



Dr. Larry Wallace Jr., Mayor
Deja Hill, Place 5, Mayor Pro Tem
Emily Hill, Place 1
Maria Amezcua, Place 2
Dr. Christopher Harvey, Place 3
Danny Scarbrough, Place 4
Vacant, Place 6

**CITY COUNCIL
REGULAR MEETING
AGENDA**
Via Telephone/Video Conference

Wednesday, August 5, 2020

7:00 p.m.

Manor City Hall – Council Chambers
105 E. Eggleston Street

This meeting will be live streamed on Manor Facebook Live.
You can access the meeting at <https://www.facebook.com/cityofmanor/>

CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

PLEDGE OF ALLEGIANCE

PROCLAMATION

A. Declaring Friday, August 7, 2020 as “*Purple Heart Day*”

PUBLIC COMMENTS

Comments will be taken from the audience on non-agenda related topics for a length of time, not to exceed three (3) minutes per person. Comments on specific agenda items must be made when the item comes before the Council. To address the City Council, please complete the white card and present it to the City Secretary prior to the meeting. **No Action May be Taken by the City Council During Public Comments.**

REPORTS

Reports about items of community interest on which no action will be taken.

- Manor Police Department - Ryan Phipps, Chief of Police
 - 1) Public Safety Committee
 - 2) Emergency Management Committee
 - 3) Chief's Community Advisory Board
- City Manager's Report - Thomas Bolt, City Manager
 - 1) Economic Development

CONSENT AGENDA

All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless requested by the Mayor or a Council Member; in which event, the item will be removed from the consent agenda and considered separately.

1. Consideration, discussion, and possible action to approve the City Council Minutes:

Lluvia T. Almaraz,
City Secretary

 - July 15, 2020, Joint Meeting with Manor Charter Review Commission; and
 - July 25, 2020, Workshop Session

REGULAR AGENDA

2. Second and Final Reading: Consideration, discussion, and possible action on an Ordinance rezoning 24.78 acres of land more or less out of the Sumner Bacon Survey No. 62, and being located along Hill Lane, from Light Commercial (C-1) to Institutional Small (I-1). **Applicant**: Catholic Diocese of Austin. **Owner**: Catholic Diocese of Austin.

Scott Dunlop,
Asst. Dev.
Services Director
3. Consideration, discussion, and possible action to approve a Resolution calling the November 3, 2020, General Election; Authorization of an Election Calendar; and Authorization for the Mayor to sign the Notice of General Election.

Lluvia T.
Almaraz
City Secretary
4. Consideration, discussion, and possible action to approve an Ordinance Calling the November 3, 2020, Special Election to be held on the adoption of amendments to the Charter of the City of Manor; Authorizing for the Mayor to sign the Notice of Special Election.

Lluvia T.
Almaraz
City Secretary
5. Consideration, discussion, and possible action on establishing an emergency financial assistance rent/mortgage, utility, and small business grant program.

Thomas Bolt,
City Manager

EXECUTIVE SESSION

The City Council will now convene into Executive Session pursuant to the provisions of Chapter 551 Texas Government Code, in accordance with the authority contained in:

Section 551.074 Personnel Matters – Interview Candidates for appointments to the Planning and Zoning Commission for Place No. 5.

OPEN SESSION

The City Council will now reconvene into Open Session pursuant to the provisions of Chapter 551 Texas Government Code and take action on item(s) discussed during Closed Executive Session.

ADJOURNMENT

In addition to any executive session already listed above, the City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section §551.071 (Consultation with Attorney), §551.072 (Deliberations regarding Real Property), §551.073 (Deliberations regarding Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations regarding Security Devices) and §551.087 (Deliberations regarding Economic Development Negotiations).

CONFLICT OF INTEREST

In accordance with Section 12.04 (Conflict of Interest) of the City Charter, “No elected or appointed officer or employee of the city shall participate in the deliberation or decision on any issue, subject or matter before the council or any board or commission, if the officer or employee has a personal financial or property interest, direct or indirect, in the issue, subject or matter that is different from that of the public at large. An interest arising from job duties, compensation or benefits payable by the city shall not constitute a personal financial interest.”

Further, in accordance with Chapter 171, Texas Local Government Code (Chapter 171), no City Council member and no City officer may vote or participate in discussion of a matter involving a business entity or real property in which the City Council member or City officer has a substantial interest (as defined by Chapter 171) and action on the matter will have a special economic effect on the business entity or real property that is distinguishable from the effect on the general public. An affidavit disclosing the conflict of interest must be filled out and filed with the City Secretary before the matter is discussed.

POSTING CERTIFICATION

I, the undersigned authority do hereby certify that this Notice of Meeting was posted on the bulletin board, at the City Hall of the City of Manor, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: Saturday, August 1, 2020, by 5:00 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

/s/ Lluvia T. Almaraz, TRMC
City Secretary for the City of Manor, Texas

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

The City of Manor is committed to compliance with the Americans with Disabilities Act. Manor City Hall and the Council Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary at 512.272.5555 or e-mail lamaraz@cityofmanor.org



PROCLAMATION

WHEREAS, on August 7, 1782, General George Washington, Commander-in-Chief of the Continental Army, created the Badge of Military Merit; believed to have been presented to just six Revolutionary War soldiers, award of the Badge of Military Merit ceased following the end of the war; and

WHEREAS, despite earlier efforts, it wasn't until February 22, 1932 that the medal, now known as the Purple Heart, was revived by executive order of the President; and

WHEREAS, the Purple Heart is awarded to members of the Armed Forces who are wounded or killed, or who has died or may hereafter die after being wounded in any action against an enemy of the United States; and

WHEREAS, the Purple Heart is a most prestigious symbol of a soldier's willingness to sacrifice all to protect and defend our great country; and

WHEREAS, veterans have paid the high price of freedom by leaving their families and communities to be placed in harm's way for the good of all; therefore, the contributions and sacrifices of these men and women are vital to the U.S. Armed Forces ability to maintain the freedom and way of life each citizen enjoys; and,

WHEREAS, the City of Manor, a Purple Heart City, joins in honoring the legacies of Purple Heart recipients in our community and beyond for our country and other countries throughout the world are forever indebted to their service and sacrifice.

NOW THEREFORE, I, Dr. Larry Wallace Jr., Mayor of the City of Manor, Texas, and on behalf of the Manor City Council, do hereby proclaim Friday, August 7, 2020, as:

PURPLE HEART DAY

in the City of Manor and urge all citizens to show their appreciation and respect to Purple Heart recipients and all those who have placed themselves in harm's way in service to our country on this day and every day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Manor to be affixed this 5th day of August 2020.

Dr. Larry Wallace Jr., Mayor
City of Manor



Manor Police Department

Chief Ryan S. Phipps

MEMO

To: Mayor and City Council Members

Date: August 5, 2020

RE: **Committee Updates**

Public Safety Committee:

The Committee needs to be established by ordinance, and positions need to be voted on and filled by council. Once formed it is my recommendation that we meet within two weeks. Committee should consist of Mayor, voted Council Seat, voted Council Seat, City Manager and Chief of Police.

Emergency Management Committee:

Completion of ANNEX revision A & B, currently working on ANNEX C. 6 Interlocal Agreements have been created and prepared to send to legal for review, prior to entity submission. Identifying key partners and roles to begin public-private partnership and emergency response agreements. Working along side Travis County during their annex revisions to ensure that our plan stays in compliance with their recent and future changes. CAPCOG meeting scheduled for August 6th for discussion with the Homeland Security Task Force, this aspect of the plan coordinates our compliance, planning, funding and mutual aid with Homeland security and the state of Texas EMP and may require a mutual aid agreement or ILA with CAPCOG.

Chief's Community Advisor Board:

The Chief's Community Advisory Board (CCAB) proactively seeks the advice and counsel of a diverse group of community members regarding issues that impact the safety and quality of life of Manor residents, business owners, and visitors. The Board provides information and feedback to the Chief of Police and works together to further the goals and initiatives of the Manor Police Department. Next meeting week of August 17th TBDL.

The Board Currently Consist of:

Shanetra Fowler
Juan Carlos Coronado
Todd Shaner
Frank Velasquez
Dr. Liz Montero



MEMO

To: Mayor and City Council Members
From: Thomas Bolt, City Manager
Date: August 5, 2020
RE: **Economic Development Smart Book**

Mayor, Councilmembers and EDC Committee members.

Based on the asks from the first Mayors EDC meeting we have compiled the following list of information either requested or deemed important by staff to represent all of the current efforts and or policies in place to address Economic Development here in the City of Manor. Of course, the boundaries of the City can change with voluntary annexation initiated by a property owner. We are currently working on an updated Capital Improvement Plan that establishes proposed uses and needs for infrastructure both within our City Limits and ETJ. The charts or documents below represent preliminary action or projects staff is working on. Not included in the following are projects staff is currently working on with developers with both Development Agreements and Public Improvement Districts (PID analysis for bond purposes. We do not have a Tax Increment Refinance Policy (TIRZ) but this is a financing avenue allowed for regional improvements beneficial to the city, generally reimbursed through a portion of property tax.

The current list of PID discussions include:

EntradaGlen
Manor Heights.
Lagos
Rose Hill (Stonewater)

EntradaGlen - represents an area considered to be the gateway to the City of Manor on our East Side. Contemplated in this area is 1M square feet of retail space along with an age restricted Multifamily Development and another non restricted Multifamily development. The boundaries of the PID have been established but the Development Agreement and PID values have not been established. This PID is predominantly commercial except for the multi-family.

Manor Heights – primarily a residential development. There is some commercial to be located along US HWY 290 E along with a Wastewater treatment facility included in the overall project. This project also has a TIRZ which will help offset costs for roadway improvements and expansion of the wastewater treatment facility. The PID includes provisions for housing types, values and amenities for the entire development inclusive of shared use paths, open spaces and increased public landscaping.

Lagos – Lago's is a development south of the older section of town. The project includes single family residential, Multifamily in a condominium type of setting and commercial areas nearest intersections. The early phases of Lago's are developed and discussion on future phases are ongoing. The amenities in this project include shared use paths, a nature preserve with large pond to be environmentally protected. Future phases of this development include areas within the City of Manor, but the bulk of the development is in the Austin jurisdiction. That area will include combinations of single-family dwellings, multifamily and commercial development. The specifics are not known to us as it is outside our jurisdiction.

Rose Hill – The Rose Hill PID is an older established PID covering the Stonewater Subdivision. This development is residential and in almost completely built out.

Each of these developments may not seem like Economic Development but the conditions placed upon the development generally increase the value of the development thereby establishing higher property values.

380 Agreements;

Currently we have one 380 agreement approved by council for Manor Commons generally known as the Walmart Development. This area includes the land on the south corner of US HWY 290 and both on the east and west side of FM 973. There are multifamily, commercial, and residential components of this development agreement. This agreement allows for a repayment of sales tax on an escalating scale for up to 10 years. The improvements associated and with this 380 agreement include larger utility sizing, Roadway enhancements and a park located on the east side of FM 973 in this general area.

Development Agreements:

All developments taking advantage of a financing agreement have a Development Agreement with the city dictating type of development and improvements that are associated with the development. The following is a list of agreements in place, contemplated or in the process of amendment. Both EntradaGlen and ShadowGlen include significant roadway improvements. Staff has not concluded negotiations and EntradaGlen and ShadowGlen amendments need council action when ready to be presented.

EntradaGlen
ShadowGlen
Manor Heights
Lagos
Manor Commons

Attached to this document are the following exhibits.

- Current City Limits and Extra Territorial Jurisdiction Maps
- Statistical Information re: population.
- Manor Community Survey Results (Grant Works)
- Capital Improvement Plan
- Draft information for Comprehensive Plan Requests
- Public Improvement District Policy (PID)
- Economic Development Policies

Staff is currently investigating opportunities for larger facilities and will initiate a needs assessment to assure the public that the city is being fiscally responsible while finding adequate facilities to operate city offices.

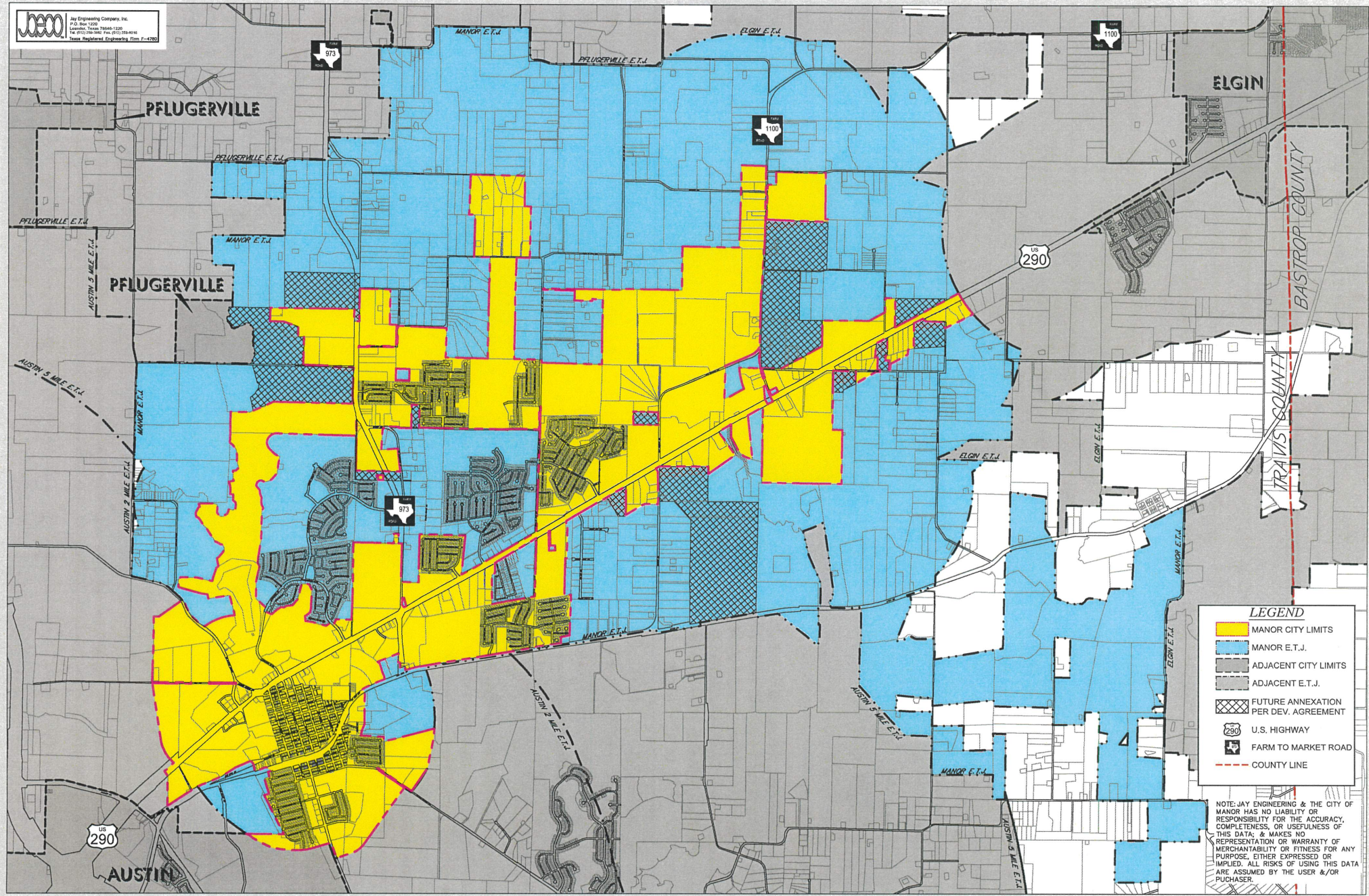
Realizing some details are difficult to discern, we can make larger copies for whatever format the Mayors Economic Development Committee deems workable. This will become their working document.

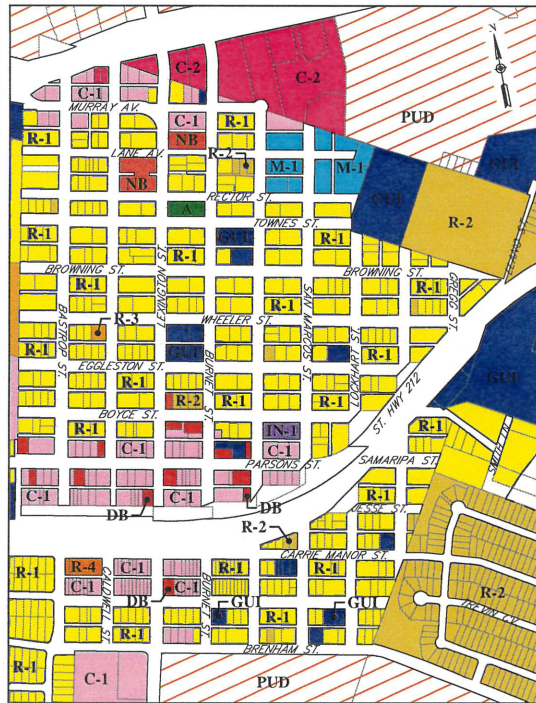
Staff involvement will commence with revisions to policies or actions that should be approved by City Council.

Staff will be happy to assist the Council and the Mayor's EDC with updates, questions or clarification either mentioned here or proposed.

