
Total Departmental Budget	112,798	217,172	166,956	257,674

FINANCE OPERATIONAL BUDGET FY 2020-21

Expenditure Type	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Personnel				
Salaries	144,575	231,250	212,182	199,715
Overtime	28	231	200	231
Taxes - Social Security	8,696	14,352	12,995	12,397
Taxes - Medicare	2,034	3,356	3,039	2,899
Taxes SUTA/FUTA	18	675	409	563
Workmans' Compensation	524	1,000	587	899
Retirement	17,240	27,436	24,632	23,489
Health Insurance	10,786	21,693	19,879	18,054
Uniform Allowance	-	-	-	-
Car Allowance	-	-	-	-
Relocation Allowance	-	-	-	-
Total Personnel Costs	183,901	299,993	273,923	258,246
Supplies, Maintenance & Operations				
Supplies and Consumables	1,000	1,425	1,425	1,325
Minor Equipment and Furniture	4,496	600	600	500
Fuel	-	-	-	-
Uniforms	105	300	300	250
Miscellaneous	-	-	-	-
Vehicle Maintenance/Repairs	-	-	-	-
Equipment Maintenance/Repairs	-	-	-	-
Building Maintenance/Repairs	-	-	-	-
Landscaping & Greenspace Maintenance	-	-	-	-
Street Maintenance	-	-	-	-
Drainage Work	-	-	-	-
Committees - Other	-	-	-	-
Committees - Planning & Zoning	-	-	-	-
Committee - Board of Adjustments	-	-	-	-
Urban Wildlife	-	-	-	-
Donations & Grants	-	-	-	-
Court Technology	-	-	-	-
Total Supplies, Maintenance & Operations Costs	5,601	2,325	2,325	2,075
Services				
Professional Services	72,005	78,835	79,174	78,836
Dues/Subscriptions	610	1,430	1,430	1,430
Training/Seminars & Related Travel	4,329	10,900	8,700	7,900
Meetings and Related Travel	-	500	500	400
Elections	-	-	-	-
Investigations	-	-	-	-
Lease Training	-	-	-	-
Asset Forfeiture	-	-	-	-
Public Relations	-	-	-	-
Employee Appreciation	-	300	300	250
Employment Costs	-	-	-	-
Recording/Reporting/History	-	-	-	-
Total Services Costs	76,943	91,965	90,104	88,816
Shared Services				
Facility Contracts & Services	-	-	-	-
Tech/Internet/Software Maintenance	-	-	-	-
Postage	-	-	-	-
General Liability Insurance	-	-	-	-
Electricity	-	-	-	-
Phone/Cable/Alarms	-	-	-	-
Total Shared Services Costs	-	-	-	-
Capital Outlay & Transfers				
Land/Land Improvement	-	-	-	-
Building/Building Improvement	-	-	-	-
Infrastructure	-	-	-	-
Furniture, Fixtures, Equipment & Vehicles	-	-	-	-
Transfer to Cap Improv Fund 02	-	-	-	-
Transfer to GF Veh/Equip F 31	-	-	-	-
Total Capital Outlay & Transfers Costs	-	-	-	-
Total Departmental Budget	266,445	394,283	366,352	349,137



INFORMATION TECHNOLOGY OPERATIONAL BUDGET FY 2020-21

Expenditure Type	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Personnel				
Salaries	-	-	-	75,852
Overtime	-	-	-	-
Taxes - Social Security	-	-	-	4,703
Taxes - Medicare	-	-	-	1,100
Taxes SUTA/FUTA	-	-	-	225
Workmans' Compensation	-	-	-	341
Retirement	-	-	-	8,911
Health Insurance	-	-	-	7,469
Uniform Allowance	-	-	-	-
Car Allowance	-	-	-	-
Relocation Allowance	-	-	-	-
Total Personnel Costs	-	-	-	98,601
Supplies, Maintenance & Operations				
Supplies and Consumables	-	-	-	200
Minor Equipment and Furniture	-	-	-	200
Fuel	-	-	-	-
Uniforms	-	-	-	100
Miscellaneous	-	-	-	-
Vehicle Maintenance/Repairs	-	-	-	-
Equipment Maintenance/Repairs	-	-	-	-
Building Maintenance/Repairs	-	-	-	-
Landscaping & Greenspace Maintenance	-	-	-	-
Street Maintenance	-	-	-	-
Drainage Work	-	-	-	-
Committees - Other	-	-	-	-
Committees - Planning & Zoning	-	-	-	-
Committee - Board of Adjustments	-	-	-	-
Urban Wildlife	-	-	-	-
Donations & Grants	-	-	-	-
Court Technology	-	-	-	-
Total Supplies, Maintenance & Operations Costs	-	-	-	500
Services				
Professional Services	-	-	-	-
Dues/Subscriptions	-	-	-	-
Training/Seminars & Related Travel	-	-	-	11,300
Meetings and Related Travel	-	-	-	100
Elections	-	-	-	-
Investigations	-	-	-	-
Lease Training	-	-	-	-
Asset Forfeiture	-	-	-	-
Public Relations	-	-	-	-
Employee Appreciation	-	-	-	100
Employment Costs	-	-	-	-
Recording/Reporting/History	-	-	-	-
Total Services Costs	-	-	-	11,500
Shared Services				
Facility Contracts & Services	-	-	-	18,568
Tech/Internet/Software Maintenance	-	-	-	178,355
Postage	-	-	-	-
General Liability Insurance	-	-	-	-
Electricity	-	-	-	-
Phone/Cable/Alarms	-	-	-	36,752
Total Shared Services Costs	-	-	-	233,675
Capital Outlay & Transfers				
Land/Land Improvement	-	-	-	-
Building/Building Improvement	-	-	-	-
Infrastructure	-	-	-	-
Furniture, Fixtures, Equipment & Vehicles	-	-	-	-
Transfer to Cap Improv Fund 02	-	-	-	-
Transfer to GF Veh/Equip F 31	-	-	-	-
Total Capital Outlay & Transfers Costs	-	-	-	-
Total Departmental Budget	-	-	-	344,275

MUNICIPAL COURT OPERATIONAL BUDGET FY 2020-21

Expenditure Type	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Personnel				
Salaries	93,045	103,468	103,459	109,096
Overtime	-	458	200	458
Taxes - Social Security	5,673	6,443	6,537	6,792
Taxes - Medicare	1,327	1,507	1,529	1,589
Taxes SUTA/FUTA	18	450	289	450
Workmans' Compensation	326	439	258	491
Retirement	11,097	12,318	12,262	12,870
Health Insurance	12,946	14,447	13,641	14,565
Uniform Allowance	-	-	-	-
Car Allowance	-	-	-	-
Relocation Allowance	-	-	-	-
Total Personnel Costs	124,431	139,531	138,175	146,311
Supplies, Maintenance & Operations				
Supplies and Consumables	1,490	2,200	1,800	2,200
Minor Equipment and Furniture	-	1,400	1,003	200
Fuel	-	-	-	-
Uniforms	96	100	100	100
Miscellaneous	-	-	-	-
Vehicle Maintenance/Repairs	-	-	-	-
Equipment Maintenance/Repairs	-	-	-	-
Building Maintenance/Repairs	-	-	-	-
Landscaping & Greenspace Maintenance	-	-	-	-
Street Maintenance	-	-	-	-
Drainage Work	-	-	-	-
Committees - Other	-	-	-	-
Committees - Planning & Zoning	-	-	-	-
Committee - Board of Adjustments	-	-	-	-
Urban Wildlife	-	-	-	-
Donations & Grants	-	-	-	-
Court Technology	8,919	-	1,399	6,050
Court Security	1,601	-	-	10,000
Total Supplies, Maintenance & Operations Costs	12,106	3,700	4,302	18,550
Services				
Professional Services	19,396	58,230	46,000	58,230
Dues/Subscriptions	190	800	110	800
Training/Seminars & Related Travel	2,199	2,000	841	3,000
Meetings and Related Travel	-	500	100	500
Elections	-	-	-	-
Investigations	-	-	-	-
Lease Training	-	-	-	-
Asset Forfeiture	-	-	-	-
Public Relations	-	-	-	-
Employee Appreciation	-	100	60	100
Employment Costs	-	-	-	-
Recording/Reporting/History	-	-	-	-
Total Services Costs	21,785	61,630	47,111	62,630
Shared Services				
Facility Contracts & Services	-	-	-	-
Tech/Internet/Software Maintenance	-	-	-	-
Postage	-	-	-	-
General Liability Insurance	-	-	-	-
Electricity	-	-	-	-
Phone/Cable/Alarms	-	-	-	-
Total Shared Services Costs	-	-	-	-
Capital Outlay & Transfers				
Land/Land Improvement	-	-	-	-
Building/Building Improvement	-	-	-	-
Infrastructure	-	-	-	-
Furniture, Fixtures, Equipment & Vehicles	-	-	-	-
Transfer to Cap Improv Fund 02	-	-	-	-
Transfer to GF Veh/Equip F 31	-	-	-	-
Total Capital Outlay & Transfers Costs	-	-	-	-
Total Departmental Budget	158,322	204,861	189,588	227,491



PUBLIC SAFETY OPERATIONAL BUDGET FY 2020-21

Expenditure Type	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Personnel				
Salaries	1,474,609	1,625,186	1,459,428	1,733,121
Overtime	27,650	24,722	25,982	22,395
Taxes - Social Security	92,333	102,294	94,490	108,842
Taxes - Medicare	21,594	23,924	22,099	25,455
Taxes SUTA/FUTA	251	6,300	3,851	6,300
Workmans' Compensation	41,100	69,329	40,683	73,137
Retirement	181,464	195,555	177,121	206,229
Health Insurance	215,560	243,435	212,777	244,951
Uniform Allowance	16,800	20,800	20,800	26,000
Car Allowance	-	-	-	-
Relocation Allowance	-	-	-	-
Total Personnel Costs	2,071,361	2,311,546	2,057,232	2,446,431
Supplies, Maintenance & Operations				
Supplies and Consumables	4,022	4,000	4,000	4,000
Minor Equipment and Furniture	11,523	30,950	30,950	27,960
Fuel	36,000	30,000	30,000	30,000
Uniforms	8,798	12,000	12,000	15,720
Miscellaneous	1,605	-	-	-
Vehicle Maintenance/Repairs	17,531	17,000	19,983	23,550
Equipment Maintenance/Repairs	-	-	-	-
Building Maintenance/Repairs	-	-	-	-
Landscaping & Greenspace Maintenance	-	-	-	-
Street Maintenance	-	-	-	-
Drainage Work	-	-	-	-
Committees - Other	-	-	-	-
Committees - Planning & Zoning	-	-	-	-
Committee - Board of Adjustments	-	-	-	-
Urban Wildlife	-	-	-	-
Donations & Grants	-	-	-	-
Court Technology	-	-	-	-
Total Supplies, Maintenance & Operations Costs	79,479	93,950	96,933	101,230
Services				
Professional Services	516,870	518,767	519,821	521,887
Dues/Subscriptions	2,883	5,200	3,850	3,950
Training/Seminars & Related Travel	9,881	10,850	10,850	14,000
Meetings and Related Travel	683	2,500	500	2,500
Elections	-	-	-	-
Investigations	10,805	8,900	8,900	15,000
Lease Training	-	1,700	-	4,000
Asset Forfeiture	-	-	-	-
Public Relations	4,372	5,454	3,454	7,507
Employee Appreciation	-	1,400	1,400	1,400
Employment Costs	-	-	-	-
Recording/Reporting/History	-	-	-	-
Total Services Costs	545,494	554,771	548,775	570,244
Shared Services				
Facility Contracts & Services	-	-	-	-
Tech/Internet/Software Maintenance	-	-	-	-
Postage	-	-	-	-
General Liability Insurance	-	-	-	-
Electricity	-	-	-	-
Phone/Cable/Alarms	-	-	-	-
Total Shared Services Costs	-	-	-	-
Capital Outlay & Transfers				
Land/Land Improvement	-	-	-	-
Building/Building Improvement	-	-	-	-
Infrastructure	-	-	-	-
Furniture, Fixtures, Equipment & Vehicles	75,142	177,806	183,389	216,000
Transfer to Cap Improv Fund 02	-	-	-	-
Transfer to GF Veh/Equip F 31	-	-	-	-
Total Capital Outlay & Transfers Costs	75,142	177,806	183,389	216,000
Total Departmental Budget	2,771,476	3,138,072	2,886,329	3,333,905

MAINTENANCE OPERATIONAL BUDGET FY 2020-21

Expenditure Type	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Personnel				
Salaries	226,563	286,552	269,770	299,617
Overtime	1,526	1,002	1,514	975
Taxes - Social Security	13,946	17,828	16,775	18,637
Taxes - Medicare	3,262	4,170	3,924	4,359
Taxes SUTA/FUTA	68	1,688	1,110	1,688
Workmans' Compensation	15,066	23,518	13,830	22,063
Retirement	27,218	34,082	32,731	35,312
Health Insurance	51,846	62,677	64,558	62,943
Uniform Allowance	-	-	-	-
Car Allowance	-	-	-	-
Relocation Allowance	-	-	-	-
Total Personnel Costs	339,495	431,517	404,212	445,592
Supplies, Maintenance & Operations				
Supplies and Consumables	2,422	6,100	6,100	3,800
Minor Equipment and Furniture	10,520	10,800	10,800	10,800
Fuel	9,335	10,200	10,200	10,200
Uniforms	5,873	6,275	6,275	6,275
Miscellaneous	-	200	200	200
Vehicle Maintenance/Repairs	5,955	12,000	12,000	8,000
Equipment Maintenance/Repairs	18,434	5,580	8,288	12,300
Building Maintenance/Repairs	15,214	15,480	21,168	15,300
Landscaping & Greenspace Maintenance	2,128	5,000	3,000	5,000
Street Maintenance	-	31,000	27,000	33,000
Drainage Work	213	5,000	2,905	5,000
Committees - Other	-	-	-	-
Committees - Planning & Zoning	-	-	-	-
Committee - Board of Adjustments	-	-	-	-
Urban Wildlife	-	-	-	-
Donations & Grants	-	-	-	-
Court Technology	-	-	-	-
Total Supplies, Maintenance & Operations Costs	70,094	107,635	107,936	109,875
Services				
Professional Services	-	-	-	-
Dues/Subscriptions	14	600	600	600
Training/Seminars & Related Travel	3,076	8,541	3,541	8,541
Meetings and Related Travel	362	100	100	100
Elections	-	-	-	-
Investigations	-	-	-	-
Lease Training	-	-	-	-
Asset Forfeiture	-	-	-	-
Public Relations	-	-	-	-
Employee Appreciation	-	400	400	400
Employment Costs	-	-	-	-
Recording/Reporting/History	-	-	-	-
Total Services Costs	3,452	9,641	4,641	9,641
Shared Services				
Facility Contracts & Services	-	-	-	-
Tech/Internet/Software Maintenance	-	-	-	-
Postage	-	-	-	-
General Liability Insurance	-	-	-	-
Electricity	-	-	-	-
Phone/Cable/Alarms	-	-	-	-
Total Shared Services Costs	-	-	-	-
Capital Outlay & Transfers				
Land/Land Improvement	-	-	-	-
Building/Building Improvement	-	-	-	-
Infrastructure	-	-	-	-
Furniture, Fixtures, Equipment & Vehicles	148,233	173,890	292,259	-
Transfer to Cap ImprovFund 02	-	-	-	-
Transfer to GF Veh/Equip F 31	-	-	-	-
Total Capital Outlay & Transfers Costs	148,233	173,890	292,259	-
Total Departmental Budget	561,274	722,683	809,048	565,108



BUILDING CODES OPERATIONAL BUDGET FY 2020-21

Expenditure Type	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Personnel				
Salaries	163,542	174,828	171,407	184,642
Overtime	248	173	100	173
Taxes - Social Security	9,915	10,850	10,808	11,459
Taxes - Medicare	2,319	2,538	2,528	2,680
Taxes SUTA/FUTA	27	675	432	675
Workmans' Compensation	915	1,511	887	1,663
Retirement	19,548	20,742	20,316	21,711
Health Insurance	24,637	25,290	24,507	25,442
Uniform Allowance	-	-	-	-
Car Allowance	-	-	-	-
Relocation Allowance	-	-	-	-
Total Personnel Costs	221,151	236,608	230,984	248,445
Supplies, Maintenance & Operations				
Supplies and Consumables	619	450	450	450
Minor Equipment and Furniture	1,369	2,200	1,600	300
Fuel	1,225	1,300	1,300	1,300
Uniforms	119	530	300	530
Miscellaneous	128	-	-	-
Vehicle Maintenance/Repairs	-	-	-	-
Equipment Maintenance/Repairs	-	-	-	-
Building Maintenance/Repairs	-	-	-	-
Landscaping & Greenspace Maintenance	-	-	-	-
Street Maintenance	-	-	-	-
Drainage Work	-	-	-	-
Committees - Other	-	-	-	-
Committees - Planning & Zoning	-	-	-	-
Committee - Board of Adjustments	-	-	-	-
Urban Wildlife	-	-	-	-
Donations & Grants	-	-	-	-
Court Technology	-	-	-	-
Total Supplies, Maintenance & Operations Costs	3,460	4,480	3,650	2,580
Services				
Professional Services	8,130	9,560	9,560	9,560
Dues/Subscriptions	265	290	290	290
Training/Seminars & Related Travel	2,397	4,075	1,307	4,075
Meetings and Related Travel	200	600	100	600
Elections	-	-	-	-
Investigations	-	-	-	-
Lease Training	-	-	-	-
Asset Forfeiture	-	-	-	-
Public Relations	-	-	-	-
Employee Appreciation	-	150	150	150
Employment Costs	-	-	-	-
Recording/Reporting/History	-	-	-	-
Total Services Costs	10,992	14,675	11,407	14,675
Shared Services				
Facility Contracts & Services	-	-	-	-
Tech/Internet/Software Maintenance	-	-	-	-
Postage	-	-	-	-
General Liability Insurance	-	-	-	-
Electricity	-	-	-	-
Phone/Cable/Alarms	-	-	-	-
Total Shared Services Costs	-	-	-	-
Capital Outlay & Transfers				
Land/Land Improvement	-	-	-	-
Building/Building Improvement	-	-	-	-
Infrastructure	-	-	-	-
Furniture, Fixtures, Equipment & Vehicles	-	-	-	-
Transfer to Cap Improv Fund 02	-	-	-	-
Transfer to GF Veh/Equip F 31	-	-	-	-
Total Capital Outlay & Transfers Costs	-	-	-	-
Total Departmental Budget	235,603	255,763	246,041	265,700

ENGINEERING SERVICES OPERATIONAL BUDGET FY 2020-21

Expenditure Type	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Personnel				
Salaries	186,977	226,787	194,736	230,742
Overtime	288	1,058	360	1,000
Taxes - Social Security	10,744	14,126	12,440	14,368
Taxes - Medicare	2,513	3,304	2,910	3,360
Taxes SUTA/FUTA	27	788	508	788
Workmans' Compensation	1,420	2,451	1,438	2,507
Retirement	22,345	27,005	23,100	27,224
Health Insurance	25,266	30,998	25,606	31,118
Uniform Allowance	-	-	-	-
Car Allowance	-	-	-	-
Relocation Allowance	-	-	-	-
Total Personnel Costs	249,578	306,516	261,099	311,106
Supplies, Maintenance & Operations				
Supplies and Consumables	2,804	6,495	5,295	11,255
Minor Equipment and Furniture	3,812	950	950	900
Fuel	1,403	1,301	1,301	1,301
Uniforms	715	1,140	1,140	1,865
Miscellaneous	183	-	-	-
Vehicle Maintenance/Repairs	-	-	-	-
Equipment Maintenance/Repairs	-	-	-	-
Building Maintenance/Repairs	-	-	-	-
Landscaping & Greenspace Maintenance	-	-	-	-
Street Maintenance	-	410,000	443,095	430,000
Drainage Work	-	-	-	-
Committees - Other	-	-	-	-
Committees - Planning & Zoning	-	-	-	-
Committee - Board of Adjustments	-	-	-	-
Urban Wildlife	-	-	-	-
Donations & Grants	-	-	-	-
Court Technology	-	-	-	-
Total Supplies, Maintenance & Operations Costs	8,916	419,887	451,782	445,321
Services				
Professional Services	-	15,000	15,000	195,775
Dues/Subscriptions	1,043	333	333	570
Training/Seminars & Related Travel	4,351	7,323	7,323	8,023
Meetings and Related Travel	241	900	900	900
Elections	-	-	-	-
Investigations	-	-	-	-
Lease Training	-	-	-	-
Asset Forfeiture	-	-	-	-
Public Relations	-	-	-	-
Employee Appreciation	-	350	350	350
Employment Costs	-	-	-	-
Recording/Reporting/History	-	-	-	-
Total Services Costs	5,634	23,905	23,905	205,618
Shared Services				
Facility Contracts & Services	-	-	-	-
Tech/Internet/Software Maintenance	-	-	-	-
Postage	-	-	-	-
General Liability Insurance	-	-	-	-
Electricity	-	-	-	-
Phone/Cable/Alarms	-	-	-	-
Total Shared Services Costs	-	-	-	-
Capital Outlay & Transfers				
Land/Land Improvement	-	-	-	-
Building/Building Improvement	-	-	-	-
Infrastructure	-	-	-	-
Furniture, Fixtures, Equipment & Vehicles	-	-	-	-
Transfer to Cap Improv Fund 02	-	-	-	-
Transfer to GF Veh/Equip F 31	-	-	-	-
Total Capital Outlay & Transfers Costs	-	-	-	-
Total Departmental Budget	264,129	750,308	736,786	962,045



CIVIC CENTER OPERATIONAL BUDGET FY 2020-21

Expenditure Type	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Personnel				
Salaries	-	-	-	-
Overtime	-	-	-	-
Taxes - Social Security	-	-	-	-
Taxes - Medicare	-	-	-	-
Taxes SUTA/FUTA	-	-	-	-
Workmans' Compensation	-	-	-	-
Retirement	-	-	-	-
Health Insurance	-	-	-	-
Uniform Allowance	-	-	-	-
Car Allowance	-	-	-	-
Relocation Allowance	-	-	-	-
Total Personnel Costs	-	-	-	-
Supplies, Maintenance & Operations				
Supplies and Consumables	-	-	-	2,500
Minor Equipment and Furniture	-	-	-	-
Fuel	-	-	-	-
Uniforms	-	-	-	-
Miscellaneous	-	-	-	-
Vehicle Maintenance/Repairs	-	-	-	-
Equipment Maintenance/Repairs	-	-	-	-
Building Maintenance/Repairs	-	-	-	-
Landscaping & Greenspace Maintenance	-	-	-	-
Street Maintenance	-	-	-	-
Drainage Work	-	-	-	-
Committees - Other	-	-	-	-
Committees - Planning & Zoning	-	-	-	-
Committee - Board of Adjustments	-	-	-	-
Urban Wildlife	-	-	-	-
Donations & Grants	-	-	-	-
Court Technology	-	-	-	-
Total Supplies, Maintenance & Operations Costs	-	-	-	2,500
Services				
Professional Services	-	-	-	-
Dues/Subscriptions	-	-	-	-
Training/Seminars & Related Travel	-	-	-	-
Meetings and Related Travel	-	-	-	-
Elections	-	-	-	-
Investigations	-	-	-	-
Lease Training	-	-	-	-
Asset Forfeiture	-	-	-	-
Public Relations	-	-	-	-
Employee Appreciation	-	-	-	-
Employment Costs	-	-	-	-
Recording/Reporting/History	-	-	-	-
Total Services Costs	-	-	-	-
Shared Services				
Facility Contracts & Services	-	-	-	-
Tech/Internet/Software Maintenance	-	-	-	-
Postage	-	-	-	-
General Liability Insurance	-	-	-	-
Electricity	-	-	-	3,750
Phone/Cable/Alarms	-	-	-	-
Total Shared Services Costs	-	-	-	3,750
Capital Outlay & Transfers				
Land/Land Improvement	-	-	-	-
Building/Building Improvement	-	-	-	-
Infrastructure	-	-	-	-
Furniture, Fixtures, Equipment & Vehicles	-	-	-	-
Transfer to Cap Improv Fund 02	-	-	-	-
Transfer to GF Veh/Equip F 31	-	-	-	-
Total Capital Outlay & Transfers Costs	-	-	-	-
Total Departmental Budget	-	-	-	6,250

NON-DEPARTMENTAL AND SHARED OPERATIONAL BUDGET FY 2020-21

Expenditure Type	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Personnel				
Salaries	-	-	-	-
Overtime	-	-	-	-
Taxes - Social Security	-	-	-	-
Taxes - Medicare	-	-	-	-
Taxes SUTA/FUTA	-	-	-	-
Workmans' Compensation	-	-	-	-
Retirement	-	-	-	-
Health Insurance	-	-	-	-
Uniform Allowance	-	-	-	-
Car Allowance	-	-	-	-
Relocation Allowance	-	-	-	-
Total Personnel Costs	-	-	-	-
Supplies, Maintenance & Operations				
Supplies and Consumables	6,184	6,000	6,000	6,000
Minor Equipment and Furniture	-	-	-	-
Fuel	-	-	-	-
Uniforms	-	-	-	-
Miscellaneous	-	-	30,000	-
Vehicle Maintenance/Repairs	-	-	-	-
Equipment Maintenance/Repairs	-	-	-	-
Building Maintenance/Repairs	-	-	-	-
Landscaping & Greenspace Maintenance	-	-	-	-
Street Maintenance	-	-	-	-
Drainage Work	-	-	-	-
Committees - Other	-	-	-	-
Committees - Planning & Zoning	-	-	-	-
Committee - Board of Adjustments	-	-	-	-
Urban Wildlife	-	-	-	-
Donations & Grants	-	-	-	-
Court Technology	-	-	-	-
Total Supplies, Maintenance & Operations Costs	6,184	6,000	36,000	6,000
Services				
Professional Services	-	-	-	-
Dues/Subscriptions	-	-	-	-
Training/Seminars & Related Travel	-	-	-	-
Meetings and Related Travel	-	-	-	-
Elections	-	-	-	-
Investigations	-	-	-	-
Lease Training	-	-	-	-
Asset Forfeiture	-	-	-	-
Public Relations	-	-	-	-
Employee Appreciation	-	-	-	-
Employment Costs	-	-	-	-
Recording/Reporting/History	-	-	-	-
Total Services Costs	-	-	-	-
Shared Services				
Facility Contracts & Services	28,694	50,777	50,777	39,799
Tech/Internet/Software Maintenance	153,992	156,481	156,481	-
Postage	3,095	9,500	5,000	10,125
General Liability Insurance	49,586	51,418	39,207	51,418
Electricity	34,981	32,700	31,000	32,700
Phone/Cable/Alarms	25,454	26,742	31,542	-
Total Shared Services Costs	295,801	327,617	314,007	134,042
Capital Outlay & Transfers				
Land/Land Improvement	-	-	-	-
Building/Building Improvement	-	-	-	-
Infrastructure	-	-	-	-
Furniture, Fixtures, Equipment & Vehicles	83,712	-	-	-
Transfer to Cap ImprovFund 02	1,020,321	1,199,525	599,525	152,500
Transfer to GF Veh/Equip F 31	215,503	230,492	230,492	290,493
Total Capital Outlay & Transfers Costs	1,319,536	1,430,017	830,017	442,993
Total Departmental Budget	1,621,521	1,763,634	1,180,024	583,035

Governmental Strategic Projects Fund				
	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Beginning Fund Balance	223,508	955,378	1,110,229	1,006,190
<u>Revenues:</u>				
Grant Revenue				600,000
Transfer from General Fund	1,037,171	1,199,525	599,525	152,500
Transfer from Bond Fund				-
Total Revenue	1,037,171	1,199,525	599,525	752,500
<u>Financial Integrity</u>				
Grants and Utilities Reporting Requirements	-	10,000	-	10,000
Stormwater Utility cost center set-up	-	50,000	-	50,000
<u>Responsible Growth Mangement</u>				
City Right of Way Beautification	-	-	-	10,000
Tree Preservation and Oak Wilt Program	-	-	-	15,000
<u>Reliable and Sustainable Infrastructure</u>				
City Civic Center	-	600,000	-	600,000
City Campus Renovation	-	450,000	25,000	436,729
<u>Public Health, Safety, and Welfare</u>				
Public Safety Command Structure Program Review	-	25,000	-	25,000
Fire Services Program Review	-	25,000	-	25,000
Emergency Medical Services Program Review	-	25,000	-	25,000
<u>Operational Excellence</u>				
Communications and Marketing Strategy	-	5,000	5,000	29,000
IT Infrastructure projects	-	50,000	50,000	166,185
City Records Digitization Program	-	-	-	26,000
Agenda and Minutes Software program	-	-	-	10,000
Ticketing with GIS compatibility	-	-	-	12,500
<u>Capital Improvement</u>				
Land/Land Improvement	-	-	-	-
Bldg/Bldg Improvement	26,415	-	-	-
Infrastructure	10,451	110,669	110,669	-
Furniture and Equipment (City Hall Renovation)	-	22,600	6,600	261,000
Total Expenditures	150,450	1,952,269	703,563	1,701,414
Total Change in Fund Balance	886,721	(752,744)	(104,038)	(948,914)
Transfer to/(from) Allocated Fund Balance	-	-	-	(948,914)
Transfer to/(from) Unallocated Fund Balance	-	-	-	-
Total Change in Fund Balance	-	-	-	(948,914)
Ending Fund Balance	1,110,229	202,634	1,006,191	57,276

GOVERNMENTAL VEHICLE/EQUIPMENT REPLACEMENT FUND

The Governmental Vehicle/Equipment Replacement Fund is dedicated for the replacement of General Fund capital items such as fleet vehicles and heavy equipment. The purpose of the fund is to ensure that adequate funds are available to purchase vehicles and equipment, to stabilize budgeting for major purchases, and to provide a systematic approach to procurement and disposition of the fleet.