CITY MAPS

- **City Limits & ETJ Maps**
- **Zoning Map**
- **Roadway Map**
- **Hike & Bike Trail Plan Map**

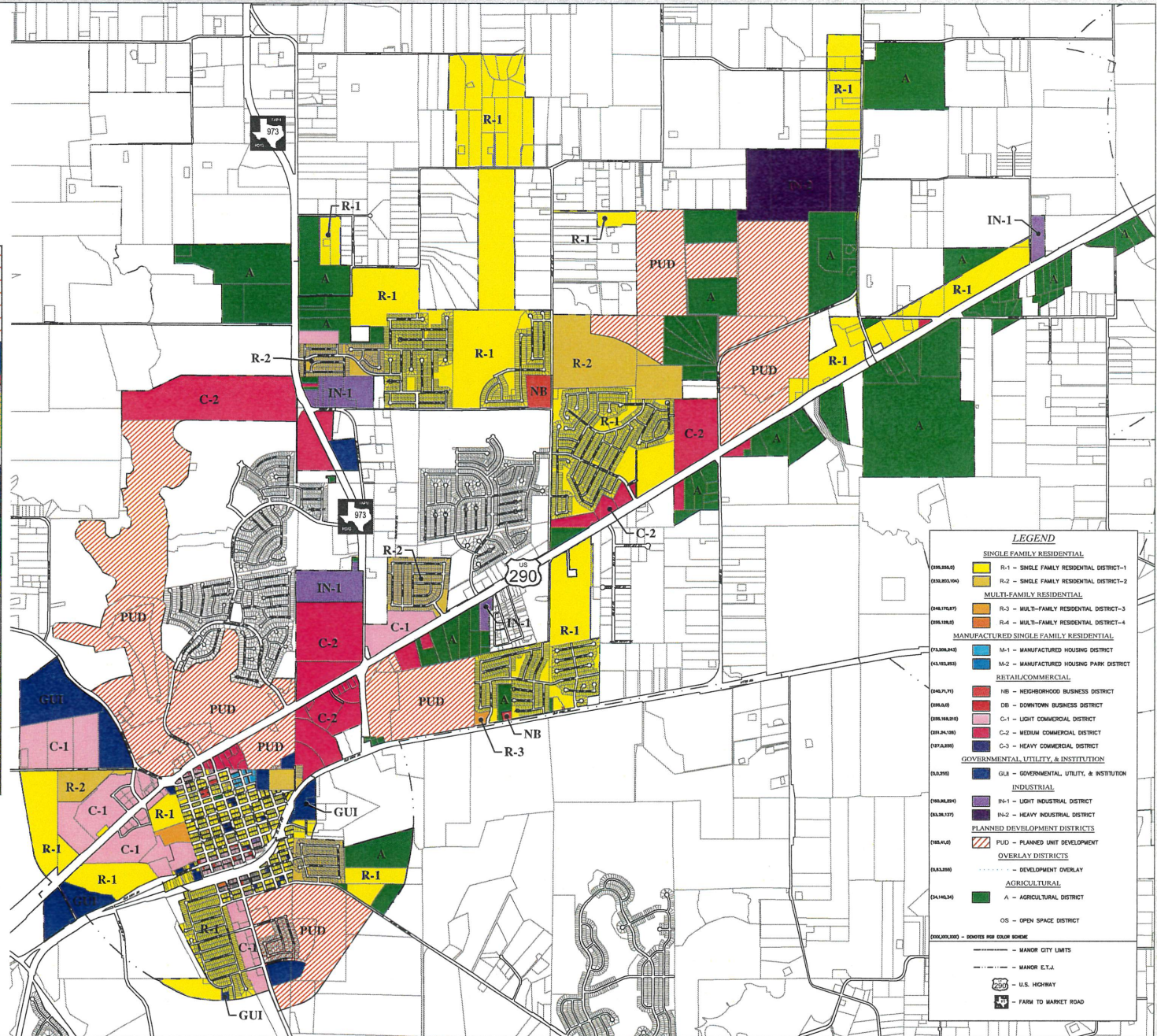




DOWNTOWN

Scale: 1" = 300'

NOTE: JAY ENGINEERING & THE CITY OF MANORS HAS NO LIABILITY OR RESPONSIBILITY FOR THE ACCURACY, COMPLETENESS, OR USEFULNESS OF THIS DATA; & MAKES NO REPRESENTATION OR WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PURPOSE, EITHER EXPRESSED OR IMPLIED. ALL RISKS OF USING THIS DATA ARE ASSUMED BY THE USER &/OR PURCHASER.



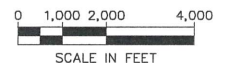
LEGEND	
SINGLE FAMILY RESIDENTIAL	
(R1.00.00)	R-1 - SINGLE FAMILY RESIDENTIAL DISTRICT-1
(R2.00.00)	R-2 - SINGLE FAMILY RESIDENTIAL DISTRICT-2
MULTI-FAMILY RESIDENTIAL	
(R3.00.00)	R-3 - MULTI-FAMILY RESIDENTIAL DISTRICT-3
(R4.00.00)	R-4 - MULTI-FAMILY RESIDENTIAL DISTRICT-4
MANUFACTURED SINGLE FAMILY RESIDENTIAL	
(M1.00.00)	M-1 - MANUFACTURED HOUSING DISTRICT
(M2.00.00)	M-2 - MANUFACTURED HOUSING PARK DISTRICT
RETAIL/COMMERCIAL	
(C1.00.00)	C-1 - NEIGHBORHOOD BUSINESS DISTRICT
(C2.00.00)	C-2 - DOWNTOWN BUSINESS DISTRICT
(C3.00.00)	C-3 - LIGHT COMMERCIAL DISTRICT
(C4.00.00)	C-4 - MEDIUM COMMERCIAL DISTRICT
(C5.00.00)	C-5 - HEAVY COMMERCIAL DISTRICT
GOVERNMENTAL, UTILITY, & INSTITUTION	
(G1.00.00)	G-1 - GOVERNMENTAL, UTILITY, & INSTITUTION
INDUSTRIAL	
(I1.00.00)	I-1 - LIGHT INDUSTRIAL DISTRICT
(I2.00.00)	I-2 - HEAVY INDUSTRIAL DISTRICT
PLANNED DEVELOPMENT DISTRICTS	
(PUD.00.00)	PUD - PLANNED UNIT DEVELOPMENT
OVERLAY DISTRICTS	
(O1.00.00)	O-1 - DEVELOPMENT OVERLAY
AGRICULTURAL	
(A.00.00)	A - AGRICULTURAL DISTRICT
(OS.00.00)	OS - OPEN SPACE DISTRICT
BOUNDARY AND COLOR SCHEME	
(---)	MANOR CITY LIMITS
(---)	MANOR E.T.A.
(---)	U.S. HIGHWAY
(---)	FARM TO MARKET ROAD



MANOR CITY HALL
105 E. EGGLESTON ST.
MANOR, TEXAS 78653

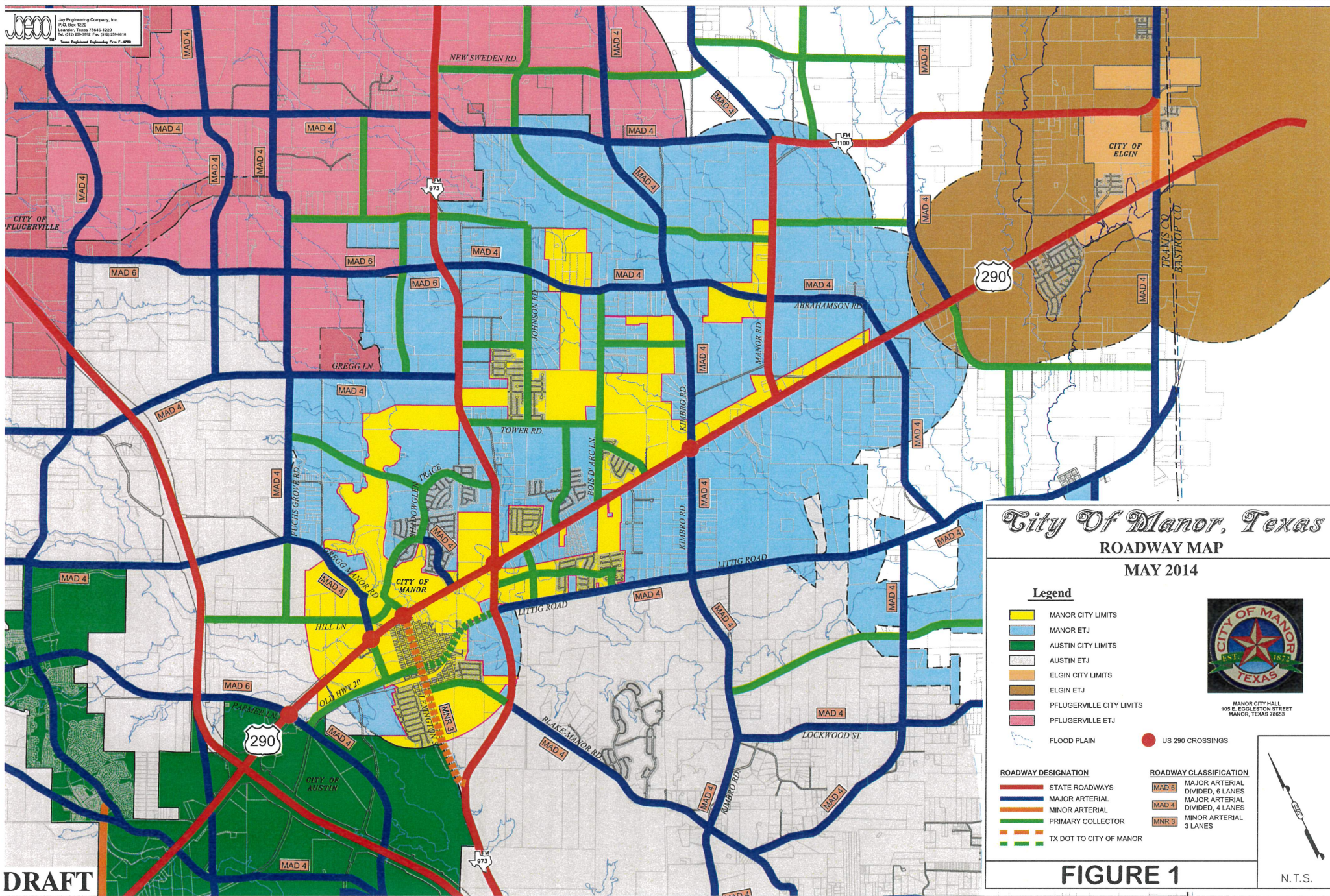
PH: (512) 272-5555

CITY OF MANOR ZONING MAP



MAP INFORMATION:	
TOTAL AREA (APPROX.)	
City Limits: 6,244.99 Ac. = 9.78 Sq.Mi.	
E.T.A.: 13,504.84 Ac. = 21.10 Sq. Mi.	
Map Created: May, 2006	Map Updated: December, 2018

Data Sources: City of Manors, and Tarrant County Coordinate System: NAD83 Texas Central Zone



City Of Manor, Texas ROADWAY MAP MAY 2014

Legend


- MANOR CITY LIMITS
- MANOR ETJ
- AUSTIN CITY LIMITS
- AUSTIN ETJ
- ELGIN CITY LIMITS
- ELGIN ETJ
- PFLUGERVILLE CITY LIMITS
- PFLUGERVILLE ETJ
- FLOOD PLAIN
- US 290 CROSSINGS

ROADWAY DESIGNATION


- STATE ROADWAYS
- MAJOR ARTERIAL
- MINOR ARTERIAL
- PRIMARY COLLECTOR
- TX DOT TO CITY OF MANOR

ROADWAY CLASSIFICATION

- MAJOR ARTERIAL DIVIDED, 6 LANES
- MAJOR ARTERIAL DIVIDED, 4 LANES
- MINOR ARTERIAL 3 LANES

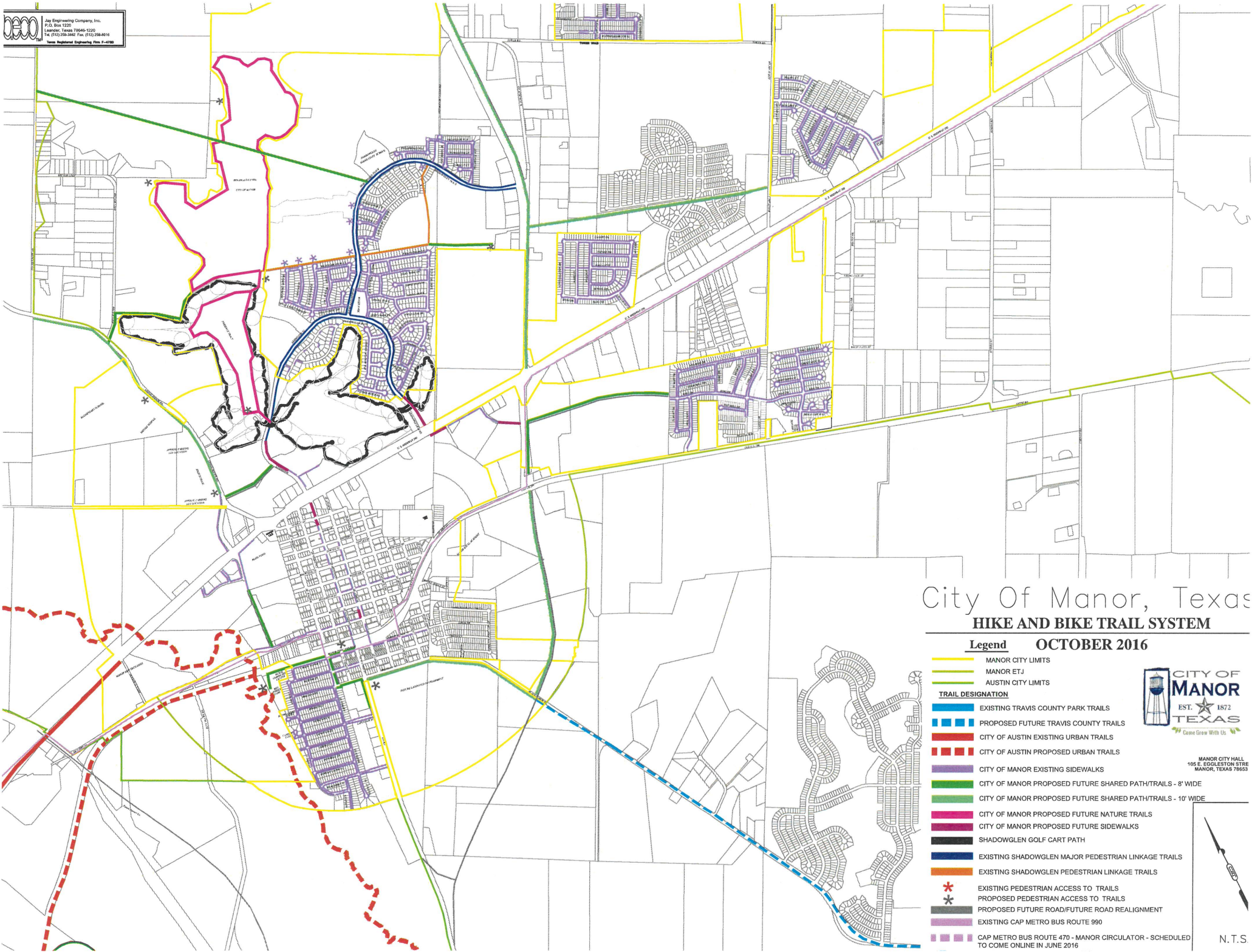


MANOR CITY HALL
 105 E. EGLESTON STREET
 MANOR, TEXAS 75663



N.T.S.

FIGURE 1



City of Manor, Texas HIKE AND BIKE TRAIL SYSTEM

Legend **OCTOBER 2016**

- MANOR CITY LIMITS
 - MANOR ETJ
 - AUSTIN CITY LIMITS
- TRAIL DESIGNATION**
- EXISTING TRAVIS COUNTY PARK TRAILS
 - PROPOSED FUTURE TRAVIS COUNTY TRAILS
 - CITY OF AUSTIN EXISTING URBAN TRAILS
 - CITY OF AUSTIN PROPOSED URBAN TRAILS
 - CITY OF MANOR EXISTING SIDEWALKS
 - CITY OF MANOR PROPOSED FUTURE SHARED PATH/TRAILS - 8' WIDE
 - CITY OF MANOR PROPOSED FUTURE SHARED PATH/TRAILS - 10' WIDE
 - CITY OF MANOR PROPOSED FUTURE NATURE TRAILS
 - CITY OF MANOR PROPOSED FUTURE SIDEWALKS
 - SHADOWGLEN GOLF CART PATH
 - EXISTING SHADOWGLEN MAJOR PEDESTRIAN LINKAGE TRAILS
 - EXISTING SHADOWGLEN PEDESTRIAN LINKAGE TRAILS
 - EXISTING PEDESTRIAN ACCESS TO TRAILS
 - PROPOSED PEDESTRIAN ACCESS TO TRAILS
 - PROPOSED FUTURE ROAD/FUTURE ROAD REALIGNMENT
 - EXISTING CAP METRO BUS ROUTE 990
 - CAP METRO BUS ROUTE 470 - MANOR CIRCULATOR - SCHEDULED TO COME ONLINE IN JUNE 2016



MANOR CITY HALL
 105 E. EGGLESTON ST.
 MANOR, TEXAS 78653



N.T.S.