Equipment and Vehicle Replacement				
	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
<u>Revenues:</u>				
Transfer from General Fund	215,503	230,492	230,492	290,493
Transfer from Capital Improvement Fund	-	-	-	-
Transfer from other General Fund Departments	-	-	-	-
Interest Income on Investments	-	-	-	-
Total Revenue	215,503	230,492	230,492	290,493
<u>Professional and Contractual Services</u>				
Maintenance Furniture	-	-	-	-
Maintenance Equipment	-	-	-	-
Patrol Vehicle	-	-	-	-
Transfer to General Fund for Purchases	159,707	292,000	288,232	240,000
Fund Balance	-	-	-	-
Total Professional and Contractual Services Costs	159,707	292,000	288,232	240,000
Net Budget	55,796	(61,508)	(57,740)	50,493

Programmed Replacements Funded by Equipment Replacement Fund		
Programmed Purchase or Replacement	Funded From	Cost
Public Safety Vehicle replacement	Public Safety	34,000
Public Safety Vehicle replacement	Public Safety	34,000
Public Safety Vehicle outfitting	Public Safety	22,000
Public Safety Vehicle outfitting	Public Safety	22,000
Public Safety Building-Evidence Room HVAC	Public Safety	70,000
Animal Control Truck	Public Safety	34,000
Admin Vehicle	Administration	24,000
		240,000

Governmental Debt Service Fund				
	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
<u>Revenues:</u>				
General Property-I & S	555,837	550,931	548,962	548,653
Delinquent Property	1,341	3,000	2,590	3,000
Penalty & Interest	4,476	1,500	2,020	1,500
Interest Income on Investments	790	1,000	941	1,000
Miscellaneous Income	-	-	-	-
Total Revenue	562,444	556,431	554,513	554,153
<u>Expenditures:</u>				
Bond Principal	435,000	440,000	440,000	445,000
Bond Interest Payable	117,009	111,540	111,540	105,675
Bond Agent Fees	400	400	400	400
Transfer to Fund Balance	-	-	-	-
Total Departmental Budget	552,409	551,940	551,940	551,075

Consolidated Enterprise Fund Budget Summary

	Water	Wastewater	Stormwater	Utility Fund Total
Utility Revenues	3,951,644	1,168,461	282,011	5,402,116
Utility Operating Expenses				
Personnel	836,075	709,935	-	1,546,010
Supplies, Maintenance & Operations	1,733,967	673,994	51,028	2,458,988
Services	117,908	82,103	17,593	217,603
Debt Service Costs	68,074	12,966	-	81,040
Total Utility Operating Expenses	2,756,023	1,478,998	68,620	4,303,641
Operating Income/(Loss)	1,195,621	(310,537)	213,391	1,098,475
Capital Outlay	1,219,588	391,250	-	1,610,838
Transfer to Debt Service	-	-	-	-
Non Cash Adjustments	(452,046)	161,977	-	(290,069)
Net Income/(Loss)	428,079	(863,764)	213,391	(222,293)

Water Utility Fund Summary

	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Water Revenues	3,868,621	3,971,147	4,205,976	3,951,644
Water Operating Expenses				
Personnel	666,415	783,911	674,812	836,075
Supplies, Maintenance & Operations	1,590,667	1,760,076	1,706,234	1,733,967
Services	188,708	66,138	566,138	117,908
Total Water Operating Expenses	2,445,790	2,610,126	2,947,184	2,687,949
Operating Income	1,422,831	1,361,021	1,258,793	1,263,695
Lease Interest Expense	82,729	75,522	75,522	68,074
Capital Outlay	200,381	1,200,117	553,512	1,219,588
Non Cash Adjustments	300,954	(574,669)	657,791	(452,046)
Net Income/(Loss)	838,767	660,051	(28,032)	428,079

Wastewater Utility Fund Summary

	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Wastewater Revenues	1,127,937	1,075,001	1,217,051	1,168,461
Wastewater Operating Expenses				
Personnel	556,212	644,490	589,622	709,935
Supplies, Maintenance & Operations	634,933	679,738	643,573	673,994
Services	32,346	30,804	30,804	82,103
Total Wastewater Operating Expenses	1,223,492	1,355,033	1,264,000	1,466,032
Operating Income	(95,555)	(280,032)	(46,949)	(297,571)
Lease Interest Expense	15,758	14,385	14,385	12,966
Capital Outlay	525,387	318,067	305,510	391,250
Non-Cash Adjustments	(37,794)	133,156	(521,495)	161,977
Net Income/(Loss)	(598,905)	(745,640)	154,651	(863,763)

Water Utility Operations Revenue Detail

	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Water Revenues				
Water Revenue Residential	2,651,312	2,883,483	2,883,483	2,855,194
Rebate Program	-	-	-	-
Water Debt Service	291,140	304,738	304,738	305,227
Water Capital	240,564	244,420	244,420	243,049
Water Revenue Commercial	200,572	152,657	188,657	159,446
Water Contract Commercial	158,335	158,268	158,268	158,268
Water Revenue Non Potable	11,438	10,960	15,960	10,960
Water Service Connect Fees	36,515	34,810	44,810	34,810
Water Penalties	36,845	28,440	17,919	28,440
Water Impact Fees	162,360	107,290	298,645	107,290
Water Impact Fees - Stone Creek	-	-	-	-
Water Impact Fee-S Bar Ranch	-	-	-	-
Water Impact Fee-Oak Bend	-	-	-	-
Water Impact Fee-Enclave	-	-	-	-
Water Interest Income	60,026	35,000	35,000	35,000
Water-Bad Debts	(235)	(3,000)	(3,000)	(3,000)
Water Grant Revenue	-	-	-	-
SECO EECBG	-	-	-	-
Misc./Special Requests	1,538	3,710	710	3,710
Developers Contributions	-	-	-	-
Third Party Reimbursement	5,761	-	715	250
Permits/Variances	550	370	1,650	1,000
Credit Card Service Fee	11,901	10,000	14,000	12,000
Sale of Assets	-	-	-	-
Bond Proceeds	-	-	-	-
Total Water Revenues	3,868,621	3,971,147	4,205,976	3,951,644

Water Utility Operations Operating Expense Detail

	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Operating Expenses				
Service Salaries	230,663	265,777	213,307	275,728
Service Overtime	7,893	2,627	4,605	2,755
Service Taxes - FICA	13,934	16,641	13,131	17,266
Service Taxes - MEDICARE	3,259	3,892	3,071	4,038
Service Workers' Comp	10,200	13,376	7,849	13,978
Service Texas Workforce Commission	54	1,350	670	1,350
Service Retirement	36,893	31,813	25,472	32,715
Service Insurance	54,224	52,649	43,358	53,042
Water Service OPEB	916	-	1,000	1,000
Administration Salaries	224,940	294,818	269,274	324,607
Administration Overtime	190	762	120	733
Administration Taxes - FICA	13,356	18,326	16,605	20,171
Administration Taxes - MEDICARE	3,124	4,286	3,884	4,717
Administration Workers' Comp	1,052	2,616	1,535	2,796
Administration Texas Workforce Commission	65	1,069	658	1,125
Administration Retirement	34,784	35,034	31,672	38,219
Administration Insurance	30,004	38,875	37,701	40,935
Water Admin OPEB	863	-	900	900
Uniforms	5,688	5,750	5,750	5,750
Power	106,196	135,000	135,000	135,000
Maintenance of Plants/Lines	98,059	115,000	115,000	100,000
Cost of Meters	-	-	-	-
Analysis Fees	6,742	7,400	9,700	7,400
Chemicals	2,582	5,090	3,090	5,090
City Management Fee	151,083	160,268	160,268	159,193
Equipment Maintenance	10,165	12,110	12,110	12,910
Equipment Gas & Oil	9,921	11,010	11,010	11,010
GBRA Water Fees	1,021,530	1,097,699	1,048,199	1,083,264

Water Utility Operations

Operating Expense Detail continued

	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Equipment Lease	-	690	690	690
Tools & Minor Equipment	22,192	10,000	10,000	10,000
Training	8,915	9,460	9,460	9,249
Utilities & Radio	19,399	19,328	19,328	21,005
Signal & Telemetry	155	162	162	162
Water Building Maintenance	5,795	12,250	12,250	11,500
Supplies & Consumables	1,286	1,340	1,340	1,340
Vehicle Maintenance/Repair	6,800	6,500	6,500	6,500
Water Inventory Adjustment	(179)	-	-	-
Utilities & Telephone	5,232	6,309	6,309	6,277
Dues & Publications	1,461	1,056	1,056	1,128
Water Professional Services	188,708	66,138	566,138	117,908
Permit & Licenses	7,724	8,741	8,741	8,033
General Liability Insurance	11,917	25,709	19,544	25,709
Office Supplies	5,051	4,616	4,616	4,804
Travel & Meetings	5,243	6,500	6,500	7,000
Software & Computer	57,190	70,218	70,218	59,955
Recording/Reporting	56	100	100	100
Mileage	-	-	-	-
Copier Lease	-	-	-	-
Postage	361	850	872	938
Building/Equip Maintenance	632	150	150	150
Conservation Ed & Newsletter	-	250	250	250
Billing Statement Charges	3,373	3,360	3,360	3,360
Billing Postage	7,900	8,100	8,100	8,100
Water Miscellaneous	576	7,800	7,800	16,600
Credit Card Service Fee	7,623	7,260	8,760	11,500
Total Operating Expenses	2,445,790	2,610,126	2,947,184	2,687,949

Water Utility Fund

Capital, Debt and Non-Operating Detail

	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Operational Capital Outlays				
Water Operational Capital Outlays	60,414	24,089	40,436	5,000
Water Equipment Replacement Purchases	-	15,000	18,000	-
Total Operational Capital Outlays	60,414	39,089	58,436	5,000
Strategic Action Plan & Capital Outlays				
Elevated Storage Tower	106,226	628,528	305,000	323,528
Master Water Plan	19,777	-	-	-
Project Development	-	50,000	50,000	-
Plant 2 Hydro Tank	-	45,000	45,000	364,810
Water Rate Study	-	-	-	75,000
Impact Rate Study	5,924	37,500	30,076	-
EPA Risk Assessment	-	-	-	50,000
Improve use of SCADA data	-	-	-	150,000
GIS compatible work order system	-	-	-	6,250
Creek Crossing West Water Line	8,040	400,000	65,000	245,000
Total Strategic Action Plan & Capital Outlays	139,968	1,161,028	495,076	1,214,588
Total Capital Outlays	200,381	1,200,117	553,512	1,219,588
Lease Interest Expense				
Bond Principal	-	-	-	-
Bond Water Issuance Fees	-	-	-	-
Bond Interest Cost	-	-	-	68,074
Tax Exempt Lease Interest	82,729	75,522	75,522	-
Total Lease Interest Expense	82,729	75,522	75,522	68,074
Non-Cash Adjustments				
Transfer to Vehicle/Equip Replacement Fund	59,423	30,000	30,000	45,000
Transfer from Water Operations	(59,423)	(30,000)	(30,000)	(45,000)
Transfer from Vehicle/Equip Replacement Fund	-	(19,089)	(19,089)	-
Transfer to Water Operations	-	19,089	19,089	-
Water Service Depreciation	470,709	532,948	479,991	636,292
Transfer of Assets to Balance Sheet	(174,680)	(1,107,617)	(473,436)	(1,088,338)
Transfer to Water CIP	404,925	-	-	432,158
Transfer from Water Operations	(400,000)	-	651,236	(432,158)
Transfer to Debt Service Fund	-	-	-	-
Total Non-Cash Adjustments	300,954	(574,669)	657,791	(452,046)
Total Non-Operating Expenses	584,064	700,970	1,286,825	835,616

Wastewater Utility Operations Revenue Detail

	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Wastewater Revenues				
Sewer Revenue Residential	830,346	830,798	830,798	857,180
Sewer Debt Service	55,994	57,327	57,327	111,897
Sewer Capital	89,354	89,190	89,190	92,008
Sewer Revenue Commercial	4,155	4,166	4,166	4,166
Sewer Service Connect Fee	26,900	23,670	30,870	23,670
Sewer Penalties	8,476	5,270	3,322	5,270
Sewer Impact Fee	52,080	45,710	179,583	45,710
Sewer Impact Fee-S Bar Ranch	-	6,710	-	6,710
Sewer Impact Fee-<2004	-	-	-	-
Sewer Interest Income	60,751	12,000	22,000	22,000
Sewer Bad Debt	(120)	(400)	(400)	(400)
Sewer Grant Revenue	-	-	-	-
SECO EECBG	-	560	-	-
Misc/Special Requests	-	-	-	-
Third Party Reimbursement	-	-	195	250
Bond Proceeds	-	-	-	-
Total Wastewater Revenues	<u>1,127,937</u>	<u>1,075,001</u>	<u>1,217,051</u>	<u>1,168,461</u>

Wastewater Utility Operations Operating Expenses

	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Operating Expenses				
Service Salaries	189,517	199,331	181,772	221,755
Service Overtime	3,769	2,392	4,412	2,515
Service Taxes - FICA	11,848	12,507	15,154	13,905
Service Taxes - Medicare	2,771	2,925	2,692	3,252
Service Workers' Comp	7,432	10,404	6,105	11,214
Service Taxes - SUTA/FUTA	41	900	640	900
Service Retirement	29,894	23,909	21,499	26,346
Service Insurance	28,908	30,566	28,853	30,934
Service OPEB	743	-	800	800
Administration Salaries	206,091	270,387	244,867	298,867
Administration Overtime	190	762	285	733
Administration Taxes - FICA	12,171	16,811	15,107	18,575
Administration Taxes - Medicare	2,846	3,932	3,532	4,344
Administration Workers' Comp	704	1,295	760	1,478
Administration Taxes - SUTA/FUTA	60	956	586	1,013
Administration Retirement	31,876	32,138	28,773	35,196
Administration Insurance	26,561	35,276	32,986	37,309
Administration OPEB	792	-	800	800
Uniforms	5,210	4,150	4,150	4,150
Power	35,934	36,350	36,350	36,350
Maintenance Of Plant/ Lines	37,192	40,000	40,000	40,000
Sludge Hauling	331,140	350,000	320,000	350,000
Analysis Fees	27,346	26,000	26,000	26,000
Chemicals	8,937	7,240	7,240	7,240
City Management Fee	41,725	41,748	41,748	43,067
Equipment Maintenance	7,408	6,860	6,860	7,660
Equipment Gas & Oil	8,271	9,180	9,180	9,180
Equipment Lease	6,240	4,500	4,500	4,500
Tools & Minor Equipment	13,090	5,500	5,500	5,500
Training	9,020	8,380	8,380	6,901

Wastewater Utility Operations

Operating Expense Detail continued

	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Utilities & Radios	18,080	18,056	18,056	18,131
Signal & Telemetry	455	461	461	461
Building Maintenance	6,172	9,080	9,080	5,330
Supplies & Consumables	1,084	1,120	1,120	1,120
Vehicle Maintenance & Repairs	2,757	5,000	5,000	5,000
Inventory Adjustment	485	-	-	-
Utilities/Telephone	5,699	6,098	6,098	6,667
Dues & Publications	1,092	1,320	1,320	1,392
Professional Fees	32,346	30,804	30,804	82,103
Permits & Licenses	1,646	1,718	1,718	1,718
Liability Insurance	11,917	25,709	19,544	25,709
Office Supplies	3,322	4,181	4,181	4,369
Travel & Meetings	5,431	4,800	4,800	5,300
Software & Computers	32,628	44,640	44,640	31,376
Recording/Reporting	25	100	100	100
Sewer Postage	354	438	438	938
Adm Bldg/Equip. Maintenance	632	150	150	150
Billing Statement Charges	3,373	3,360	3,360	3,360
Billing Postage	7,900	8,100	8,100	8,100
Copier Lease	-	-	-	-
Miscellaneous	371	5,500	5,500	14,225
Total Operating Expenses	1,223,492	1,355,033	1,264,000	1,466,032

Wastewater Utility Operations

Capital, Debt and Non-Operating Detail

	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Operational Capital Outlays				
Wastewater Operational Capital Outlays	291,801	49,089	66,636	60,000
Wastewater Equipment Purchases	-	-	-	-
Total Operational Capital Outlays	291,801	49,089	66,636	60,000
Strategic Action Plan & Capital Outlays				
Solids Handling and Digester Planning	-	100,000	77,320	-
Impact Fee Study	5,924	37,500	30,076	-
Project Development	-	50,000	50,000	-
Future Wastewater Treatment Plant	14,983	81,478	81,478	200,000
Master Wastewater Plan	19,805	-	-	-
Collection Systems repairs	192,872	-	-	-
GIS compatible work order system	-	-	-	6,250
Utility Rate Analysis	-	-	-	75,000
EPA Risk Assessment	-	-	-	50,000
Total Strategic Action Plan & Capital Outlays	233,585	268,978	238,874	331,250
Total Capital Outlays	525,387	318,067	305,510	391,250
Lease Interest Expense				
Water Bond Principal	-	-	-	-
Bond Issuance Costs	-	-	-	-
OB Bond Interest Cost	-	-	-	12,966
Tax Exempt Lease Interest	15,758	14,385	14,385	-
Total Lease Interest Expense	15,758	14,385	14,385	12,966
Non-Cash Adjustments				
Transfer To Vehicle Repl. Fund	59,423	45,000	45,000	45,000
Transfer from Wastewater Operations	(59,423)	(45,000)	(45,000)	(45,000)
Transfer to Water Operations	-	-	-	-
Transfer from Vehicle Repl Fund	-	(19,089)	(19,089)	-
Sewer Service Depreciation	249,082	301,334	262,786	221,977
Asset Transfer to Balance Sheet	(291,801)	(149,089)	(113,956)	(60,000)
Transfer to Wastewater CIP	4,925	-	-	72,159
Transfer from Wastewater Operations	-	-	(651,236)	(72,159)
Transfer to debt Service Fund	-	-	-	-
Total Non-Cash Adjustments	(37,794)	133,156	(521,495)	161,977
Total Capital, Debt, and Non-Cash	503,350	465,608	(201,600)	566,193

Stormwater Utility Department Summary

	Actual 2018-19	Budget 2019-20	Estimated 2019-20	Budget 2020-21
Stormwater Revenues	-	-	-	282,011
Stormwater Operating Expenses				
Personnel	-	-	-	-
Supplies, Maintenance & Operations	-	-	-	51,028
Services	-	-	-	17,593
Debt Service	-	-	-	-
Total Stormwater Operating Expenses	-	-	-	68,620
Operating Income	-	-	-	213,391
Capital Outlay	-	-	-	-
Non-Cash Adjustments	-	-	-	(15,614)
Transfer to General Fund	-	-	-	-
Transfer to Equipment Replacent Fund	-	-	-	15,614
Total Non-Operating Costs	-	-	-	-
Net Income/(Loss)	-	-	-	213,391

ENTERPRISE VEHICLE/EQUIPMENT REPLACEMENT FUNDS

The Enterprise Vehicle/Equipment Replacement Fund is dedicated for the replacement of Enterprise Fund capital items such as fleet vehicles and heavy equipment. The purpose of this fund is to ensure that adequate funds are available to purchase vehicles and equipment, to stabilize budgeting for major purchases, and to provide a systematic approach to procurement and disposition of the fleet.

Budgeted Utility Vehicle & Equipment Purchases			
Programmed Purchase or Replacement	Fund	Funded by	Cost
Replacement L/S Pumps (3 @ \$5k)	Wastewater	Operations	15,000
Utility Lights	Water	Operations	5,000
Pump	Wastewater	Operations	45,000
			<u>65,000</u>

APPENDIX A

Effective Fiscal Year 2020-21 the City has added the Information Technology Department, the expenses of which were previously reported in Finance and Shared Services. Comparability of budgets between fiscal years prior to 2020-21 and those after might be challenging for the newly created department.

The City has also added the Civic Center Department, which is a new cost center and was not previously reported in prior budgets.

NOTICE OF PUBLIC HEARING ON TAX INCREASE

A tax rate of 0.3735 per \$100 valuation has been proposed by the governing body of the City of Fair Oaks Ranch.

PROPOSED TAX RATE	\$0.3735 per \$100
NO-NEW REVENUE TAX RATE	\$0.3693 per \$100
VOTER-APPROVAL TAX RATE	\$0.3820 per \$100
DE MINIMIS RATE	\$0.4090 per \$100

The no-new-revenue tax rate is the tax rate for the 2020 tax year that will raise the same amount of property tax revenue for the City of Fair Oaks Ranch from the same properties in both the 2019 tax year and the 2020 tax year.

The voter-approval tax rate is the highest tax rate that the City of Fair Oaks Ranch may adopt without holding an election to seek voter approval of the rate, unless the de minimis rate for the City of Fair Oaks Ranch exceeds the voter-approval tax rate for the City of Fair Oaks Ranch.

The de minimis rate is the rate equal to the sum of the no-new-revenue maintenance and operations rate for the City of Fair Oaks Ranch the rate that will raise \$500,000, and the current debt rate for the City of Fair Oaks Ranch.

The proposed tax rate is greater than the no-new-revenue tax rate. This means that the City of Fair Oaks Ranch is proposing to increase property taxes for the 2020 tax year.

A public hearing on the proposed tax rate will be held on September 17, 2020 at 6:30PM. The hearing will be via teleconference. Call-in-number: 210-714-4201 Conference ID: 2443302#

The proposed tax rate is not greater than the voter-approval tax rate. As a result, the City of Fair Oaks Ranch is not required to hold an election at which voters may accept or reject the proposed tax rate. However, you may express your support for or opposition to the proposed tax rate by contacting the members of the City of Fair Oaks Ranch at their offices or by attending the public meeting mentioned above.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS FOLLOWS:

$$\text{property tax amount} = (\text{tax rate}) \times (\text{taxable value of your property}) / 100$$

The members of the governing body voted on the proposed tax increase as follows:

FOR: Mayor Manitzas, Council members Havard, Elizondo, Hartpence, Koerner, Patel and Maxton

AGAINST: none

PRESENT and not voting: N/A

ABSENT: N/A

The 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state.

The following table compares the taxes imposed on the average residence homestead by the City of Fair Oaks Ranch of last year to the taxes proposed to be imposed on the average residence homestead by the City of Fair Oaks Ranch this year:

	2019	2020	Change
Total Tax Rate (per \$100 of value)	\$0.3735	\$0.3735	decrease of \$0.0000 OR 0.00%
Average homestead taxable value	\$481,128	\$492,356	increase of 2.33%
Tax on average homestead	\$1,797	\$1,839	increase of \$42 OR 2.33%
Total tax levy on all properties	\$6,175,335	\$6,393,475	increase of \$218,140 OR 3.53%

For assistance with tax calculations, please contact:

The Office of the Bexar County Tax Assessor-Collector Albert Uresti, MPA, PCC

Carlos Gutierrez, PCC

Property Tax Division Director

233 N. Pecos-La Trinidad, San Antonio, TX 78207

210-335-6600

taxoffice@bexar.org

home.bexar.org/tax

Fiscal Year 2020-21

Budget and Tax Rate Adoption Calendar

✓	<u>Date</u>	<u>Budget Step</u>
✓	<u>July 25</u>	Deadline for Chief Appraisers to deliver certify rolls or certified estimates to taxing units and certification of anticipated collection rate by tax collector. (Tax Code Sec. 26.01 a-1)
✓	<u>August 6</u>	Calculation of no new revenue and voter approval rates
✓	<u>August 10</u>	Finance Director posts the calculated no-new-revenue tax rate and voter approval tax rate, along with certain debt information on the home page of the City's website using form prescribed by comptroller (Tax Code Sec 26.04(e)).
✓	<u>August 19</u>	Final Budget workshop with Council
✓	<u>August 20</u>	Finance Director submits the No-New Revenue and Voter Approval rates to City Council. (Tax Code Sec 26.04(e)). City Council confirms proposed tax rate if the proposed rate exceeds the voter approval rate or the No-New Revenue Rate (whichever is lower), Council takes a record vote. (Tax Code Sec 26.06 (b-2)). City Council schedules one public hearing on the budget (LGC 102.006a-b) and one public hearing on the tax rate (Tax Code Sec. 26.05(d); (Tax Code Sec 26.06)).
✓	<u>August 24</u>	City Manager files budget with City Secretary (LGC 102.005a). City Secretary ensures the proposed budget is available on the website and available for inspection at City Hall (LGC 102.005c)
✓	<u>September 4</u>	Finance Director/Communications publishes <i>Notice of Tax Public Hearing</i> in the Friday, September 4th edition of Boerne Star and posts on the City's website (Tax Code Sec. 26.06(c)) Finance Director/Communications posts the Tax Notice (Tax Code Sec 26.04(e)), Notice of Tax Hearing (Tax Code Sec. 26.065), and Notice of Budget Hearing (LGC 102.006c) on the City's Website.
	<u>September 17</u>	First Reading of Budget and Tax Rate Ordinances is held at a regularly scheduled City Council Meeting. Public Hearing for Proposed budget and tax rate.
	<u>September 24</u> <u>(Special Meeting)</u>	Second Reading and adoption of the Budget and Tax Rate ordinances. (City Charter requires two readings of any ordinance)

CITY OF FAIR OAKS RANCH
CITY COUNCIL REGULAR MEETING MINUTES
September 3, 2020
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015

I. OPEN MEETING

Council Present: Mayor Manitzas and Mayor Pro Tem Elizondo
Council Members: Havard, Hartpence, Koerner, Patel, and Maxton.

With a quorum present, the meeting was called to order at 9:30 AM.

II. CITIZENS and GUEST FORUM/PRESENTATIONS

A. Joanna Merrill, Director of Human Resources and Communications introduced new employees: Robert Garza, Utility Technician; Marta Harvey, Payroll/Accounts Payable Specialist; Juan Camacho, Utility Technician.

B. Mayor Manitzas recognized Tobin Maples for being elected as Texas City Managers Association, Region 8 President, Carole Vanzant for being elected as Texas City Managers Association, Region 8 Secretary/Treasurer, Debbie Landrum for her appointment as Vice President for the Freedom Trail Chapter of the Texas Court Clerks Association, Joanna Merrill for receiving a "Senior Certified Professional" certification from the International Public Management Association for Human Resources (IMPA), and presented the following police officers with 5 year Employee Service Awards: Riley Gobeil, Elsie Serold and Alexander Willis.

C. Citizens to be heard.

Christine Graham, resident of Setterfeld Estates, had questions about the Stormwater Utility presentation and how the City will be affected when most flood waters flow into a flood plain.

Tim Corley expressed that he has questions that may be addressed during the presentation and will wait to see if they are addressed before making a comment.

April Ancira spoke of her experience with impervious cover charges and the way it affected her business negatively in San Antonio.

Deborah Doyle asked to defer her comments until after the presentation in hopes that her questions will be answered.

D. Kate Ploetzner, of Kimley-Horn and Matthew Garrett of NewGen Strategies & Solutions, provided to Council a presentation on Stormwater Utility Cost of Service and Equivalent Residential Unit and answered questions from Council and the above noted residents.

III. CONSENT AGENDA

A. **Approval of a Resolution re-affirming the City's Investment Policy.**

B. **Approval of the August 14, 2020 Special City Council meeting minutes.**

C. **Approval of the August 17, 2020 Special City Council meeting minutes.**

D. **Approval of the August 19, 2020 Special City Council meeting minutes.**

E. **Approval of the August 20, 2020 Regular City Council meeting minutes.**

MOTION: Made by Council Member Patel, seconded by Council Member Maxton to approve the consent agenda.

VOTE: 7-0; Motion passed.

IV. CONSIDERATION/DISCUSSION ITEMS

A. Consideration and possible action authorizing the City Manager to sign a Professional Services Agreement for Auditing Services with ABIP, P.C..

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Maxton to authorize the City Manager to sign the Professional Services Agreement (“Engagement Letter”) with ABIP, P.C. for the FY 2019-2020 audit at a cost of \$22,250.00 plus out of pocket expenses.

VOTE: 7-0; Motion passed.

B. Consideration and possible action to approve the proposed Fiscal Year 2020-21 Municipal Development District (MDD) Budget.

MOTION: Made by Council Member Koerner, seconded by Council Member Patel approve the FY-2020-21 MDD Budget as presented.

VOTE: 7-0; Motion passed.

C. Consideration and possible action authorizing City Manager to sign an Interlocal Services Agreement with Bexar County to facilitate the procurement of goods and services.

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Koerner to authorize the City Manager to sign the Interlocal Agreement for Purchasing Services with Bexar County.

VOTE: 7-0; Motion passed.

D. Consideration and possible action approving the First Reading of an Ordinance amending the Code of Ordinances, Chapter 1, Article 1.07, Division 2 Oak Wilt Control.

MOTION: Made by Council Member Hartpence, seconded by Council Member Patel to approve the First Reading of an Ordinance amending the Code of Ordinances, Chapter 1, Article 1.07, Division 2 relative to tree maintenance and oak wilt control.

VOTE: 7-0; Motion passed.

E. Consideration and possible action regarding appointing/reappointing members to Boards and Commissions.

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Hartpence to accept the Boards and Commission Subcommittee recommendations, as presented.

VOTE: 7-0; Motion passed.

F. Consideration and possible approval of an Ordinance authorizing the issuance of the “City of Fair Oaks Ranch, Texas combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2020”, and other matters incident and related thereto.

MOTION: Made by Council Member Koerner, seconded by Council Member Maxton to adopt an ordinance authorizing the issuance of “City of Fair Oaks Ranch, Texas Combination Tax

and Limited Pledge Revenue Certificates of Obligation, Series 2020”; and other matters incident and related thereto.

VOTE: 7-0; Motion passed.

V. REPORTS FROM STAFF/COMMITTEES/COUNCIL

A. None.

VI. CONVENE INTO EXECUTIVE SESSION

City Council did not convene into Executive Session regarding:

A. Sec. 551.071 (Consultation with Attorney) the City Council will meet in private consultation with legal counsel to seek the advice of its attorneys about pending or contemplated litigation, a settlement offer, and/or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Chapter 551 of the Government Code; to wit:

1. Claims made on behalf of a real property owner against the City’s operation of the K-3 Trinity Glen Rose Water Well.
2. To receive legal advice from Special Counsel and the City Attorney regarding the City’s ground water rights.
3. To receive legal advice and to receive and deliberate an offer of settlement for claims made on behalf of a real property owner against the City’s operation of well K-2.
4. Cause No. 2018-CI-00202; the City of Fair Oaks Ranch, Texas vs. Edward I. Hill, Robert E. Heckendorn, Craig M. Kuitjen, Roger Fuentes, Wesley A. Pieper, Esther W. Hicks, William A. McDowell, Yolanda D. Ayala, PG Pfeiffer Ranches LLC, Maureen Pfeiffer Stevenson Family Trust.

VII. RECONVENE INTO OPEN SESSION

N/A

VIII. ADJOURNMENT

The Council discussed availability for a meeting or meetings to conduct interviews of applicants to boards and commissions giving the City Secretary their availability.

Mayor Manitzas adjourned the meeting at 1:06 PM.

Garry Manitzas, Mayor

ATTEST:

Christina Picioccio, City Secretary

**CITY OF FAIR OAKS RANCH
CITY COUNCIL SPECIAL MEETING MINUTES
September 9, 2020
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015**

I. OPEN MEETING

Council Present: Mayor Pro Tem Elizondo
Council Members: Havard, Koerner, and Maxton.

Absent: Mayor Manitzas
Council Members: Hartpence and Patel

With a quorum present, the meeting was called to order at 6:30 PM.

II. CITIZENS TO BE HEARD

A. There were no citizens to be heard.

Council Member Hartpence joined the meeting at 6:34 PM.

III. PURPOSE OF SPECIAL CALLED MEETING

A. Conduct interviews, individually, of applicants for board member vacancies on various Boards, Commissions and Committees for the City of Fair Oaks Ranch.

The City Council conducted interviews of the following candidate to fill the vacant position on the Fair Oaks Ranch Municipal Development District Board: Mike Lovelace, Emily Stroup, and Nicholas DiCianni.

IV. CONVENE INTO EXECUTIVE SESSION

City Council did not convene into Executive Session regarding:

A. Pursuant to Section 551.101 of the Open Meetings Act, Texas Gov't Code, a quorum of the governing body hereby convenes into closed session:

1. Sec. 551.074 (Personnel Matters) the City Council will meet in private to discuss the applicants for board vacancies on the Fair Oaks Ranch Municipal Development District.

V. RECONVENE INTO OPEN SESSION

N/A

VI. ADJOURNMENT

Mayor Pro Tem Elizondo adjourned the meeting at 7:30 PM.

Garry Manitzas, Mayor

ATTEST:

Christina Picioccio, City Secretary

**CITY OF FAIR OAKS RANCH
CITY COUNCIL SPECIAL MEETING MINUTES
September 10, 2020
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015**

I. OPEN MEETING

Council Present: Mayor Manitzas and Mayor Pro Tem Elizondo
Council Members: Havard, Hartpence, Koerner, and Patel.

Absent: Council Member Maxton

With a quorum present, the meeting was called to order at 6:30 PM.

II. CITIZENS TO BE HEARD

A. There were no Citizens to be Heard.

III. PURPOSE OF SPECIAL CALLED MEETING

A. Conduct interviews, individually, of applicants for board member vacancies on various Boards, Commissions and Committees for the City of Fair Oaks Ranch.

The City Council conducted interviews of the following candidate to fill vacant positions on various Boards, Commissions and Committees for the City of Fair Oaks Ranch: John Weir, Ben Koerner, Chris Weigand, Marcus Garcia, Arthur Waterman and E.J. Jaax.

IV. ADJOURNMENT

Mayor Manitzas adjourned the meeting at 8:28 PM.

Garry Manitzas, Mayor

ATTEST:

Christina Picioccio, City Secretary



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 17, 2020

AGENDA TOPIC: Approval of the Second Reading of an Ordinance amending the Code of Ordinances, Chapter 1, Article 1.07, Division 2 Oak Wilt Control

DATE: September 17, 2020

DEPARTMENT: Public Works

PRESENTED BY: Melissa Castro, Environmental Compliance Manager (Consent Agenda)

INTRODUCTION/BACKGROUND:

On August 6, 2020, City Council held a discussion and provided guidance to city staff for the development of an ordinance relative to tree maintenance and oak wilt control. Based on said discussion, the Public Works Department strived to accomplish the following: include preventative measures as recommended by the Texas A&M Forest Service, such as implementing a designated time frame for oak tree maintenance and immediate painting of cuts and wounds; broaden contractor registration to educate and manage all those engaging in the business of tree maintenance; implement an oak wilt treatment notification process to keep up-to-date and accurate information on verified cases; prohibit new plantings of tree species that are highly susceptible to oak wilt; and promote landscape diversity throughout the City.

The first reading of this Ordinance was approved at the September 3, 2020 City Council meeting.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

The City seeks to control the spread of oak wilt and to educate residents on preventative measures and best management practices.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

Legal review completed on August 22, 2020.

RECOMMENDATION/PROPOSED MOTION:

Consent (I move to approve the Second Reading of an Ordinance amending the Code of Ordinances, Chapter 1, Article 1.07, Division 2 relative to tree maintenance and oak wilt control.)

AN ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH AMENDING THE CODE OF ORDINANCES, CHAPTER 1 GENERAL PROVISIONS, ARTICLE 1.07 TREES AND SHRUBS, DIVISION 2 OAK WILT CONTROL; PROVIDING FOR SEVERABILITY AND REPEAL CLAUSES; PROVIDING FOR A CIVIL PENALTY NOT EXCEEDING \$200; AND PROVIDING FOR AN EFFECTIVE DATE OF NOVEMBER 1, 2020.

WHEREAS, the City Council desires to protect the trees of the City and control the spread of oak wilt; and

WHEREAS, the City Council desires to preserve the natural beauty of the City; and

WHEREAS, the City Council hereby finds and deems it necessary to amend Chapter 1, Article 1.07, Division 2 of the Code of Ordinances to provide provisions relative to tree maintenance and oak wilt control.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

PART 1. Chapter 1 “General Provisions” Article 1.07 “Trees and Shrubs” Division 2 “Oak Wilt Control” is hereby amended as set forth in the attached Exhibit “A”.

PART 2. That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

PART 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance and the remainder of this Ordinance shall be enforced as written.

PART 4. That it is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

PART 5. A penalty provision section is established in section 1.07.039 of the attached Exhibit “A.”

PART 6. This Ordinance shall take effect on November 1, 2020 and after passage and publication as may be required by governing law.

PART 7. The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Fair Oaks Ranch under any section or provisions of any ordinances in effect at the time of passage of this Ordinance.

PART 8. The provisions of this Ordinance shall be cumulative of all ordinances not repealed by this Ordinance and ordinances governing or regulating the same subject matter as that covered herein.

PASSED and APPROVED on first reading this the 3rd day of September, 2020.

PASSED, APPROVED and ADOPTED on second reading this the 17th day of September, 2020.

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney

Exhibit A

Chapter 1 “General Provisions” Article 1.07 “Trees and Shrubs” Division 2 “Oak Wilt Control” is hereby amended as follows:

DELETE:

Division 2. Oak Wilt Control

Sec. 1.07.031 Purpose

~~The city council must act to impose certain restrictions and to educate the community in preventing and controlling the spread of the oak wilt infection in oak trees.~~

Sec. 1.07.032 Penalty

~~Any person, firm, corporation, utility or business entity that violates the provisions of this division shall, upon conviction, be fined as provided in section 1.01.009 of this chapter for each day of violation.~~

Sec. 1.07.033 Investigation; treatment; preventive measures

- ~~(a) The city has taken the lead in investigation and infestation treatment procedures. Any suspected infestation of oak wilt shall be reported immediately to the city. The city will initiate investigation procedures through state agencies and private contractors.~~
- ~~(b) Immediate treatment is essential should oak wilt infestation be diagnosed. The city will assist property owners and will administratively process treatment requests through appropriate state agencies for possible monetary assistance.~~
- ~~(c) The most effective preventive measure that can be taken is to immediately treat any cuts or wounds (including pruning) to any oak tree with an appropriate wound paint. This shall be done within thirty minutes to minimize contact with nitidulid beetles.~~
- ~~(d) Tree pruning should be accomplished during winter or summer months. As a rule of thumb, pruning should be avoided mid-February through mid-June. However, the variability of south Texas weather makes the predictability of the beetle presence very uncertain. Therefore, it is essential that wounds be painted at any time pruning occurs or a wound is observed.~~
- ~~(e) Notification of this division and its provisions will be provided by the city to all who seek building permits as well as developers, utility companies and business entities in the city.~~
- ~~(f) It is the responsibility of property owners to inform landscape contractors, tree services and yard maintenance crews of the provisions of this division.~~
- ~~(g) It is recommended that only seasoned firewood, aged approximately one year since cutting, be purchased for use in the city. Also, it is suggested that existing firewood be utilized within one year.~~

- ~~(h) If a red oak tree is diagnosed with oak wilt, the property owner shall remove the infected tree immediately from the property and properly dispose of the tree.~~
- ~~(i) Because the red oak tree is a continuing conduit for spread of oak wilt even after death, no person shall plant new red oak trees on their property within the city without obtaining certification from the tree seller that the tree is disease-free.~~

ADD:

Division 2. Tree Maintenance

Sec. 1.07.031 Purpose

- (a) Protect the trees of Fair Oaks Ranch and control the spread of oak wilt; and
- (c) Preserve the natural beauty of Fair Oaks Ranch.

Sec. 1.07.032 Definitions

For the purposes of this Ordinance, the following definitions shall apply unless the context of their usage clearly indicates otherwise:

Oak wilt. A vascular wilt disease of oak trees caused by a fungus, *Bretziella fagacearum*, which invades the water-conducting tissues of roots, trunks, and limbs; and as further defined by the Texas A&M Forest Service.

Oak wilt center. A site where the oak wilt fungus is spreading through the roots of diseased trees to infect healthy oaks, creating an area of sick, dead and dying oaks.

Tree. A self-supporting woody perennial plant, excluding a bush or shrub.

Sec. 1.07.033 Preventative Measures for Oak Wilt

- (a) Maintenance of oak trees on private property, including, but not limited to, cutting, trimming, pruning and removal, shall be limited to a designated time frame of July 1st through January 31st when fungal spore formation and nitidulid beetle activity are lowest. The only exceptions for maintaining oak trees outside the designated time frame is for clearing branches posing a danger to life or property; purposes of residential or commercial development; and maintenance performed by utility, phone, and cable services. In the event of an exception, all preventative measures required in this subsection must be applied.
- (b) All wounds to the trunk, limbs, and root system of oak trees in the City, regardless of the time of year, shall be painted immediately after trimming, cutting, or pruning using black paint (latex, oil-based, spray-on, brush-on or wound dressing). Such painting of oak trees is to prevent contact with contaminated nitidulid beetles.
- (c) All contractors engaged in trenching (i.e. irrigators, plumbers, etc.) are required to paint exposed roots using black paint (latex, oil-based, spray-on, brush-on or wound dressing). This is required whether the subjected roots were previously uncovered or the roots were exposed during the process of the contractor's work.

- (d) All contractors engaged in oak tree maintenance are required to sterilize all equipment used in the trimming, cutting, pruning or removal of oak trees after each tree is completely cut and before proceeding to the next tree. A 10% bleach or 80% alcohol solution is recommended for equipment sterilization.

Sec. 1.07.034 Tree Contractor Registration

- (a) Any person or entity engaged in the business of tree maintenance shall not trim, cut, prune or remove any tree within the City without first registering with the City for this purpose.
- (b) All those who register with the City as a tree contractor shall provide the following items:
 - (1) Registration fee as established in the City's Master Fee Schedule, found in Appendix A of the City's Code of Ordinances;
 - (2) State of Texas Sales Tax ID No.;
 - (3) Proof of a general liability insurance policy;
 - (4) Copies of any current certifications or licenses related to tree activities; and
 - (5) Signed acknowledgement of receipt and review of the City's tree maintenance guidelines.
- (c) Registration is valid for one (1) year from the date of issuance.
- (d) Registration applies to all contractors hired by builders, general contractors and homeowners/property owners.
- (e) The City will maintain a current list of registered tree contractors, which will be made available upon request.
- (f) Unless instructed by the property owner, all limbs, branches and other cuttings from tree services shall be removed from the project site by the permitted contractor at the end of each business day.
- (g) The City's Environmental Compliance Manager or his/her designee shall have the opportunity to visit the project site(s) of a registered contractor to ensure all preventative measures, as set forth in Section 1.07.033, are being applied. Those operating without current registration will completely cease to work and obtain registration prior to re-commencing work. Registered tree contractors must also quickly produce painting tools at the request of the Environmental Compliance Manager or his/her designee. If tools are not presently available or if the tools are incapable of reaching all wounds, the contractor must stop work immediately and acquire the necessary tools.

Sec. 1.07.035 Tree Maintenance Performed by Property Owners

A property owner, as opposed to a professional independent contractor, may perform tree maintenance on his/her own property without permit and/or registration. All preventative measures as set forth in Section 1.07.033 must be applied.

Sec. 1.07.036 Oak Wilt Treatment

- (a) No person, firm, corporation or any type of business entity or any agent for such entity, shall provide treatment for oak wilt within the City without first providing notification to the City's Environmental Compliance Manager.
- (b) Notifications of oak wilt treatment shall include the following items:
 - (1) Proof of a current Texas Department of Agriculture License;
 - (2) Texas Oak Wilt Qualified No.; and
 - (3) A copy of the treatment proposal with the date(s) of service.
- (c) Those operating without prior notification shall provide the City the necessary items immediately upon request.

Sec. 1.07.037 Prohibited Trees

Members of the red oak group (*Quercus* section *Lobatae*) shall not be newly planted in the City due to their high susceptibility to oak wilt. This includes, but is not limited to, Texas red oak or Spanish oak (*Quercus buckleyi*); Shumard oak (*Quercus shumardii*); and Blackjack oak (*Quercus marilandica*). Information on recommended tree plantings can be found on the City of Fair Oaks Ranch website.

Sec. 1.07.038 Oak Wilt Map

Any update to the City's Oak Wilt Map shall be completed by the Public Works Department with assistance from a Texas Oak Wilt Qualified ISA Certified Arborist or the Texas A&M Forest Service, and can be found on the City of Fair Oaks Ranch website.

Sec. 1.07.039 Schedule of Penalties

(a) Civil penalty.

- (1) Any contractor violating any of the provisions of this Ordinance shall be subject to a \$50 civil penalty for the first violation, a \$100 civil penalty for the second violation, and a \$200 civil penalty for the third violation. Continuous violations may result in revocation of contractor registration.
- (2) Any property owner violating any of the applicable provisions of this Ordinance shall be subject to a written warning for the first violation, a \$50 civil penalty for the second violation, and a \$100 civil penalty for the third violation.
- (3) Notice of violations and assessments of penalties made pursuant to this article shall be sent to the property owner or contractor informing them of the violation and assessment of penalties. Notices provided herein shall be deemed delivered within five (5) business days after their placement with the United States Postal Service, hand delivery, or courier.

(b) Civil penalty appeal.

- (1) An aggrieved person may request an appeal hearing before a hearing officer(s) appointed by the City Manager within fifteen (15) business days after the date on the notice provided in compliance with article. The hearing officer(s) shall evaluate all information offered by the aggrieved person at the hearing. The aggrieved person shall bear the burden of proof to show why, by preponderance of the evidence, the administrative fee should not be assessed. The hearing officer(s) shall render a decision in writing within five (5) business days of the conclusion of the hearing. Receipt of the decision of the hearing officer(s) by the aggrieved person is deemed delivered within five (5) business days after their placement with the United States Postal Service, hand delivery, or courier.
- (2) The aggrieved person may appeal the decision from the hearing officer(s) in writing to the City Manager within ten (10) business days from the date the City mails the decision of the hearing officer(s) to the aggrieved person. In the written appeal, the aggrieved person shall provide the factual basis for the appeal and describe why the decision of the hearing officer(s) is not supported by the evidence. The City Manager shall promptly review the appeal. The decision by the City Manager is final.



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 17, 2020

AGENDA TOPIC: Approval of a Resolution approving a Joint Election Agreement with Comal County Elections relating to the November 3, 2020 election and authorizing the City Manager to execute all documents in connection therewith.

DATE: September 17, 2020

DEPARTMENT: City Secretary

PRESENTED BY: Christina Picioccio City Secretary (Consent Agenda)

INTRODUCTION/BACKGROUND:

Texas Election Code Section 271.002 authorizes two or more political subdivisions to enter into an agreement to hold elections jointly. As such, the Federal and State Governments encourage entities such as cities, school districts, water districts, etc. to contract with their local County Elections Office to administer respective elections jointly with other entities. The intent of administering joint elections is to provide convenient, simple and cost effective elections.

By way of background, the City of Fair Oaks Ranch previously approved a Joint Election Agreement with Bexar County on February 6, 2020 to hold our May 2, 2020 Elections. On March 18, 2020 Governor Abbott signed a proclamation suspending certain provisions of the Texas Election Code to allow all local political subdivisions that were utilizing the May 2, 2020 uniform election date to postpone their elections to no later than November 3, 2020 due to the Coronavirus outbreak. Pursuant to Texas Election Code 42.002 and 43.007 E, as the city has elected to change the election date to the November uniform election date, and the city desires to enter joint election agreements, the city must contract with each county in which we reside. As the City resides in Bexar, Comal and Kendall County the City must enter into a joint election agreement with all three counties.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Contracting with Bexar, Comal, and Kendall County Elections to be part of their joint ballot is required per Texas Election Code 42.002 and 43.007 E. Each resident will vote in their respective counties voting sites. Entering into a Joint Election Agreement with each county will provide for numerous early voting poll sites, experienced poll workers and efficient Election night results.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

Budgeted \$20,000 for contract of election services for fiscal year 2020-21.

LEGAL ANALYSIS:

Approved as to form.

RECOMMENDATION/PROPOSED MOTION:

Consent Agenda (I move to approve a Resolution approving a Joint Election Agreement with Comal County Elections and authorize the City Manager to sign the Agreement.)

A RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS APPROVING A JOINT ELECTION AGREEMENT AMONG THE CITY OF FAIR OAKS RANCH, COMAL COUNTY ELECTIONS, AND OTHER GOVERNMENTAL ENTITIES RELATING TO CONDUCTING A JOINT ELECTION ON NOVEMBER 3, 2020 AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS IN CONNECTION THEREWITH ON BEHALF OF THE CITY OF FAIR OAKS RANCH

WHEREAS, Section 271.002 of the Elections Code provides that if the elections ordered by the authorities of two or more political subdivisions are to be held on the same day in all or part of the same county, the governing bodies of the political subdivisions may enter into an agreement to hold the elections jointly in the election precincts that can be served by common polling places; and

WHEREAS, the City of Fair Oaks Ranch along with several other political subdivisions all located within Comal and Comal County desire to enter in a joint election agreement setting forth each entity's individual obligations with respect to conducting their respective elections on November 3, 2020; and

WHEREAS, the City Council finds that entering into a Joint Election Agreement with these political subdivisions will provide a simple, convenient and cost saving election which will benefit the voters within the City of Fair Oaks Ranch and that the terms set forth in the Joint Election Agreement, attached hereto as *Exhibit A*, are in the city's best interest and should be adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

Section 1. Approval of Joint Election Agreement. The City Council hereby approves the Joint Election Agreement with Comal County attached as *Exhibit A*.

Section 2. Authority to Execute Agreement. The City Manager is hereby authorized to execute the Joint Election Agreement with Comal County on behalf of the City and any other documents in connection with said Agreement.

Section 3. This Resolution shall be in full force and effect from and after its passage by the City Council.

PASSED, APPROVED and ADOPTED by the City Council on September 17, 2020.

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney



**CYNTHIA JAQUA
COMAL COUNTY
ELECTIONS COORDINATOR**

396 N. Seguin Ave. • New Braunfels •
Texas • 78130
(830) 221-1352 Fax: (830) 608-2013
e-mail: jaquac@co.comal.tx.us

August 13, 2020

CITY OF FAIR OAKS RANCH
CONTRACT FOR ELECTION SERVICES
November 3, 2020 General/Special Election

This contract for election services made by and between **City of Fair Oaks Ranch** hereinafter called ENTITY and **Bobbie Koepp, Comal County Clerk**, hereinafter called CONTRACTING OFFICER is based on the following:

The ENTITY and CONTRACTING OFFICER have determined that it is in the public interest of the inhabitants of the ENTITY that the following contract be made and entered into for the purpose of having the CONTRACTING OFFICER furnish the ENTITY certain election services and equipment needed by the ENTITY for their November 3, 2020 General Election. Electronic voting equipment will be used, specifically the Hart DRE'S known as Verity Touch, Verity Access Touch, and Controller.

DUTIES AND SERVICES OF THE CONTRACTING OFFICER:

1. Bobbie Koepp, Comal County Clerk, shall be designated and agrees to act as the Election Administrator and the Early Voting Clerk for the election, and shall conduct early voting in person and by mail.
2. Forward all information to vendor (Hart) for the Coding and Audio files for Verity Touch, Verity Access Touch, and Controller
3. Advertise, prepare, and conduct the Logic and Accuracy Tests as required by State Law.
4. Conduct Early Voting for Ballot by Mail at main Early Voting location 396 N. Seguin, New Braunfels, Texas 78130.
5. Provide training on conducting an election, with Hart Verity Touch, Verity Access Touch, Controller, and Knowink Poll Pads for all Early Voting and Election Day workers.

6. Require HART to provide screen shot proofs for ENTITY's approval.
7. Procure and provide election supplies, including but not limited to the preparation, printing of ballots for Ballot by Mail requests, and distribution of sample ballots.
8. Prepare and provide adequate election equipment for the election (Hart Verity Touch, Verity Access Touch, Controller, and Knowink Poll Pads)
9. Prepare Early Voting and Election Day packets and supply bags for Early Voting and Election Day Polling Locations.
10. Provide the Official Registered Voter Lists for City of Fair Oaks Ranch (Comal County Voters) for use on Knowink Poll Pad.
11. Deliver all voting equipment (Verity Touch, Verity Access Touch, Controller, and Knowink Poll Pads) and election supplies for Early Voting and Election Day to polling locations.
12. Ensure Election Judges return specified voting equipment and supplies from Early Voting after polls close on October 30, 2020.
13. Pick up all voting equipment (Verity Touch and Verity Access Touch) and election supplies for Early Voting and Election Day and return to Comal County Elections Office, 396 N. Seguin Ave., New Braunfels.
14. Ensure Election Judges return specified voting equipment and supplies from Election Day Polling Locations after polls close on November 3, 2020.
15. Recruit election judges and clerks for Early Voting and Election Day.
16. Election judges and clerks for Early Voting and Election Day will be compensated by CONTRACTING OFFICER and reimbursed by ENTITY.
17. Issue Writs of Election for election judges and notice of appointments to Presiding and Alternate Judges.
18. Procurement and payment of Early Voting Ballot Board personnel who will meet at the Comal County Elections Office, 396 N. Seguin Ave., New Braunfels, Texas 78130, on Election Day and other dates as prescribed by law to process Ballots by Mail and Provisional Ballots.
19. Set up the Central Accumulation Station and appoint personnel to tabulate the results of the Early and Election Day votes; provide Final Unofficial results for Canvass.
20. Provide overall administration and supervision of the election and advisory services.
21. Meet ADA requirements for the election, as the law relates to polling locations, voter assistance, and other ADA requirements, if any.
22. Reporting precinct results to the Secretary of State, if required.

23. Maintain election materials and paperwork in storage for the allotted time as prescribed by law.

DUTIES OF THE ENTITY:

1. Prepare all Election Orders and Notice of Election as required by law and prepare and publish the Notice of Election.
2. Provide the County Elections Office with ENTITY's ballot information, etc. ENTITY shall conduct its ballot position drawing on or about, _____, 2020, and send the CONTRACTING OFFICER the ballot order so that it may be forwarded for Coding and Audio to Hart. ENTITY will be responsible for approving the screen shot proofs from Hart.
3. ENTITY shall be responsible for any loss and/or physical damage to the equipment while it is in ENTITY's possession and control.
4. Only the actual expenses directly attributable to the Contract may be charged. (Section 31.100(b), Texas Election Code) The County Elections Officer will submit the actual costs for items contracted for pursuant to this Contract with the ENTITY as soon as all invoices are received from the vendors. The ENTITY agrees to pay costs of the election within ten (10) ENTITY workdays of receipt of the statement.

GENERAL PROVISIONS:

- A. **ENTIRE AGREEMENT:** This Agreement contains the entire agreement between the parties and correctly sets forth the rights, duties, and obligations of each to the other as of the Effective Date. Any oral representations or modifications concerning this Agreement will be of no force or effect excepting a subsequent written modification executed by both parties.
- B. **SEVERABILITY:** If a court of competent jurisdiction determines that any term of this contract is invalid or unenforceable to any extent under applicable law, the remainder of this Agreement (and the application of this Agreement to other circumstances) shall not be affected thereby; and each remaining term shall be valid and enforceable to the fullest extent permitted by law.
- C. **CHOICE OF LAW AND VENUE:** This agreement is entered into under and pursuant to, and is to be construed and enforceable in accordance with the laws of the State of Texas, without regard to its conflict of laws principles. Exclusive venue shall be in a court of competent jurisdiction in Comal County, Texas.

D. **RELATIONSHIP OF THE PARTIES:** Each party to this contract, in the performance of this contract, shall act in an individual capacity and not as agents, employees, partners, joint ventures, or associates of one another. The employees or agents of one party shall not be deemed or construed to be the employees or agents of the other party for any purposes whatsoever.

E. **FORCE MAJEURE:** In the event that CONTRACTING OFFICER shall be prevented from performing any of its obligations due under the terms of this contract by an act of God, by acts of war, riot, or civil commotion, by an act of State, by strikes, fire, flood, or by the occurrence of any other event beyond the control of the parties hereto. CONTRACTING OFFICER shall be excused from such obligations beyond its control and undertakings set forth under the terms of this agreement.

DATED this the _____ day of _____, 2020v

Tobin Maples
City Manager, City of Fair Oaks Ranch

BOBBIE KOEPP
Comal County Clerk

SEE ATTACHED ESTIMATE OF EXPENSES

ESTIMATE OF COSTS FOR CITY OF FAIR OAKS RANCH
NOVEMBER 3, 2020 GENERAL/SPECIAL ELECTION

ITEM	QUANTITY	COST PER ITEM	TOTAL COST	TOTAL COST
Rental of Hart Verity Touch and Verity Access Touch 6-Early Voting and 13 -Election Day Locations	**100	\$150.00	\$30,000.00	\$300.00
Rental of Controller (7-Early Voting and 13-Election Day	**35	\$150.00	\$5,250.00	\$52.50
Advertise Logic and Accuracy Testing in New Braunfels Herald Zeitung			\$49.00	\$49.00
Logic and Accuracy Testing			\$50.00	\$50.00
Coordinating and forwarding all election info to Hart, proofing eSlates Screen Shots, etc.			\$50.00	\$50.00
Hart Coding and Audio Fees			\$1,546.00	\$1,546.00
Night Results and prepare Canvass forms			\$100.00	\$100.00
Early Voting and Election Day Kits	**34	\$15.00	\$510.00	\$5.10
Storage of Election Paperwork for time prescribed by law			\$25.00	\$25.00
Election Workers (Judges, Alternate Judges, and Clerks) Early and Election Day per location	275 @ 0.25%		\$180,000.00	\$450.00
Hart Support for Election Day			\$2,950.00	\$29.50
Security During Election				
Early Voting Ballot Board	**1- Judge 4 -Clerks		\$1,248.00	\$12.48
Processing Ballot by Mail Request, postage, etc.	10	\$0.90	\$9.00	\$0.90
		SUBTOTAL	\$221,787.00	\$2,670.48
Administrative Costs (10% of Total)			\$22,178.70	\$267.05
		GRAND TOTAL	\$243,965.70	\$2,937.53

NOTE: **Equals 1% of Total Cost



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 17, 2020

AGENDA TOPIC: Approval of a Resolution approving a Joint Election Agreement with Kendall County Elections relating to the November 3, 2020 election and authorizing the City Manager to execute all documents in connection therewith.

DATE: September 17, 2020

DEPARTMENT: City Secretary

PRESENTED BY: Christina Picioccio, City Secretary (Consent Agenda)

INTRODUCTION/BACKGROUND:

Texas Election Code Section 271.002 authorizes two or more political subdivisions to enter into an agreement to hold elections jointly. As such, the Federal and State Governments encourage entities such as cities, school districts, water districts, etc. to contract with their local County Elections Office to administer respective elections jointly with other entities. The intent of administering joint elections is to provide convenient, simple and cost effective elections.

By way of background, the City of Fair Oaks Ranch previously approved a Joint Election Agreement with Bexar County on February 6, 2020 to hold our May 2, 2020 Elections. On March 18, 2020 Governor Abbott signed a proclamation suspending certain provisions of the Texas Election Code to allow all local political subdivisions that were utilizing the May 2, 2020 uniform election date to postpone their elections to no later than November 3, 2020 due to the Coronavirus outbreak. Pursuant to Texas Election Code 42.002 and 43.007 E, as the city has elected to change the election date to the November uniform election date, and the city desires to enter joint election agreements, the city must contract with each county in which we reside. As the City resides in Bexar, Comal and Kendall County the City must enter into a joint election agreement with all three counties.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Contracting with Bexar, Comal, and Kendall County Elections to be part of their joint ballot is required per Texas Election Code 42.002 and 43.007 E. Each resident will vote in their respective counties voting sites. Entering into a Joint Election Agreement with each county will provide for numerous early voting poll sites, experienced poll workers and efficient Election night results.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

Budgeted \$20,000 for contract of election services for fiscal year 2020-21.

LEGAL ANALYSIS:

Approved as to form

RECOMMENDATION/PROPOSED MOTION:

Consent Agenda (I move to approve a Resolution approving a Joint Election Agreement with Kendall County Elections and authorize the City Manager to sign the Agreement.)

A RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS APPROVING A JOINT ELECTION AGREEMENT AMONG THE CITY OF FAIR OAKS RANCH, KENDALL COUNTY ELECTIONS, AND OTHER GOVERNMENTAL ENTITIES RELATING TO CONDUCTING A JOINT ELECTION ON NOVEMBER 3, 2020 AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS IN CONNECTION THEREWITH ON BEHALF OF THE CITY OF FAIR OAKS RANCH

WHEREAS, Section 271.002 of the Elections Code provides that if the elections ordered by the authorities of two or more political subdivisions are to be held on the same day in all or part of the same county, the governing bodies of the political subdivisions may enter into an agreement to hold the elections jointly in the election precincts that can be served by common polling places; and

WHEREAS, the City of Fair Oaks Ranch along with several other political subdivisions all located within Comal and Kendall County desire to enter in a joint election agreement setting forth each entity's individual obligations with respect to conducting their respective elections on November 3, 2020; and

WHEREAS, the City Council finds that entering into a Joint Election Agreement with these political subdivisions will provide a simple, convenient and cost saving election which will benefit the voters within the City of Fair Oaks Ranch and that the terms set forth in the Joint Election Agreement, attached hereto as *Exhibit A*, are in the city's best interest and should be adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

Section 1. Approval of Joint Election Agreement. The City Council hereby approves the Joint Election Agreement with Kendall County attached as *Exhibit A*.

Section 2. Authority to Execute Agreement. The City Manager is hereby authorized to execute the Joint Election Agreement with Kendall County on behalf of the City and any other documents in connection with said Agreement.

Section 3. This Resolution shall be in full force and effect from and after its passage by the City Council.

PASSED, APPROVED and ADOPTED by the City Council on September 17, 2020.

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney

EXHIBIT A

JOINT ELECTION AGREEMENT

between **Kendall County** and the following Local Political Subdivision (LPS):

City of Boerne
City of Fair Oaks Ranch
Comfort Independent School District
Trinity Glen Rose Groundwater Conservation District

This Agreement is entered into by and between the Kendall County Elections Administrator “ADMINISTRATOR” and the entities of Kendall County, City of Boerne, City of Fair Oaks Ranch, Comfort Independent School District, and Trinity Glen Rose Groundwater Conservation District. They may be referred to, individually, as an “Entity” or, collectively, as the “Entities,” acting by and through their duly appointed and qualified representatives, pursuant to Texas Election Code Section 271.002(a).