POPULATION PROJECTIONS

- **Population Statistics**

Year	City of Manor			Shadowglen			Presidential Meadows		TOTAL		Yearly Change
	Households	MF Units	Population	Households	MF Units	Population	Households	Population	Households	Population	
2006	1,548	33	3,946	385		970	261	658	2,227	5,573	
2007	1,625	33	4,140	500		1,260	310	781	2,468	6,181	607
2008	1,630	33	4,152	599		1,509	360	907	2,622	6,569	388
2009	1,651	33	4,205	618		1,557	384	968	2,686	6,730	161
2010	1,735	33	5,037	641		1,615	384	968	2,793	7,620	890
2011	1,803	33	5,562	669		2,047	384	1,175	2,889	8,784	1,164
2012	1,878	33	5,791	724		2,215	384	1,175	3,019	9,182	398
2013	2,137	33	6,584	757		2,316	496	1,518	3,423	10,418	1,236
2014	2,306	33	7,246	760		2,373	496	1,549	3,595	11,169	751
2015	2,572	33	8,077	766		2,392	581	1,814	3,952	12,284	1,115
2016	2,794	33	8,770	787		2,458	776	2,423	4,390	13,651	1,368
2017	3,194	33	10,019	981		3,064	1,041	3,251	5,249	16,334	2,683
2018	3,583	33	11,234	1,122		3,504	1,041	3,251	5,779	17,989	1,655
2019	3,948	33	12,359	1,372	124	4,508	1,041	3,251	6,394	20,118	2,129
May-20	4,170	33	13,053	1,459	248	5,003	1,289	4,026	6,918	22,081	FIVE YR AVG 2015 - 2019 = 1,790

CITY LIMITS CHANGES	2000 pop.	1,204	2000/2010 diff.	3,833	2000 - 2010 % change	318%
	2010 pop.	5,037	2010/2019 diff.	7,322	2010 - 2019 % change	145%
	2030 pop. est.	21,512	2010/2030 diff. est.	16,475	2010 - 2030 % change est.	327%

CITY LIMITS, SHADOWGLEN, PRESIDENTIAL MEADOWS CHANGES	2000 pop.	1,204	2000/2010 diff.	6,416	2000 - 2010 % change	533%
	2010 pop.	7,620	2010/2019 diff.	12,498	2010 - 2019 % change	164%
	2030 pop. est.	35,741	2010/2030 diff. est.	28,121	2010 - 2030 % change est.	369%

CITY LIMITS AVERAGES	2010-2019	7,322
	year avg.	915
	month avg.	76
	day avg.	2.5

CITY LIMITS, SHADOWGLEN, PRES. MEADOWS AVERAGES	2010-2019	12,498
	year avg.	1,562
	month avg.	130
	day avg.	4.3

Notes: Shadowglen & Presidential Meadows are in the Manor ETJ. Certificates of Occupancy are issued in Shadowglen but not in Presidential Meadows so residential totals in Presidential Meadows are based on platted lots. Prior to 2010 the residential multiplier was 2.80, 2010-2013 the multiplier is 3.40, 2014 on is 3.47. Occupancy rate for all years is 90%. 2030 projections are based on simple linear equations with growth rates based on 2010-2019 estimates. Multi-family is averaged at 2 residents per unit. 33 of the total units are senior multi-family averaged at 1 resident per unit.



DEVELOPMENT SERVICES DEPARTMENT

June 2018

The following subdivisions include all those on the ground, planned, under development or in discussion that we in the City of Manor are aware of. The statistics provided are all public information that has been provided by developers or obtained from other sources. We cannot guarantee the reliability of their projections. For the properties within the City Limits we have counted the number of building permits issued. *All numbers provided are approximate*

	Projected Residences	Completed, Permits Issued, or Platted
Subdivisions currently within the Manor city limits:		
Original City or Manor	500	369
Hamilton Point	235	234
Wildhorse Creek	444	444
Greenbury Village	301	297
Bell Farms	416	416
Bell Farms Multifamily	150	0
Carriage Hills	247	235
Village at Manor Commons	375	0
Village at Manor Commons Multifamily	172	0
Presidential Glen	905	740
Presidential Heights	600	206
Lagos (Majority in Austin ETJ)	2,300	0
Las Entradas North	465	0
Las Entradas South	127	0
Manor Heights	1,500	0
Stonewater	854	854
Stonewater North	244	0
Total	9,835	3,795

Subdivisions within Manor's ETJ that will ultimately be annexed:

Shadowglen	3,500	1,030
Presidential Meadows	1,550	1,041
Total	5,050	2,071

Subdivisions within three miles of the City of Manor:

Bellingham Meadows	648	273
Bell Farms Estates	747	0
Briar Creek	1,025	1,025
Eastwoods	2,305	0
Harris Branch Parkway Subdivisions	4,000	2,040
Hidden Lake	540	0
New Sweden Estates	1,445	0
Parsons Meadow	235	0
Whisper Valley	6,188	239
Wildhorse PUD	6,400	113
Wolf Tract	719	0
Total	24,252	3,690
Grand totals	39,137	9,556

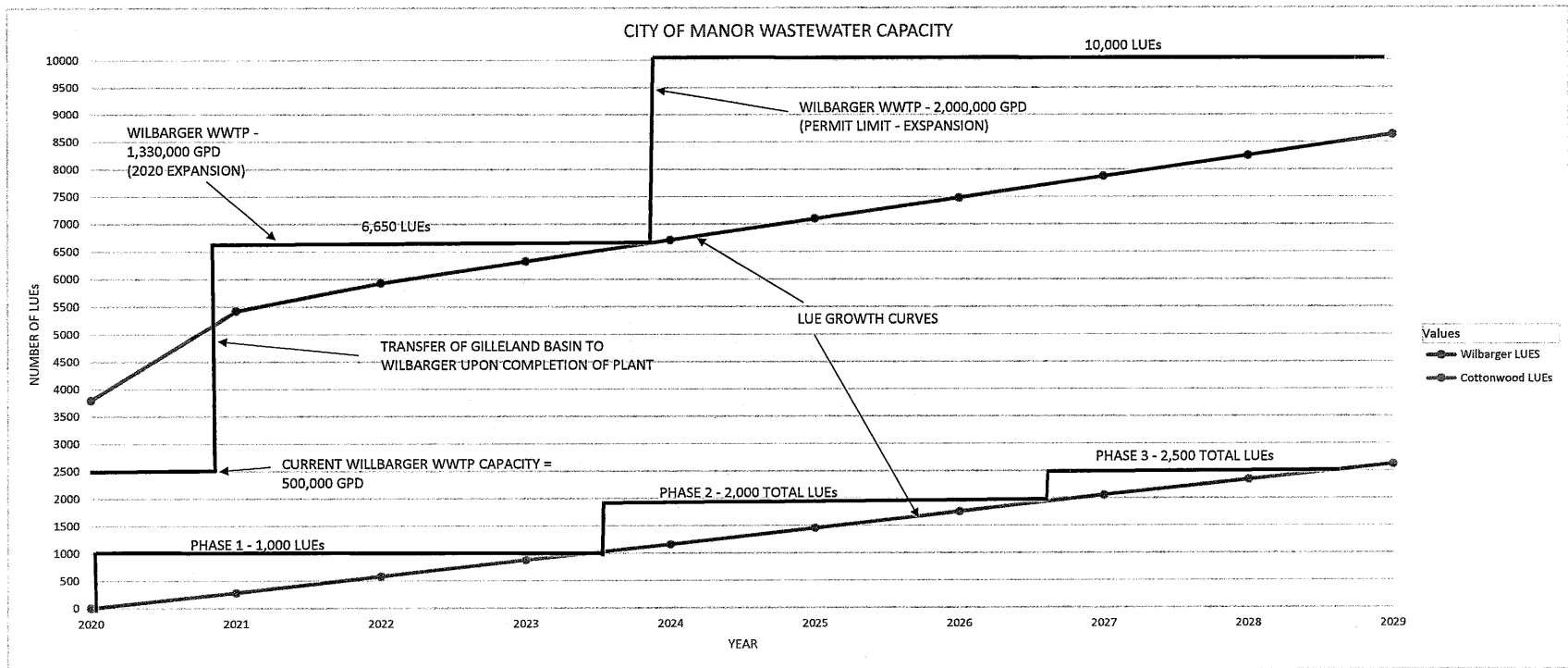
MANOR WASTEWATER LUES LUE GROWTH PROJECTIONS

UPDATED: 6/2/2020

Year	Wilbarger LUES	Cottonwood LUES	Wilbarger Avg. Demand (MGD)	Cottonwood Avg. Demand (MGD)
2020	5,032	0	1.006	0.000
2021	5,407	275	1.081	0.055
2022	7,393	575	1.479	0.115
2023	7,747	875	1.549	0.175
2024	8,097	1,153	1.619	0.231
2025	8,447	1,453	1.689	0.291
2026	8,797	1,753	1.759	0.351
2027	9,172	2,053	1.834	0.411
2028	9,522	2,338	1.904	0.468
2029	9,874	2,613	1.975	0.523
Added LUES	4,842	2,613	7,455	

Avg. Demand = LUE's * 200 gallons/day

***Wilbarger WWTP expansion complete
and ww no longer going to Austin





MANOR WATER LUES LUE GROWTH PROJECTIONS
UPDATED:6/2/2020

Year	LUE's	Max. Demand (MGD)	Avg. Demand (MGD)	Required Production Capacity (MGD)	Required Ground Storage Capacity (MG)	Required Elevated Storage Capacity (MG)	Water Capacity	Ground Storage	Elevated Storage
2020	3,367	3.037	1.519	2.909	0.673	0.337	2.975	0.53	1.00
2021	4,004	3.612	1.806	3.459	0.801	0.400	3.05	0.53	1.00
2022	4,644	4.189	2.094	4.012	0.929	0.464	3.125	0.53	1.00
2023	5,284	4.766	2.383	4.565	1.057	0.528	3.2	0.53	1.00
2024	5,924	5.343	2.672	5.118	1.185	0.592	3.275	0.53	1.00
2025	6,564	5.921	2.960	5.671	1.313	0.656	3.35	0.53	1.00
2026	7,209	6.503	3.251	6.229	1.442	0.721	3.425	0.53	1.00
2027	7,854	7.084	3.542	6.786	1.571	0.785	3.5	0.53	1.00
2028	8,499	7.666	3.833	7.343	1.700	0.850	3.5	0.53	1.00
2029	9,149	8.252	4.126	7.905	1.830	0.915	3.5	0.53	1.00

Total Added LUEs 5,782

Avg. Demand = LUE's * 451, Average use per LUE = 410 gal/day times 1.1 for losses, Use 451

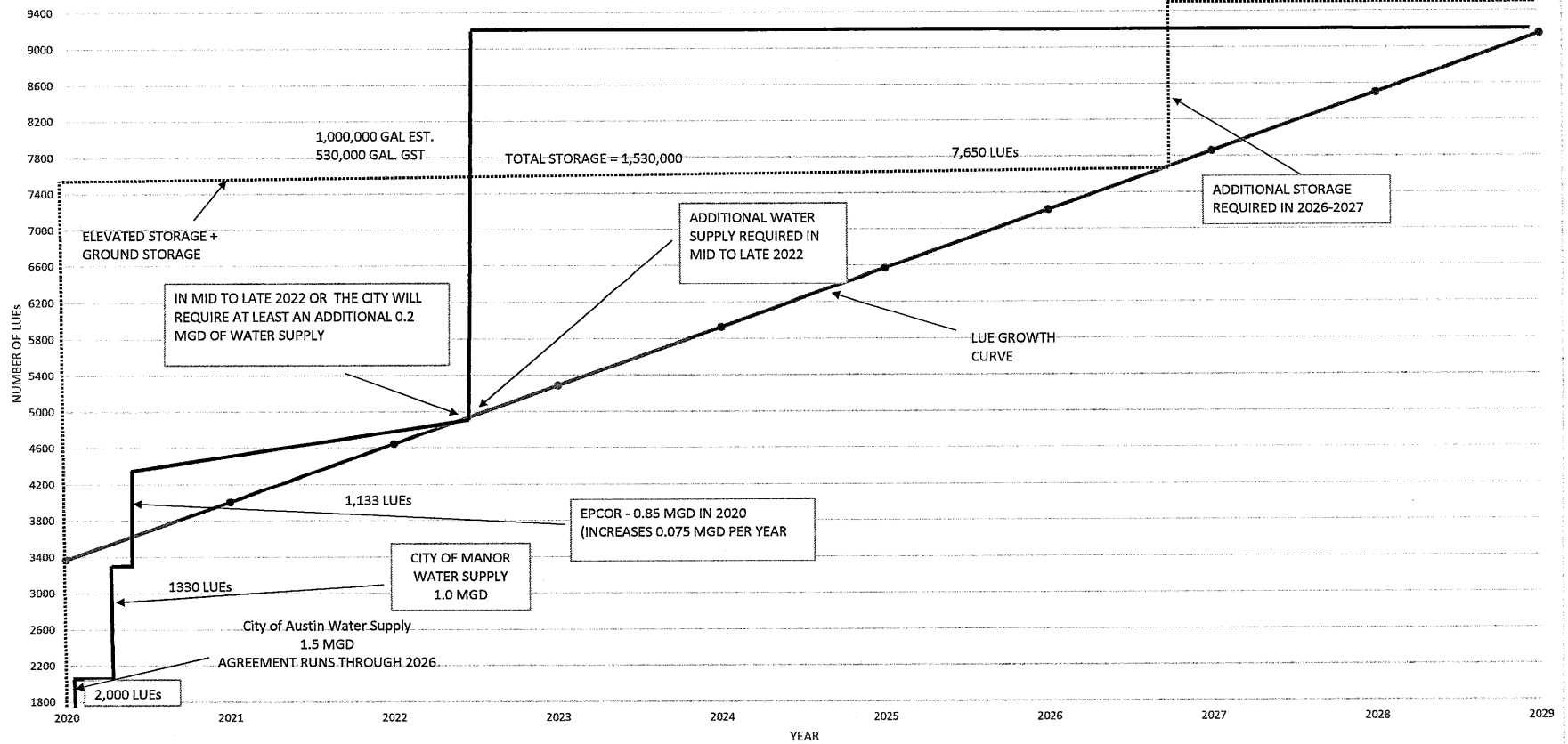
Avg. Demand based on information provided by City for water used by City in June 2019

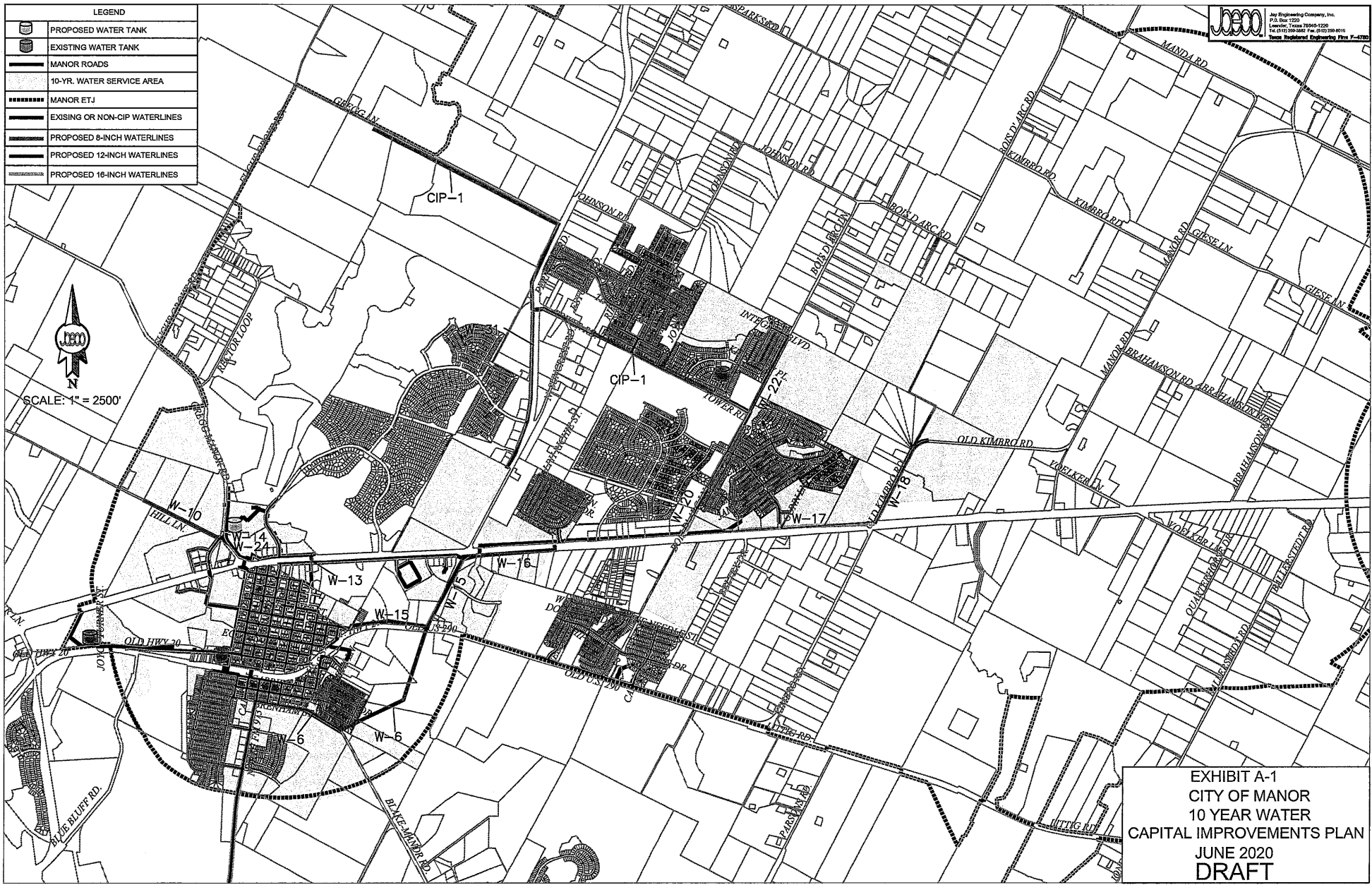
Bell Farms, Carriage Hill, portions of Stonewater and Stonewater North receive their water from Manville WSC