It is agreed that the Entities will hold an election on **Tuesday, November 3, 2020** (the “Joint Election”) under the following terms and conditions:

I.

Each Entity shall share the expense of the Main Early Voting and Election Day polling locations consisting of on-site voting equipment, payroll of election workers, and other costs common to each Entities election, as applicable to the specific Entity and agreed upon by the election services contract. Each Entity understands they will appear on a joint ballot and use joint forms and election materials, which will better serve the voters.

II.

The Entities agree that the Kendall County Elections Administrator, Staci L. Decker, will serve as the Early Voting Clerk and the Central Count Station Manager for the **November 3, 2020** election.

III.

The Entities agree that a single ballot, containing all the measures and offices to be voted on at a particular polling place, shall be used in this Joint Election.

IV.

Each Entity is responsible for giving notice of their election pursuant to Section 4.003 of the Texas Election Code.

V.

ADMINISTRATOR will tabulate the ballots and provide each entity a Certification of Election Results along with the returns of the election.

VI.

Each Entity will be responsible for canvassing its respective precinct returns for the Joint Election.

VII.

If an Entity cancels its election pursuant to section 2.053 of the election code, that Entity shall promptly notify ADMINISTRATOR. Cancellation of an Entities election shall not void this agreement for any remaining Entity conducting an election on **Tuesday, November 3, 2020.**

VIII.

The undersigned persons are the duly authorized signatories of their Entities, and their signatures represent acceptance of the terms and conditions of this Agreement, as passed and approved by their respective governing bodies.

IX.

This Agreement may be executed in two or more counterparts. Together the counterparts shall be deemed an executed original instrument. An original signed copy of this agreement shall be provided to each entity who enters into contract with ADMINISTRATOR.

**THIS IS THE SIGNATURE PAGE AFFIXED TO THE NOVEMBER 3, 2020 JOINT ELECTION AGREEMENT
BETWEEN KENDALL COUNTY AND LOCAL POLITICAL SUBDIVISIONS**

Administrator:

(SEAL)

BY: _____

STACI L. DECKER, ELECTIONS ADMINISTRATOR

KENDALL COUNTY ELECTIONS OFFICE

Signed and agreed to this ____ day of _____, 2020.

The Local Political Subdivision "LPS":

Approved by the _____ in its meeting held the _____ day of _____, 2020, and executed by its authorized representative.

(SEAL)

BY: _____

Printed Name: _____

Official Title: _____

Name of Entity: _____

Signed and agreed to this ____ day of _____, 2020.

November 3, 2020 Joint Election
(Estimate of Election Expenses)

Estimate of Election Expenses		Additional Info	Election Summary	Kendall County	Comfort ISD	City of Boerne	City of F.O.R.	Trinity Glen Rose
Section A. Estimated Cost of Election								
Ballot printing costs			\$1,000.00	\$200.00	\$200.00	\$200.00	\$200.00	\$200.00
Publication of Notices		(Public Test/EV/ED)	\$4,000.00	\$800.00	\$800.00	\$800.00	\$800.00	\$800.00
Electronic Voting Systems Programming		(Coding/Audio/Layout)	\$11,000.00	\$2,200.00	\$2,200.00	\$2,200.00	\$2,200.00	\$2,200.00
SUPPLIES: Ballot By Mail			\$3,000.00	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00
SUPPLIES: EV, ED, EVBB and CC			\$1,000.00	\$200.00	\$200.00	\$200.00	\$200.00	\$200.00
		SUBTOTAL	\$20,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00
Section B. Early Voting Workers								
1st Week of EV		MAIN EV						
Tues - Fri (8am-6pm)		10 x 40hrs x \$10	\$4,000.00	\$4,000.00				
Sat (9am-5pm)		10 x 9hrs x \$10	\$900.00	\$900.00				
****IF PETITIONED - Sun		8 x 5hrs x \$10	\$400.00	\$400.00				
2nd Week of EV		MAIN EV						
Mon - Fri (8am-6pm)		10 x 50hrs x \$10	\$5,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
Sat (9am-5pm)		10 x 9hrs x \$10	\$900.00	\$180.00	\$180.00	\$180.00	\$180.00	\$180.00
****IF PETITIONED - Sun		8 x 5hrs x \$10	\$400.00	\$80.00	\$80.00	\$80.00	\$80.00	\$80.00
3rd Week of EV		MAIN EV						
Mon - Wed (8am-6pm)		10 x 30hrs x \$10	\$3,000.00	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00
Thurs - Fri (7am-7pm)		10 x 24hrs x \$10	\$2,400.00	\$480.00	\$480.00	\$480.00	\$480.00	\$480.00
1st Week of EV		BRANCH EV						
Tues - Fri (9am-5pm)		8 x 36hrs x \$10	\$2,880.00	\$2,880.00	N/A	N/A	N/A	N/A
Sat (9am-5pm)		8 x 9hrs x \$10	\$720.00	\$720.00				
2nd Week of EV		BRANCH EV						
Mon - Fri (9am-5pm)		8 x 45hrs x \$10	\$3,600.00	\$3,600.00	N/A	N/A	N/A	N/A
Sat (9am-5pm)		8 x 9hrs x \$10	\$720.00	\$720.00				
3rd Week of EV		BRANCH EV						
Mon - Fri (9am-5pm)		8 x 45hrs x \$10	\$3,600.00	\$3,600.00	N/A	N/A	N/A	N/A
		SUBTOTAL	\$28,520.00	\$19,160.00	\$2,340.00	\$2,340.00	\$2,340.00	\$2,340.00

November 3, 2020 Joint Election
(Estimate of Election Expenses)

Section C. Election Day Workers							
Election Day Judges & Clerks							
PCT 1: TBD (1010)	2 x 15 x \$12 / 6 x 15 x \$10	\$1,260.00	\$630.00	N/A	\$630.00	N/A	N/A
PCT 2: TBD (1110)	2 x 15 x \$12 / 6 x 15 x \$10	\$1,260.00	\$630.00	N/A	\$630.00	N/A	N/A
PCT 3: TBD (2020)	2 x 15 x \$12 / 6 x 15 x \$10	\$1,260.00	\$1,260.00	N/A	N/A	N/A	N/A
PCT 4: TBD (2080)	2 x 15 x \$12 / 6 x 15 x \$10	\$1,260.00	\$315.00	N/A	\$315.00	\$315.00	\$315.00
PCT 5: TBD (2120)	2 x 15 x \$12 / 6 x 15 x \$10	\$1,260.00	\$630.00	N/A	\$630.00	N/A	N/A
PCT 6: TBD (3030)	2 x 15 x \$12 / 6 x 15 x \$10	\$1,260.00	\$630.00	\$630.00	N/A	N/A	N/A
PCT 7: TBD (3040)	2 x 15 x \$12 / 6 x 15 x \$10	\$1,260.00	\$630.00	N/A	\$630.00	N/A	N/A
PCT 8: TBD (3060)	2 x 15 x \$12 / 4 x 15 x \$10	\$960.00	\$480.00	\$480.00	N/A	N/A	N/A
PCT 9: TBD (4050)	2 x 15 x \$12 / 6 x 15 x \$10	\$1,260.00	\$630.00	\$630.00	N/A	N/A	N/A
PCT 10: TBD (4070)	2 x 15 x \$12 / 4 x 15 x \$10	\$960.00	\$480.00	\$480.00	N/A	N/A	N/A
PCT 11: TBD (4100)	2 x 15 x \$12 / 6 x 15 x \$10	\$1,260.00	\$420.00	\$420.00	\$420.00	N/A	N/A
Training - Election Workers							
Early Voting Clerks	50 x \$30	\$1,500.00		\$500.00	\$500.00	\$500.00	\$0.00
Election Day Judges & Clerks	90 x \$30	\$2,700.00	\$2,700.00	N/A	N/A	N/A	N/A
Delivery of Election Equipment and Supplies							
Presiding Judges	11 x \$15	\$165.00	\$33.00	\$33.00	\$33.00	\$33.00	\$33.00
Alternate Judges	11 x \$10	\$110.00	\$22.00	\$22.00	\$22.00	\$22.00	\$22.00
Early Voting Ballot Board / Central Count Station / Late Ballot Board							
Early Voting Ballot Board - JUDGES	4 x 10hrs x \$12	\$480.00	\$96.00	\$96.00	\$96.00	\$96.00	\$96.00
Early Voting Ballot Board - CLERKS	2 x 10hrs x \$10	\$200.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00
Central Count Station Personnel - JUDGES	4 x 10hrs x \$12	\$480.00	\$96.00	\$96.00	\$96.00	\$96.00	\$96.00
Central Count Station Personnel - CLERKS	6 x 5hrs x \$10	\$300.00	\$60.00	\$60.00	\$60.00	\$60.00	\$60.00
Provisional & Late Ballot Board Personnel	4 x 4hr x \$12	\$192.00	\$38.40	\$38.40	\$38.40	\$38.40	\$38.40
Site Support / Elections Office Personnel							
Election Day Site Support Personnel	1 x 15 x \$12	\$180.00	\$180.00	N/A	N/A	N/A	N/A
Vendor Site Support	(ES&S)	(Included in Purchase)	\$0.00	N/A	N/A	N/A	N/A
OT - Week 1 of Early Voting (Elections Office)	**No Charge to LPS**	N/A	N/A	N/A	N/A	N/A	N/A
OT - Week 2 of Early Voting (Elections Office)	**No Charge to LPS**	N/A	N/A	N/A	N/A	N/A	N/A
OT - Election Day (Elections Office)	**No Charge to LPS**	N/A	N/A	N/A	N/A	N/A	N/A

November 3, 2020 Joint Election
(Estimate of Election Expenses)

		SUBTOTAL	\$19,567.00	\$10,000.40	\$3,525.40	\$4,140.40	\$1,200.40	\$700.40
Section D. Miscellaneous Expenses								
Postage	(Mail Media to ES&S)		\$200.00	\$200.00	N/A	N/A	N/A	N/A
Personal Vehicle Mileage (Setup/Opening)	11days x 40mi-round x .50		N/A	N/A	N/A	N/A	N/A	N/A
Personal Vehicle Mileage (Daily Closing)	10days x 40mi-round x .50		N/A	N/A	N/A	N/A	N/A	N/A
	SUBTOTAL		\$200.00	\$200.00	\$0.00	\$0.00	\$0.00	\$0.00
Sections A-D Total			\$68,287.00	\$33,360.40	\$9,865.40	\$10,480.40	\$7,540.40	\$7,040.40
Section E. Administrative Fee								
Elections Services Contract Administrative Fee	(Election Total x 10%)		\$6,828.70	\$3,336.04	\$986.54	\$1,048.04	\$754.04	\$704.04
	SUBTOTAL		\$6,828.70	\$3,336.04	\$986.54	\$1,048.04	\$754.04	\$704.04
TOTAL ESTIMATED COST OF ELECTION:			\$75,115.70	\$36,696.44	\$10,851.94	\$11,528.44	\$8,294.44	\$7,744.44

Exhibit C

NOVEMBER 3, 2020 JOINT SPECIAL ELECTION

KENDALL COUNTY, TEXAS

Division of Expenses

Item to be Divided	Special Notes
Ballot Printing Costs	To be divided equally among entities conducting an election.
Publication of Notices - o Notice of Public Test of Equipment - o Early Voting Notices - o Election Day Notices (to include polling locations)	To be divided equally among entities conducting an election.
Programming Media: Election Systems and Software	To be divided equally among entities conducting an election.
Supplies: Ballot By Mail, Early Voting, Election Day & Central Count	To be divided equally among entities conducting an election.
Early Voting Clerks (Main location)	To be divided equally among entities conducting an election.
Early Voting Clerks (Branch location)	To be paid for by the requesting entity.
Election Day Judges & Clerks	This will be split according to the precincts your jurisdiction falls within.
Training of Election Workers	This will be paid for by the County. (Only when it's a County ORDERED Election)
Pickup & Delivery of Election Equipment and Supplies	This will be split according to the precincts your jurisdiction falls within.
Early Voting Ballot Board Personnel	To be divided equally among entities conducting an election.
Central Count Station Personnel	To be divided equally among entities conducting an election.
Provisional & Late Ballot Board Personnel	To be divided equally among entities conducting an election.
Election Day Site Support Personnel (Including Vendor Support)	This will be paid for by the County. (Only when it's a County ORDERED Election)
Postage	To be divided equally among entities conducting an election.
Vehicle Mileage (Employees)	To be paid for by the requesting entity.

Exhibit D

NOVEMBER 3, 2020 JOINT SPECIAL ELECTION

KENDALL COUNTY, TEXAS

Main Early Voting Location and Hours

Polling Place		Address				City/State	
Kendall County Courthouse Annex		221 Fawn Valley Dr				Boerne, Texas 78006	
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
<i>Oct. 11</i> CLOSED	<i>Oct. 12</i> CLOSED	<i>Oct. 13</i> 8:00 am – 6:00 pm	<i>Oct. 14</i> 8:00 am – 6:00 pm	<i>Oct. 15</i> 8:00 am – 6:00 pm	<i>Oct. 16</i> 8:00 am – 6:00 pm	<i>Oct. 17</i> 9:00 am – 5:00 pm	
<i>Oct. 20</i> CLOSED	<i>Oct. 19</i> 8:00 am – 6:00 pm	<i>Oct. 20</i> 8:00 am – 6:00 pm	<i>Oct. 21</i> 8:00 am – 6:00 pm	<i>Oct. 22</i> 8:00 am – 6:00 pm	<i>Oct. 23</i> 8:00 am – 6:00 pm	<i>Oct. 24</i> 9:00 am – 5:00 pm	
<i>Oct. 25</i> CLOSED	<i>Oct. 26</i> 8:00 am – 6:00 pm	<i>Oct. 27</i> 8:00 am – 6:00 pm	<i>Oct. 28</i> 8:00 am – 6:00 pm	<i>Oct. 29</i> 7:00 am – 7:00 pm*	<i>Oct. 30</i> 7:00 am – 7:00 pm*	<i>Oct. 31</i> CLOSED	

*** Denotes our TWO Twelve-hour days**

Branch Early Voting Location and Hours

Polling Place		Address			City/State	
City Hall		447 N. Main Street			Boerne, Texas 78006	
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Oct. 11 CLOSED	Oct. 12 CLOSED	Oct. 13 9:00 am – 5:00 pm	Oct. 14 9:00 am – 5:00 pm	Oct. 15 9:00 am – 5:00 pm	Oct. 16 9:00 am – 5:00 pm	Oct. 17 CLOSED
Oct. 20 CLOSED	Oct. 19 9:00 am – 5:00 pm	Oct. 20 9:00 am – 5:00 pm	Oct. 21 9:00 am – 5:00 pm	Oct. 22 9:00 am – 5:00 pm	Oct. 23 9:00 am – 5:00 pm	Oct. 24 CLOSED
Oct. 25 CLOSED	Oct. 26 9:00 am – 5:00 pm	Oct. 27 9:00 am – 5:00 pm	Oct. 28 9:00 am – 5:00 pm	Oct. 29 9:00 am – 5:00 pm	Oct. 30 9:00 am – 5:00 pm	Oct. 31 CLOSED

PLEASE NOTE: The branch location is **ONLY** open on **WEEKDAYS**. There will be no weekend voting nor will there be extended hours at this location.

Exhibit E

NOVEMBER 3, 2020 JOINT SPECIAL ELECTION

KENDALL COUNTY, TEXAS

Election Day Vote Centers

Vote Center	Location	Address	City/State/Zip
1	City Hall	447 N. Main Street	Boerne, Texas 78006
2	First Baptist Church (HUB)	631 S. School Street	Boerne, Texas 78006
3	Bergheim Vol. Fire Dept.	1 Old Curry Creek Road	Bergheim, Texas 78004
4	Burdick Community Center	119 Old San Antonio Road	Boerne, Texas 78006
5	Kendall County Fairgrounds	1307 River Road	Boerne, Texas 78006
6	Kendalia Community Center	2610 FM 473	Kendalia, Texas 78027
7	Boerne Bible Church	1026 E. Blanco Road	Boerne, Texas 78006
8	Sisterdale Community Center	2 Sisterdale-Lindendale Road	Sisterdale, Texas 78006
9	Comfort Baptist Church	100 Amber Drive	Comfort, Texas 78013
10	Waring Fire House	11 Waring Road	Boerne, Texas 78006
11	Nineteen:Ten Church	130 FM 1376	Boerne, Texas 78006



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

September 17, 2020

AGENDA TOPIC: Approval of a Resolution adopting the Comal and Kendall County Election Voting System and Software for Election Day voting and provisional ballots in all future elections and the approval of the City Manager's execution of any documents necessary to use the designated voting system

DATE: September 17, 2020

DEPARTMENT: City Secretary

PRESENTED BY: Christina Picioccio, City Secretary (Consent Agenda)

INTRODUCTION/BACKGROUND:

Under Section 43.007(i) of the Texas Election Code, the Comal and Kendall County Elections Offices were granted approval by the Secretary of State to participate in the Countywide Polling Place Program. As their programs have been deemed "successful" the counties have been granted the authority to continue to use County Wide Election program for subsequent elections.

Texas Election Code 43.007(d) requires specific equipment and software to be purchased. Comal and Kendall County received written approval for the purchase of the new elections equipment and software for future elections.

As the City of Fair Oaks Ranch is contracting with these counties to perform our elections, Texas Election Code Chapter 123 requires that the City, by resolution, order, or other official action of the authority, must adopt the system for use in the elections before a voting system may be used in elections.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Compliance with Texas Election Code Chapter 43 and 123.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

Consent Agenda (I move to approve a Resolution approving the Comal and Kendall County Election Voting System and Software for election day voting and provisional ballots in all future elections and the approval of the City Manager's execution of any documents necessary to use the designated voting system.)

A RESOLUTION

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS ADOPTING THE COMAL AND KENDALL COUNTY ELECTION VOTING SYSTEM AND SOFTWARE AS REQUIRED BY CHAPTER 123 OF THE TEXAS ELECTION CODE; APPROVING EXPRESS VOTE UNIVERSAL VOTING SYSTEM FOR ELECTION DAY VOTING AND PROVISIONAL BALLOTS IN ALL FUTURE ELECTIONS; APPROVING THE CITY MANAGER'S EXECUTION OF ANY DOCUMENTS NECESSARY TO USE THE DESIGNATED VOTING SYSTEM AND TAKE ANY ADDITIONAL ACTIONS REASONABLY NECESSARY THEREWITH

WHEREAS, adoption and acquisition of voting systems is authorized in Chapter 123 of the Texas Election Code; and

WHEREAS, on February 6, 2020 the City Council of the City of Fair Oaks Ranch approved a resolution adopting the Bexar County Election voting System for the 2020 Elections; and,

WHEREAS, Pursuant to Section 418.0016 of the Texas Government Code, on March 18, 2020, Governor Abbot signed a proclamation suspending certain provisions of the Texas Election Code to allow all local political subdivisions that are utilizing the May 2, 2020 uniform election date to postpone their elections no later than November 3, 2020 due to the Coronavirus outbreak.

WHEREAS, on March 27, 2020 the City Council of the City of Fair Oaks Ranch approved a resolution postponing the Election date from May 2, 2020 to November 3, 2020, and

WHEREAS, pursuant to Texas Election Code 42.002 and 43.007 E, as the city has elected to change the election date to the November uniform election Date (November 3rd), the entity must have a presence in every countywide location in the county, not just the locations within the territory of the political subdivision. This means that the city must contract with each county in which we reside; and,

WHEREAS, the City of Fair Oaks Ranch resides in three counties: Bexar, Comal, and Kendall; and,

WHEREAS, in Comal County, the Hart Voting System consists of many components; including but not limited to Direct recording Equipment (DRE) complete with Build Version 2.4.2, and Central 2.4.2; and,

WHEREAS, in Kendall County, the Express Vote Universal Voting System 6.0.4.0 consists of many components; including but not limited to the ExpressVote Ballot Marking Device, the DS200 precinct digital scanner and tabulator, and Electionware Election management software; and

WHEREAS, Chapter 123 of the Texas Elections Code states that before a voting system may be used in elections, the authority designated by this section, by resolution, order, or other official action of the authority, must adopt the system for use in the elections; and

WHEREAS, the City of Fair Oaks Ranch will contract with Comal and Kendall County and the Elections Department to administer its elections and hereby adopts and approves the use of such systems.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS THAT:

- Section 1.** The City Council hereby authorizes the adoption of the Comal County Hart Voting System & Software and Kendall County Express Vote Universal Voting System for Early Voting in Person, Early Voting by Mail, Election Day Voting and Provisional Ballots in any future elections held by the City of Fair Oaks Ranch jointly with Comal and Kendall County.
- Section 2.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.
- Section 3.** The City Manager is hereby authorized to execute, on behalf of the City, any other documents and instruments reasonably necessary for the use of the designated voting system.
- Section 4.** All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.
- Section 5.** This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 6.** If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.
- Section 7** It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.
- Section 8.** This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED, APPROVED, and ADOPTED on this the 17th day of September, 2020.

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 17, 2020

AGENDA TOPIC: Consideration and possible action approving the First Reading of an Ordinance adopting the City budget for fiscal year beginning October 1, 2020 and ending September 30, 2021

DATE: September 17, 2020

DEPARTMENT: Finance

PRESENTED BY: Sarah Buckelew, CPA, Finance Director

INTRODUCTION/BACKGROUND:

Texas Local Government Code Chapter 102 contains the requirements for adopting a municipal budget for home rule cities. Under this chapter, the City Manager serves as the budget officer and is responsible for preparing a municipal budget to cover the proposed expenditures of the municipal government for the succeeding year.

The proposed budget is required to be filed with the City Secretary before the 30th day before the date the Council makes its tax levy for the new fiscal year.

At the August 20, 2020 City Council meeting, Council voted to set September 17, 2020 as the Public Hearing date on the proposed budget and September 24, 2020 as the date to adopt the budget. The proposed budget was filed with the City Secretary August 24, all requirements of state statute have been met.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Provides the citizens, the government, and the City staff with a financial plan for utilizing the City's available funds during the upcoming fiscal year to accomplish the City's goals and objectives.
2. Establishes priorities among City programs; defining the financial framework that will be used to periodically check the status of city operations.
3. Determines the level of taxation necessary to finance City programs.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

See budgets as presented during the Public Hearing.

LEGAL ANALYSIS:

Reviewed and approved as to form.

RECOMMENDATION/PROPOSED MOTION:

I move to approve the 2020/21 Fiscal Year Budget Ordinance.

LGC 102.007 mandates a vote to adopt the budget must be a Record Vote

AN ORDINANCE

ADOPTING THE CITY OF FAIR OAKS RANCH ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City Manager submitted to the City Council a proposed budget for the next ensuing budget year, and filed the proposed budget with the City Secretary for public review pursuant to LGC §102.005; and,

WHEREAS, on August 20, 2020, the Council set September 17, 2020 as the date for the public hearing thereon and caused notice of such public hearing to be posted on the City's website and published in the Boerne Star pursuant to LGC §102.006 and 102.0065; and,

WHEREAS, the public hearing was held on said date and all persons were then afforded an opportunity to appear and object to any or all items and estimates in the proposed budgets; and,

WHEREAS, pursuant to Local Government Code §102.007, the City Council, by passage of the Budget Ordinance shall adopt the budget for the ensuing fiscal year and appropriate such sums of money as the Council deems necessary to defray all expenditures of the City during the 2020-21 budget year.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS, THAT:

SECTION 1. BUDGET.

- a. The City hereby approves and adopts the "Fiscal Year 2020-21 Municipal Budget", attached as **Exhibit A**, in all respects as the City's annual budget for the fiscal year beginning October 1, 2020 and ending September 30, 2021.
- b. The City Manager may reallocate budget amounts within and between departmental accounts, but reallocation of amounts between funds must be approved by the City Council by ordinance. For purposes of this section the term "fund" refers to the Governmental Accounting definition of a fund (i.e. "General Fund", "Utility Fund", and "Debt Service Fund").
- c. In accordance to LGC §102.008(a), the adopted budget shall be filed with the City Secretary; and a copy of the adopted budget including the cover page shall be posted on the City's website.

SECTION 2. SEVERABILITY.

If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 3. CONFLICT OF ORDINANCES.

Ordinances or parts of ordinances in conflict herewith are hereby repealed, and are no longer of any force and effect.

Section 4. EFFECTIVE DATE.

This Ordinance shall take effect on the first day of October 2020.

PASSED and APPROVED on first reading this 17th day of September, 2020 and recorded as follows:

	FOR	AGAINST	ABSTAIN
Mayor Garry Manitzas			
Council Member Havard			
Mayor Pro Tem Elizondo			
Council Member Hartpence			
Council Member Koerner			
Council Member Maxton			
Council Member Patel			

PASSED, APPROVED and ADOPTED on second reading, this the 24th day of September, 2020 and recorded as follows:

	FOR	AGAINST	ABSTAIN
Mayor Garry Manitzas			
Council Member Havard			
Mayor Pro Tem Elizondo			
Council Member Hartpence			
Council Member Koerner			
Council Member Maxton			
Council Member Patel			

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

September 17, 2020

AGENDA TOPIC: Consideration and possible action approving the First Reading of an Ordinance levying a property tax rate of \$.3735 per \$100 taxable valuation on property in the City of Fair Oaks Ranch for tax year 2020; and determining due and delinquent dates.

START/END DATE: September 17, 2020

DEPARTMENT: Finance

PRESENTED BY: Sarah Buckelew, CPA, Finance Director

INTRODUCTION/BACKGROUND:

State law requires City Council to adopt a tax rate to fund the adopted general fund and the debt service fund budgets. At the August 20th City Council meeting, Council authorized using \$.3409 as the proposed M&O 2020 tax rate and a \$.0326 I&S 2020 tax rate for a combined property tax rate of \$.3735. A Public Hearing was held September 17, 2020 to afford all citizens the opportunity to be heard on the proposed tax rate. All required notices were published in the newspaper and on City's website.

Texas Tax Code Chapter 26 requires the vote on the ordinance setting a tax rate that exceeds the lower of the no-new-revenue tax rate or voter-approval rate *must be a record vote*, and further mandates that a motion to adopt an ordinance, setting a tax rate that exceeds the no-new-revenue tax rate, must be made in the following form: *"I move that the property tax rate be increased by the adoption of a tax rate .3735, which is effectively a 1.14% increase in the tax rate"*.

As we are proposing a tax rate higher than the lower of the no-new-revenue rate or voter approval rate, the motion to adopt the ordinance must be a **record vote and the above motion made as stated above**.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Complies with state laws in setting the 2020 property tax rate
2. Establishes the level of taxation necessary to finance City programs and pay for City debt (Roadway Reconstruction Bond) approved in the fiscal year budget.

LONGTERM FINANCIAL & BUDGETARY IMPACT

The total tax rate of 0.3735 per \$100 valuation has not changed from the prior year tax rate. Budgetary implications in terms of dollars are outlined in the Budget consideration page.

LEGAL ANALYSIS:

Reviewed and approved as to form.

RECOMMENDATION/PROPOSED MOTION:

I move that the property tax rate be increased by the adoption of a tax rate .3735, which is effectively a 1.14% increase in the tax rate.

AN ORDINANCE

AN ORDINANCE LEVYING AD VALOREM TAXES FOR USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF FAIR OAKS RANCH, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME SHALL BECOME DELINQUENT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on August 20, 2020, the City Council established a proposed ad valorem tax rate to support the proposed FY 2020-21 budget and, set September 17, 2020 as the date for the public hearing thereon and caused notice of such public hearing to be posted pursuant to Local Government Code §140.010(e)(f) and (g); and,

WHEREAS, the public hearing was held on said date and all persons were then afforded an opportunity to appear and object to the proposed ad valorem tax rate; and,

WHEREAS, on September 24, by ordinance, the Council approved the municipal budget for the fiscal year beginning October 1, 2020 and ending September 30, 2021; and

WHEREAS, it is necessary that an ordinance be passed levying an ad valorem tax on all property, both real and personal, within the corporate limits of the City of Fair Oaks Ranch, Texas in accordance with said budget and Texas Property Tax Code, §26.05(b).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH:

SECTION 1. TAX LEVY.

- a. That there is hereby levied and there shall be collected for the use and support of the municipal government of the City of Fair Oaks Ranch (herein the "City"), upon all property, real, personal, and mixed, in the corporate limits of said City subject to taxation, a tax rate of **\$~~.3409~~** on each \$100 taxable valuation of property, said tax being so levied for the maintenance and operations of the General Fund of the municipal government for the 2020-21 Fiscal Year.
- b. That there is hereby levied and there shall be collected for the use and support of the municipal government of the City of Fair Oaks Ranch (herein the "City"), upon all property, real, personal, and mixed, in the corporate limits of said City subject to taxation, a tax rate of **\$~~.0326~~** on each \$100 taxable valuation of property, said tax being so levied for the debt service principal and interest of the Debt Service Fund of the municipal government for the 2020-21 Fiscal Year.
- c. **THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 1.14% AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$1.40.**

SECTION 2. TAX PAYMENT DUE DATE AND DELINQUENT EFFECTIVE DATE.

- a. Taxes assessed and levied under this ordinance shall be due on October 1, 2020.
- b. Taxes not paid on or before January 31, 2021 shall immediately become delinquent.
- c. Taxes shall become a lien upon the property against which assessed, and the Bexar County Tax

Office as the collector of property taxes is hereby authorized and empowered to enforce the collection of such taxes according to the Constitution and laws of the State of Texas and ordinances of the City and shall, by virtue of the tax rolls, fix and establish a lien by levying upon such property, whether real or personal, for the payment of said taxes, penalty and interest, and, the interest and penalty collected from such delinquent taxes shall be apportioned to the general fund of the City. All delinquent taxes shall bear interest from date of delinquency at the rate as prescribed by state law.

SECTION 3. SEVERABILITY.

If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 4. EFFECTIVE DATE

This ordinance shall take effect and be in force from the date after its passage.

PASSED and APPROVED on first reading this 17th day of September 2020 and recorded as follows:

	FOR	AGAINST	ABSTAIN
Mayor Garry Manitzas			
Council Member Havard			
Mayor Pro Tem Elizondo			
Council Member Hartpence			
Council Member Koerner			
Council Member Maxton			
Council Member Patel			

PASSED, APPROVED, AND ADOPTED on second reading this 24th day of September 2020 and recorded as follows:

	FOR	AGAINST	ABSTAIN
Mayor Garry Manitzas			
Council Member Havard			
Mayor Pro Tem Elizondo			
Council Member Hartpence			
Council Member Koerner			
Council Member Maxton			
Council Member Patel			

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 17, 2020

AGENDA TOPIC: Consideration and possible action approving the first reading of an Ordinance amending Ordinance 35.9 establishing an all-way stop signs at the intersection of Dietz Elkhorn Rd and Elkhorn Ridge/Square Gate in Fair Oaks Ranch, Bexar County, Texas.

DATE: September 17, 2020

DEPARTMENT: Public Works Department

PRESENTED BY: Katie Schweitzer, PE, Manager of Engineering Services
Oscar Michael “Mike” Garza, PE, PTOE, – Legacy Engineering Group
City of Fair Oaks Ranch General Engineering Consultant

INTRODUCTION/BACKGROUND:

The intersection of Dietz Elkhorn Rd and Elkhorn Ridge has been controlled by a cross-street stop sign since the intersection was first constructed circa 2015. Square Gate is a new road nearing completion as part of the Front Gate Unit 4 development and will be the fourth leg of the intersection directly across from Elkhorn Ridge. The Public Works Department in coordination with the developer has evaluated the proposed intersection to determine appropriate traffic control and geometric configuration. Based on review of the existing and proposed condition, it is recommended to convert the existing side-street stop sign to an all-way stop controlled intersection.

In the review and planning of the intersection, a geometric issue was identified where left-turning vehicles exiting the Elkhorn Ridge subdivision would conflict with left-turning traffic exiting the Front Gate community via Square Gate Rd. The geometric issue is created by an existing median and tree on Elkhorn Ridge Rd at Dietz Elkhorn Rd. Ideally, opposing left-turning vehicles would be directly across from one another to allow concurrent left-turn movements that do not conflict with one another. To provide this condition, it would be necessary to remove the existing oak tree at the Elkhorn Ridge entrance and reconstruct the existing median. Given the proposed timing of the Square Gate Rd completion it was not deemed feasible to take this approach.

A second issue identified is related to pedestrian traffic having the ability to safely cross Dietz Elkhorn Rd without any control of vehicular traffic. Dietz Elkhorn Rd is currently a two-lane roadway with a posted speed limit of 35 mph. With Van Raub Elementary School located in the immediate area, providing a safe crossing for students that may cross at this location is very important. And it should be noted that during recent site visits to the location, children were observed crossing Dietz Elkhorn Rd at this intersection. The proposed all-way stop includes geometric modifications which will provide more direct marked crosswalks and will provide a safer crossing environment for children and all pedestrians.

The purpose of this agenda item is to request City Council approval of an all-way stop sign. Attached is Exhibit “A”, ordinance 35.9, depicting existing controls as well as the proposed all way stop.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

The health, safety, and welfare of Fair Oaks Ranch residents is the paramount objective of the Public Works Department; this project will enhance the safety and efficiency of the existing roadway network for citizens at no cost to the City of Fair Oaks Ranch. The Front Gate Unit 4 developer will include the proposed improvements at the developer's sole expense.

The *Texas Manual on Uniform Traffic Control Devices (TMUTCD)* provides guidance for traffic professionals regarding the installation of multi-way stop control at intersections. Section 2B.07 "Multi-Way Stop Applications" of the *TMUTCD* specifically identifies left-turn conflicts as a traffic condition that may be remedied by the installation of a multi-way stop. The *TMUTCD* also states that multi-way stop installation may be used where there is a need to "... control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes." Given the opposing left-turn conflict issue and the close proximity to Van Raub Elementary School, an all-way stop will provide a safe and efficient intersection for both vehicles and pedestrians.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

The only long-term financial impact will be maintenance of the additional signs and markings.

LEGAL ANALYSIS:

The ordinance has been reviewed and approved as to form by the city attorney.

RECOMMENDATION/PROPOSED MOTION:

I move to approve an ordinance amending ordinance 35.9 to include an all way stop at the intersection of Dietz Elkhorn Rd. and Elkhorn Ridge/Square Gate.

AN ORDINANCE

AMENDING ORDINANCES 35.0-35.8, TO INCLUDE AND DEFINE STOP AND YIELD SIGNS IN THE CITY OF FAIR OAKS RANCH; PRESCRIBING FOR A PENALTY OF NOT LESS THAN \$25 NOR MORE THAN \$500

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

WHEREAS, the City of Fair Oaks Ranch passed and approved Ordinance Number 35.0, through 35.8, establishing and defining stop and yield signs within the City of Fair Oaks Ranch;

WHEREAS, all stop and yield sign traffic control devices situated at the street intersections hereinafter designated conform to the manual and specifications for uniform traffic control devices as adopted by the State Highway Commission;

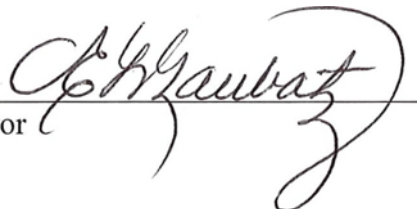
NOW, THEREFORE, for the safety and well being of the citizens of Fair Oaks Ranch, Ordinance Numbers 35.0-35.8 shall be amended to include the following full stop - stop sign street locations (see attachment A) and to include the following yield sign street locations (See attachment A):

The signs designated in this Ordinance shall become property of the City of Fair Oaks Ranch and penalty for removing or having in possession any signs designated as property of the City of Fair Oaks Ranch shall be punishable by a fine not less than \$25 nor more than \$500.

Any violation of this ordinance shall be punishable by a fine of not less than \$25 nor more than \$500.

This Ordinance shall take effect immediately upon its passage, approval and publication as required by law.

PASSED AND APPROVED this the 20th day of July, 2000

Mayor 

ATTEST:


City Secretary

APPROVED AS TO FORM:


City Attorney

Attachment A

THROUGH STREET

Amman Road

Battle Intense

Chartwell Lane

Cloud Croft Lane

Dapper Dan

Dietz Elkhorn

Fair Oaks Parkway

Fairway Bluff

Fairway Green

STOP SIGN STREET

Rolling Acres Trail

Hansell Drive
High Eschelon
Fairway Valley

Chartwell Circle

Ledge Drive
Sendero Ridge

Cloud Croft

Chartwell Lane
Elkhorn Ridge
Fair Oaks Parkway
Noble Lark Drive
No Le Hace
Kempton Circle
Preakness
Saddle Song
Square Gate
Summit Ridge
Timber Top
Windermere Drive

Falls Terrace
Grand Turf
Hansel Drive
High Eschelon
Kalkallo
Leslie Pfeiffer Drive
Mellow Wind Drive
Midnight Sun
No Le Hace (x2)
Noble Lark
Oakview Pass (x2)
Pimlico Lane (x2)
Raintree Woods Drive
Royal Ascot
Saddleback Circle
Scintilla Lane
Seattle Slew
Slumberwood
Summersweet
Terra Bella
Terra Vista
Triple Crown
Whirlaway Circle
Windchime Hill
Windermere Drive

Fairway Bend
Fairway Green
Fairway Valley
Fairway Trail

Fairview Place(x2)
Double Eagle

YIELD SIGN STREET

Summit Ridge

Fairway Point
Fairway Trace

Fairway Vista	Fairway Bluff Fairway Green Fairway Spring Fairway Ash Fairway Run	
Grand Coteau		Affirmed Proximity
High Cliff	Fallow	
High Eschelon		Battle Intense
Keeneland Drive	Saratoga Lane Wildfire Drive Battle Intense Fallow High Cliff Sweet Ridge Royal Valance Robin Dale Drive Venturer	
Mandetta Drive	Saddle Song Saddle Tan Saddle Star	
Mellow Ridge	Mellow Court	
Mellow Wind	Mellow Ridge Mellow Circle	
No Le Hace	Cojak Circle Mandetta Drive Proximity	Sumpter
Noble Lark		Cantor Circle(x2) Kalkallo Drive Royal Mustang Circle
Northview Pass	Oakview Bend	
Oakview Bend	Oakview Pass	
Oakview Pass	Northview Pass Oakview Ridge(x2)	
Pimlico Lane	Rocking Horse Lane(x2) Turf Paradise Riva Ridge Preakness	Aqueduct Equestrian Ruffian Steeplechase Lane Pimlico Lane
Preakness	Secretariat(x2)	
Ralph Fair Road	Dietz Elkhorn Keeneland Drive Meadow Creek Pimlico Silver Spur	

	Fair Oaks Parkway	
Robin Dale		Intrepid
Rocking Horse Lane	Sendero Ridge(x2) Secretariat Royal Ascot(x2) Pimlico(x2)	Clydesdale Circle Jim Dandy Circle Quadrille(x2)
Rolling Acres Trail	Deer Summit Rexon Circle Rock Forest Wild Oak Hill(x2) Burnt Cedar W Burnt Cedar E Post Oak Trail Meadow Creek Trail Wild Oak Hill	Wembley Flagstone Hill Sunland Scarteen Wild Oak Hill
Royal Ascot	Kahilan Drive Rocking Horse Lane(x2)	Damascus Pintado
Royal Mustang		Royal Turf
Saddle Song	Sumpter(x2) Saddle Side Saddle Pass	
Scarteen	Rolling Acres Trail Flagstone Hill	Sunland Sky Blue Ridge Wembley
Scintilla Lane		Softwind Circle
Secretariat	Preakness(x2)	
Sendero Ridge	Riva Ridge Windemere Drive	
Silver Spur Trail	Intrepid Robin Dale Drive Rolling Acres Trail Venturer Post Oak Trail	Firebird Lane Post Oak Trail Rock Oak Circle Wild Oak Hill
Summit Ridge	Ridgeview Trail	Duberry Ridge
Sumpter Drive		Grand Coteau Mandetta Drive
Sweetwind Circle		Sweetwind Circle
Terra Vista	Terra Manor	
Triple Crown	Rocking Horse(x2) Royal Ascot	Damascus Equestrian Paddock Lane Percheron Circle Quadrille

Wembley

Sky Blue Ridge

Wild Oak Hill

Silver Spur Trail
Flagstone Hill
Scaiteen

Windmill Circle

Windchime Hill

Windchime Way

Windermere Drive

Angel Fire Drive
Cloud Croft Lane
Crown Terrace

AN ORDINANCE

AN ORDINANCE OF THE CITY OF FAIR OAKS RANCH, TEXAS AMENDING ORDINANCE 35.9 BY ESTABLISHING STOP SIGNS FOR THE INTERSECTION OF DIETZ ELKHORN RD AND ELKHORN RIDGE/SQUARE GATE IN FAIR OAKS RANCH, BEXAR COUNTY, TEXAS; PRESCRIBING FOR A PENALTY OF NOT LESS THAN \$25 NOR MORE THAN \$500; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF

WHEREAS, for the safety and well-being of the citizens Fair Oaks Ranch, Ordinance 35.9 was passed and approved establishing and defining stop and yield signs within the City of Fair Oaks Ranch; and,

WHEREAS, all stop sign traffic control devices situated at the street intersections hereinafter designated conform to the manual and specifications for uniform traffic control devices as adopted by the Texas Transportation Commission; and,

WHEREAS, the governing body of a municipality may enforce each rule, ordinance, or police regulation of the municipality and may punish a violation of a rule, ordinance, or police regulation; and,

WHEREAS, a home-rule municipality may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants; and,

WHEREAS, the intersection of Dietz Elkhorn Rd and Elkhorn Ridge has been controlled by a cross-street stop sign since the intersection was first constructed circa 2015 and based on review of the existing and proposed condition, it is recommended to convert the existing side-street stop control to an all-way stop controlled intersection; and,

WHEREAS, the proposed all-way stop includes geometric modifications which will provide more direct marked crosswalks and will provide a safer crossing environment for children and all pedestrians; and,

WHEREAS, given the opposing left-turn conflict issue and the close proximity to Van Raub Elementary School, an all-way stop will provide a safe and efficient intersection for both vehicles and pedestrians in conformance with the published guidance of the *Texas Manual on Uniform Traffic Control Devices*.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

SECTION 1: Ordinance Number 35.9 shall be amended to include the following full stop - stop sign street location: Dietz Elkhorn Rd; Elkhorn Ridge / Square Gate where it shall now, therefore, be unlawful to operate a vehicle without bringing the vehicle to a full and complete stop before proceeding, and all vehicles shall remain stopped until the intersection is free and clear of all oncoming vehicles which might constitute a hazard to life or property under the condition then and there existing.

SECTION 2: Findings Incorporated. That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 3: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Fair Oaks Ranch hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 4: Cumulative and Savings. This Ordinance shall be cumulative of all provisions of ordinances of the City of Fair Oaks Ranch, Texas, except where the provisions of the ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 5: Penalty Provision. Any violation this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not less than \$25 nor more than \$500. The sign designated in this Ordinance shall become property of the City and penalty for removing or having in possession any signs designated as property of the City shall be punishable by a fine not less than \$25 nor more than \$500. The City of Fair Oaks Ranch retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6. That it is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 7: Effective Date. This Ordinance shall be effective upon its passage and approval on two readings, and publication as required by law.

PASSED and APPROVED on first reading this the 17th day of September, 2020.

PASSED, APPROVED and ADOPTED on second reading this the 1st day of October, 2020.

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

Denton Navarro Rocha Bernal & Zech, P.C., City Attorney



DIETZ ELKHORN AND SQUARE GATE/ELKHORN RIDGE

MICHAEL GARZA, PE, PTOE - LEGACY ENGINEERING GROUP

GENERAL ENGINEERING CONSULTANT

SEPTEMBER 17, 2020



LEGACY
ENGINEERING GROUP



Reason for Assignment New Intersection

- Elkhorn Ridge first constructed circa 2015 creating a new “T” intersection at Dietz Elkhorn
- Existing Oak Tree in median on Elkhorn Ridge creates undesirable geometry at intersection
- Square Gate nearing completion creates 4th leg of intersection across from Elkhorn Ridge
- Existing geometry causes opposing left-turn movements to conflict with one another



LEGACY
ENGINEERING GROUP



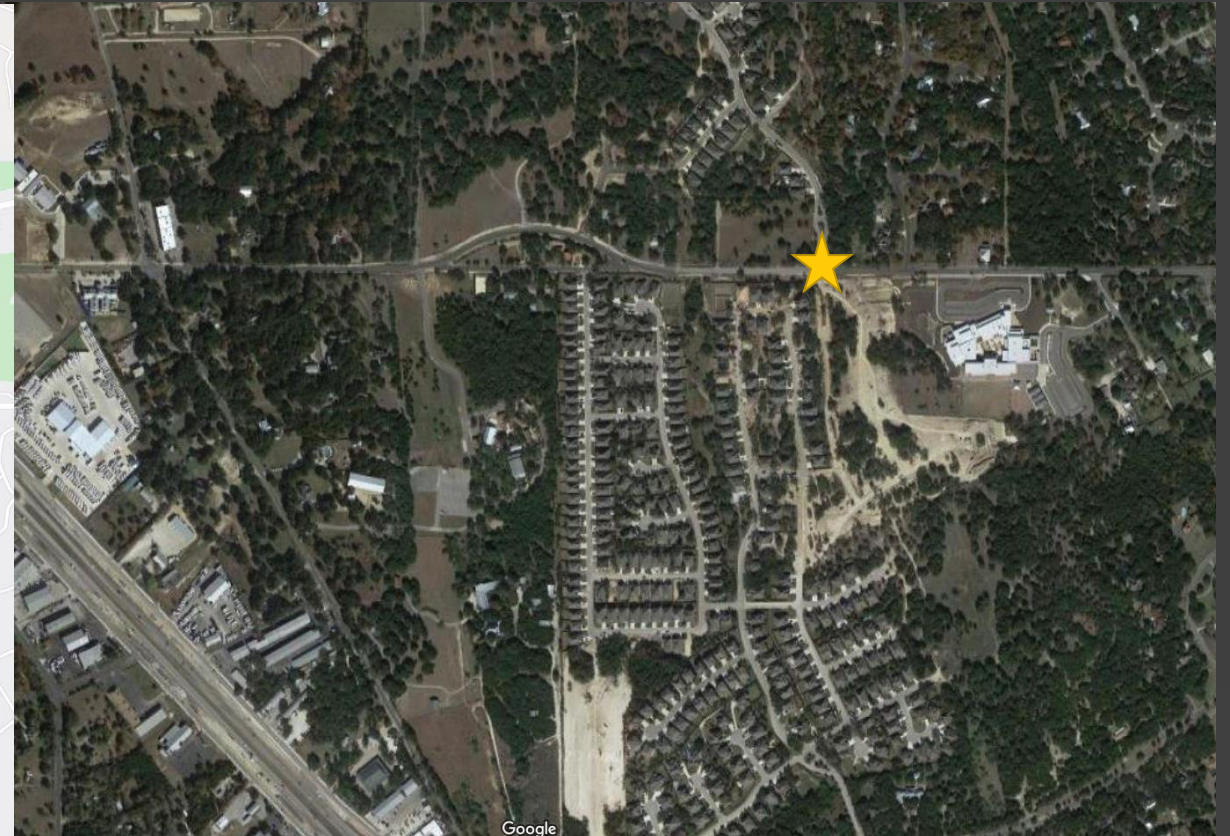
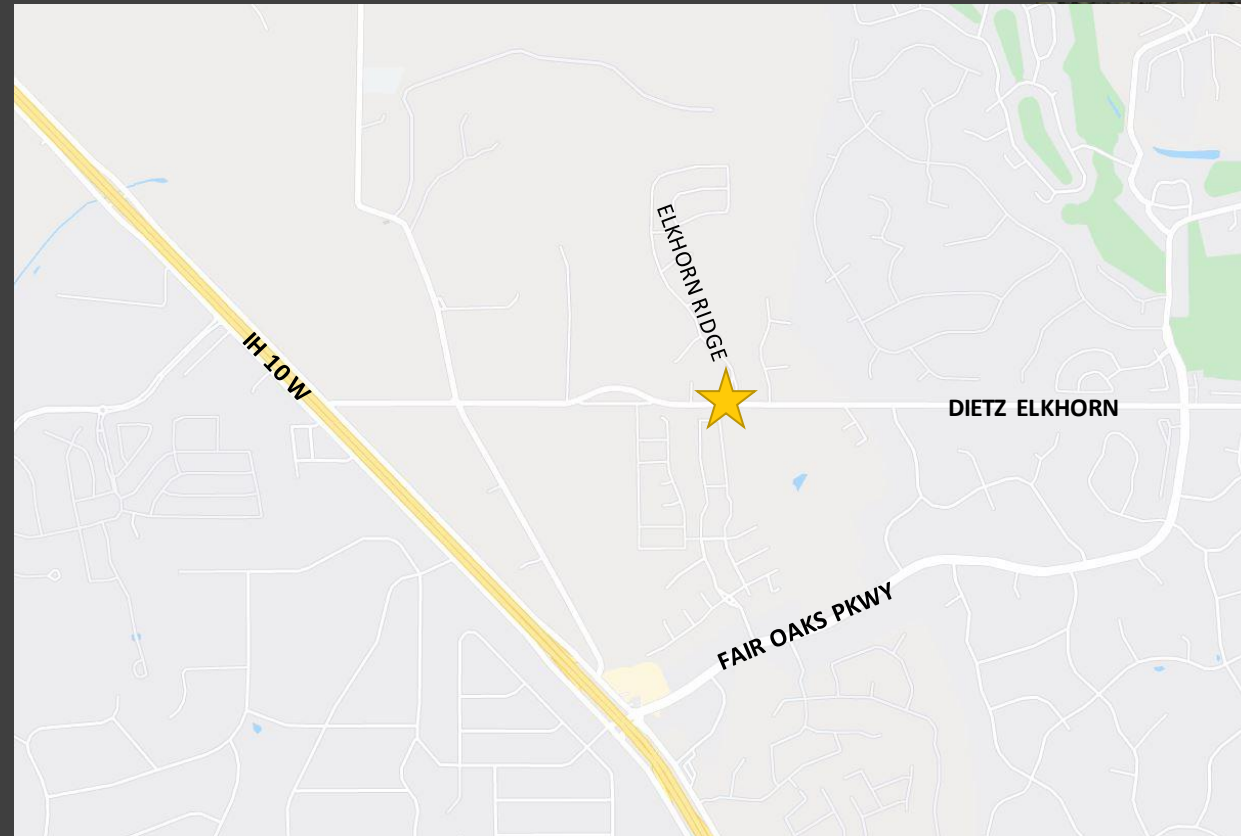
Reason for Assignment - Continued New Intersection

- Van Raub Elementary School opened in the 2018-2019 school year
- Dietz Elkhorn is uncontrolled at this intersection and has posted speed limit of 35 mph
- Children and other pedestrians observed crossing Dietz Elkhorn at this intersection





Location Map Dietz Elkhorn and Elkhorn Ridge/Square Gate



LEGACY
ENGINEERING GROUP



Dietz Elkhorn and Elkhorn Ridge/Square Gate

- Recent site photo shows Square Gate under construction





Dietz Elkhorn and Elkhorn Ridge/Square Gate

- Recent site photo shows Square Gate Rd. under construction





TMUTCD (2B.07) - Multi-Way Stop Control:

- Can be used as a safety measure at intersections if certain traffic conditions exist.
- May be used to control left-turn conflicts.
- Useful where there is a need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes
- Shall be based on a traffic engineering study for justification.





Intersection #1: Battle Intense & Hansel / High Eschelon

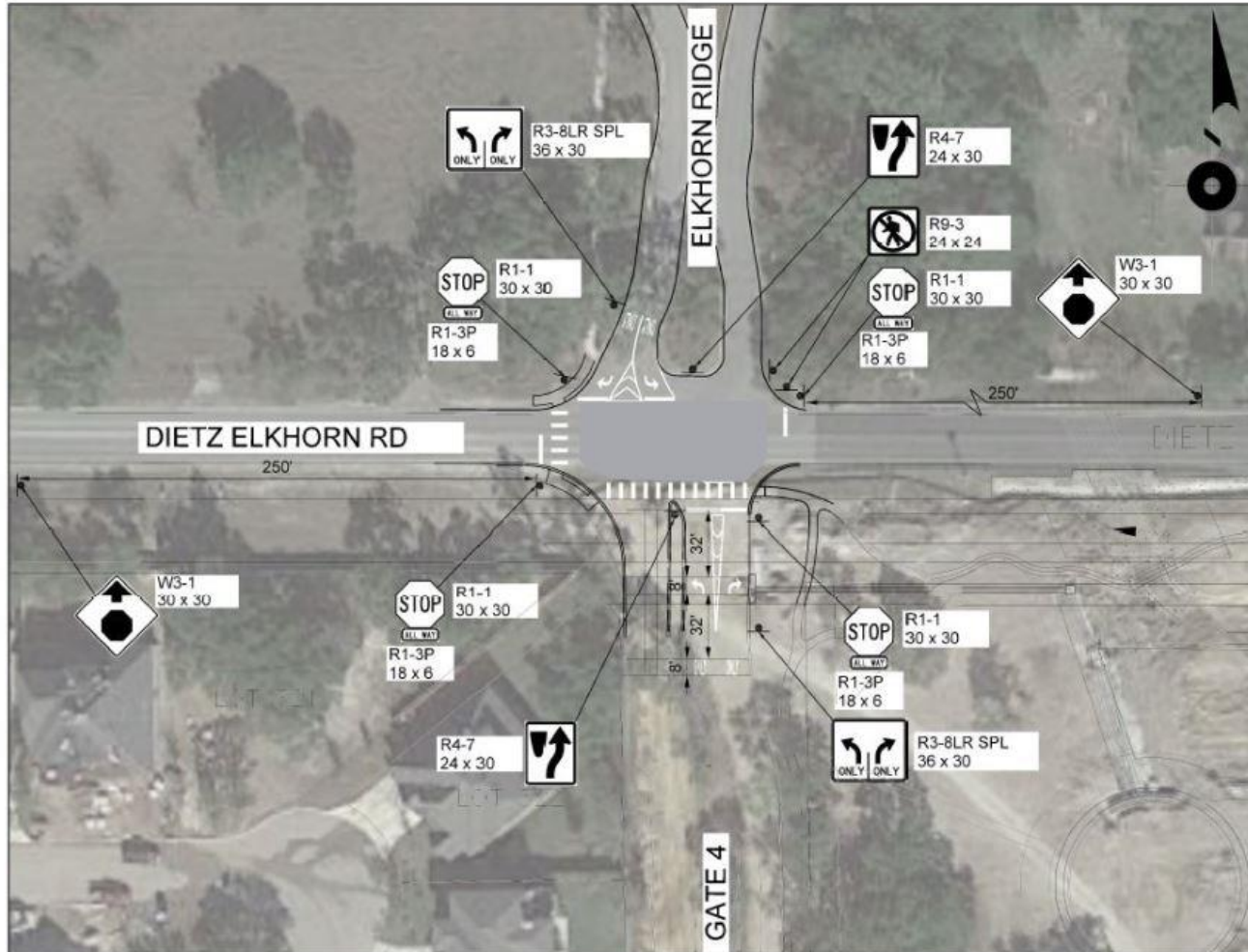
Special Considerations:

- ✓ Non-Aligned Streets
- ✓ Speed limit on Dietz Elkhorn
- ✓ No control on Dietz Elkhorn
- ✓ Driver Expectation
- ✓ Pedestrian Movements





Plan Dietz Elkhorn and Elkhorn Ridge/Square Gate



LEGACY
ENGINEERING GROUP
Legacy Engineering Group, PLLC
14003 Huebner Rd, Building 1.1, San Antonio, Texas 78230, 210.493.1700
TSP# Firm Registration No. 20623

CITY OF FAIR OAKS RANCH

DIETZ ELKHORN & ELKHORN RIDGE

PROPOSED INTERSECTION
GEOMETRICS, SIGNING, & STRIPING

Solution:

1. Worked with developer of Front Gate to improve geometry to maximum extent possible
2. Implement all-way stop in accordance with *TMUTCD*
3. Provide directional marked crossings for safer pedestrian movements



LEGACY
ENGINEERING GROUP



Request to City Council:
Update city ordinance to incorporate all-way stop
at the Dietz Elkhorn/Elkhorn Ridge and Square
Gate intersection





QUESTIONS?

MICHAEL GARZA, PE, PTOE - LEGACY ENGINEERING GROUP
GENERAL ENGINEERING CONSULTANT





CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

September 17, 2020

AGENDA TOPIC: Consideration and possible action authorizing the City Manager to issue a work authorization for a Dietz Elkhorn Road Corridor Study.

DATE: September 17, 2020

DEPARTMENT: Administration

PRESENTED BY: Tobin E. Maples, AICP, City Manager

INTRODUCTION/BACKGROUND:

In June of 2020, Council Member Patel requested an agenda item to discuss traffic and safety concerns associated with the Dietz Elkhorn corridor. In reviewing underlying concerns with Council Member Patel and the City's GEC, it was determined that a full-scale corridor study was warranted. Our determination to advance a corridor study is based on a careful examination of the following:

- The high volume of citizen complaints associated with speed, truck traffic, and a lack of pedestrian facilities.
- The fact that a second elementary school was opened along the corridor.
- The need to develop short, mid, and long-term solutions for known problem areas along the corridor.
- The need to better understand the impacts (traffic pattern changes) of the IH-10 West project and the FM 3351 expansion projects respectively on the west and east ends of the corridor.

If authorized by City Council, the attached scope of services with Legacy Engineering Group will be advanced under the City's Professional Services Agreement (PSA) for General Engineering Consultant (GEC) Services.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

The health, safety, and welfare of Fair Oaks Ranch residents is the paramount objective of the Public Works Department; this study will allow us to identify mitigation strategies relative to the desired level of service for the corridor.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

The not to exceed budget for the study is \$20,000. Funds are available in the current FY 19-20 GEC budget and proposed hourly rates are consistent with the PSA for GEC consulting services.

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

I move to authorize the City Manager to issue a work authorization for a Dietz Elkhorn Road Corridor Study with Legacy Engineering Group.



June 22, 2020

Ronald C. Emmons, P.E.
Director of Public Works/City Engineer
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015

Re: Dietz Elkhorn Rd Corridor Study Proposal
City of Fair Oaks Ranch General Engineering Consultant Contract

Dear Mr. Emmons:

Legacy Engineering Group (LEG) is pleased to submit this proposal to provide professional engineering services to the City of Fair Oaks Ranch (Client) for the above referenced project.

Per our initial Project Scoping Meeting held on 06/15/2020, the goal of this study is to determine if there are any traffic-related issues on Dietz-Elkhorn Rd (from Old Fredericksburg Rd to FM 3351) that need to be resolved to enhance the safety of the citizens of Fair Oaks Ranch. This effort will entail collecting relevant data along the corridor (i.e., crash data, speed data, field observations, TMCs, ADTs, drone flights, etc.), performing an engineering analysis on the data, and presenting the results of the analysis to City Staff/Council. The presentation will include potential mitigation measures as well (if any are determined to be feasible/applicable). We propose to perform this work as detailed in the attached Scope of Services and Fee Schedule for a total of \$20,000.

We appreciate the opportunity to continue to support this community through our GEC Contract on assignments like this. Please do not hesitate to contact our office should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Oscar Michael Garza", is written over a horizontal line.

Oscar Michael Garza, PE, PTOE
Legacy Engineering Group

Attachments:

Scope of Services

Fee Schedule



SCOPE OF SERVICES

DIETZ-ELKHORN ROAD CORRIDOR STUDY

GENERAL DESCRIPTION OF WORK

Legacy Engineering Group (The Engineer) will prepare a Corridor Study of Dietz-Elkhorn Rd with a specific focus on potential safety enhancements (if deemed necessary) for residents, vehicular traffic, pedestrians, bicyclists, and golf-carts within the City of Fair Oaks Ranch.

CORRIDOR STUDY AREA DEFINITION

Dietz-Elkhorn Rd from Old Fredericksburg Rd to FM 3351 will be analyzed within this Corridor Study.

PROJECT MANAGEMENT

1. The Engineer will coordinate with the City and other stakeholders as required throughout the project.
2. The Engineer will attend review meetings with the City as needed throughout the project.
3. The Engineer will perform QA/QC for all submittals.
4. The Engineer will submit invoices to the City on a monthly basis.

FIELD WORK & DATA COLLECTION

1. The Engineer will perform site visits/field reconnaissance of the corridor study area.
2. The Engineer will obtain and analyze the existing (and potentially proposed) corridor configurations.
3. The Engineer will obtain and analyze travel demand impacts for the corridor study area.
4. The Engineer will collect traffic data in the form of Turning Movement Counts (TMC) (including pedestrian counts) during the morning and afternoon peak periods at all intersections within the corridor study area.
5. The Engineer will collect traffic data in the form of Average Daily Traffic (ADT) 24-hour tube counts at strategically defined locations within the corridor study area.
6. The Engineer will collect drone video footage of the corridor study area during the data collection process.