Manor Commons East PUD residential portion will receive water from Manville WSC, all other portions will be served by City of Manor

Manor Commons East PUD wastewater will be treated by the City of Manor

CITY OF MANOR WATER CAPACITY



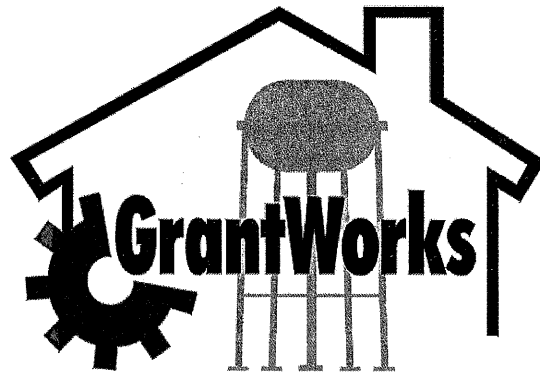


SURVEYS

- **Grant Works**
- **City of Manor Request for
Proposal Comprehensive Plan**
- **Sample Contracts**

MANOR COMMUNITY SURVEY RESULTS

A COLLABORATION OF GRANTWORKS INC & THE CITY OF MANOR



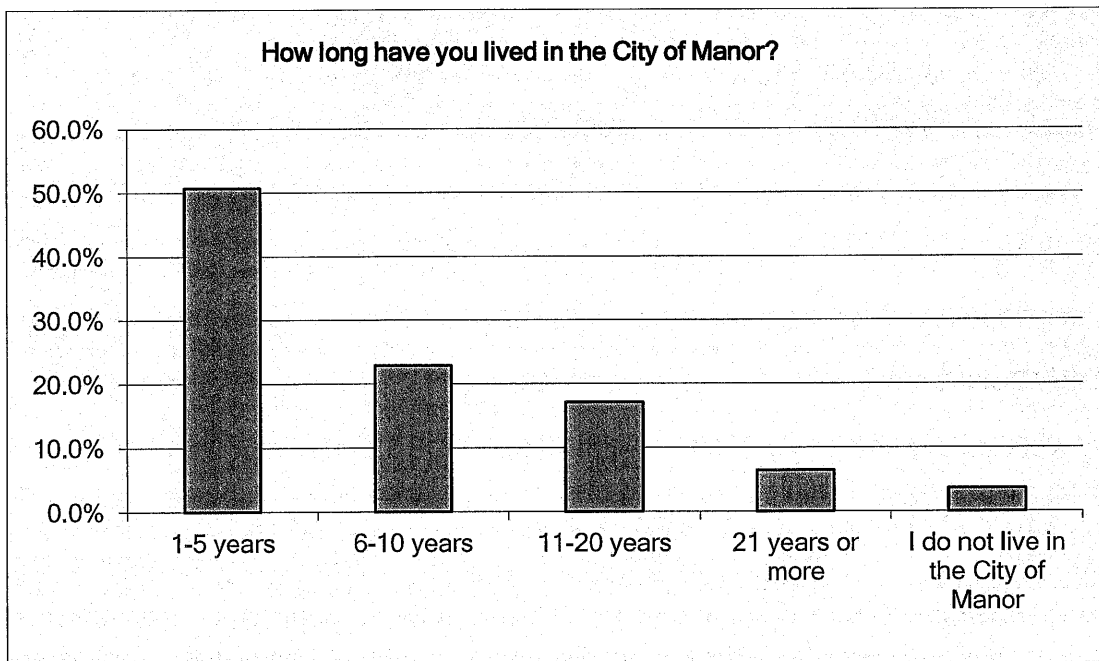
BACKGROUND:

GrantWorks, Inc. and the City of Manor applied for a CDBG through the Texas Department of Agriculture to engage in a planning study. The study focuses on Land use & Housing, Streets, Water & Wastewater Distribution, Drainage, Capital Improvement Program, Parks & Open Space, Economic Development, and Central Business District. To help gather information on existing conditions, future goals, and opportunities GrantWorks, Inc. created an online survey that over the past couple months 500 residents in and around Manor have completed. The following report is the raw data of the 15 question survey along with a copy of the survey. This data will be used in reports in conjunction with field studies that GrantWorks, Inc. will put together and present to the Planning Commission and Council at a later date.

QUESTION 1

How long have you lived in the City of Manor?

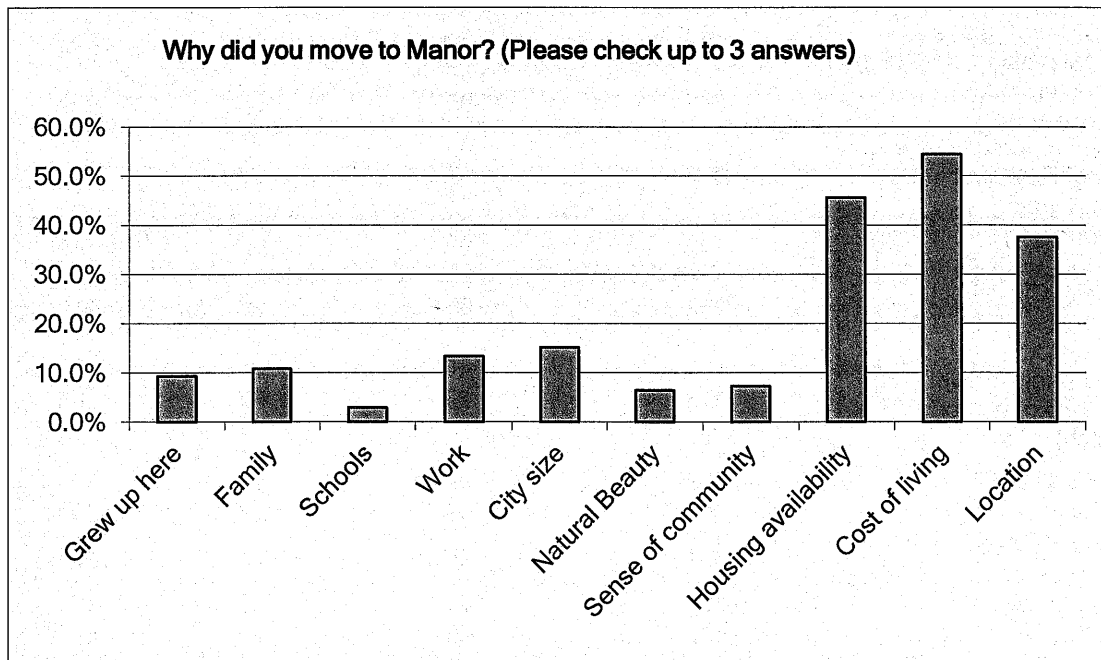
Answer Options	Response Percent	Response Count
1-5 years	50.7%	252
6-10 years	22.9%	114
11-20 years	17.1%	85
21 years or more	6.4%	32
I do not live in the City of Manor	3.6%	18
<i>answered question</i>		497
<i>skipped question</i>		3



QUESTION 2

Why did you move to Manor? (Please check up to 3 answers)

Answer Options	Response Percent	Response Count
Grew up here	9.3%	45
Family	10.8%	52
Schools	2.9%	14
Work	13.3%	64
City size	15.1%	73
Natural Beauty	6.4%	31
Sense of community	7.3%	35
Housing availability	45.6%	220
Cost of living	54.4%	262
Location	37.6%	181
Other (please specify)		40
answered question		482
skipped question		18



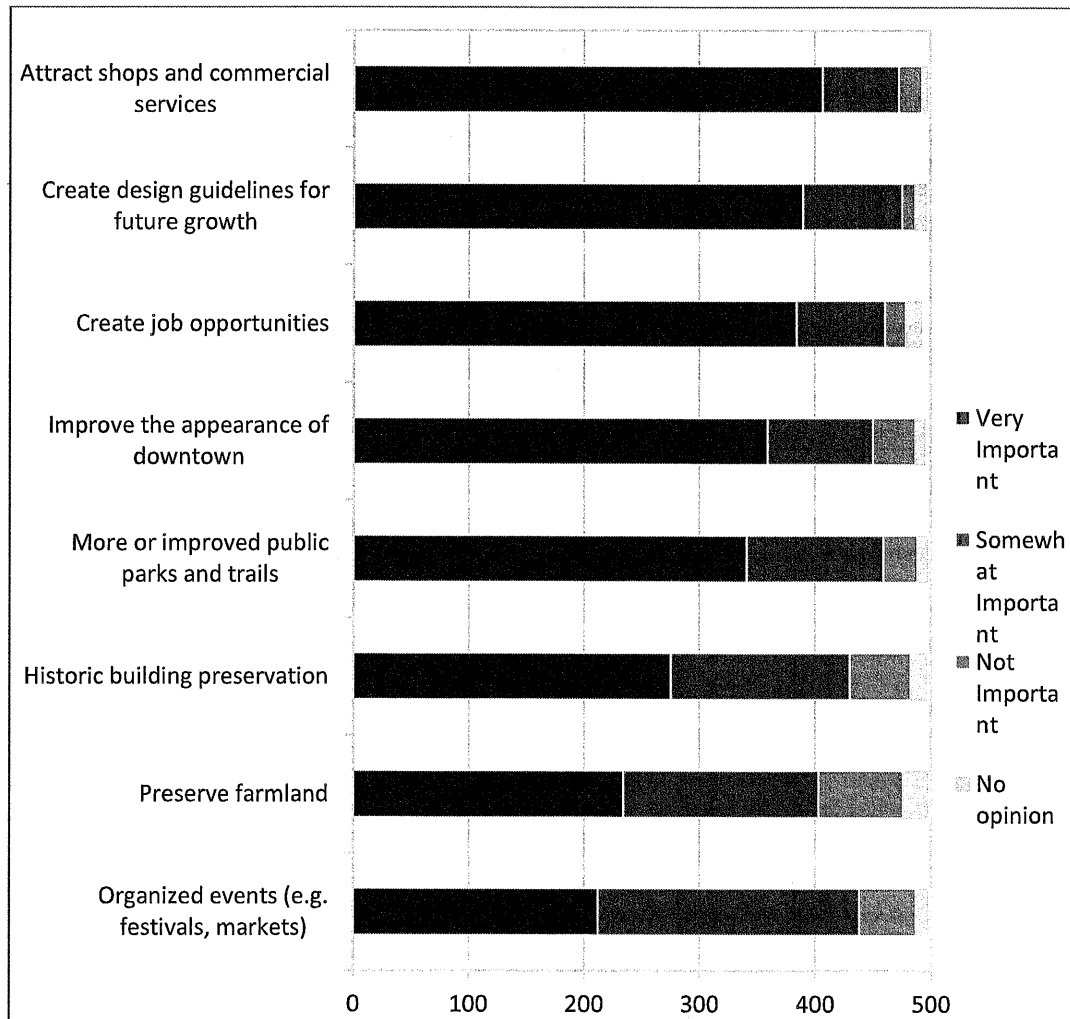
QUESTION 3

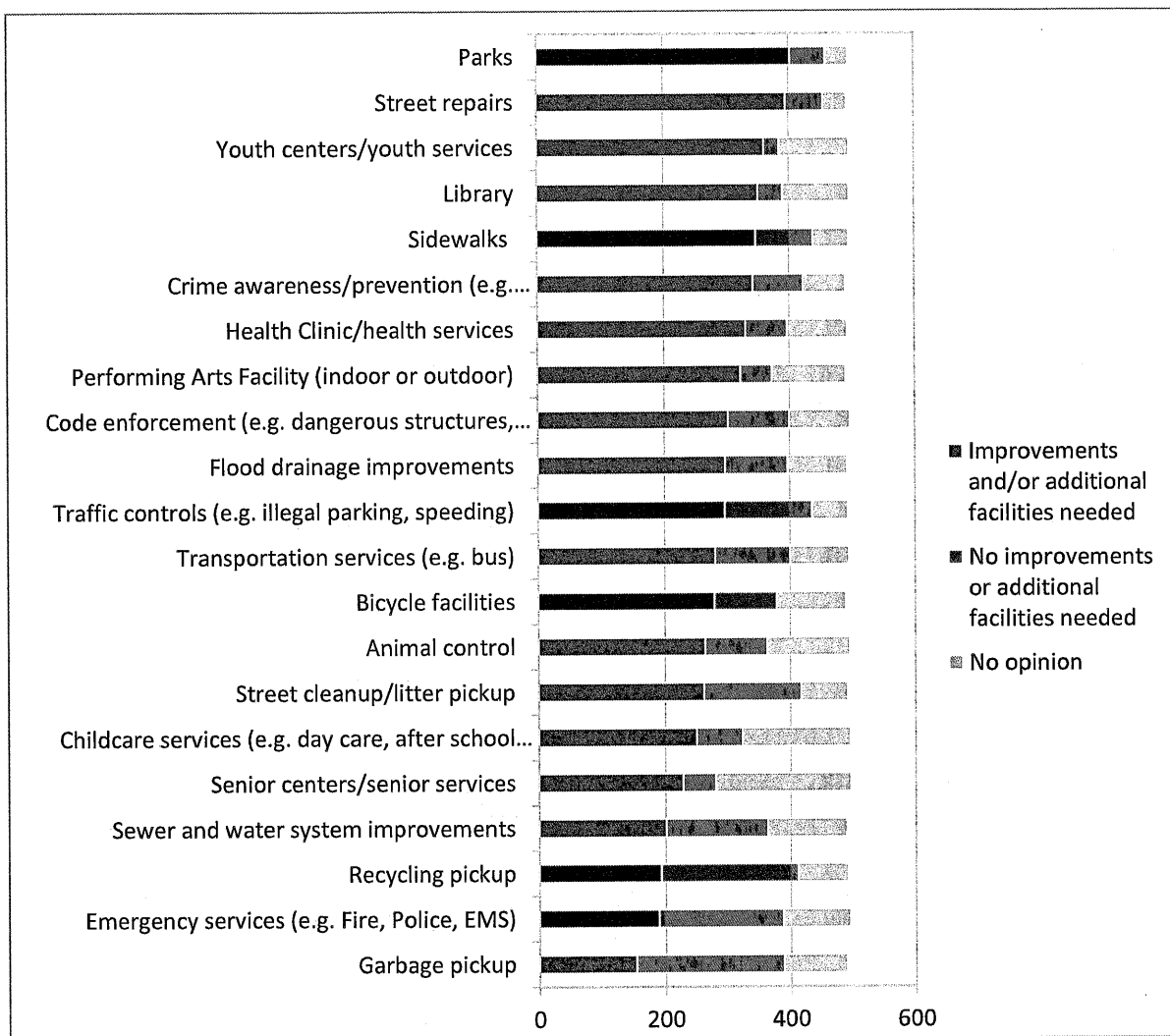
Answer Options	Improvements and/or additional facilities needed	No improvements or additional facilities needed	No opinion	Response Count
Garbage pickup	154	234	101	489
Emergency services (e.g. Fire, Police, EMS)	189	198	108	495
Recycling pickup	193	218	80	491
Sewer and water system improvements	201	162	126	489
Senior centers/senior services	228	52	216	496
Childcare services (e.g. day care, after school programs)	250	73	172	495
Street cleanup/litter pickup	262	155	74	491
Animal control	264	99	132	495
Bicycle facilities	279	100	109	488
Transportation services (e.g. bus)	281	119	94	494
Traffic controls (e.g. illegal parking, speeding)	296	139	57	492
Flood drainage improvements	297	99	95	491
Code enforcement (e.g. dangerous structures, weeds, etc.)	302	97	97	496
Performing Arts Facility (indoor or outdoor)	322	50	117	489
Health Clinic/health services	331	65	96	492
Crime awareness/prevention (e.g. neighborhood crime watch)	343	79	67	489
Sidewalks	347	91	57	495
Library	351	39	106	496
Youth centers/youth services	361	24	111	496
Street repairs	395	60	37	492
Parks	403	56	36	495
answered question	answered question	answered question	500	500
Other (please specify)	Other (please specify)	Other (please specify)	48	48
skipped question	skipped question	skipped question	0	0

QUESTION 4

How important are the following goals for Manor?

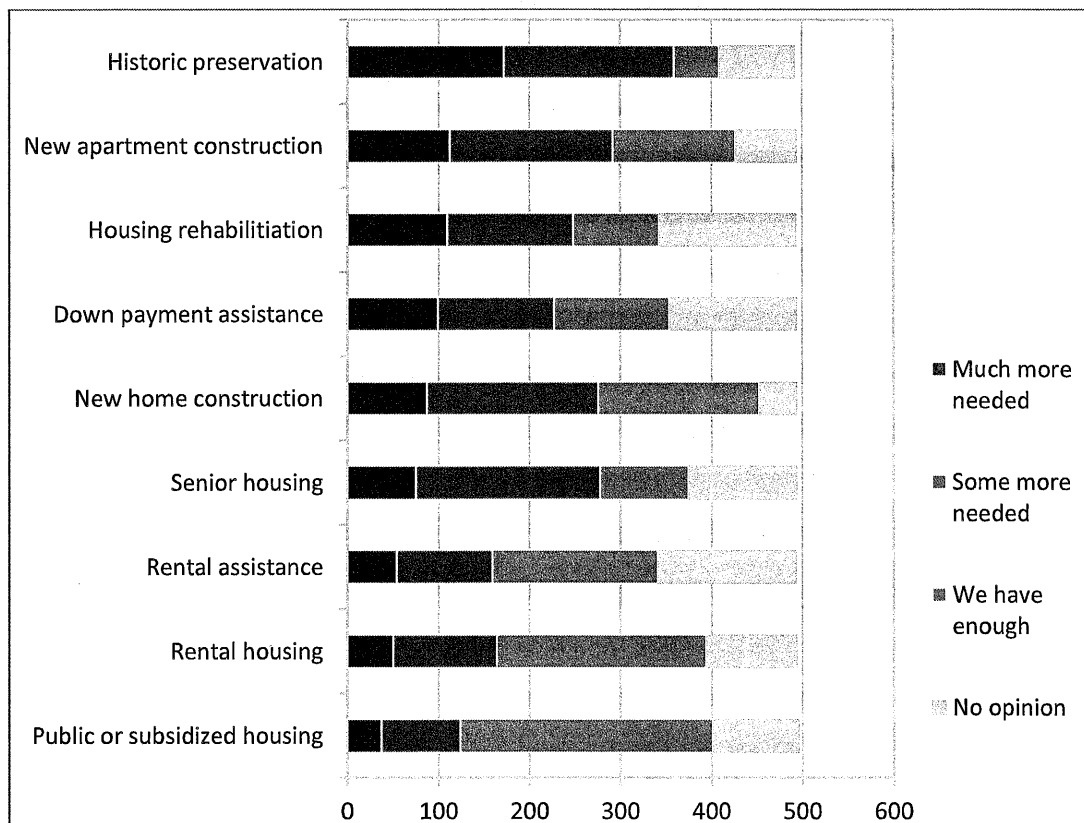
Answer Options	Very Important	Somewhat Important	Not Important	No opinion	Response Count
Organized events (e.g. festivals, markets)	212	226	49	11	498
Preserve farmland	234	169	73	22	498
Historic building preservation	275	155	53	14	497
More or improved public parks and trails	341	118	30	9	498
Improve the appearance of downtown	359	91	37	9	496
Create job opportunities	384	77	18	14	493
Create design guidelines for future growth	390	86	11	10	497
Attract shops and commercial services	407	66	20	5	498





QUESTION 5

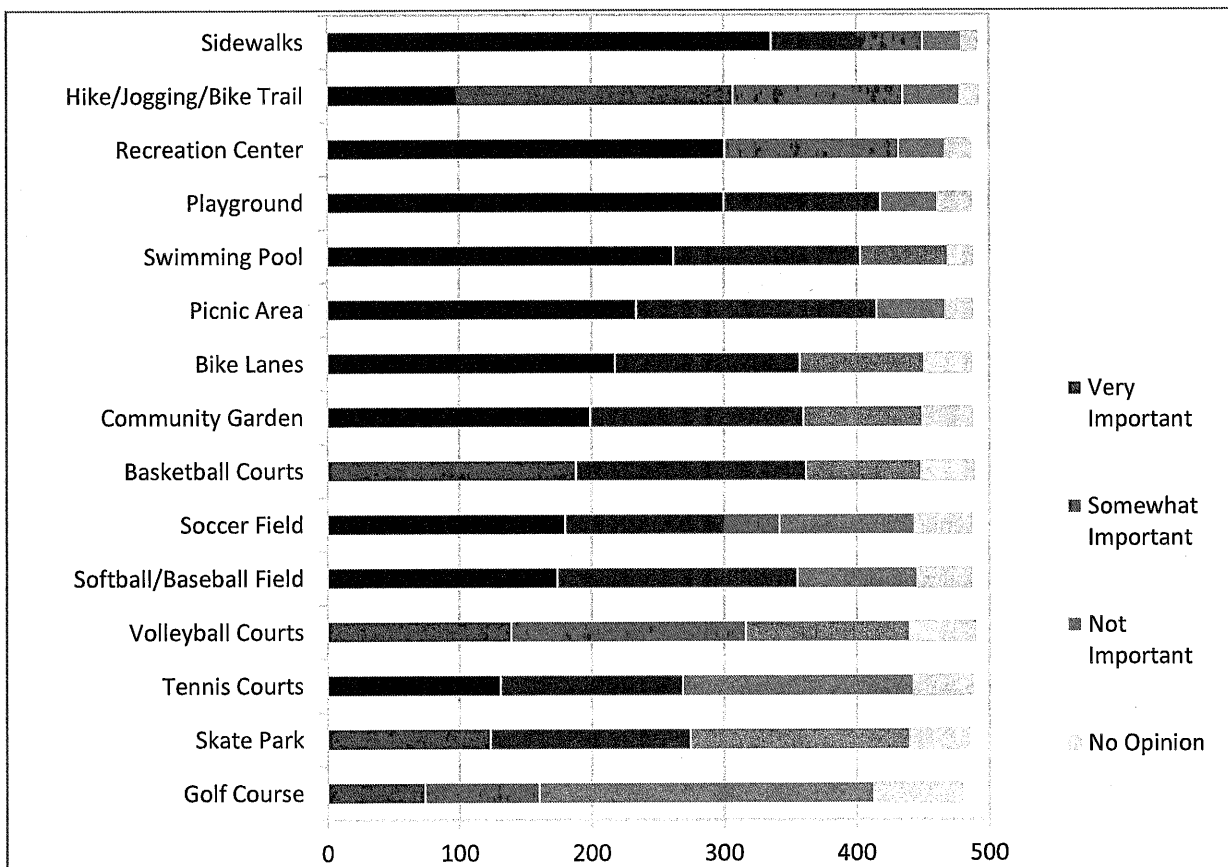
Answer Options	Much more needed	Some more needed	We have enough	No opinion	Response Count
Public or subsidized housing	37	87	277	96	497
Rental housing	50	114	230	101	495
Rental assistance	54	105	182	153	494
Senior housing	75	203	97	120	495
New home construction	87	189	177	42	495
Down payment assistance	99	128	127	141	495
Housing rehabilitation	109	139	95	151	494
New apartment construction	112	180	135	68	495
Historic preservation	172	187	50	84	493



QUESTION 6

Which additional recreational facilities would you like to have in Manor? Please rate each facility.

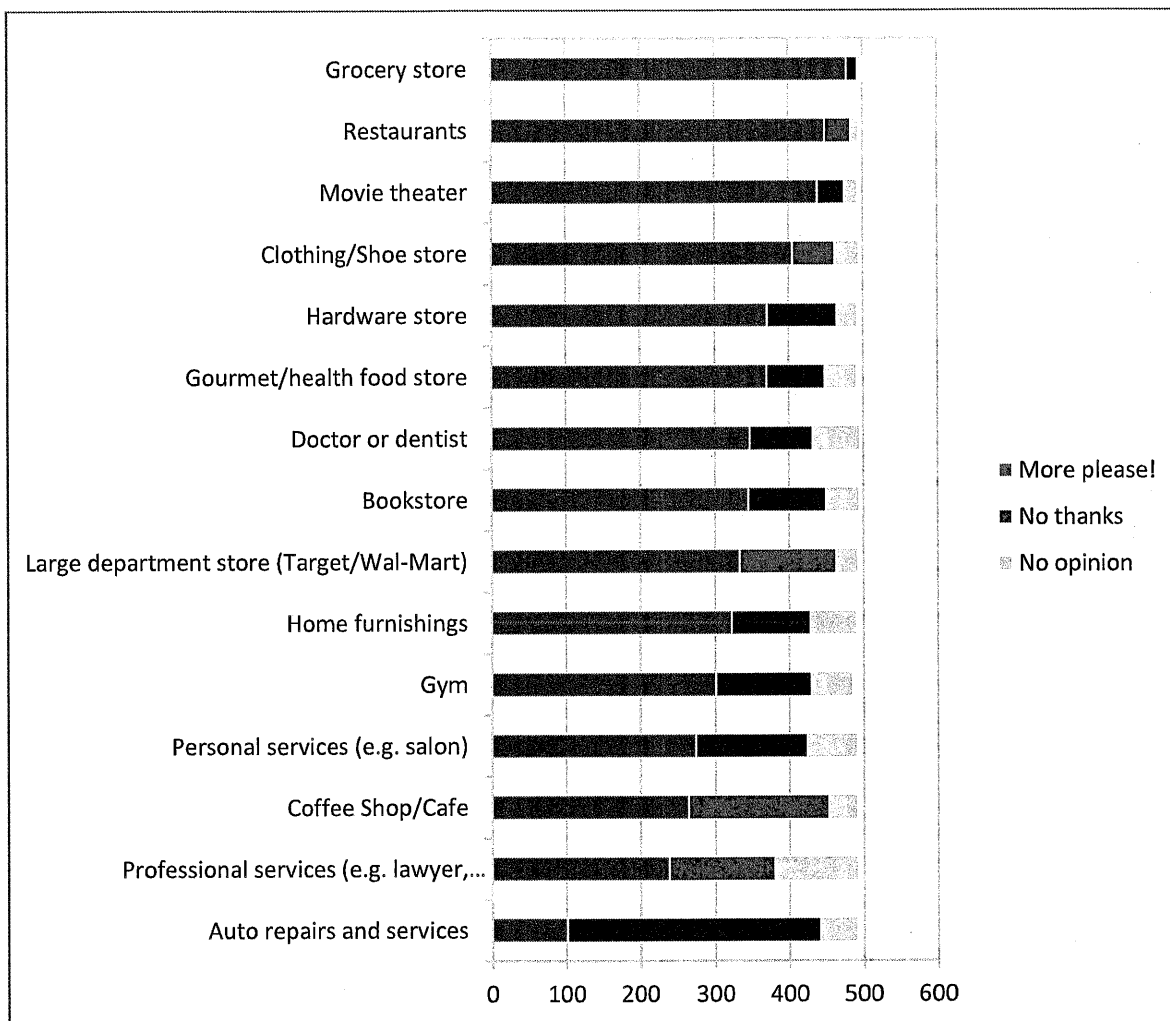
Answer Options	Very Important	Somewhat Important	Not Important	No Opinion		Rating Average	Response Count
Golf Course	74	86	253	67	9	2.70	489
Skate Park	123	152	165	45	4	2.29	489
Tennis Courts	131	138	174	45	3	2.29	491
Volleyball Courts	139	177	124	50	4	2.20	494
Softball/Baseball Field	174	181	91	41	3	2.02	490
Soccer Field	180	162	102	43	4	2.04	491
Basketball Courts	188	174	87	40	4	1.98	493
Community Garden	199	161	90	38	3	1.95	491
Bike Lanes	218	139	94	36	3	1.91	490
Picnic Area	234	181	52	21	3	1.73	491
Swimming Pool	262	141	66	19	3	1.70	491
Playground	300	118	43	26	3	1.60	490
Recreation Center	301	131	35	20	2	1.55	489
Hike/Jogging/Bike Trail	307	128	43	15	2	1.54	495
Sidewalks	336	114	29	13	1	1.44	493



QUESTION 7

What kinds of businesses would you like to see more of in the City in the future?

Answer Options	More please!	No thanks	No opinion	Response Count
Auto repairs and services	101	341	50	492
Professional services (e.g. lawyer, accountant)	238	142	113	493
Coffee Shop/Cafe	264	190	38	492
Personal services (e.g. salon)	274	150	68	492
Gym	301	129	56	486
Home furnishings	322	106	63	491
Large department store (Target/Wal-Mart)	333	131	30	494
Bookstore	345	105	45	495
Doctor or dentist	347	85	64	496
Gourmet/health food store	370	78	44	492
Hardware store	371	94	28	493
Clothing/Shoe store	405	58	32	495
Movie theater	439	37	18	494
Restaurants	449	36	10	495
Grocery store	479	15	5	499

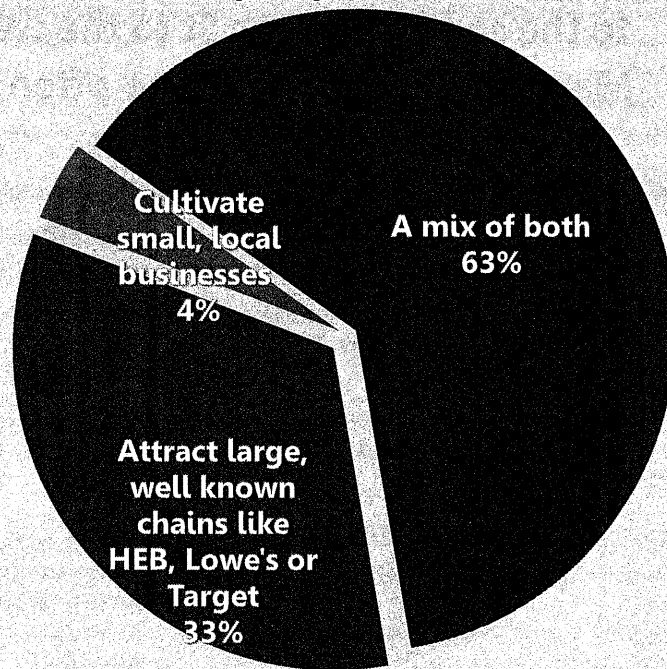


QUESTION 8

What type of commercial development would you prefer to see in Manor?

Answer Options	Response Percent	Response Count
Attract large, well known chains like HEB, Lowe's or Target	33.5%	167
Cultivate small, local businesses	4.0%	20
A mix of both	62.5%	312
No preference	0.0%	0
<i>answered question</i>		499
<i>skipped question</i>		1

What type of commercial development would you prefer to see in Manor?

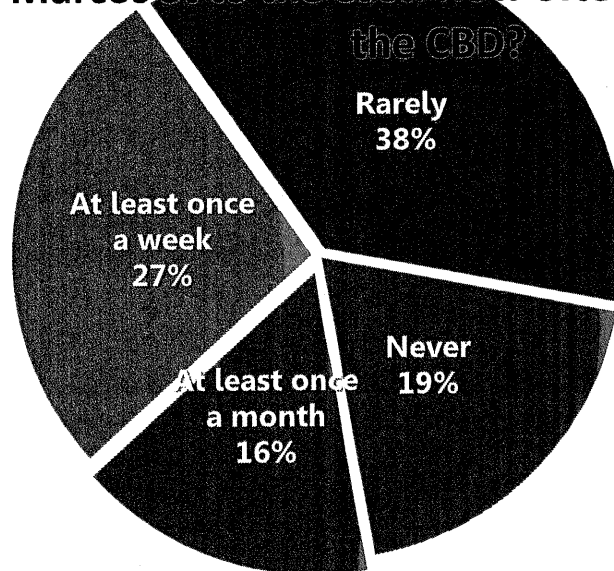


QUESTION 9

The Central Business District (CBD) is bound by Eggleston St to the north, Carrie Manor St to the south, Bastrop St to the west, and San Marcos St to the east. How often do you visit the CBD?

Answer Options	Response Percent	Response Count
At least once a month	16.1%	80
At least once a week	26.9%	134
Rarely	37.8%	188
Never	19.3%	96
<i>answered question</i>		498
<i>skipped question</i>		2

The Central Business District (CBD) is bound by Eggleston St to the north, Carrie Manor St to the south, Bastrop St to the west, and San Marcos St to the east. How often do you visit the CBD?

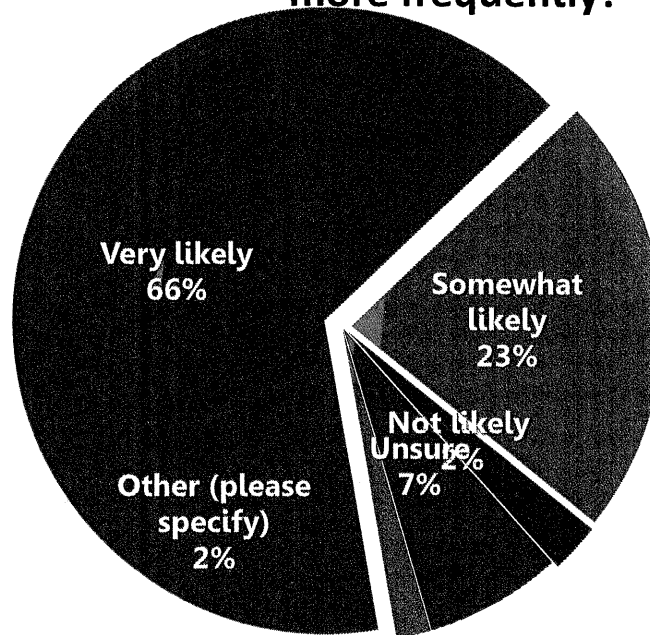


QUESTION 10

If there were more stores and restaurants in the CBD, how likely would you be to visit the CBD more frequently?