TRAFFIC ENGINEERING ANALYSIS (All Traffic Simulation Modeling w/Synchro, Corsim, or Vissim)

1. The Engineer will review complaints/call-logs from the City along the corridor.
2. The Engineer will coordinate with Council and/or citizens along the corridor to discuss safety concerns.
3. The Engineer will review the existing school operations and any queueing that occurs along the corridor.
4. The Engineer will develop an existing base traffic simulation model.
5. The Engineer will incorporate all traffic data into the existing base traffic simulation model.
6. The Engineer will calibrate the existing base traffic simulation model utilizing collected drone video footage.
7. The Engineer will develop alternative traffic simulation models for potential mitigation measures.
8. The Engineer will conduct a capacity analysis of all alternatives within the corridor study area.
9. The Engineer will perform a Level of Service (LOS) Analysis for all alternatives within the corridor study area.
10. The Engineer will develop a detailed report documenting the results of the traffic engineering analysis.
11. The Engineer will research innovative technologies that could potentially enhance safety along the corridor.
12. The Engineer will coordinate with the City Police Department to review enforcement action on the corridor.
13. The Engineer will estimate potential mitigation measure costs for consideration by City Staff/Council.

DELIVERABLES

- Electronic and Hard Copy Submittal of Corridor Study Report (Signed/Sealed) w/Appendix (Appendix will include all collected traffic data, all field reconnaissance notes, all existing/proposed corridor configuration layouts, all traffic operational data utilized, all drone video footage, all Synchro/Corsim/Vissim traffic simulation models, all report electronic base files, and all GIS information to be utilized by the City).

Schedule of Fees
General Engineering Consultant Contract
Legacy Engineering Group / City of Fair Oaks Ranch
WA #4 - Dietz-Elkhorn Rd Corridor Study
Monday, June 22, 2020

Task	Project Manager	Engineer II	Engineer in Training	Senior CADD Tech	CADD Tech	Admin Assistant	Total Labor Hours	Total Labor Cost	Expenses Cost	Total Cost
General On-Call Support Services	36	30	16	20	20	4				
	\$185.00	\$150.00	\$110.00	\$95.00	\$80.00	\$55.00				
1) Project Management	4						4	\$740.00	\$110.00	\$850.00
2) Coordination & Meetings	4						4	\$740.00	\$0.00	\$740.00
3) Perform Site Visits / Field Recon	4	4	4	4	4		20	\$2,480.00	\$0.00	\$2,480.00
4) Collect Traffic Data (ADTs/TMCs)	2	2					4	\$670.00	\$2,000.00	\$2,670.00
5) Collect Traffic Data (Drone Aerials)	2	2					4	\$670.00	\$1,250.00	\$1,920.00
6) Safety/Operational Analysis	4	4	8	8	8		32	\$3,620.00	\$0.00	\$3,620.00
7) Determine Potential Mitigation	4	8					12	\$1,940.00	\$0.00	\$1,940.00
8) Provide Detailed Estimates	2	4					6	\$970.00	\$0.00	\$970.00
9) Present Findings to City Staff/Council	8	2				2	12	\$1,890.00	\$0.00	\$1,890.00
10) Provide Final Report/Deliverable	2	4	4	8	8	2	28	\$2,920.00	\$0.00	\$2,920.00
TOTAL PROPOSED FEE FOR WA #4 - DIETZ-ELKHORN RD CORRIDOR STUDY							126	\$16,640.00	\$3,360.00	\$20,000.00



DIETZ ELKHORN CORRIDOR STUDY

MICHAEL GARZA, PE, PTOE - LEGACY ENGINEERING GROUP
GENERAL ENGINEERING CONSULTANT

SEPTEMBER 17, 2020



LEGACY
ENGINEERING GROUP



Reasons to Conduct Traffic Study Speeding and Safety Concerns

- Numerous citizens have expressed concerns about speeding and traffic safety
- Speeding is a quality-of-life issue and safety issue for residents and visitors
- Vehicular speeding is a concern to adjacent property owners and other modes of traffic, e.g., pedestrians, bikes and golf carts
- Large construction vehicles cutting through is a concern
- City Council desires traffic study to identify issues and potential mitigation measures



LEGACY
ENGINEERING GROUP

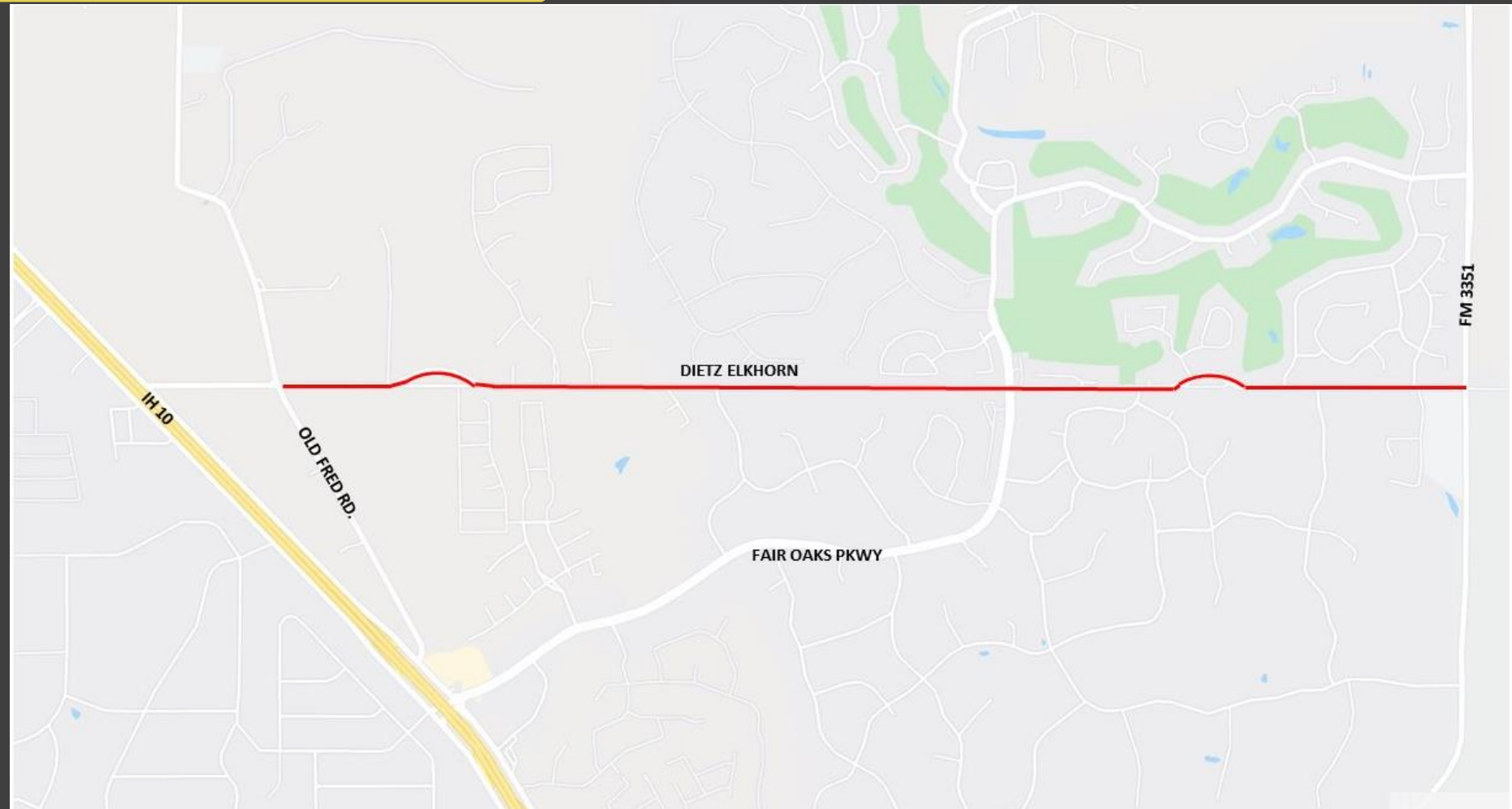
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Dietz Elkhorn Corridor Study Location Map

STUDY LIMITS

FROM: OLD FRED RD.
TO: FM 3351



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ENGINEERING GROUP Pg. 129



Dietz Elkhorn Corridor Study Data Collection

- Existing conditions
- 24-hr Traffic volume and speed
- Significance of 85th percentile speed
- Historical Crash Data
- Drone aerial imagery and video recording
- Intersection sight distance





Dietz Elkhorn Corridor Study Study Considerations

- New Development in Fair Oaks Ranch
- Van Raub Elementary
 - School time traffic
 - Pedestrian mobility issues
- COVID 19
 - Lower peak hour traffic
 - Higher off-peak/midday traffic
 - “New Normal” traffic?

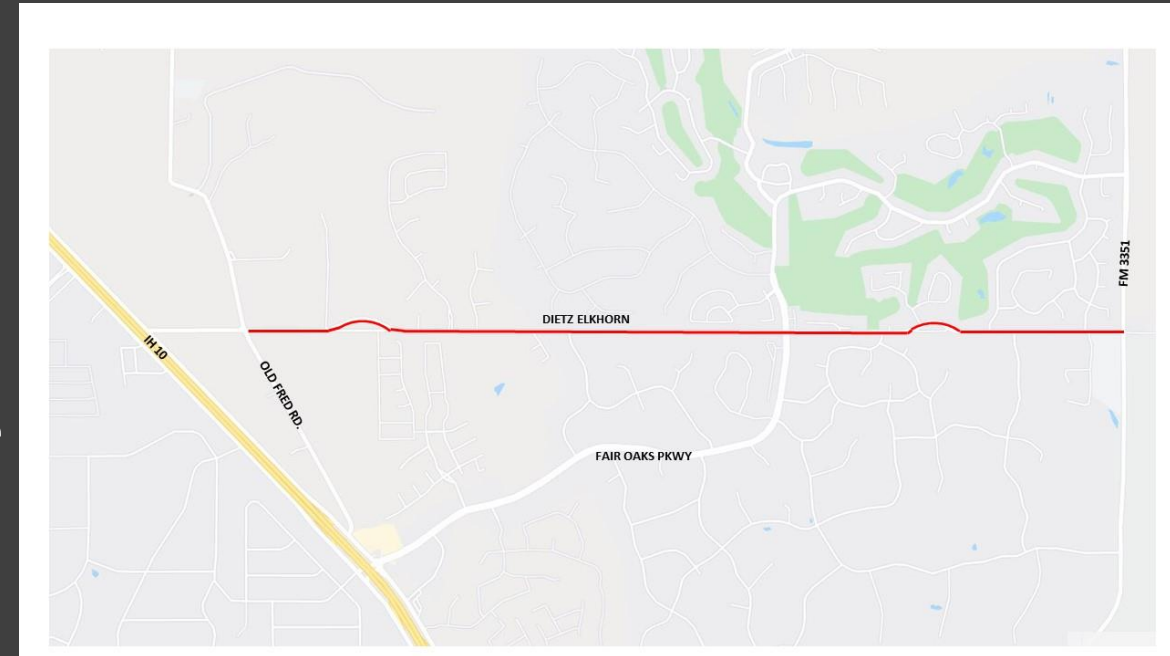




Dietz Elkhorn Corridor Study Study Considerations – Other Projects



- Consider impact of other projects in the vicinity on Dietz Elkhorn traffic
 - IH 10 West Project – under construction
 - FM 3351 Project - Final stages of study phase



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Dietz Elkhorn Corridor Study Stakeholder Involvement

- Identify key stakeholders
- Conduct public meeting for citizen input
- Survey citizens for input
- Information sharing via website and council meetings





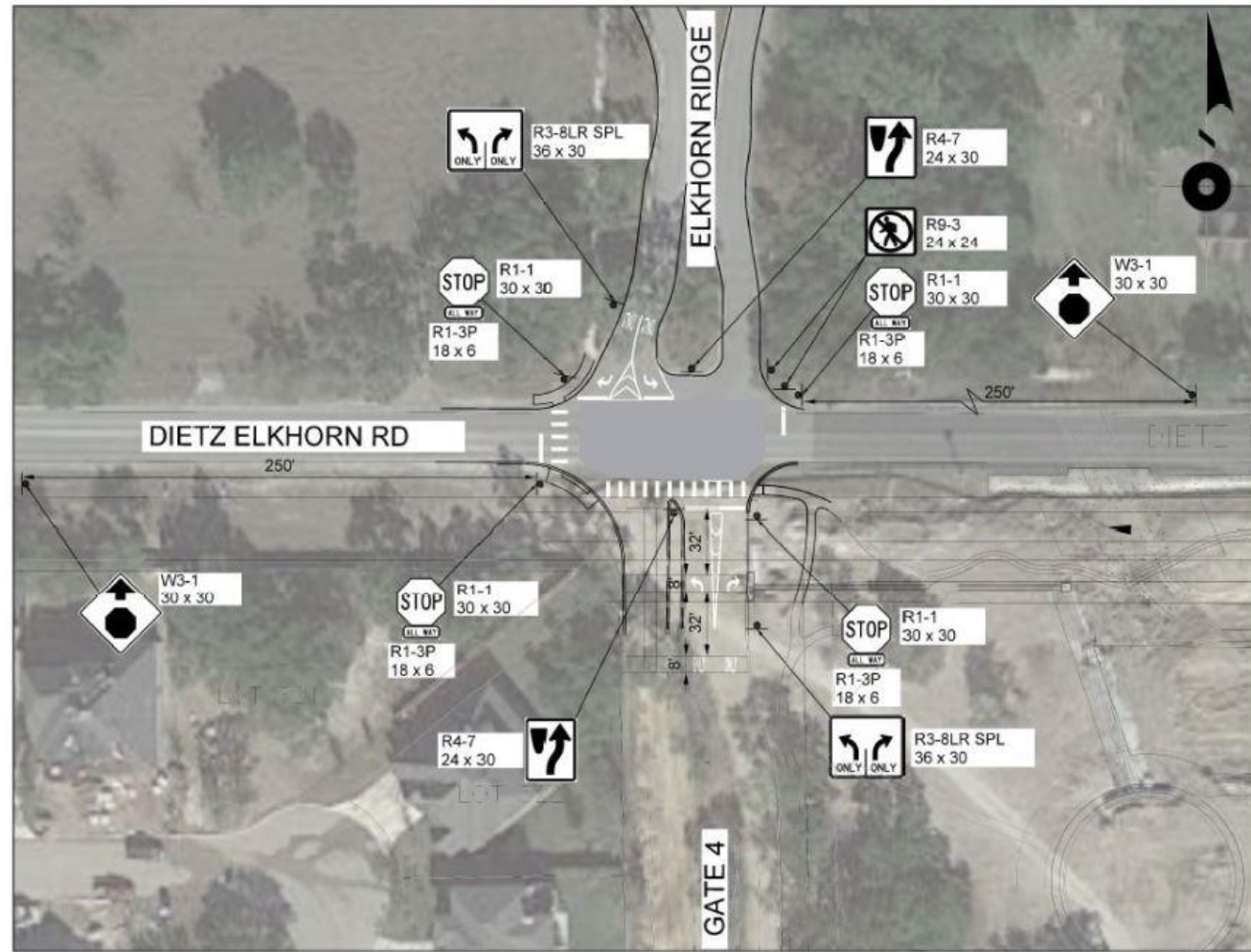
Dietz Elkhorn and Elkhorn Ridge/Front Gate

- Recent site photo shows Front Gate Rd. under construction





Plan Dietz Elkhorn and Elkhorn Ridge/Front Gate





Legacy Engineering Group, P.L.L.C.
34013 Huebner Rd, Building 1.5, San Antonio, Texas 78230, 210.493.3700
TSPC Firm Registration No. 20623

CITY OF FAIR OAKS RANCH

DIETZ ELKHORN & ELKHORN RIDGE

PROPOSED INTERSECTION
GEOMETRICS, SIGNING, & STRIPING

Proposed change at Dietz
Elkhorn and Elkhorn
Ridge/Front Gate



Next Steps

Request to City Council: Proceed with Corridor Study



LEGACY
ENGINEERING GROUP

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QUESTIONS?

MICHAEL GARZA, PE, PTOE - LEGACY ENGINEERING GROUP
GENERAL ENGINEERING CONSULTANT



LEGACY
ENGINEERING GROUP



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 17, 2020

AGENDA TOPIC: Consideration and possible action approving the first reading of an Ordinance amending the Fair Oaks Ranch Code of Ordinances Chapter 3 Article 3.16.04 Membership of Board

DATE: September 17, 2020

DEPARTMENT: City Council

PRESENTED BY: Laura Koerner, Council Member

INTRODUCTION/BACKGROUND:

At the June 4, 2020 City Council Meeting, the Mayor created a Boards and Commissions Subcommittee to review and make recommendations regarding the city's process of appointing/reappointing members of the City's Boards and Commissions. The subcommittee was tasked with working with City Staff to implement a consistent formal process that includes among other things:

- Standardized appointment process
- Standardized term start corresponding with fiscal year
- Staggered terms
- Possible standard term limits

While the MDD and the Zoning Board of Adjustment have statutory requirements of two year terms it was determined that there are benefits to standardizing the other boards and commissions to match the Planning and Zoning Commissions' 3 year staggered terms. All terms will coincide with the start of the fiscal year.

At the September 3, 2020 City Council Meeting, Council Member Koerner's recommendations included amending the Board of Appeals and Capital Improvements Advisory Committee Ordinances to include 3 year staggered terms.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

- Consistency between various boards and commissions
- Staggered terms minimizes disruption to committees while maintaining knowledge and experience base

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

Approved as to form.

RECOMMENDATION/PROPOSED MOTION:

I move to approve the first reading of an Ordinance amending the Fair Oaks Ranch Code of Ordinances Chapter 3 Article 3.16.04 Membership of Board

AN ORDINANCE

OF THE CITY OF FAIR OAKS RANCH AMENDING THE FAIR OAKS RANCH CODE OF ORDINANCES CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.16 BOARD OF APPEALS, SECTION 3.16.004 - MEMBERSHIP OF BOARD; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in November 2015 under Ordinance 2015-11, the Fair Oaks Ranch Board of Appeals was created to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretations of the International Building Code, International Residential Code, International Energy Code, International Mechanical Code, International Fuel Gas Code, International Fire Code, International Energy Conservation Code, International Plumbing Code and the National Electric Code; and,

WHEREAS, on June 4, 2020 a Council Subcommittee was created to evaluate the process of appointing/reappointing members to Boards and Commission as well as standardizing terms coinciding with each fiscal year and the possible staggering of terms; and,

WHEREAS, the Subcommittee determined that it would be in the best interest of the city to initiate standard, staggered terms for Boards and Commissions beginning October 1 of each fiscal year; and,

WHEREAS, on September 3, 2020 the City Council concurred with the subcommittee recommendation,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

- Part 1: The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.
- Part 2: That the City of Fair Oaks Ranch Code of Ordinances Chapter 3 Building Regulations, Article 3.16.004 Board of Appeals is hereby amended as set forth in the attached Exhibit A
- Part 3: The provisions of this ordinance are declared to be severable. If any section, subsection, sentence, clause, phrase, or portion of this ordinance shall for any reason be found to be held invalid or unconstitutional by any court of competent jurisdiction, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in effect; it being the legislative intent that this ordinance shall remain in effect notwithstanding the validity of any part.
- Part 4 All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.
- Part 5 This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

- Part 6 If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.
- Part 7 It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.
- Part 8 This Ordinance shall take effect October 1, 2020.

PASSED AND APPROVED on the first reading, this 17th day of September, 2020.

PASSED, APPROVED, AND ADOPTED on the second reading, this 24th day of September 2020.

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney

Exhibit A

Chapter 3 "Building Regulations"; Article 3.004 "Membership of board" is hereby amended as follows:

[Deletions shown as strikethrough and additions shown as underscore]

Sec. 3.16.004 Membership of board

(a) ~~The board of appeals shall consist of three persons appointed by the city council, by resolution, to serve at the will of the city council or until a successor has been appointed. The~~ Board shall consist of three (3) regular members and one alternate, each of whom shall be appointed by the City Council of the City by resolution. Each Board Member shall be a resident of the City of Fair Oaks Ranch.

(b) Each member of the Board shall be appointed for a three (3) year staggered term to begin on October 1 and end on September 30 of the third year. A Board Member may be appointed to a shorter term in order to create staggered terms, as necessary.

(c) A Board Member shall serve at the will of the City Council or until either reappointed or a successor is appointed.

~~(b)~~ (d) The building official shall be an ex officio member of said board but shall have no vote on any matter before the board.

(1) Alternate members. ~~The city council, by resolution, shall appoint one~~ alternate member ~~who~~ shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. The alternate member shall possess the qualifications required for board membership. ~~and shall serve at the will of the city council or until a successor has been appointed.~~

(2) Qualifications. The board shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

(3) Rules and procedures. The board is authorized to establish policies and procedures necessary to carry out its duties.

(4) Chairperson. The board shall select one of its members to serve as chairperson. The chairperson shall serve at the will of the board.

(5) Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

(6) Secretary. A building codes administrative employee shall be designated as the board of appeals secretary. The secretary shall file a detailed record of all proceedings in the office of the city secretary.



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

September 17, 2020

AGENDA TOPIC: Consideration and possible action approving the first reading of an Ordinance amending the City's Code Of Ordinances, Chapter 13, 'Utilities', Article 13.08 Water and Wastewater Impact Fees, Division 1, Section 13.08.004 "Definitions" and Section 13.08.018 "Functions of Advisory Committee" – 120 "Exemption from Ordinance"

DATE: September 17, 2020

DEPARTMENT: City Council

PRESENTED BY: Laura Koerner, Council Member

INTRODUCTION/BACKGROUND:

At the June 4, 2020 City Council Meeting, the Mayor created a Boards and Commissions Subcommittee to review and make recommendations regarding the city's process of appointing/reappointing members of the City's Boards and Commissions. The subcommittee was tasked with working with City Staff to implement a consistent formal process that includes among other things:

- Standardized appointment process
- Standardized term start corresponding with fiscal year
- Staggered terms
- Possible standard term limits

While the MDD and the Zoning Board of Adjustment have statutory requirements of two year terms it was determined that there are benefits to standardizing the other boards and commissions to match the Planning and Zoning Commissions' 3 year staggered terms. All terms will coincide with the start of the fiscal year.

At the September 3, 2020 City Council Meeting, Council Member Koerner's recommendations included amending the Board of Appeals and Capital Improvements Advisory Committee Ordinances to include 3 year staggered terms.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

- Consistency between various boards and commissions
- Staggered terms minimizes disruption to committees while maintaining knowledge and experience base

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

Approved as to form.

RECOMMENDATION/PROPOSED MOTION:

I move to approve the the first reading of an Ordinance amending the City's Code Of Ordinances, Chapter 13, 'Utilities", Article 13.08 Water and Wastewater Impact Fees, Division 1, Section 13.08.004 "Definitions" and Section 13.08.018 "Functions of Advisory Committee" – 120 "Exemption from Ordinance".

AN ORDINANCE

OF THE CITY OF FAIR OAKS RANCH AMENDING THE CITY OF FAIR OAKS RANCH CODE OF ORDINANCES CHAPTER 13 "UTILITIES", ARTICLE 13.08 WATER AND WASTEWATER IMPACT FEES, DIVISION 1, SECTION 13.08.004 "DEFINITIONS" AND SECTION 13.08.018 "FUNCTIONS OF ADVISORY COMMITTEE", 13.08.019 "RELIEF PROCEDURES" AND 13.08.20 "EXEMPTION FROM ORDINANCE"; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on January 15, 2004 Council amended Ordinance 131.0 and Ordinance 134.0 to create one Ordinance to establish Impact Fees for Wastewater and Water Utilities; and

WHEREAS, Ordinance 145.0 addressed the advisory committee definition and functions; and

WHEREAS, on June 4, 2020 a Council Subcommittee was created to evaluate the process of appointing/reappointing members to Boards and Commission as well as standardizing terms coinciding with each fiscal year and the possible staggering of terms; and,

WHEREAS, the Subcommittee determined that it would be in the best interest of the city to initiate standard, staggered terms for Boards and Commissions beginning October 1 of each fiscal year; and,

WHEREAS, on September 3, 2020 the City Council concurred with the subcommittee recommendation,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

- Part 1: The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.
- Part 2: That the City of Fair Oaks Ranch Ordinance 145, "Article 1, "General Provisions"; Section 1.4 (5) "Definitions" and Section 1.18 "Functions of Advisory Committee" -1.20 "Exemption from Ordinance" is hereby amended as set forth in the attached Exhibit A
- Part 3: The provisions of this ordinance are declared to be severable. If any section, subsection, sentence, clause, phrase, or portion of this ordinance shall for any reason is found to be held invalid or unconstitutional by any court of competent jurisdiction, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in effect; it being the legislative intent that this ordinance shall remain in effect notwithstanding the validity of any part.
- Part 4 All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.
- Part 5 This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

- Part 6 If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.
- Part 7 It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.
- Part 8 This Ordinance shall take effect October 1, 2020.

PASSED AND APPROVED on the first reading, this 17th day of September, 2020.

PASSED, APPROVED, AND ADOPTED on the second reading, this 24th day of September 2020.

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney

Exhibit A

Chapter 13, "Utilities", Article 13.08 Water and Wastewater Impact Fees, Division 1, Section 13.08.004 "Definitions" and Section 13.08.018 "Functions of Advisory Committee", 13.08.019 "Relief Procedures", and 13.08.20 "Exemption from Ordinance" is hereby amended as follows:

[Deletions shown as strikethrough and additions shown as underscore]

Section 13.08.004 Definitions

- (1) ~~Impact Fee Capital Improvement Advisory Committee~~—(Advisory Committee) - Advisory committee, appointed by the City Council, consisting of at least five members which are not employees of the City, not less than 40 percent of which shall be representatives of the real estate, development, or building industries, which is appointed to regularly review and update the Capital Improvements Program in accordance with the requirements of Texas Local Government Code Chapter 395, and its successors.

Section 13.08.018 Membership of Advisory Committee

- (1) The Advisory Committee shall consist of at least five members which are not employees of the City, not less than 40 percent of which shall be representatives of the real estate, development, or building industries, each of whom shall be appointed by the City Council of the City by Resolution. Each Committee Member shall be a resident of the City of Fair Oaks Ranch.
- (2) Each member of the Committee shall be appointed for a three (3) year staggered term to begin on October 1 and end on September 30 of the third year. A Committee Member may be appointed to a shorter term in order to create staggered terms, as necessary
- (3) A Committee Member shall serve at the will of the City Council or until either reappointed or a successor is appointed.

Section ~~13.08.018~~ 13.08.019 Functions of Advisory Committee

- A. The functions of the Advisory Committee are those set forth in Texas Local Government Code Chapter 395, or any successor statute, and shall include the following:
 1. Advise and assist the City in adopting Land Use Assumptions Plan;

2. Review the Capital Improvements Plan regarding water and wastewater capital improvements and file written comments thereon;
 3. Monitor and evaluate implementation of the Capital Improvements Program;
 4. Advise the City of the need to update or revise the Land Use Assumptions Plan, Capital Improvements Program, and Impact Fees; and
 5. File a semiannual report evaluating the progress of the City in achieving the Capital Improvements Plans and identifying any problems in implementing the plans or administering the Impact Fees.
- B. The City shall make available to the Advisory Committee any professional reports prepared in the development or implementation of the Capital Improvements Plan.
- C. The Council shall adopt procedural rules for the committee to follow in carrying out its duties.

Section ~~13.08.019~~ 13.08.020 Relief Procedures

- A. The Council may grant a variance or waiver from any requirement of this ordinance, upon written request by a developer or owner of property subject to the ordinance, following a public hearing, and only upon finding that a strict application of such requirement would, when regarded as a whole, result in confiscation of the property.
- B. If the Council grants a variance or waiver to the amount of the Impact Fees due for a new development under this Section, it shall cause to be appropriated from other City funds the amount of the reduction in the Impact Fees to the account in which the fees would have been deposited.

Section ~~13.08.020~~ 13.08.021 Exemption from Ordinance

No exemptions will be granted from payment of applicable water and wastewater Impact Fees, except as provided for in Section 1.19.



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

September 17, 2020

AGENDA TOPIC: Consideration and possible action approving a Resolution to appoint members to fill places on the City of Fair Oaks Ranch Board of Appeals.

DATE: September 17, 2020

DEPARTMENT: City Secretary

PRESENTED BY: Laura Koerner, Council Member

INTRODUCTION/BACKGROUND:

At the June 4, 2020 City Council Meeting, the Mayor created a Boards and Commissions Subcommittee to review and make recommendations regarding the city's process of appointing/reappointing members of the City's Boards and Commissions.

At the September 3, 2020 City Council Meeting, the City Council approved the subcommittee's recommendations for the Board of Appeals, as follows:

- Submit to reappoint all incumbents (4), all of which applied for reappointment by the July 17th deadline. Create staggered terms, the incumbents will be reappointed to 1-year, 2-year, or 3-year terms, selected at random, with terms starting October 1st, 2020. Any future reappointments will be to the full 3-year term.

The resolution for consideration and possible action follows the September 3rd recommendations.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. It will allow more citizens who have interest in community service to become involved providing fresh perspective to established committees.
2. Standardized Appointment Process
3. Standardized Term Start Corresponding to Fiscal Year
4. Staggered terms minimizes disruption to committees while maintaining knowledge and experience base

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

Approved as to form.

RECOMMENDATION/PROPOSED MOTION:

I move to approve a resolution appointing members to fill places on the City of Fair Oaks Ranch Board of Appeals.

A RESOLUTION

A RESOLUTION OF THE CITY OF FAIR OAKS RANCH APPOINTING MEMBERS TO FILL PLACES ON THE CITY OF FAIR OAKS RANCH BOARD OF APPEALS

WHEREAS, on November 19, 2015, under Ordinance 2015-11, the Fair Oaks Ranch City Council established the City of Fair Oaks Ranch Board of Appeals to hear and resolve appeals from the determinations of the building official for the city; providing for the appointments of its members by City Council, by Resolution;

WHEREAS, the City Council desires to create staggered terms consistent with other City Boards and Commissions; and,

WHEREAS, after receiving applications of interest from all incumbents; and,

WHEREAS, the City Council deems it necessary to appoint all members to staggered terms on the Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS that the following qualified citizen volunteers are appointed to serve on the City of Fair Oaks Ranch Board of Appeals, effective 10/1/2020:

Place 1	Darrel White	Term: 10/1/2020 - 9/30/2021
Place 2	Jenks Boston	Term: 10/1/2020 - 9/30/2022
Place 3	Walter Wong	Term: 10/1/2020 - 9/30/2023
Alternate	Earl Hamilton	Term: 10/1/2020 - 9/30/2023

PASSED, APPROVED and ADOPTED this 17th day of September, 2020.

Garry Manitzas, Mayor

ATTEST:

Christina Picioccio, City Secretary

Denton Navarro Rocha Bernal & Zech, P.C., City Attorney



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

September 17, 2020

AGENDA TOPIC: Consideration and possible action approving a resolution to appoint members to fill places on the City of Fair Oaks Ranch Capital Improvement Advisory Committee.