Answer Options	Response Percent	Response Count
Very likely	65.7%	325
Somewhat likely	22.8%	113
Not likely	2.6%	13
Unsure	7.1%	35
Other (please specify)	1.8%	9
<i>answered question</i>		495
<i>skipped question</i>		5

If there were more stores and restaurants in the CBD, how likely would you be to visit the CBD more frequently?

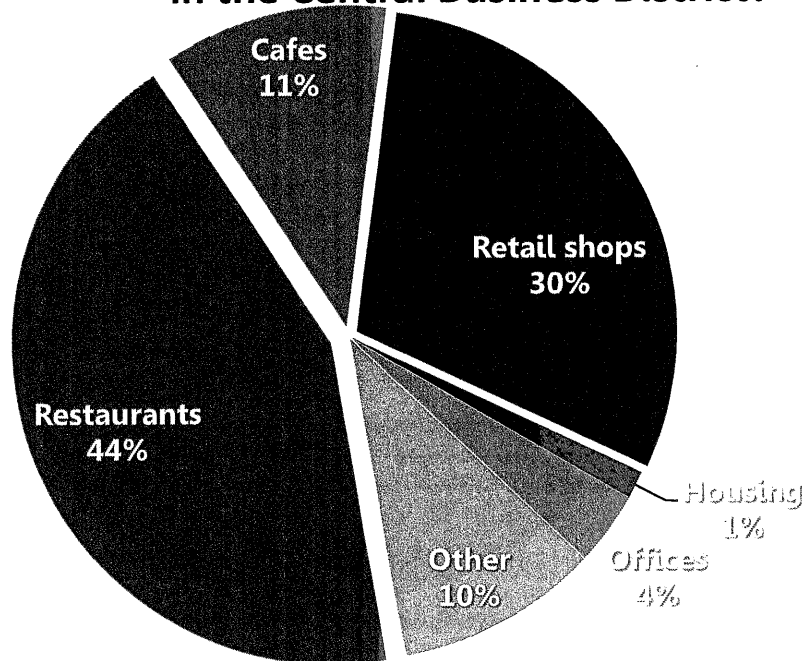


QUESTION 11

What kind of development would you like to see in the Central Business District?

Answer Options	Response Percent	Response Count
Restaurants	43.5%	214
Cafes	11.4%	56
Retail shops	29.9%	147
Housing	1.4%	7
Offices	3.7%	18
Other (please specify)	10.2%	50
<i>answered question</i>		492
<i>skipped question</i>		8

What kind of development would you like to see in the Central Business District?

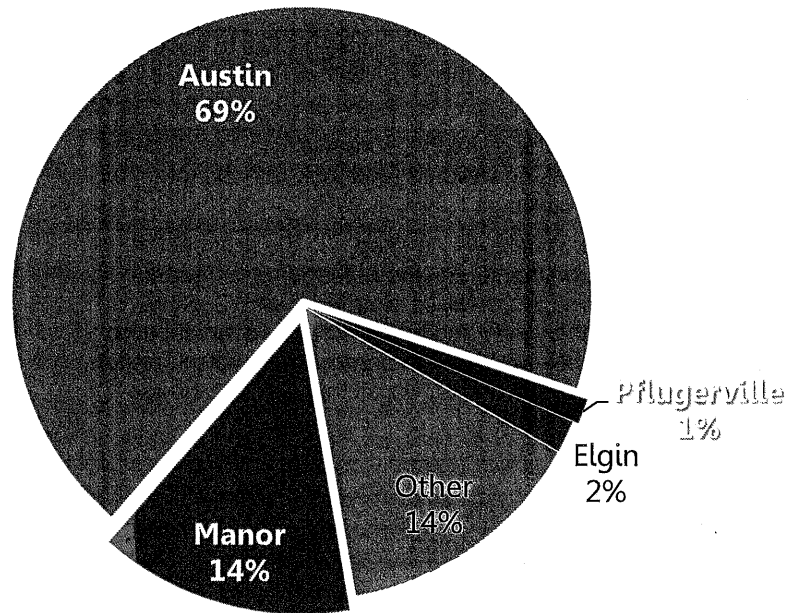


QUESTION 12

Where do you work?

Answer Options	Response Percent	Response Count
Manor	14.2%	70
Austin	68.6%	339
Pflugerville	1.4%	7
Elgin	1.8%	9
Other (please specify)	14.0%	69
<i>answered question</i>		494
<i>skipped question</i>		6

Where do you work?



QUESTION 13

What changes in Manor are you excited about?

Answer Options

Response
Count

338

answered question

338

skipped question

162

What changes in Manor are you excited about?

The different fast food restaurants are exciting as well as more neighborhoods.

New restaurants & retail stores & metro flex route

Growth! More businesses and homes being built! More community services and not having to drive so far for everything!

I'm looking forward to growing with the area as it grows.

I would like to see more restaurants and more roads or highways to help with 290 traffic.

The convenient growth. Looking forward to more growth to have to spend less time and gas going into the city. Walmart is great but we really need HEB!!!

I'm simply excited that something like this survey exists. i'm glad the city is being proactive in seeking resident feedback with the intent of formulating a plan for the future.

1. Having new businesses where we can shop. 2. the prospect of major new developments on the south side of Manor (sorry Manor didn't annex these areas before Austin claimed them!) 3. New school facilities. 4. Hopefully new and better school administration. 5. Hopefully the City Council will work to annex areas which are not within the City Limits now so we don't have all these hodge-podge construction conditions and rules.

None yet.

Recreational opportunities for youth.

the fast food restaurants and the walmart

Retail stores, restaurants constructions.

Developments

The growth...and the potential that comes with it.

Finally on the map.

Not much, We need a good Restaurants, none FAST FOOD, HEB and Lowes.

Increased frequency of popular food chain additions

That we are growing

It's growing rapidly! Companies are beginning to notice us.

The growth of businesses

Growth and infrastructure development

Mostly the new stores and shops

QUESTION 14

What do you think is the city's greatest challenge?

Answer Options

**Response
Count**

360

answered question

360

skipped question

140

What do you think is the city's greatest challenge?

Open-Ended Response

TRAFFIC!!!!

The roads , 290 , old hwy 20 , and 973 all have traffic going miles long.

Traffic

Traffic

Finding an identity

Not enough new homes being built

Aesthetics, make it look nice and clean.

The infastructure such as roadways keeping up with the growth of Manor. More business coming to Manor to increase the tax revenue.

Keeping up with the roads (pot holes, large cracks, uneven, etc.)

improving the conditions of "old town" Manor. growth is occuring all around, but old town could really use some investment in infrastructure, recreational facilities, and code enforcement to simply improve the appearance and feel of the area.

Getting beyond the idea of "little Manor." This is no longer little Manor--it is a growing small city with a bright future if we can have leadership from elected officials who take seriously the responsibility of leading Manor into a solid, well-planned expansion of our businesses and our housing future.

Providing easy access to healthy food, job oppurtunities and public transportation for residents of Manor in outlying subdivisions.

Traffic on 290!!- somewhat frequent accidents at stop light on FM973 and 290

we are too small ---- there is not a lot of retail land that is in visible location to be profitable. We need an HEB and NO more gas stations. --- We need more affluent families in the city to help generate \$\$\$\$ for our failing school district. WE need to annex more land to make Manor larger.

Traffic

Traffic routes, especially on Blake Manor Rd, only 1 way in and out, need to connect Blake manor to 973

Creating ways keeping kids out of trouble

Not selling out to the first corporation who comes knocking....example: walmart before heb, mcdonalds and taco bell before other, more local options. Is there any way to attract better business to Manor?

Schools.

Streets. Especially once you get off the toll road. Then in the city streets to get to homes we have only two options to get out or end.

Population and Traffic.

It's roads/streets

The growing of the Manor Police Department and seeing the good changes the new Chief Ryan Phipps and Sgts have been making for the town.

Finally growing

New businesses and road improvements.

Starbucks! We need some more restaurants. And a DOG PARK. :)

All new businesses

Open the toll road and starbucks

All the new business! !

The opening of new business. However I wish it was places that promoted healthy lifestyles instead of Shipley's and taco bell

It's growing

I would like to see an Heb store and a better playground.

I am excited about the new restaurants opening and seeing the new housing coming up around the city.

New Schools.

More businesses being built.

Growth!!!!!!!!!!!!!! But very worried about the natural beauty being paved over in the process.

Dog park

Whataburger

Commercial development

the new businesses

Whataburger.

New businesses

More restaurants outside of just fast food.

Annexing Briarcreek.

current development along 290, additional vendors and housing

Wendy's

Recreational centers, parks and different activities for children and youth.

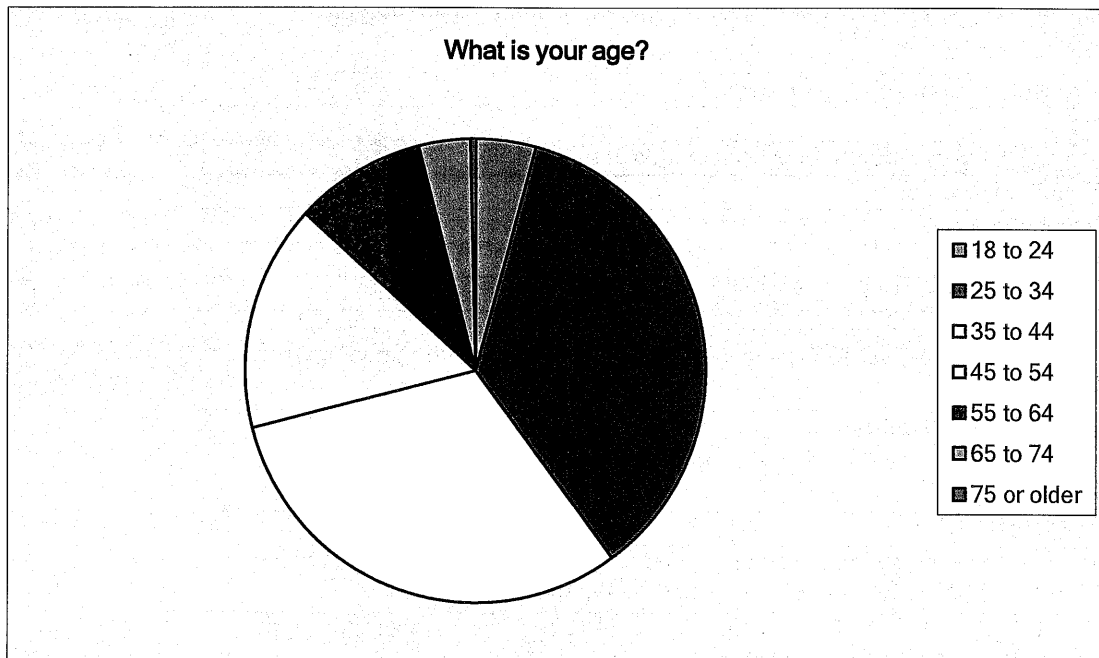
Businesses coming to Manor and restaurants (finally)

New business. More jobs. Lower taxes.

QUESTION 15

What is your age?

Answer Options	Response Percent	Response Count
18 to 24	4.2%	21
25 to 34	35.7%	178
35 to 44	31.1%	155
45 to 54	15.8%	79
55 to 64	9.2%	46
65 to 74	3.6%	18
75 or older	0.4%	2
<i>answered question</i>		499
<i>skipped question</i>		1



Infrastructure vs population

Keeping it safe. Tons of red light runners on 290 near main road. (Valero side)

Poverty areas, homegrown mindset, and the terrible school system...

Their challenge is change. Traditions should carry on..but Manor festivals ect could have better outcomes if they change their set up, add bands people actually know and younger than 75. Add more festivals and announce it better with banners over 290 to attract more people.

Remodeling existing city to meet the demands of new residents.

Older residents unwilling to change. They complain there isn't enough here and then complain there is too much. This is not your grandparents Manor.

Water stands all over town

Traffic !!!!!

Traffic in the morning and in the afternoon

Making it a desirable place to live for future residents.

Having restaurants

The greatest challenge in all honesty is the community. There is a lack of pride in the community which is showing in the lack of upkeep on the maintenance of the "downtown" area and of the structures around the business district. Take pride in your city and show it by cleaning up the community and bringing in real, reputable businesses.

The reconstruction of the downtown area.

None

balancing the very different economic needs of the people.

Cleaning up downtown

Animal control

Demand

Where the 290 toll ends - it should have ended a couple miles further east.

Traffic along 290! The light at 973 and 290 kills our momentum. We need to extend the toll road past 973 going east. We need turn on green options along 290.

Keeping up with growth

Mixing old with the new without making the old appear run-down and not appealing.

Making it pretty.

Traffic. The existing system is straining under the volume of traffic given that there is really only a few ways to access the Austin Metro area.

The growth is too fast, too soon. I feel like we will need another middle school and high school soon

Traffic. 290 needs to undergo major renovation in the next 10 years as the city continues to grow. The 4 lanes that are currently in place will not do, and will drive people out if the traffic continues. People moved out to Manor to get away from Austin traffic, and its turning in to the same thing.

improving the overall appearance of the city, especially in older areas of town

Traffic flow, not enough programs for kids of all ages in the summer, bad streets and no 24hr convenient store or drugstore

Traffic and traffic control. There needs to be a light coming out of the Stonewater community coming onto 973. This is a dangerous intersection and with more houses being built back here it is just going to become a bigger problem. Also the timing of the lights on 290 is horrible. Cars coming from the side street have to wait forever to get onto 290.

Lower utility cost especially for single people who don't use nearly as much, but are penalized with the minimum rates.

Controlling sprawl. Turning prime farm land into subdivisions is very, very bad for the community and the nation.

Moving away from all the low income housing

Enforce the code, seen houses with a lot junk, keep grass neat, some streets need repairs. A nice and clean city, attracts more housing and business.

too many subdivisions = traffic!

Managing growth and the problems that come along with it, such as crime, traffic and road improvements.

the rapid growth and traffic.

Building around 290 - 290 needs to be even wider.

Our reputation as the "New East Austin" and not increasing the quality of homes being built and accepting low income opportunities which creates an image.

Keeping up with demand of services as we grow as a community.

Cleaning up downtown to make it more attractive like some of the other neighboring towns. Also getting rid of the trucker traffic through downtown Manor.

Greatly differing opinions on every topic. People like me want to see this place grow and get better. Some people have lived here for a long time and want it to stay how it is... One is good for the city, one is not...

Traffic

Creating a business district.

We have too many large chains in our small town. We need more small businesses that help support and cultivate our community and our people. I would like to see an HEB so that we can get rid of that horrible Walmart.

The school system, especially with regard to all the corruption in the news lately. Also, people that don't respect other people and other people's property. Examples are bad behavior in our schools and trash left in parking lots.

beautiful!

Transportation and absence of shopping malls

old Manor is blighted and could be very charming; but it would be hard to displace those living in such circumstances

To much growth

Not allowing Manor to grow as fast.

Recreation space

Not to get caught up on growth that it forgets the farming community

Changing with the times and needs of a growing city.

Traffic and lack of infrastructure. We are so close to downtown Austin but it feels like the boonies

Traffic Control

Growth

Attracting business that is not a convenience or auto parts store. We need real restaurants, a real grocery store, and higher end salons (Great Cips is not great), movie theaters, a Lowe's or Home Depot, we need all these things to grow as a city.

Figuring out how/where a new town square should be. The town really needs somewhere to congregate and right now that's not happening.

Management and spending of the tax collected. It's higher than Pflugerville but theirs has more to offer. How is that?

Entitled citizens

Keeping up with current growth. School system.

Traffic

Growing responsibly.

Keeping up with the appearance of the town

Nepotism

City management.

Funding a new police facility and attracting the talent to build the proper infrastructure for the city.

Enough access to roads in and out of the city. The growth has been taxing on our streets and traffic is terrible.

Keeping the youth busy in a positive way

Bring HEB here. No more gas stations, food marts or auto parts. We have more than we need now.

upgrading downtown

education is needed to improve for real estate values to jump

planning

No organization

Politics

Getting an HEB

Drugs happening in Wildhorse Creek

Backwards ideas, crime. Lack of special education in the schools, and the cover up of that. MAP.

Whoever made the decision to add so many car parts stores, fast food, and gas stations, obviously does not want us to be a town. We are currently looking like a large truck stop.

Balancing the right kind of business that fits the lifestyle and cost of living of it residents

smart growth: building infrastructure to accommodate more traffic, becoming a place to stay rather than a pass-through by preserving historic areas in the face of development

Youth problems

Not enough side walks ,rapid growth

Traffic!

Getting HEB here. If they get HEB here, then more shops will come.

Having a good quality of life that will attract quality people to move here.

Becoming more than a stop on 290.

Significant need to improve cosmetic appearance of downtown and some run down buildings along 290

Stop building freaking auto parts stores and gas stations. There are more than enough!!

\$\$

Traffic.