DATE: September 17, 2020

DEPARTMENT: City Secretary

PRESENTED BY: Laura Koerner, Council Member

INTRODUCTION/BACKGROUND:

At the June 4, 2020 City Council Meeting, the Mayor created a Boards and Commissions Subcommittee to review and make recommendations regarding the city's process of appointing/reappointing members of the City's Boards and Commissions.

At the September 3, 2020 City Council Meeting, the City Council approved the subcommittee's recommendations for the Capital Improvement Advisory Committee appointments, as follows:

- Conduct interviews for the 3 open positions the week of September 7-11th. Six citizens applied for the three open positions. If the ordinance amendment is approved, the applicants selected will be appointed to 3-year terms, starting October 1st, 2020.
- Submit for reappoint all incumbents (5) who applied for reappointment by the July 17th deadline. If the ordinance amendment is approved, to create staggered terms, the incumbents will be reappointed to 1-year, 2-year, or 3-year terms, selected at random, with terms starting October 1st, 2020. Any future reappointments will be to the full 3-year term.

Interviews were conducted for CIAC applicants on September 10th, 2020. The resolution for consideration and possible action is consistent with the September 3rd recommendations, but also allows for one more member to be appointed to make an odd number of voting members. Discussion and selection from interviewed candidates is expected.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. It will allow more citizens who have interest in community service to become involved providing fresh perspective to established committees.
2. Standardized Appointment Process
3. Standardized Term Start Corresponding to Fiscal Year
4. Consistency between various boards and commissions
5. Staggered terms minimize disruption to committees while maintaining knowledge and experience base

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

Approved as to form.

RECOMMENDATION/PROPOSED MOTION:

I move to approve a resolution appointing members to fill places on the City of Fair Oaks Ranch Capital Improvement Advisory Committee.

A RESOLUTION

A RESOLUTION OF THE CITY OF FAIR OAKS RANCH APPOINTING MEMBERS TO FILL PLACES ON THE CITY OF FAIR OAKS RANCH CAPITAL IMPROVEMENT ADVISORY COMMITTEE

WHEREAS, under Ordinance No. 145.0, the Fair Oaks Ranch City Council established the City of Fair Oaks Ranch Impact Fee Advisory Committee; providing for the appointments of its members by City Council, by Resolution;

WHEREAS, in pursuant to Local Government Code 395.058(a), the City Council of the City of Fair Oaks Ranch resolved (Res 82.5) on February 16, 2006 to rename the Impact Fee Advisory Committee to Capital Improvements Advisory Committee; and

WHEREAS, the Committee serves in an advisory capacity and is established to follow the duties and functions set forth in Texas Local Government Code 395.058(c) and City of Fair Oaks Ranch Ordinance No. 145.0; and

WHEREAS, the City Council desires to create staggered terms consistent with other City Boards and Commissions; and,

WHEREAS, two members indicated they no longer desired to serve on the Capital Improvements Advisory Committee; and,

WHEREAS, after receiving applications of interest and conducting interviews on September 10, 2020; and,

WHEREAS, the City Council deems it necessary to appoint all members to staggered terms on the Capital Improvement Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS that the following qualified citizen volunteers are appointed to serve on the City of Fair Oaks Ranch Capital Improvement Advisory Committee, effective 10/1/2020:

Place 1	John Merritt (Building)	Term: 10/1/2020 - 9/30/2021
Place 2	Fran Driskell (Real Estate)	Term: 10/1/2020 - 9/30/2021
Place 3	Harold Manning (Development)	Term: 10/1/2020 - 9/30/2021
Place 4	Dana Green (Development)	Term: 10/1/2020 - 9/30/2022
Place 5	Paul Mebane	Term: 10/1/2020 - 9/30/2022
Place 6	_____	Term: 10/1/2020 - 9/30/2022
Place 7	_____	Term: 10/1/2020 - 9/30/2023
Place 8	_____	Term: 10/1/2020 - 9/30/2023
Place 9	_____	Term: 10/1/2020 - 9/30/2023

PASSED, APPROVED and ADOPTED this 17th day of September, 2020.

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

Denton Navarro Rocha Bernal & Zech, P.C., City
Attorney



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

September 17, 2020

AGENDA TOPIC: Consideration and possible action approving a resolution to appoint directors to fill Places 1, 2, 4, 5, 6, and 7 on the City of Fair Oaks Ranch Municipal Development District Board of Directors.

DATE: September 17, 2020

DEPARTMENT: City Secretary

PRESENTED BY: Laura Koerner, Council Member

INTRODUCTION/BACKGROUND:

At the June 4, 2020 City Council Meeting, the Mayor created a Boards and Commissions Subcommittee to review and make recommendations regarding the city's process of appointing/reappointing members of the City's Boards and Commissions.

At the September 3, 2020 City Council Meeting, the City Council approved the subcommittee's recommendations for the Municipal Development District Board, as follows:

- o Amend the Ordinance to add a term length of 3 years, staggered terms, and terms starting on October 1st. (separate agenda item)
- o Conduct interviews for the 3 open positions the week of September 7-11th. Six citizens applied for the three open positions. If the ordinance amendment is approved, the applicants selected will be appointed to 3-year terms, starting October 1st, 2020.
- o Submit for reappoint all incumbents (5) who applied for reappointment by the July 17th deadline. If the ordinance amendment is approved, to create staggered terms, the incumbents will be reappointed to 1-year, 2-year, or 3-year terms, selected at random, with terms starting October 1st, 2020. Any future reappointments will be to the full 3-year term.

Interviews were conducted for MDD Board applicants on September 9 and 10, 2020. The resolution for consideration and possible action follows the September 3rd recommendations. Discussion and selection from interviewed candidates is expected.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. It will allow more citizens who have interest in community service to become involved providing fresh perspective to established committees.
2. Standardized Appointment Process
3. Standardized Term Start Corresponding to Fiscal Year

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

Approved as to form.

RECOMMENDATION/PROPOSED MOTION:

I move to approve a resolution appointing directors to fill Places 1, 2, 4, 5, 6, and 7 on the City of Fair Oaks Ranch Municipal Development District Board of Directors.

A RESOLUTION

A RESOLUTION OF THE CITY OF FAIR OAKS RANCH APPOINTING DIRECTORS TO FILL PLACES 1, 2, 4, 5, 6, AND 7 ON THE CITY OF FAIR OAKS RANCH MUNICIPAL DEVELOPMENT DISTRICT BOARD OF DIRECTORS

WHEREAS, as authorized by Texas Local Government Code §377.021, and, upon the favorable results of the May 7, 2011 City of Fair Oaks Ranch election, the Fair Oaks Ranch Municipal Development District was created and the imposition of a sales and use tax of one-half of one-percent in the district's boundaries was approved; and,

WHEREAS, on August 8, 2011, the City Council of the City of Fair Oaks Ranch adopted Ordinance 2011-08 creating the District's Board of Directors and providing for the appointments of its Directors by City Council, by Resolution; and,

WHEREAS, Places 1 (Council), 2 (Council), 5, 6, and 7 terms on the MDD Board of Directors have expired; and,

WHEREAS, Place 4 term on the MDD Board of Directors is vacant; and,

WHEREAS, after receiving applications of interest and conducting interviews on September 9 and 10, 2020; and,

WHEREAS, the City Council deems it necessary to appoint members to fill Places 1 (Council), 2 (Council), 4, 5, 6, and 7 expired or vacant terms on the Board of Directors.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS that the following qualified City Council members and citizen volunteers are appointed to serve on the City of Fair Oaks Ranch Municipal Development District Board of Directors, effective 10/1/2020:

Place 1 (Council)	Roy Elizondo	Term: 10/1/2020 - 9/30/2022
Place 2 (Council)	Laura Koerner	Term: 10/1/2020 - 9/30/2022
Place 4	_____	Term: 10/1/2020 - 9/30/2022
Place 5	_____	Term: 10/1/2020 - 9/30/2022
Place 6	Brad Dutton	Term: 10/1/2020 - 9/30/2022
Place 7	Al McDavid	Term: 10/1/2020 - 9/30/2022

PASSED, APPROVED and ADOPTED this 17th day of September, 2020.

Garry Manitzas, Mayor

ATTEST:

Christina Picioccio, City Secretary

Denton Navarro Rocha Bernal & Zech, P.C., City Attorney



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 17, 2020

AGENDA TOPIC: Consideration and possible action approving a resolution to appoint members to fill Places 5, 6, and 7 on the Fair Oaks Ranch Planning & Zoning Commission

DATE: September 17, 2020

DEPARTMENT: City Secretary

PRESENTED BY: Laura Koerner, Council Member

INTRODUCTION/BACKGROUND:

At the June 4, 2020 City Council Meeting, the Mayor created a Boards and Commissions Subcommittee to review and make recommendations regarding the city's process of appointing/reappointing members of the City's Boards and Commissions.

At the September 3, 2020 City Council Meeting, the City Council approved the subcommittee's recommendations for the Planning & Zoning Commission, as follows:

- There was one opening posted and one applicant received. After reviewing that application, the subcommittee recommends no interview and to submit the one applicant for appointment to a 3-year term, starting October 1st, 2020.
- Submit for reappointment all incumbents (2) with expired terms, who applied for reappointment by the July 17th deadline. Those two incumbents will be reappointed for the full 3-year term, starting on October 1st. Four incumbents have unexpired terms and do not need to be reappointed.

The resolution for consideration and possible action follows the September 3rd recommendations.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. It will allow more citizens who have interest in community service to become involved providing fresh perspective to established committees.
2. Standardized Appointment Process
3. Standardized Term Start Corresponding to Fiscal Year

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

Approves as to form.

RECOMMENDATION/PROPOSED MOTION:

I move to approve a resolution appointing members to fill Places 5, 6, and 7 on the Fair Oaks Ranch Planning & Zoning Commission

A RESOLUTION

A RESOLUTION OF THE CITY OF FAIR OAKS RANCH APPOINTING MEMBERS TO FILL PLACES 5, 6, AND 7 ON THE FAIR OAKS RANCH PLANNING AND ZONING COMMISSION

WHEREAS, on March 5, 2018, under Ordinance 2018-03, the Fair Oaks Ranch City Council established the City of Fair Oaks Ranch Planning and Zoning Commission, an advisory commission; and,

WHEREAS, municipal regulatory authority regarding municipal zoning, including the requirement of appointing members to a Zoning Commission, is found in the Texas Local Government Code, Chapter 211; and,

WHEREAS, Section 3.04 of the City Charter provides the Mayor shall appoint, upon nomination by majority vote of the City Council, the members of Planning and Zoning Commission; and,

WHEREAS, after receiving applications of interest; and,

WHEREAS, the City Council deems it necessary to appoint members to fill Places 5, 6, and 7 expired terms on the Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS that the following qualified citizen volunteers are appointed to serve on the City of Fair Oaks Ranch Planning and Zoning Commission, effective 10/1/2020:

Place 5	Douglas Leonard	Term: 10/1/2020 - 9/30/2023
Place 6	Dale Pearson	Term: 10/1/2020 - 9/30/2023
Place 7	Lamberto Balli	Term: 10/1/2020 - 9/30/2023

PASSED and APPROVED this 17th September, 2020.

Garry Manitzas, Mayor

ATTEST:

Christina Picioccio, City Secretary

Denton Navarro Rocha Bernal & Zech, P.C., City Attorney



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

September 17, 2020

AGENDA TOPIC: Consideration and possible action approving a resolution to appoint a member to fill a vacancy on the City of Fair Oaks Ranch Zoning Board of Adjustment

DATE: September 17, 2020

DEPARTMENT: City Secretary

PRESENTED BY: Laura Koerner, Council Member

INTRODUCTION/BACKGROUND:

At the June 4, 2020 City Council Meeting, the Mayor created a Boards and Commissions Subcommittee to review and make recommendations regarding the city's process of appointing/reappointing members of the City's Boards and Commissions.

At the September 3, 2020 City Council Meeting, the City Council approved the subcommittee's recommendations for the Zoning Board of Adjustment, as follows:

- There are no unexpired terms on the ZBOA, but there is one vacancy. One applicant was received for this vacancy but is being considered for the Planning & Zoning Commission.
- Submit one alternate for appointment to the vacant board position, no change to term dates. One alternate indicated interest in being moved up to fill the vacancy.
- Post the vacant alternate position on the City website for the next cycle or for potential off-cycle appointment if an applicant is received.

The resolution for consideration and possible action follows the September 3rd recommendations.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. It will allow more citizens who have interest in community service to become involved providing fresh perspective to established committees.
2. Standardized Appointment Process
3. Standardized Term Start Corresponding to Fiscal Year

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

Approved as to form.

RECOMMENDATION/PROPOSED MOTION:

I move to approve a resolution appointing a member to fill a vacancy on the City of Fair Oaks Ranch Zoning Board of Adjustment.

A RESOLUTION

A RESOLUTION OF THE CITY OF FAIR OAKS RANCH APPOINTING A MEMBER TO FILL A VACANCY ON THE CITY OF FAIR OAKS RANCH ZONING BOARD OF ADJUSTMENT

WHEREAS, on June 21, 2018, under Ordinance 2018-05, the City Council of the City of Fair Oaks Ranch amended the city's Code of Ordinances, Chapter 14 by adopting zoning districts and zoning regulations in the City of Fair Oaks Ranch; and,

WHEREAS, Chapter 14, Section 14.01.004, entitled, "Zoning Board of Adjustment", provides for the structure, procedure, and duties of a Zoning Board of Adjustment ("the Board"); and,

WHEREAS, Richard Morris, a regular member of the Board, resigned; and,

WHEREAS, Craig Matson, an alternate member of the Board, indicated interest in serving as a regular member; and,

WHEREAS, the City Council deems it necessary to fill the vacant unexpired regular term on the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS that the following qualified citizen volunteer is appointed to serve as a regular member on the City of Fair Oaks Ranch Zoning Board of Adjustment, effective 10/1/2020:

Regular Member Craig Matson

Term: 10/1/2020 - 9/30/2021

PASSED and APPROVED this 17th day of September, 2020.

Garry Manitzas, Mayor

ATTEST:

Christina Picioccio, City Secretary

Denton Navarro Rocha Bernal & Zech, P.C., City Attorney



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
September 17, 2020

AGENDA TOPIC: Consideration and possible action approving a Memorandum of Understanding (MOU) with the Fair Oaks Ranch Homeowners Association (FORHA) regarding law enforcement services on FORHA property.

DATE: September 17, 2020

DEPARTMENT: Administration

PRESENTED BY: Tobin E. Maples, AICP, City Manager

INTRODUCTION/BACKGROUND:

Earlier this year, FORHA approached the City with a request to develop an agreement to address the interest of its members relative to law enforcement services on FORHA property. The attached MOU was developed to address FORHA's request.

By way of background, the authority to enforce and investigate violation of laws in general is inherent. Accordingly, this MOU is not necessary for the City's police department to exercise their duty and obligation to respond to a call for service or investigate suspicious activity within the City.

To be clear, the purpose of this MOU is to address the interest of FORHA and its members. The City's police department is not responsible for enforcing any FORHA rules and regulations under this MOU. Further, the police department will not police "who" is utilizing FORHA property, unless in response to a call and/or investigating suspicious activity pursuant to the law. In other words, the MOU does not stipulate that the Fair Oaks Ranch Police Department serve as the de facto FORHA security detail.

Recognizing the above, the City Manager and Chief of Police do not have any great issues with recommending approval of the MOU as presented.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Address the interest of FORHA and its members.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

None

LEGAL ANALYSIS:

City Attorney has approved as to form.

FORHA Board of Directors approved the MOU at their September 8, 2020 regular business meeting.

RECOMMENDATION/PROPOSED MOTION:

I move to approve a Memorandum of Understanding (MOU) with the Fair Oaks Ranch Homeowners Association (FORHA) regarding law enforcement services on FORHA property.

**MEMORANDUM OF UNDERSTANDING BETWEEN THE FAIR OAKS RANCH
HOMEOWNERS ASSOCIATION (FORHA) AND THE CITY OF FAIR OAKS RANCH (CITY)
REGARDING LAW ENFORCEMENT SERVICES ON FORHA PROPERTY**

THE STATE OF TEXAS §
COUNTIES OF BEXAR, COMAL, AND KENDALL §

This Understanding is entered into between The City of Fair Oaks Ranch, Texas (the “City”), acting by and through its governing body, and The Fair Oaks Homeowners Association, Inc., (“FORHA”), acting by and through its governing body.

RECITALS

To protect the interest of its members, FORHA desires to allow the CITY to provide law enforcement services on property owned by FORHA, which includes, responding to calls for service and investigating suspicious activity. It is not the intent of this understanding for the CITY to serve as the de facto security detail for FORHA. The CITY will not enforce any FORHA rules and regulations or police who is on FORHA property, unless the CITY is responding to a call for service.

To protect the interest of its police officers, CITY does not waive any rights to promulgate policies, procedures, rules, directives, and orders for the lawful administration of police powers.

NOW, THEREFORE, the CITY and FORHA in consideration of the mutual covenants and agreements do mutually agree as follows:

SERVICES

FORHA authorizes the City police officers to enter onto any property owned and controlled by FORHA in order to respond to calls for service and investigate suspicious activity. CITY will retain control and supervision over its police officers at all times while on FORHA property and does not waive any rights regarding the lawful administration of police powers within its jurisdiction. A police officer of the CITY responding to a call for service or investigating suspicious activity shall maintain complete discretion in the manner and means by which they conduct police activity on FORHA properties, as they would in any other non-FORHA properties within Fair Oaks Ranch. Nothing herein may be read to imply that any right to limit lawful discretionary police activity on FORHA property exists. Nothing herein can be read to imply that the police have permission to put up any form of surveillance cameras, without first obtaining written permission for the Board of Directors of FORHA or pursuant to a lawful order of a court of competent jurisdiction.

Any oral or written representations or modifications concerning this Understanding shall be of no force and effect excepting a subsequent modification in writing by both parties.

The CITY and FORHA can terminate this Understanding at any time by sending written notice to the other party. Any such termination will not alter or limit the right, duty and obligation of the police officers of the CITY from responding to a call for service or investigating suspicious activity in the manner and by the same means as they would in any other non-FORHA properties within Fair Oaks Ranch.

APPROVED:

President of Fair Oaks Homeowners Association, Inc.

Date

Mayor, City of Fair Oaks Ranch, Texas

Date



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH

September 17, 2020

AGENDA TOPIC: Consideration and possible action to authorize the City Manager to sign a Grant Award Agreement between the Fair Oaks Ranch Municipal Development District (MDD) and the City of Fair Oaks Ranch for development of a civic center for an amount not to exceed \$600,000 as described in the terms and conditions of the Grant Award Agreement.

DATE: September 17, 2020

DEPARTMENT: Administration

PRESENTED BY: Tobin E. Maples, AICP, City Manager

INTRODUCTION/BACKGROUND:

At its regular business meeting on July 2, 2020, the City Council authorized the submission of a funding application to the MDD for construction of a civic center. The City Manager formally submitted the application to the MDD on July 15, 2020.

At its regular meeting on July 15, 2020, the MDD formed a subcommittee to perform the initial evaluation of the City's grant application. At a meeting on August 19, 2020, the subcommittee reported that the civic center project:

- Complied with statute and the MDD Project Category List
- Fit the MDD goals and objectives
- Was assessed as having low levels of risk for project execution and sustainable operations
- Would provide benefits to the community

Based on those findings, the MDD Board authorized the President and Treasurer to negotiate a grant award agreement with the City. The Grant Award Agreement now presented is the result of that effort.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

The use of MDD funds to reimburse the City for cost associated with the construction of a civic center represents the use of sales tax proceeds to develop an asset that should provide enduring value to the citizens of Fair Oaks Ranch.

The remittance of the Grant Award Payment by the MDD to the City will be governed by the terms and conditions of this agreement.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

The City will utilize General Fund Reserves to fund the construction of the civic as programmed in the adopted budget. Acceptance of the grant award ensures the City's General Fund Reserve will be reimbursed and made whole upon completion of the project.

LEGAL ANALYSIS:

The proposed project is an authorized project pursuant to Local Government Code Chapter 377. The Grant Award Agreement was prepared with assistance of the City Attorney.

RECOMMENDATION/PROPOSED MOTION:

I move to authorize the City Manager to sign a Grant Award Agreement between the Fair Oaks Ranch MDD and the City of Fair Oaks Ranch for development of a civic center for an amount not to exceed \$600,000 as described in the terms and conditions of the Grant Award Agreement.

**CHAPTER 377 PROJECT FUNDING AGREEMENT
ECONOMIC DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF FAIR OAKS RANCH, TEXAS AND
THE FAIR OAKS RANCH MUNICIPAL DEVELOPMENT DISTRICT**

This Chapter 377 Project Funding Agreement ("Agreement") is entered into between the City of Fair Oaks Ranch, Texas, a Texas home-rule municipal corporation, ("City") and the Fair Oaks Ranch Municipal Development District, a political subdivision of the State of Texas and City of Fair Oaks Ranch ("MDD"). The City and MDD may be referred to jointly herein as "the Parties" and individually as a "Party".

RECITALS

WHEREAS, in accordance with Chapter 377 of the Texas Local Government Code ("377"), the District may establish and provide for the administration of a program for making loans and grants of public money to promote state or local economic development, stimulate business and commercial activity, as well as recreational or community facilities in the District; and

WHEREAS, City desires to construct a Civic Center ("Facility") to add approximately 3,000 - 4,000 square feet of flexible, and highly functional meeting and event space built on property owned by the City to include public meeting space, conference rooms and a kitchen; and

WHEREAS, the exterior façade of the new civic center will be enhanced with building material repurposed from the existing building to ensure the unique hill country theme of the municipal campus is maintained; and

WHEREAS, the purpose of the project is to create a welcoming, flexible, gathering space for private and public events for community programs, private and public meetings, city staff, and resident use while minimizing cost relative to square footage; and

WHEREAS, upon the completion of the Facility and receipt of a certificate of occupancy, as contemplated by this Agreement, District agrees to reimburse the City up to SIX HUNDRED THOUSAND DOLLARS AND NO CENTS (\$600,000.00); and

WHEREAS, the Parties are executing and entering into this Agreement to set forth certain terms and obligations of the Parties with respect to such matters; and

WHEREAS, the Parties recognize that all agreements of the Parties hereto and all terms and provisions hereof are subject to the laws of the State of Texas and all rules, regulations and interpretations of any agency or subdivision thereof at any time governing the subject matters hereof; and

WHEREAS, the Parties agree that all conditions precedent for this Agreement to become a binding agreement have occurred and been complied with, including all requirements pursuant to the Texas Open Meetings Act and all public notices and hearings; if any, have been conducted in accordance with Texas law; and

WHEREAS, on the Effective Date, the commitments contained in this Agreement shall become legally binding obligations of the Parties.

NOW, THEREFORE, in consideration of the mutual covenants, benefits and agreements described and contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and further described herein, the Parties agree as follows:

ARTICLE I RECITALS

1. Recitals. The recitals set forth above are declared true and correct by the Parties and are hereby incorporated as part of this Agreement.

ARTICLE II AUTHORITY AND TERM

1. Authority.

- (a) The MDD's execution of this Agreement is authorized by Chapter 377 of the Texas Local Government Code and constitutes a valid and binding obligation of the MDD. The MDD acknowledges that City is acting in reliance upon the MDD's performance of its obligations under this Agreement in making the decision to commit substantial resources and money to the completion of the Facility, hereinafter established. The MDD's execution of this agreement is authorized by any necessary action of the governing bodies of the District and City.
- (b) The City's execution of this Agreement is authorized by any necessary action by the governing body of the City and constitutes a valid and binding obligation of the City.

2. Term.

This Agreement will become enforceable upon the Effective Date and will terminate on the first to occur of:

- (a) The expiration of the Grant Term;
- (b) Upon actual receipt by City of the MDD's payment of the Maximum Grant Amount; or
- (c) Upon termination as provided for herein, whichever occurs first (the "Term").

3. Purpose.

The purpose of this Agreement is to formalize the agreements between the City and the MDD for the grant of funds associated with the construction of the Facility. This Agreement specifically states the covenants, representations of the Parties, and the incentives associated with City's commitment to abide by the terms of this Agreement, which has been approved by the bodies governing the MDD and the City as required by state law. It is expressly agreed that this Agreement constitutes a single transaction. A failure to perform any obligation by City may constitute a breach of the entire Agreement and terminate any further commitments by the MDD unless an alternative penalty or remedy is provided for herein.

4. Administration of Agreement.

Upon the effective date, the MDD may designate, by Board action, the Treasurer and/or President to act as liaison and first point of contact for the City for purposes of this Agreement. Any proposed amendments to the Agreement shall still require the approval of the governing body of the MDD and City.

ARTICLE III

DEFINITIONS

As used in this Agreement, the following terms shall have the meanings ascribed below. All undefined terms shall retain their usual and customary meaning as ascribed by common and ordinary usage.

“Act of Default” or “Default” means failure to timely, fully, and materially comply with one or more requirements, obligations, duties, terms, conditions or warranties, as stated in this Agreement. MDD may accept substantial compliance in lieu of full compliance by written waiver of such Act of Default.

“Certificate of Occupancy” shall mean that final document issued by the City, entitled "Certificate of Occupancy ", indicating that all applicable codes, regulations, and ordinances enforced by the City have been unconditionally, fully, and completely complied with in all respects. A Certificate of Occupancy shall not include a certificate issued in error, mistake, or misrepresentation of facts, nor any temporary or conditional document authorizing temporary or conditional occupancy.

“City of Fair Oaks Ranch” or “City” means the governing municipal corporation that is legally authorized to control the area that is within the city limits of the City of Fair Oaks Ranch, and the area that is within the City and/or Comal, Kendall and Bexar County, Texas.

“Code” means the Fair Oaks Ranch Code of Ordinances in effect as of the Effective Date.

“Effective Date” means the Effective Date described in Article IX.

“Facility” means the planned Fair Oaks Ranch Civic Center that will add approximately 3,000 -

4,000 square feet of flexible, and highly functional meeting and event space to be built on property owned by the City and including public meeting space, conference rooms and a kitchen for the express purpose of creating a welcoming gathering space for private and public events using flexible space for community programs, private and public meetings, city staff, and resident use.

“Force Majeure” means an event beyond the reasonable control of a Party obligated to perform an act or take some action under this Agreement including, but not limited to, acts of God, earthquake, fire, explosion, war, civil insurrection, acts of the public enemy, act of civil or military authority, sabotage, terrorism, floods, lightning, hurricanes, tornadoes, severe snow storms or utility disruption, strikes, and lockouts.

“Grant Term” means the period beginning on the Effective Date and ending on the date of termination as provided for in this Agreement

“Improvements constructed on or installed within the Facility” shall mean only those improvements for which a Certificate of Occupancy has been issued by the City building official as required by the Code.

“Maximum Grant Amount” or *“Maximum Total Amount of Grant Payment”* means an amount not to exceed SIX HUNDRED THOUSAND DOLLARS AND NO CENTS (\$600,000.00.)

“Program” means the economic development program established by the MDD by Resolution, or Order, as authorized by Chapter 377, *Texas Local Government Code*, for making loans and grants of public money to promote state or local economic development, stimulate business and commercial activity, as well as recreational or community facilities within the District.

“Project” means City’s planned development, construction of the Facility.

“Property” means that parcel of land generally located at the City Hall Complex that served as the former location of the police department, and the vacant land adjacent thereto.

“Substantial Completion” generally means that point in time when the entity or person overseeing the construction of the Facility provides possession to the City, and as more specifically defined in the construction documents for the Facility

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ARTICLE IV FACILITY

Description of the Facility. Located in the Heart of the City of Fair Oaks Ranch, the Civic Center will add approximately 3,000 - 4,000 square feet of flexible, and highly functional meeting and event space. The center will be built on property owned by the City and will replace a time-worn existing City building and will include public meeting space, conference rooms and a kitchen. The exterior façade of the new civic center will be enhanced with building material repurposed from the existing building to ensure the unique hill country theme of the municipal campus is maintained.

The purpose of the project is to create a welcoming gathering space for private and public events.

The center will maximize flexible space for community programs, private and public meetings, city staff, and resident use while minimizing cost relative to square footage. Utilizing an alternative delivery method to leverage value engineering and design simultaneously with construction, the civic center will feature the following:

- A new building that helps create a community gathering space for residents.
- 3,000 – 4,000 square feet of flexible, highly functional space, inclusive of a Board room to better accommodate large capacity town hall meeting formats.
- Design elements that strengthen and celebrate Fair Oaks Ranch’s Hill County
- aesthetic.
- A seamless transition between city hall complex buildings and maximized greenspace.
- Kitchen facility to enhance catering needs for events and meetings.
- Outdoor seating areas

Project Objectives, Community Benefits, and Desired Outcomes

The City of Fair Oaks Ranch Civic Center will help address the growing demand for community and meeting space by local organizations and the City. Groups such as HOA’s, FORHA, local businesses, or civic organizations consistently reach out to utilize City Hall, but the City currently lacks capacity. Further, the City is unable to accommodate larger town hall type meetings when conducting city business and must rent outside facilities. Many groups choose to host meetings outside the City or join organizations within other communities that offer appropriate space. Over the past decade, the City has seen an exponential increase in the number of families seeking to enjoy civic groups close to home rather than travel to neighboring Boerne or San Antonio. Likewise, other meeting spaces for local boards and organizations are expensive.

The City of Fair Oaks Ranch has always been known as a community that cares about its residents and organizations, the desire is for the Civic Center to foster this spirit of participation within new and existing organizations. With increased availability of gathering spaces, the Civic Center will be a source of community engagement and offer an opportunity for creation of new community groups, or expansion of existing groups. The additional capacity provided by the new civic center will support the City’s goal of enhancing community engagement.

Bringing together the City’s services and public spaces, the Civic Center will create a balance between meeting the community’s service needs at one location and providing a space for civic pride and engagement. The overall objective being a facility that provides a functional and attractive public space for Fair Oaks Ranch residents to host their own meetings and events while simultaneously addressing the City’s administrative and public meeting needs.

ARTICLE V CITY’S OBLIGATIONS

1. Required Reporting

Quarterly Progress Reports. Beginning on the effective date, City shall deliver to MDD a report at each MDD Quarterly Meeting (unless such meeting is cancelled) until completion of the Facility and payment of the Grant. Each Quarterly Progress Report may include, but not necessarily be limited to, the following elements:

- a. construction schedule

- b. scope of work changes
- c. contract amendments
- d. risk and mitigations

2. Default.

a. Construction. Failure to complete the construction of the Facility within ONE THOUSAND NINETY-FIVE DAYS (1,095) days from the Effective Date, shall cause the automatic termination of this Agreement without the need for any further action by the MDD; and, the MDD shall have no obligation to make any Grant Payments to City. Enforcement of this section is subject to Force Majeure. In the event of unforeseeable third-party delays, which are not Force Majeure, and upon a reasonable showing by City that it has in good faith commenced and is diligently pursuing the correction, removal or abatement of such delays by using commercially reasonable efforts, the MDD may consent to and excuse any such delays.

b. Force Majeure Events. Should a Force Majeure event impact the scheduled completion of the Facility, the City shall notify the MDD as soon as possible after learning of the qualifying event. The notice should include a description of the event, the specific delay that has been caused by the event, associated documentation, and the amount of time the City is requesting to be added to the time for completion of the Facility as an Amendment to the Agreement. Said request will be considered by the MDD at a called or regular meeting of the Board.

c. Reports and Information. City's failure to timely and substantially comply with the reporting requirements of this Article may be considered a default; and, MDD shall be under no obligation to make any Grant Payment until such default is cured by compliance with such reporting requirements.

ARTICLE VI MDD'S OBLIGATION

- 1. Grant Payments.** Provided City is in full compliance with the terms of this Agreement and is not in Default, upon receipt of both a Certificate of Occupancy and Notice of Substantial Completion as defined in the contract for construction for the Facility, a Grant Payment not to exceed SIX HUNDRED THOUSAND DOLLARS AND NO CENTS (\$600,000.00) shall be made from MDD to City.
- 2. Source of Grant Payments.** Said Grant Payments shall be payable only from the MDD's Project Fund for its portion of all Sales Tax generated within the District received from the Comptroller, or any other lawfully appropriated funds held by the MDD for project purposes.
- 3. Maximum Total Amount of Grant Payment.** The maximum total amount of any Grant Payment authorized by this Agreement shall not exceed SIX HUNDRED THOUSAND DOLLARS AND NO CENTS \$600,000.00.
- 4. Designated Funds.** MDD will provide for the Grant Payment to be made pursuant to this Agreement by establishing a separate MDD fund, or a subaccount of any existing fund or

account in the MDD treasury, into which the Maximum Grant funds will be deposited or otherwise designated during the Term of this Agreement (the “Designated Funds”).

5. **Grant does not create a Debt.** Amounts payable under this Agreement constitute economic development funds and do not create a debt of the MDD. Said funds are payable only after complete performance as set forth herein.

ARTICLE VII COVENANTS AND DUTIES

1. **City’s Covenants and Duties.** City makes the covenants and warranties to the MDD, and agrees to timely and fully perform the obligations and duties contained in Article V of this Agreement. Any false or substantially misleading statements contained herein or failure to timely and fully perform those obligations and duties within this Agreement shall be an act of Default by the City.

- (a) The execution of this Agreement has been duly authorized by the governing body of City, and the individual signing this Agreement is empowered to execute such Agreement and bind the entity. Said authorization, signing, and binding effect is not in contravention of any law, rule, regulation, or of the provisions of City Charter.

- (b) City shall timely and fully comply with all of the terms and conditions of this Agreement.

- (c) City agrees to obtain or cause to be obtained, all necessary permits and approvals from City and/or all other governmental agencies having jurisdiction over the construction of any improvements to the property.

- (d) City agrees to develop the Project in accordance with the ordinances, rules, and regulations in effect on the date the Project was designated, unless specified otherwise in this Agreement.

- (e) City agrees to commence and complete the Project in substantial accordance with the Agreement.

- (f) City shall cooperate with the MDD in providing all necessary information to assist them in complying with this Agreement.

- (g) In accordance with Texas Government Code section 2264.051 City certifies that it does not and will not knowingly employ an undocumented worker, as that term is defined in the section and will require the same of those constructing the Facility.

- (h) To the extent required by Texas Government Code Section 2270.002 City acknowledges it currently does not, and shall not during the term of this Agreement, “Boycott Israel” and will require the same of those constructing the Facility.

2. **MDD’s Covenants and Duties.**

- (a) The MDD agrees to pay to City an amount, as specified below, not to exceed the Maximum Grant Amount from sources contemplated by this Agreement over a period not

to exceed the Grant Term, subject to the conditions precedent that City has timely and fully complied with all applicable terms and conditions contained in this Agreement, and the above designated Development Requirements are then satisfied. Further, MDD's obligation to pay City shall cease upon payment in full of the Maximum Grant Amount, or the expiration of this Agreement after the Grant Term, even if the Maximum Grant Amount has not been paid, or termination of this Agreement by MDD as provided herein, whichever occurs first.

(b) Failure by MDD to timely and substantially comply with its obligations hereunder shall be an Act of Default by MDD if uncured as provided for herein, and such uncured Act of Default will give City the right to the contracted amount then currently owing not already provided to City by MDD, subject the dispute resolution process established in Article IX.

(c) Subject to the terms and conditions as set forth above, MDD shall pay City the Maximum Grant Amount. Such payment is due to City as provided in Article VI. Failure by MDD to timely and fully comply with its obligations hereunder shall be an Act of Default.

ARTICLE VIII TERMINATION

1. **Termination.** This Agreement shall terminate upon the earliest occurrence of any one or more of the following:

- (a) The written agreement of the Parties;
- (b) The Agreement's Expiration Date, 1,095 days from the Effective Date;
- (c) Default by City; or
- (d) Payment of the maximum funds contemplated herein.

ARTICLE IX DISPUTE RESOLUTION

1. **Mediation.** If a dispute arises out of or relates to this Agreement or the breach thereof, the Parties shall first in good faith seek to resolve the dispute through negotiation between designated representatives of each respective Party. If such dispute cannot be settled through negotiation, the Parties agree to try in good faith to settle the dispute by mediation under the Commercial Mediation Rules of the American Arbitration Association before resorting to litigation. Notwithstanding the foregoing, any Party may seek immediate equitable relief, without attempting to settle a dispute through mediation, in any case where such Party is entitled to equitable relief by law, the terms of the Agreement, or otherwise. All costs of mediation shall be assessed equally between the Parties with each party bearing their own costs for attorneys' fees, experts, and other costs of mediation and any ensuing litigation.

ARTICLE X MISCELLANEOUS

1. **MDD's Liability Limitations.** Should MDD fail to timely or substantially comply with any one or more of the requirements, obligations, duties, terms, conditions, or warranties of the Agreement, such failures shall be an Act of Default by MDD and MDD shall have ninety days to cure and remove the Default upon receipt of written notice to do so from City. City specifically agrees that MDD shall only be liable to City for the amount of the money payments then currently owing to City, and shall not be liable to City for any alleged or actual incidental or consequential damages.
2. **Mutual Assistance.** The Parties will do all things reasonably necessary or appropriate to carry out the terms and provisions of this Agreement and to aid and assist each other in carrying out such terms and provisions.
3. **Effective Date.** This Agreement shall become effective on the date of execution by the last party.
4. **Representations and Warranties.** The MDD represents and warrants to City that this Agreement is within their authority, and that they are duly authorized and empowered to enter into this Agreement, unless otherwise ordered by a court of competent jurisdiction. City represents and warrants to the MDD that it has the requisite authority to enter into this Agreement.
5. **Independent Contractors.**
 - (a) It is expressly understood and agreed by all Parties hereto that in performing their services hereunder, City at no time will be acting as an agent of the MDD and that all consultants or contractors engaged by City respectively will be independent contractors of City; and nothing contained in this Agreement is intended by the Parties to create a partnership or joint venture between the Parties and any implication to the contrary is hereby expressly disavowed. The Parties hereto understand and agree that the MDD will not be liable for any claims that may be asserted by any third party occurring in connection with City respectively under this Agreement.
 - (b) By entering into this Agreement, the Parties do not waive, and shall not be deemed to have waived, any rights, immunities, or defenses either may have, including the defense of parties, and nothing contained herein shall ever be construed as a waiver of sovereign or official immunity by the City or MDD with such rights being expressly reserved to the fullest extent authorized by law and to the same extent which existed prior to the execution hereof.
 - (c) No employee of the City, or any board member, or agent of the MDD, or City Council member or agent of City shall be personally responsible for any liability arising under or growing out of this Agreement.
6. **Notice.** Any notice required or permitted to be delivered hereunder shall be deemed delivered by actual delivery, facsimile with receipt confirmation, or by depositing the same in the United States Mail, postage prepaid and certified with return receipt requested, addressed to the Party at the address set forth below:

If intended for MDD:

MDD President
City of Fair Oaks Ranch
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78006

If to the City:

City Manager
City of Fair Oaks Ranch
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78006

Any Party may designate a different address at any time upon written notice to the other Parties.

7. **Governmental Records.** All invoices, records and other documents required for submission to the City pursuant to the terms of this Agreement are Governmental Records for the purposes of Texas Penal Code Section 37.10

8. **Governing Law.** The Agreement shall be governed by the laws of the State of Texas, and the venue for any action concerning this Agreement shall be in Kendall County, Texas. The Parties agree to submit to the personal and subject matter jurisdiction of said court.

9. **Amendment.** This Agreement may be amended by mutual written agreement of the Parties, as approved by the governing bodies of MDD and the City.

10. **Legal Construction.** In the event any one or more of the provisions contained in this Agreement shall, for any reason, be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions of this Agreement, and it is the intention of the Parties to this Agreement that, in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid, or unenforceable.

11. **Interpretation.** Each of the Parties has been represented by counsel of their choosing in the negotiation and preparation of this Agreement. Regardless of which Party prepared the initial draft of this Agreement, this Agreement shall, in the event of any dispute, whatever its meaning or application, be interpreted fairly and reasonably and neither more strongly for or against any Party.

12. **Entire Agreement.** This Agreement constitutes the entire agreement between the Parties with respect to the subject matter covered in this Agreement. There is no other collateral oral or written agreement between the Parties that, in any manner, relates to the subject matter of this Agreement, except as provided for in any Exhibits attached hereto or duly approved amendments to this Agreement, as approved by governing bodies of MDD and the City.

13. **Paragraph Headings.** The paragraph headings contained in this Agreement are for convenience only and will in no way enlarge or limit the scope or meaning of the various and several paragraphs.

14. **Counterparts.** This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument.

15. **Exhibits.** Any Exhibits attached hereto are incorporated by reference for all purposes. Exhibits included:

Exhibit "A" Application for Funding.

Exhibit "B" Facility Depiction and Description.

Exhibit "C" Site Plan.

Exhibit "D" Resolutions of Approval

16. **Survival of Covenants.** Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the Parties, pertaining to a period of time following the termination of this Agreement shall survive termination.

17. **Employment of Undocumented Workers.** During the term of this Agreement, City agrees to not knowingly contract with any firm or individual for the construction of the Facility who employs any undocumented workers.

18. **Governmental Functions; Liability; No Waiver of Immunity or Defenses**

a. Notwithstanding any provision to the contrary herein, this Agreement is a contract for and with respect to the performance of governmental functions by governmental entities.

i. The services provided for herein are governmental functions, and the City and the MDD shall be engaged in the conduct of a governmental function while providing and/or performing any service pursuant to this Agreement.

ii. The relationship of the MDD and the City shall, with respect to that part of any service or function undertaken as a result of or pursuant to this Agreement, be that of independent contractors.

iii. Nothing contained herein shall be deemed or construed by the Parties, or by any third party, as creating the relationship of principal and agent, partners, joint venturers, or any other similar such relationship between the Parties.

b. The City shall have no liability whatsoever for the actions of, or failure to act by, any employees, agents, representatives, or assigns of the MDD in connection with the Agreement, and the MDD covenants and agrees, to the extent permitted by law, that the MDD shall be solely responsible, as between the MDD and the City, for and with respect to any claim or cause of action arising out of or with respect to any act, omission, or failure to act by the MDD or its respective employees, agents, representatives, or assigns, in connection therewith.

c. The MDD shall have no liability whatsoever for the actions of, or failure to act by, any employees, agents, representatives, or assigns of the City in connection with the Agreement, and the City covenants and agrees, to the extent permitted by law, that the City shall be solely responsible, as between the MDD and the City, for and with respect to any claim or cause of action

arising out of or with respect to any act, omission, or failure to act by the City or its respective employees, agents, representatives, or assigns, in connection therewith.

d. Each Party reserves and does not waive any defense available to it at law or in equity as to any claim or cause of action whatsoever that may arise or result from or in connection with this Agreement. This Agreement shall not be interpreted nor construed to give to any third party the right to any claim or cause of action, and neither the City nor the MDD shall be held legally liable for any claim or cause of action arising pursuant to or in connection with this Agreement except as specifically provided herein or by law.

e. Neither Party waives or relinquishes any immunity or defense on behalf of itself, its trustees, councilmembers, officers, employees, and agents as a result of the execution of this Agreement and the performance of the covenants and agreements contained herein.

19. **Additional Instruments.** The Parties agree and covenant to cooperate, negotiate in good faith, and to execute such other and further instruments and documents as may be reasonably required to fulfill the public purposes provided for and included within this Agreement.

20. **Severability.** If any provision of this Agreement is held to be illegal, invalid, or unenforceable under present or future laws, it is the intention of the Parties that the remainder of this Agreement not be affected, and it is also the intention of the Parties that, in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision be added to this Agreement which is legal, valid, or enforceable and is as similar in terms as possible to the provision found to be illegal, invalid, or unenforceable.

Executed on this _____ day of _____ 2020.

MDD

By: _____
Al McDavid, President

ATTEST:

By: _____
Board Secretary

Executed on this _____ day of _____, 2020.

CITY

By: _____
Tobin E. Maples, City Manager

ATTEST:

By: _____
Christina Picioccio, City Secretary



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

September 17, 2020

AGENDA TOPIC: Consideration and possible action approving a Resolution authorizing the use of CARES Act Funding through the Coronavirus Relief Fund for Supplemental Pay for eligible employees.

DATE: September 17, 2020

DEPARTMENT: Administration and Finance

PRESENTED BY: Tobin Maples, AICP, City Manager and Sarah Buckelew, CPA, Finance Director

INTRODUCTION/BACKGROUND:

On March 6, 2020 the City of Fair Oaks Ranch Emergency Operations Center (EOC) was activated in response to a significant pandemic threat to the United States. By March 16th the City was in a state of joint disaster declarations with surrounding cities and counties. Stay at home isolation orders were issued, and the City's Police Department was substantially dedicated to mitigating or responding to the COVID-19 Public Health Emergency for a period of several weeks. On April 28, 2020, Governor Abbott issued orders to begin reopening the state of Texas in a phased approach beginning on May 1. With partial re-open orders in place, the City's Police Department was heavily engaged with local businesses, ensuring compliance with applicable laws and restrictions, as well as assisting with personal protective equipment.

Upon activation of the Emergency Operations Center (EOC), Command Staff at the Police Department immediately enacted protocols to ensure local communications with surrounding Emergency Operations Centers, gather intelligence, provide education to citizens and staff, and conduct daily checks of population. The following are some of the actions taken by the Police Dept. following that EOC activation:

- *Conduct daily communications and intelligence briefing with City Management and Staff.*
- *Police Officers made daily, random, checks on residence to ensure that they had the needed essentials such as food which had been scarce.*
- *Officers made daily checks of businesses to ensure they were properly educated on safe practices and to establish local needs.*
- *Officers disseminated PPE to both residents, City Staff, and businesses during the PPE shortage.*
- *Officers coordinated with local EOCs and businesses to obtain needed PPE due to manufacturer shortages.*
- *Officers conducted checks on residences where known positive COVID resided to ensure all occupants had essential items.*
- *Officers implemented and carried out numerous "community policing" programs such as the Easter parade and Birthday parades, to help citizens coping with stay at home orders.*
- *Officers researched and implemented new procedures to ensure safety protocols were being met.*
- *Officers conducted daily business check upon the soft re-opening to ensure that all parties were operating correctly under the guidelines established by the emergency declarations.*

- *Officers were directly responsible for the enforcement and compliance of all declarations and did so while maintaining the goals of community education and adherence to safety protocols.*
- *Officers were continually placed in high-risk situations where exposure to virus was extremely likely such as the local jail system and COVID positive residences.*

Officers conducted the above on a daily basis through the ending of our local EOC meetings, or towards the end of May. Officers continue to operate in an adjusted manner to ensure their safety has not been compromised by exposure.

Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act to provide much needed resources to help governments, businesses, and individuals respond to the current pandemic. Within the CARES act, the Coronavirus Relief Fund (CRF) was created to provide financial resources to state and local governments. As it relates to the CRF, Texas has received \$11.24 billion from the US Department of Treasury. Of this amount, the City of Fair Oaks Ranch (City) has been allocated \$533,500.

The CARES Act provides that payments from the Fund may only be used to cover costs that:

- Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19).
- Were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or local government and;
- Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

Hazard pay is a specifically articulated authorized expenditure for reimbursement under the CARES Act. Within FAQ's released by the Texas Department of Emergency Management with regards to the CRF funds, hazard pay is defined with the following eligible expense guidance:

- "Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19".
- "Retroactive reimbursement of hazard pay to back to March 1st is eligible if the pay is related to employees who are substantially dedicated to mitigating or responding to the public emergency, and the hazard pay was not in the most recently adopted budget."

Below are published examples of other Texas Cities policies regarding hazard pay related to the COVID-19:

- Dallas County "All non-exempt employees who are first responders and health care workers"
- Collin County "Mandatory and non-exempt employees will receive \$6 per hour, Non-exempt and non-mandatory receive \$3 an hour"
- Denton County "critical and non-exempt workers are eligible for \$80 per week"
- City of Austin – "staff who have consistently provided in-person services to the public by going into the office or reporting to their workspace" but this does not include first responders such as police officers and medics.
- Navarro County – \$5 per hour for sheriff's office and road bridge personnel.
- Harlingen – Police officers and firefighters receive \$300 a month
- Donna - \$700 a month for patrol officers and firefighters

- Glen Heights – frontline workers including first responders and public works employees for \$2 per hour.
- Clarksville - \$500 a month for paid firefighters and police officers.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Continued support and compensation for outstanding performance by a team of dedicated public safety personnel that we trust with life and death decisions.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

The period of time that the Fair Oaks Ranch Police Department was substantially dedicated to mitigating or responding to the public emergency was for the 6 pay periods between March 2, 2020 and May 24, 2020. The suggested hazard pay rate would be \$300 bi-weekly, or \$600 a month per officer who worked 40 hours or more per pay period onsite.

The initial payment of hazard pay would be made in a lump sum out of the general fund, and then submitted for reimbursement through the CRF. The City will not incur additional expenses due to this payment.

LEGAL ANALYSIS:

This hazard pay is qualified for reimbursement based on Texas Department of Emergency Management (TDEM) and U.S. Treasury guidance. It is also allowable under the current employee handbook and policies.

RECOMMENDATION/PROPOSED MOTION:

I move to approve a Resolution authorizing the use of CARES Act Funding through the Coronavirus Relief Fund for Supplemental Pay.

A RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS AUTHORIZING THE USE OF CARES ACT FUNDING THROUGH THE CORONAVIRUS RELIEF FUND FOR SUPPLEMENTAL PAY

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act, 2020 (HR748) was duly passed into law by the 116th Congress and signed into law by the President of the United States on March 27, 2020; and,

WHEREAS, the CARES Act was enacted to facilitate protective measures for and recovery from the public health emergency in areas affected by the Coronavirus (COVID-19), which are Presidentially-declared major disaster areas under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

WHEREAS, the CARES Act was intended to provide financial relief to federal, state and local governments in response to the COVID-19 pandemic; and

WHEREAS, The Texas Department of Emergency Management and the State of Texas have allocated \$533,500 through the Coronavirus Relief Fund to the City of Fair Oaks Ranch through the CARES Act;

WHEREAS, Section 5.04.01 the City of Fair Oaks Ranch Personnel Policies Manual authorizes Emergency and Disaster Pay for employees during declared disasters

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF FAIR OAKS RANCH, TEXAS THAT:

The City Manager is authorized to implement the following programs/expenses:

1. COVID-19 Hazard Pay at a rate of \$300 bi-weekly for the period of March 2, 2020 – May 24, 2020 for Public Safety personnel who qualify for Hazard Pay reimbursement under the CARES Act and Coronavirus Relief Fund.

Passed and Approved on this the 17th day of September, 2020.

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

Denton Navarro Rocha Bernal & Zech, P.C., City Attorney



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

September 17, 2020

AGENDA TOPIC: Discussion regarding whether or not Council would like to be assigned as Trustees of an Employee Benefits Trust

DATE: September 17, 2020

DEPARTMENT: Finance

PRESENTED BY: Sarah Buckelew, CPA, Finance Director and Dan Santee, Legal Counsel

INTRODUCTION/BACKGROUND:

The City provides or offers various benefits to its employees, including health, dental, and vision benefits. In evaluating the City's current provider of said benefits, the City is considering switching providers from TML to United Healthcare in order to deliver better coverage to its employees.

Subsection 222.002(c)(5)(A) of the Insurance Code creates a tax exemption for certain premiums paid on group health, accident, and life insurance policies by single nonprofit trust established to provide coverage for employees of municipalities, counties, or hospital districts. Because of this tax benefit, United Healthcare is able to provide competitive rates provided that the City create a single nonprofit employee benefits trust.

Staff's intention is to present for Council consideration a resolution that would authorize the creation of an employee benefits trust and designating certain responsibilities unto said trust.

The purpose of this discussion is for Council to determine whether or not Council would like to be assigned as Trustees of said Employee Benefits Trust.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Creating an employee benefits trust would allow the City to choose United Healthcare as its new health benefits provider, offering better health coverage at a lower premium than our current provider. This savings would directly affect the General Fund budgeted expenditure for health benefits, and employees' personal contribution amount deducted from each paycheck.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

The non-profit trust would be created for the purpose of providing or offering, whether now or possibly in the future, City employees and their dependents with

LEGAL ANALYSIS:

Legal analysis will be provided by the City's Legal Counsel.

RECOMMENDATION/PROPOSED MOTION:

No formal action is required.



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

September 8, 2009

The Honorable Richard R. Hicks III
Caldwell County Criminal District Attorney
Post Office Box 869
Lockhart, Texas 78644

Opinion No. GA-0739

Re: Whether premiums paid for group health insurance by the Caldwell County Employee Benefit Trust are subject to insurance premium taxes under section 222.002 of the Insurance Code (RQ-0787-GA)

Dear Mr. Hicks:

You ask whether “premiums paid for group health insurance by the Caldwell County Employee Benefit Trust (the “Trust”) [are] subject to insurance premium taxes under Texas Insurance Code section 222.002.”¹ Section 222.002 requires insurers to pay an annual tax on the gross premiums they receive on life, accident, or health insurance policies. *See* TEX. INS. CODE ANN. § 222.002(a)–(b) (Vernon 2009). In determining an insurer’s taxable gross premiums, the Legislature has exempted “premiums or revenues paid on group health, accident, and life policies or contracts in which the group covered by the policy or contract consists of a single nonprofit trust established to provide coverage primarily for employees of . . . a municipality, county, or hospital district in this state.” *Id.* at § 222.002(c)(5)(A).

The Legislature has expressly authorized commissioners courts to establish a single nonprofit trust to “pay for the group health and related benefits.” TEX. LOC. GOV’T CODE ANN. § 157.102 (Vernon 2008). You explain that pursuant to section 157.102, Caldwell County has “created a fund in the form of a single nonprofit trust” and that “[i]n negotiating with the health insurance company . . . for rates for health insurance benefits, the Trust advised the health insurance company that it was not necessary for the Company to pass through the cost of premium taxes” to the Trust because the exemption in subsection 222.002(c)(5)(A) would apply. Request Letter at 1. However, the insurance company separately requested advice from the Texas Comptroller of Public Accounts (“Comptroller”) regarding whether the exemption would apply and was informally advised that it would not likely apply in this case. *Id.* at 1–2. You therefore ask us to provide an opinion on whether the Trust qualifies as a single nonprofit trust under subsection 222.002(c)(5)(A) such that an insurance company would not be taxed on premiums the Trust pays for health, accident, and life insurance. *Id.* at 1.

¹Request Letter at 1 (*available at* <http://www.texasattorneygeneral.gov>).

The Legislature has directed the Comptroller to “administer and enforce the provisions of [the Insurance Code] and other insurance laws of this state that relate to the administration, collection, and reporting of taxes and certain fees and assessments imposed” thereunder. TEX. INS. CODE ANN. § 201.051(a) (Vernon 2009). Construing the subsection 222.002(c)(5)(A) exemption, the Comptroller’s office interprets the phrase “single nonprofit trust” as “requiring a trust established for the single purpose of paying premiums and one that does not inure to the benefit of any individual.”² In response to the insurance company’s inquiry about whether the Trust would qualify for the subsection 222.002(c)(5)(A) exemption, the Comptroller’s office concluded that the Trust “does not appear to meet the qualifications necessary to exclude the premiums paid out of this trust from the premium tax base.” See Request Letter, Attachment C at 2. The Comptroller’s office further explained that “[s]ome of the trust’s provisions exceed the single purpose necessary to qualify for exemption from the premium tax.” *Id.* Specifically, it pointed to provisions that provide errors and omissions coverage for trustees, authorize trustees to acquire and manage property, and make Trust funds available for professional services and judgments or settlements arising out of litigation against the Trust. *Id.*

The Legislature has not defined single nonprofit trust, and we have not found any Texas case law or administrative rules interpreting the phrase. As the Comptroller’s office recognizes, “there is no good guidance on how this provision . . . should be interpreted.” Comptroller’s Brief at 2. It is unclear what the Legislature meant by using the word single to modify the word trust. Single, when used as an adjective, can have multiple meanings, including “unaccompanied by others,” or “consisting of or having only one part, feature, or portion.” MERRIAM-WEBSTER’S COLLEGIATE DICTIONARY 1163 (11th ed. 2004); see TEX. GOV’T CODE ANN. § 311.011(a) (Vernon 2005) (phrases construed according to common usage). Thus, the Legislature may have meant that each municipality, county, and hospital district may create one single trust to pay for the insurance of all employees, or it may have intended for the trust to have one single purpose, providing insurance coverage for employees and their dependents. Although the phrase single nonprofit trust could have multiple meanings, we conclude that the Comptroller’s interpretation, requiring that the Trust be used for a single purpose, is a reasonable one.

Whether the Comptroller too narrowly applies that interpretation to mean that Trust funds may be used only for paying premiums is a separate question. While the Legislature made it clear that, in order to receive the premium tax exemption, the trust must be “established to provide coverage primarily for employees,” nothing in the statute limits the use of the trust funds solely for paying insurance premiums.³ TEX. INS. CODE ANN. § 222.002(c)(5) (Vernon 2009). The features of the Trust that the Comptroller challenges are statutorily-recognized powers of a trustee. Chapter

²Brief from Martin Cherry, General Counsel, Texas Comptroller of Public Accounts, at 3 (Apr. 27, 2009) (on file with the Opinion Committee) [hereinafter “Comptroller’s Brief”].

³Letters from the Comptroller’s office have advised that “[o]ther than the payment of trust fees and expenses related to the funding of group benefits for employees and retirees, no other expenses may be paid from such a trust.” Comptroller’s Brief, Attachment B at 6 (emphasis added). However, those letters have also advised local governments “to make all payments for taxes and administration expenses from outside of the trust.” *Id.* at 5.

113, Subchapter A of the Texas Property Code specifically authorizes a trustee to: “purchase insurance of any nature, form, or amount to protect the trust property and the trustee”; “invest and reinvest in property of any character”; “employ attorneys [and other agents] reasonably necessary in the administration of the trust estate”; and “reimburse himself from trust principal or income or partly from both for . . . expenses incurred while administering or protecting the trust.” TEX. PROP. CODE ANN. §§ 113.013 (Vernon 2007) (insurance); 113.006 (general authority to manage and invest trust property); 113.018 (employment of agents); 114.063 (general right to reimbursement). While these powers can be revoked by “the instrument creating the trust, a subsequent court order, or another” statute, we find nothing to indicate that the Legislature intended to limit these powers in a trust created under section 222.002. *See id.* § 113.001 (powers of trustee can be limited by trust document, court order, or statute). As long as these powers are used to further the purpose of paying insurance premiums for employees and their dependents, they are not contrary to the limitations placed on a trust created under subsection 222.002(c)(5).

Furthermore, in adopting section 222.002, the Legislature noted that local governments “are exempt from the state sales tax, franchise tax, and motor vehicle tax, and there is no reason they should pay a premium tax on municipal employees’ insurance policies.” HOUSE STUDY GROUP, BILL ANALYSIS, Tex. H.B. 1785, 67th Leg., R.S. (1981). The Comptroller’s narrow application of the phrase single nonprofit trust to include only those trusts solely used to pay insurance premiums is at odds with the Legislature’s intent to exempt local governments from payment of the premium tax.⁴ *See In re Am. Homestar of Lancaster, Inc.*, 50 S.W.3d 480, 490–91 (Tex. 2001) (orig. proceeding) (courts do not defer to an agency’s interpretation of a statute if the interpretation is unreasonable or at odds with the plain language of the statute).

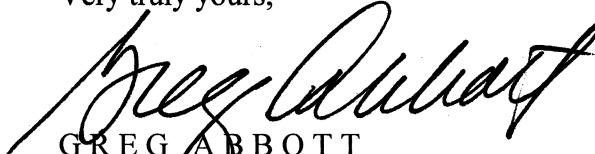
Thus, to the extent that the challenged powers of the Caldwell County Trust are generally recognized powers of a trustee that are necessary to protect and operate the Trust and are used to further the purpose of providing insurance coverage for employees and their dependents, we believe a court would find the Trust complies with subsection 222.002(c)(5)(A) and should be subject to the premium tax exemption.

⁴Although the Comptroller’s Brief argues that the Legislature’s intent in enacting section 222.002 was “to maximize fund assets to pay for certain types of insurance,” it does not direct us towards any authority that supports that intent, nor have we been able to find any. *See* Comptroller’s Brief at 3.

S U M M A R Y

Subsection 222.002(c)(5)(A) of the Insurance Code creates a tax exemption for certain premiums paid on group health, accident, and life insurance policies by a single nonprofit trust established to provide coverage for employees of municipalities, counties, or hospital districts. The Legislature has not defined the term single nonprofit trust, and the Comptroller of Public Accounts, as the agency charged with administering and enforcing the premium tax statute, has interpreted the term to mean a trust established for the single purpose of paying insurance premiums. Although the Comptroller's construction of this ambiguous phrase is reasonable, the Comptroller is too narrowly defining single purpose such that the trust can only pay insurance premiums. As long as the trust funds are used to further the purpose of providing insurance coverage for employees and their dependents, their use is not contrary to the limitations placed on a trust created under subsection 222.002(c)(5)(A).

Very truly yours,


GREG ABBOTT
Attorney General of Texas

ANDREW WEBER
First Assistant Attorney General

JONATHAN K. FRELS
Deputy Attorney General for Legal Counsel

NANCY S. FULLER
Chair, Opinion Committee

Virginia K. Hoelscher
Assistant Attorney General, Opinion Committee