Older residents

Improving old building downtown and restoring the image of downtown. Reducing the stigma of crime in the city

290 traffic, traffic, 290 traffic, 290 traffic

Everything

Roads, the traffic on 290 is pretty bad and the toll road hasn't helped.

Space

Capturing the large boxes before the next real estate bubble bust.

Traffic, attracting higher end retail and restaurants

Attracting bigger businesses and improving the schools. Also better managing the traffic flow on 290.

Roads and traffic

Traffic, lack of infrastructure. We need more housing ordinances to protect the growth and values. I have seen mobile homes on land falling apart and owners not maintaining there respective lands. Also, opportunities to open new business in Manor.

Keeping government regulation from stifling community growth.

Spending time finding businesses that will enhance our community not just the drive thru traffic.

Accommodating the growth while maintaining a "small town feel". We should also focus on beautification of the city. Let's do something with the old abandoned homes and overgrown lots. Let's cut the tennis shoes off of the power lines... (And, if that does really represent a gang/drug territory, let's do something about that, too!)

Clean up the School District Corruption/Image - This will attract more families like PISD/RRISD

The fast growth and not being able to keep up with it.

Traffic

Getting more options for utilities services (water and electric)

Trying to build up the city to accommodate the influx of people moving in to work in Austin.

Managing education and mitigating the affects of low income residents

Attracting large business to manor, such as HEB, target, etc

Trying to keep up with all the new people moving to manor.

Bringing an HEB here and well known retail shops.

Business and restaurants and jobs

attracting austinites to Manor

Traffic especially due to poorly timed traffic lights.

Bottle neck traffic. From presidential Meadows to parmer on Hwy 290 the traffic is horrible. No one wants to stop to spend money with all the traffic.

Traffic, 290 is terrible in the morning and everyone runs red lights. It is also incredibly difficult to get onto 973 from Suncrest.

Public perception. It's "too far away" from town or that it's "ghetto".

TRAFFIC especially on hwy 290. we can't get out of our subdivision (Greenbury Village) in the am to go to work, drivers block intersection.

Traffic congestion, if Metro Rail would come to Manor it would attract more people to move to Manor that work in Austin or Downtown.

Traffic and road maintenance

Increased traffic

The school district.

Taxes vs growth

Bad schools. The schooling is terrible, and with an overhaul of the school board to do more for the community and less to line their pockets with tax payers money, the better off we will be. The schools are so bad most upper middle class are moving their kids out to Austin schools or home schooling. Lower class try, but not sure of the free alternative options. The schools are the worst. Even the teachers don't send their kids there! Look how many teachers leave within two years of work. We also need a better animal control center.

Demographic divide between poorer areas and newer neighborhoods/residents

Balancing growth of the city and keeping Manor authentic still with a feel of a small town and local shops. Too many houses are getting built on farmland

Attracting a large grocery store..HEB!!

Preserving farm land while expanding

Traffic only 2 real ways in and out of Manor

Lack of vision, not prepared.

Allowing the city to grow. Educational system. Location of commercial development. The city seems to be expanding toward Elgin rather than trying to blend toward Austin, that seems like a mistake.

Not having an economic development function

having things for teenagers to do when they're not in school - a rec center with sports, homework help, mentoring - must be easy to get to by themselves on their bike or walking or by bus

Traffic management

Uncontrolled growth and avoiding being another Pflugerville.

Keeping it from becoming generic and low end looking. Lots of 18 wheelers going to and from the asphalt plant on Littig. Roads are messed up. This company should help us keep our roads looking nice and should pay for a crew to come and fix pot holes. One 18 wheeler fully loaded is equal to 9600 cars. Y'all are screwed in the road business. No one will come or bike out here with crazy road conditions. Get a backbone. Make them fix it or pay for the fix. Make the developers foot the bill for the sidewalks to and from the Walmart. Shame on you all for letting them get away with putting in subdivisions in the middle of nowhere so people have to walk on the non existent shoulder to get to the store.

The city's greatest challenge is keeping up with the growth of the city.

Getting the community together as one. Having more city events to get the town engaged.

Fixing the roads

Parks, infrastructure

Building and break-ins. I mention building because the soil is awful in Manor.

Traffic

The performance of the Schools.

traffic and accidents, crime prevention

Being able to accommodate everyone and keep them happy.

Too many cheap homes. You need to put in some ShadowGlen type homes. Folks with more disposable income instead of just barely scraping by. They are selling within two of being put on the market. Harris Branch is a nice example too.

Traffic

Good

Modernizing. Still has the small town image.

Traffic management and road conditions.

The population is growing faster than businesses are coming. This could potential stop the growth in Manor because residents will need to travel so far for retail stores, big chain stores, etc.

Traffic and lack of a grocery store is costly for residents

roadways and traffic - need to improve infrastructure (bridges) to allow more lanes on 973

Allowing non-big-box customers to come and open shop. Manor ought to aim to grow in ways that it wants to be seen as, not what it currently is.

The school district is not meeting the community's expectations for students.

Money perhaps.

stopping property taxes, keeping crime out and fixing up parks

Strategic growth with a vision. Cedar park has done a great job with this.

Preserving heritage and farmland

A lot of people I talk to think manor is really far; we need to find a way to make people want to drive out to it.

No HEB.

Meeting the needs of all citizens without leaving a certain group out.

Traffic..should extend 290 toll road over Manor, and fix the bottleneck area by Manor New Tech on frontage road...so annoying when people merge dangerously in front of you

Finding an engineer that can design and build roads. I am all for the manor expressway but the congestion it has caused is unacceptable for some one of any education.

Keeping up with roads (especially on Blake manor). Also, bringing in more business without disturbing the small town feel that a lot of us appreciate.

Desperately need sidewalks

Improve the high school in Manor

The greatest challenge is being fiscally responsible during this period of rapid growth.

TRAFFIC! and grocery store

Becoming more than just a bedroom community for people who work in Austin. The Walmart has become a place where you can run into friends and neighbors and remember that we are all part of one community. That's a start, but this kind of commons or public square needs to be repeated in as many ways as possible around town, and not just in popular retail spots. Read Ray Oldenburg's "The Great Good Place."

Maintaining high standards in schools.

getting the outlying areas on city water

Making sure to attract the correct businesses and not be over run by gas stations, fast food and auto stores.

Getting a grocery store such as HEB in the community.

I think now is the perfect timing of deciding what kind of town Manor will become and be famous for. Hopefully we won't just become one of generic towns.

Keeping the feel of small town and keeping it affordable. Need to build more roads and move traffic. Austin is slowly encroaching on us and that is not good.

Traffic

Renovating downtown Manor so it doesn't look so pathetic

Roads, traffic, and accessibility to commercial centers

Improving schools

290 highway traffic

Developing infrastructure and tax base.

Traffic! We need an overpass! An overpass will allow busses to route the children to school faster while workers headed to and from Austin are on the overpass.

Cleaning up the downtown area, Improving the School District, Making the town look more up-to-date instead of run-down and old.

Traffic during rush hours. It's insane.

Growth!

The school district

To stop trying to mimic larger cities. Most people live out here to avoid big city issues.

Crime

Traffic and planning for reasonable sustainable growth

No recreation or jobs other than food industry

Low income people moving in and crime. Growing faster than infrastructure.

Manor needs more quality to its schools so that as home building progresses, the quality of homeowners is more desirable on the whole

Keeping up with the demand of new residents.

Dk

Competing with Austin for business, especially with so many people working in Austin that live in Manor.

Traffic on 290 and frequent car accidents in the same spots.

Scaling.

Make sure we have enough parking spaces!!

Making everyone happy

The rapid growth. The 290 is horrible during rush hour. Wish the toll went all the way to Elgin, or atleast through Manor.

Traffic coming in and out of town

being able to get a handle the growth of crime, as the city grows so will the crime and to have the people and facilities to deal with it will be a challenge

CBD

Simply keeping up with growth. It feels explosive.

Keep city folks in place to monitor and assure all new entities maintain clean, code meeting, safe places.

Much needed rehab of older homes to give value to the city.

Not becoming too congested

We need an HEB and Lowes/Home Depot

Compromising old Manor customs and values with coming growth.

Places for our youth to be safe

Maintain a small town feel in the right places while allowing the city to grow with the population

Petty crime, too many gas stations, no community involvement, community officials not in communities, library not functional, police not involved with youth...

No Opinion basically....stop growing and trying to bring people in...loved the small town effect thats why I bought a house out this way!!!!

Traffic

Preparing for growth.

Growth

The traffic

Controlling all the traffic inbound to Austin.

Slow growth and road improvement need for 290 east. Should have tollway all way thru Elgin to help attract people there as traffic horrible thru Manor

Traffic and the growing population

Growth & traffic planning

Cleaning up the downtown area. It is very run down and will cost owners and the city a lot of money to spruce it up.

Traffic!

Allowing businesses into our City.

You can't compete with neighboring towns and grow a desirable community unless you have a professional, full time chamber manager and an economic development professional.

HWY 290 being the only real way in and out of the community. Especially with more housing developments popping up.

Ppl expecting so much from a small town.

Traffic

Traffic

Growth

TRAFFIC AND ROADS

Old Hwy 20 traffic and expansion.

Traffic

If the city hasn't yet already started keeping digital copies of records it should start to ASAP. Especially in the long run having access to records via computer will be extremely convient compared to paper copies.

Traffic

Finding space

Improvements to properties in downtown area

Small town ideas. The highest value for a public official is who they know and how long they've lived here. they have NO IDEA how to cast vision for a booming city. They are drowning in insecurity.

Not enough businesses.

Getting places to build here

Traffic!

290... not travel friendly. 3 speed zones in as many miles. Traffic signals are not timed well. Not enough police presence during the afternoon, Dangerous.

Preparing for the traffic

Traffic

Build heb Lowes home depot Target

Education and things for kids to do

I don't want to see manor grow too large because I like the country but I would like to see an heb. I don't want high property taxes

EDUCATION!! I fear that we will have to move if the school district does not improve. As a young family, we have one daughter that starts Kindergarten this year and I'm hoping we see a big improvement.

Keeping the home owners and residence happy and safe in the city.

Getting big chains and local Austin business to locate here.

While it's growing it still does not feel modern and there is a disconnect from being considered a suburb of Austin. More health conscience businesses are needed. More variety, we do not need anymore gas stations or auto parts stores. Need more and improved parks for kids, like the one in Round Rock (For all disabilities park) plenty of unused land in and around Manor that is not being maximized.

It's great that little Manor is growing. But we are still a small infrastructure too much traffic.

Traffic! Too many wrecks on 290 due to congestion and people running the lights- We need a bypass for the residents of Elgin/ McDade/ Taylor/ Giddings & NOT A TOLLED ONE!

Institutionalized Racism, "This is Texas!!"

The schools need a lot of work. Students do not behave and are not motivated. Parents and community are not invested in the school. Parents who care enough home school their kids or send them to charter schools, and the rest of the kids go to the public schools, creating a cycle.

Moving fast enough to accommodate the city's growth

Making sure the infrastructure can handle the growth.

Too many gas stations and auto part stores-

No grocery store! Could use place to buy fresh food like a farmer's market.

TRAFFIC, TRAFFIC AND MORE TRAFFIC

creating a hodge-podge of single entry businesses off the 290 causing traffic problems, dangers and accidents AND lights that do not allow one car to get thru an intersection

Transportation traffic congestion on 290

Fast growth. Infrastructure has not caught up with the demand of new residents.

Small time mentality

Highways

Limited public transportation and affordability.

Overcoming small-town blues

traffic

Ensuring that the sudden growth doesn't raise property values so much that people can't afford to live here.

Need another Fire Station due to the large growth. And another Hospital

Traffic

Flooding, growth

sustainable, smart growth

meeting all citizens needs

Sidewalks

Not enough lanes

Development

It's insane to me that we're a small town and yet we have no good sidewalk system. I see people walking on 290's shoulder all the time trying to get to Walmart. That's so dangerous. The only place that has working sidewalks is the CBD (when I say working I mean sidewalks on both sides of the street that don't suddenly cut off). Sidewalks are a very important thing to make the city safer, more connected and look nicer.

Buyin of stakeholders

Managing growth sprawl. Lack of resources. Poor leadership without real vision.

Improving the schools and raising the standards and reputation of MISD. And improving the quality of roads.

Lack of schools with excellence rating. If we had children in school, we would have bought elsewhere.

no bike trails, need more restaurant options, need nicer housing options there are hills in manor which could have housing built on this land. downtown manor could be greatly improved.

Biggest challenge is not becoming just a strip of suburban sprawl but rather a city that has charm and personality and shows a thoughtful layout.

Updating all the dilapidated buildings

Traffic

Education (Manor ISD); building facilities or making facilities available for activities that promote healthy living for youth and their families (sports, healthy eating, making good life choices, etc.)

Overcrowding and traffic. It already takes 20 mins to get from 973 to the toll road. We need widen HWY 290.

Traffic and limited resources. Have to drive to Austin or Pflugerville.

Reconstruction and Construction.

Traffic issues

Small town thinking and current leadership resisting change because it takes away power from them

Attracting stores, shops to keep pace with subdivisions. Building a city center.

Growth is exceeding what the city can handle

Traffic

Attracting larger retail businesses.

Image that it projects, objections to moving forward by some residents, increasing the commercial tax base, and coming up with and implementing a cohesive plan for growth. Having to compete with the cities that surround Manor for projects.

Good management and leadership

Attracting businesses

City not wanting to move forward

Unsightly center and limited walking areas

growing too fast & not able to keep up with the traffic. we need a toll road going over Manor & end outside of Elgin city limits.

Attracting a higher socioeconomic status, less renters, more people invested in improving Their community and paying their HOA

Roads

getting everyone on board to the changes that are coming regardless if people want them or not

Providing family fun for the horde of young families that are primed to move here. My local Austin mommy group is all a buzz about Manor. Biggest complaints? Shopping, places to take the kids, and reputation of schools.

290 traffic, nothing for students to do in the summer

Finding activities to keep all the kids busy. Building and expanding roads as the population grows. Don't become Austin!

Clean up and beautification. Also, there aren't many family friendly things to do in the city. It really needs a grocery store.

Cost of changes without taxation

Traffic and our schools

Keeping up with population influx

More than likely the city budget

Don't become too commercial and overrun with chains and big box stores. Making sure roadways are kept up and good traffic solutions in place

Traffic

Maintaining a small town feel. . . With a wide availability of high speed internet access. Honestly, we moved here from Austin and the internet speeds available to us have been very disappointing. My boyfriend works from home and it changes his entire workflow.

Attract big box retail, businesses

Helping flow of traffic along Highway 290

Narrow streets. As 290 becomes more congested, drivers are diverting thru downtown Manor. At minimum, Lexington St and FM 973 should be widened.

Keeping the small town feel while trying to expand

Keeping up with growth. (repairing/updating streets and sidewalks)

School system!

We need to make 290 easier to maneuver for Manor residents. It is too congested with Elgin residents and people that live further east. More roads to Austin other than just 290

High Property taxes

Rapid Growth, Streets and Development

School district and dealing with the 290 traffic and speed involved accidents

Knowledgeable officials and competent police officers.

My God, the traffic is terrible. You need more roads ahead of adding all these people.

traffic

Road repair and traffic,taxes

Commercial zoning

Wider streets and ability to navigate through certain areas. A highway loop around the city limits to improve traffic issues.

Large trucks should not be turning east onto Parsons. Lexington Street has a light at the north and south ends and the trucks can use Hwy 290 to go east and access Old Kimbro Rd and a direct entrance to the asphalt and gravel property.

Making this community more family friendly. If I want to do anything over the weekend, I go to Austin or Pflugerville.

Continual growth and development as the city expands

More food options

New businesses being built, especially places like Starbucks, Shipley's, Panda Express and Whataburger. Also excited about the Shadowview strip, but that excitement may diminish depending on the type of business it attracts.

Whataburger

More businesses coming to town

Parks and Trails

Small, non-chain, locally owned businesses.

Whataburger and Panda Express. Walmart has been a positive change as well

Housing and business expansion, some more need it in order to detonate economic local grow.

Whataburger!

Having traffic lights instead of just stop signs.

More housing and retail expansion.

We need an HEB and more local businesses, like restaurants

Growth, more shops, a grocery store, restaurants (not fast food).

About to have an HEB

More food options.

All the new growth. Would honestly like to see larger chain restaurants instead of just fast food. Need an HEB and a Lowe's.

Growth in general

Cleaning up of the downtown area and keeping the historic feel but clearing out the trashy looking stuff...

More homes being built in Shadow Glen. The new Shadow Glen elementary school.

Hopefully more small businesses and healthy food options

Excited for the new growth and business. Hoping the ShadowView shops fill up soon.

i am excited that i notice more new building/shopping/fast foods

Housing edvelopment

new development all around; looking good

Hardware stores and HEB.

More businesses coming to the city.

Hopeful for Internet that is not dsl

That it is finally growing and starting to attract good companies.

I would be excited to learn the city is working on improving traffic congestion and attracting restaurants, grocery stores, and local business so that literally everything does not require us to make a 30-60+ minute drive. Unfortunately, I have not heard of any changes that I am excited about.

New businesses.

Development On HWy 290

Excited about the growth.

Starbucks was like hitting the jackpot!!!!

More community based things. We love our small town, we love the growth, however I'd love to keep the small town community. Things that we can do as a family here in town.

New restaurants and businesses. I really really want an HEB. I know folks in Elgin want us to get one too.

Commercial development so I can live and shop in Manor.

Capitol Metro Bus

not sure what changes are happening but i hope more stores and shopping strips are coming. more places to socialize.

City bus coming to every community from walmart and if there is a heb coming to town

Shipley donuts

Growth of more dining and shopping options.

New stores

Growing school district

New shopping venue

Cleaning up the school system.

Business development.

We live in Carriage Hills and would LOVE the option to walk or bike into Manor. We tried once, and almost got hit by a car. There are no sidewalks, or even shoulders. I get so nervous when I see people walking or biking on the high-speed roads that go into town. A more walkable city would be so great.

Love the growth so far but needs to continue. Walmart building here was HUGE.

Grocery stores.

Growth

Adding more places to eat out besides fast food chains.

Sidewalks, and HEB

Restaurants

retail and restaurant shopping

Rather than spend \$\$ in Austin I would rather buy local--hardware store, clothing, shoes, pet supply

More options for local entertainment.

Growth

HEB, Chili's, good park, pool for winter

business/population growth

Traffic Lights. Restaurants

It is nice to finally see it looking like a clean and vibrant place. Those who don't want it to grow are ignorant and not thinking of the children.

I would be excited about an HEB

Growth and the everyday type business that come with it.

downtown revitalization, HEB

I would like to see recreational facilities for our youth like a ymca or a plain old rec center

Restaurants (new business)

The whataburger!!!!!!

growth!

I hope to see more businesses in town, so I do not have to travel out of town to shop.

The growth

Beer distribution center

Restaurants...It would be nice to drive to a nice elegant restaurant for Happy Hour. I always end up facing traffic in Austin.

Businesses

The growth in itself is exciting. The schools must improve to get families to reside here.

YMCA at schools, more stores

I'm just all around excited for the growth of Manor and all the opportunities that's going to come along with it.

Growth, however we are a blank slate and should be very particular about what is allowed. Our subdivisions should all have wide streets, bigger lots, bigger homes, we do not want to be the North East trash center.

New Restaurants and New Schools.

Larger grocery store

General growth and improvement.

I love the fact that we are getting many new fast food outlets and other businesss

More things to do or go to

More stores!

Economic Growth

Growth and attractive development

More stores, eateries, toll road

I'm happy to see the new growth off if 290.

Youth needs are very high, entertainment.

Growth not having to travel to Austin and/or Pflugerville for basic essentials. Now I would love to shop local.

More family oriented business & amenities. Stores other then Walmart. Healthier food choices.

The growth. Manor has so much potential with being affordable to the surrounding area.

I like the new fast food chains for the high school kids..

More activities to do and places to go.

The growth and addition of new businesses.

Hopefully real job opportunities

More businesses coming in

Whataburger

I would love more parks. Having somewhere to go on the weekends with family would be lovely.

All the new food chain restaurants being developed. And hopefully retail stores in the future.

Haven't really heard of any major changes

Everything

HEB

Building up more restaurants and large stores like HEB.

possibility of HEB

The growth

Growth and development of the area.

The new business that are arriving. We desperately need a public library!!!

none right now

Growth, future retail

As a coffee shop manager in Austin I would love to be able to bring my business closer to home rather than driving to south Austin everyday.

HEB!

I hear HEB is in the works. Coming in 2 years.

New retail businesses. Looking forward to CVS and would love a Walgreens

The fact I don't have to go to Austin for everything now. Things are getting closer.

The restaurants coming in

New restaurants

More diverse business and or corporations setting up headquarters in Manor. Places for families to be able to go for leisure.

I am excited that Manor is attempting to become a more metropolitan town. However, I am concerned about gentrification.

The expansion of the tax base finally gives the mayor and city council some resources to work with.

New schools

I would like to see more restaurants, retail and grocery stores so I don't have to go to Pflugerville every time I need something.

Wal-Mart and food chains like panda express and Whataburger.

The rapid growth - New Businesses

I would like to see an HEB.

Heb!! More bike trails and safe outdoor facilities for families.

Having more food options, and seeing manor grow.

None

Would love a video store or theater. Another grocery store would be great. Glad new elementary school near by. Hope isd gets better.

Additional retail space on 290

Grocery stores and small businesses

Small businesses coming to town

I heard a shopping mall was in the works

Something for the youth and more outdoor activities and options for family maybe outdoor exercise park

That it's growing! :)

Expansion. Commercial development. Community growth.

Bus route - please expand

all the new retail establishments coming in

Growth and development

More rooftops to attract more retail.

Growth

Restaurants and shopping
Places to take the kids to do stuff
The opening of Taco Bell, Shipleys and Whataburger are good fast food starts. Need to bring in restaurants to accommodate families.
Things to do with the kids especially during summer, play ground, swimming pool, and movie theaters.
The new businesses arriving and new homes under construction to expand neighborhoods.
Growth in Businesses
Growth!
Growth
HEB, Target and a Home Depot or Lowes coming!!!!
I hope the commercial businesses stop developing here. And HEB is all manor needs
Growth, HEB
People are finally realizing what a nice location manor is
More restaurants and chain stores
Positive growth potential
easy access to Austin - whether via toll road or access roads.
New businesses.
Toll ! Bu please no more gas stations! Would love a Costco , Sam's , Bath n Body works, HEB and Mall
Providing more spaces for community gatherings that are accessible
More businesses and things to do with family and friends. Would love to see a bowling alley, and arcade. My husband wants to open one someday.
Growth!!
Manor expanding
The growth
Hope we get an HEB soon!
Increase in home value
it is exciting to watch the city grow and to be a part of it.
Growth!!!!
Traffic lights going in ! New businesses !!
Street and flood improvement. What-A-Burger
More restaurants
Access to stores and groceries we don't have to go to Pflugerville/Austin for. More outdoor activities and dining options. Recreation improvements.
New businesses and restaurants
The new bus routes. However, I would like to see it extended to the developments on Old Highway 20. I see a lot of young adults walking on that skinny road with no sidewalk. That would be a good place to put a sidewalk. Hi Scott!
Whataburger
More stores like heb restaurant not fast food
Shopping and retail
The additional businesses that are coming to manor.
None yet.

I like seeing more eateries going up, but we need actual restaurants and we are in bad need of an HEB or some sort of grocery store. We really need the grocery store. As far as restaurants, I'd rather see chains that are local to the area like Chuy's, Torchy's, and Alamo Drafthouse than places like Applebees. A Lowes or Home Depot would be awesome too as there is a lot of new home construction going up here.

More businesses

NONE...hate the growth and the traffic is getting horrible!!

None

Growth potential.

Growth

We could really use sidewalks

We really need a home depot or Lowe's.

Lack of communication on changes in Manor so unable to comment

Wendy's and the new schools

All of the new development is very exciting. Although it would be even more so if the changes were varied. We do not need another gas station or automotive store. There are too many.

More food places and Starbucks was an awesome addition.

More business in the area where I don't have to travel to far for my household needs.

New high end home builders coming in to Shadowglen.

The growth has spurred more of a diverse community and that is exciting.

More jobs available here

More stores

None

More food places

HEB might be thinking about building a store here. 290 expansion!

Whataburger

More businesses coming in.

Restaurants, stores and maybe a HEB

No traffic, better schools.

Added retail facilities

More direction, more people to diversify and push out current leadership.

More business.

Growing

Skatepark hopefullu soon, and hopefully decongest the traffic.

Growth, jobs

Growth, retail

Growth

Traffic improvement

THE WHATABURGER.

More placrs to eat, I hear there may be a food court

More shops and restaurants

I'm excited to see the library grow and have a full time staff. I'd also like to see an HEB or other grocery store other than Wal mart.

More housing, better roads, revitalization
More businesses opening
Whataburger just need IHOP
More dining
Good change...
New developments
I would like some shopping places for kids and women. Like a maurices & a carters
More businesses
I'm excited to see Manor have more career opportunities with the new coming businesses! What a great way to create local jobs and help the local economy. I would love to see an HEB and a Target here! I also think the restaurants are a great addition- would like to see healthier options being offered.
Excited about the restaurants and Shopping center. Not having to go outside the city limits.
More stores, really need a home depot or Lowe's
More family friendly events, more healthy options, HEB Plus, Super Target, Sprouts, Whole Foods, Cabo Bob's, Chick-fil-A
Optimistic about the future
Retailers coming to Manor, more food choices, and more traffic signals to control dangerous intersections; i.e. 212 & 973
The new business' popping up around Walmart!!
More restaurants.
New HEB, more restaurants and home development
All the new growth is very exciting.
Development into a community rather than struck stop town
Retail options
The road improvements and the traffic lights
The growth is exciting to see. I look forward to more recreation and retail facilities.
Has some businesses
New growth
Access to services/products for the families that live in Manor. Limited public transportation creates more barriers for families in the Manor area.
More recreational activities.
walmart
I have enjoyed seeing the growth in Manor over the last five years -- so much has changed with the incoming businesses. We can actually 'live' here instead of just doing everything else in other towns and returning home to sleep.
The construction along 290.
Real life stores, books stores, clothing etc
Growth
New business keeping up with growth
New stores and side walks
Growth
HEB

The continued growth with businesses and houses
 HEB
 New commercial development
 The attraction of more businesses
 Possibility of commercial business growth, which will bring jobs and further economic development
 More services provided - food, shops
 Growth and being part of it.
 Business development
 Growth!
 Getting a whataburger
 Everything
 Getting a grocery store hopefully!?!?!?!
 None, because the changes that are being made are counterproductive.
 Whataburger. New park across from Walmart. Extending Ring street.
 walmart and restaurants
 It's finally growing
 Higher tax base
 Additional shops. More local grocery and national chains.
 We need an HEB, we need dilapidated homes and businesses and empty building to be fixed up or bull dozed.
 I hear HEB bought land in Manor, so I'm excited about that. I was excited about the bus until I realized it only went around Manor. 4-5 miles more and it could have transferred to a bus stop in Austin.
 Parks, trail said, grocery
 Fast growth
 more money for schools- really need to upgrade MHS.
 Improving our parks and bigger water parks.
 the new development I see on a daily basis; new stores like starbucks etc. I hope that manor continues to grow in a positive manner.
 The addition of all the new schools
 The active listening of the community to assess how to move forward in its development
 The possibility of a HEB grocery and healthier restaurants. I love my Starbucks.
 New retail.
 The Traffic seems to be improving. Slowly but surely!!
 Building a sense of community by making things available in town to keep the money in town instead of having to travel to Austin or pflugerville and spending our money there
 HEB, and more shops to come in so we don't have to travel outside the city to buy anything.
 All of it!
 Excited about the opportunity of growth happening in the area, i.e. retailers, local cafes and shops, markets, festivals, etc.
 I like the city hall. Not sure what other changes there are.
 More restaurants



Manor Comprehensive Plan Community Survey

The Manor Comprehensive Plan will examine existing conditions and provide recommendations concerning housing, land use, economic development, the Central Business District, parks and recreational opportunities, streets, utilities and drainage. The goal of this survey is to gather public input and incorporate these opinions into the goals and vision for future development in Manor.

1. How long have you lived in the City of Manor?

- ☐ 1-5 years
- ☐ 6-10 years
- ☐ 11-20 years
- ☐ 21 years or more
- ☐ I do not live in the City of Manor

2. Why did you move to Manor? (Please check up to 3 answers)

- ☐ Grew up here
- ☐ Family
- ☐ Schools
- ☐ Work
- ☐ City size
- ☐ Natural Beauty
- ☐ Sense of community

Recycling pickup	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sewer and water system improvements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Street cleanup/litter pickup	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sidewalks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Bicycle facilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Street repairs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Traffic controls (e.g. illegal parking, speeding)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Transportation services (e.g. bus)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Crime awareness/prevention (e.g. neighborhood crime watch)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other (please specify)

4. How important are the following goals for Manor?

	Very Important	Somewhat Important	Not Important	No opinion
Organized events (e.g. festivals, markets)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
More or improved public parks and trails	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Create design guidelines for future growth	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Preserve farmland	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Improve the appearance of downtown	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Historic building	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Recreation Center	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Hike/Jogging/Bike Trail	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sidewalks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Bike Lanes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Swimming Pool	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tennis Courts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Softball/Baseball Field	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Soccer Field	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Picnic Area	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Golf Course	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Playground	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Skate Park	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Basketball Courts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volleyball Courts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Community Garden	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

7. What kinds of businesses would you like to see more of in the City in the future?

	More please!	No thanks	No opinion
Auto repairs and services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Hardware store	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Bookstore	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Coffee Shop/Cafe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Restaurants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Gourmet/health food store	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Grocery store	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Gym	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clothing/Shoe store	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

- ☐ Somewhat likely
- ☐ Not likely
- ☐ Unsure
- ☐ Other (please specify)

11. What kind of development would you like to see in the Central Business District?

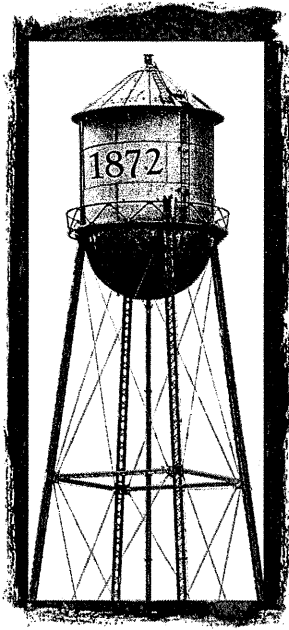
- ☐ Restaurants
- ☐ Cafes
- ☐ Retail shops
- ☐ Housing
- ☐ Offices
- ☐ Other (please specify)

12. Where do you work?

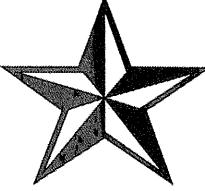
- ☐ Manor
- ☐ Austin
- ☐ Pflugerville
- ☐ Elgin
- ☐ Other (please specify)

13. What changes in Manor are you excited about?

14. What do you think is the city's greatest challenge?



CITY OF
MANOR

EST.  1872
TEXAS

DRAFT

**REQUEST FOR PROPOSAL FOR
COMPREHENSIVE PLAN**

DUE DATE: OCTOBER 9, 2020 at 2:00 p.m. C.S.T

**CITY OF MANOR, TEXAS
105 East Eggleston Street
Manor, TX 78653
(512) 272-5555 ext. 5
www.cityofmanor.org**

Section I: General Information

Article 1. City Overview

Located in east Travis County and situated along US Highway 290 East, the City of Manor has experienced rapid growth over the past twenty years. Since incorporation in 1913 Manor has grown from 282 acres to 6,228 or 10 square miles today. In that time the population has increased from 827 people to an estimated 13,866 with almost all that growth occurring since the year 2000 when Manor's population was 1,204. Manor continues to attract new residents at an ever increasing rate, with new home permits expected to exceed 700 for the 19-20 FY and over 1,300 apartment units either under construction or in the permitting process.

With a feasibility study currently underway for the planned expansion of US Hwy 290 East as a continuation of the tolled Manor Expressway by the Central Texas Regional Mobility Authority as well as the re-routing and expanding of FM 973 North by the Texas Department of Transportation and the conversion of a freight line to a commuter rail line by Capital Metro, Manor's access to Austin and the Central Texas region is poised to be greatly enhanced and fuel even more growth in the coming decades.

Article 2. Statement of Need

The City of Manor is seeking proposals from qualified, professional consultants who will assist the City in creating a comprehensive plan and policy framework for intelligent growth over a 30 year planning horizon. The consultant awarded this contract will have the primary responsibility of developing the Manor 2050 Comprehensive Plan document and will work in coordination with the City of Manor's Development Services Department, City Engineers, Public Works Department, and others as needed. The City does not currently have an adopted comprehensive plan.

Article 3. Submission Information and Schedule

The City intends to award a single contract for this project. The proposal should address the consultant's capabilities for performing all aspects of the project development process while presenting specific project information and substantiating the consultant's methodologies and approach for completing the work requested.

The official title for this project is:
Manor 2050 Comprehensive Plan

Questions regarding the content of this proposal shall be submitted to:



Assistant Development Services Director Scott Dunlop, AICP
 105 East Eggleston Street
 Manor, TX 78653
 Phone: 512-272-5555 ext. 5
 Fax: 512-272-8636
 Email: sdunlop@cityofmanor.org

Schedule of Important Dates

Release of RFP to Vendors:	September 1, 2020
Advertisement Dates:	September 1, 2020 – September 25, 2020
Deadline for Questions and Inquires:	September 25, 2020
Proposal Submission Deadline:	October 9, 2020 at 2:00 p.m. C.S.T
Oral Interviews (if advanced):	October 26 – 30, 2020
Earliest Award by City:	November 4, 2020

Article 4. Preparation Cost

The City shall not be responsible for proposal preparation costs, nor for costs including attorney fees associated with any (administrative, judicial, or otherwise) challenge to the determination of the highest ranked Proposer and/or award of contract and/or rejection of the proposal. By submitting a proposal each Proposer agrees to be bound in this respect and waives all claims to such costs and fees.

Article 5. Rules Governing Competition

Examination of Proposal

Proposers should carefully examine the entire RFP, any addenda thereto, and all related materials and data referenced in the RFP. Proposers should become fully aware of the nature of the work and the conditions likely to be encountered in performing the work.

Proposal Acceptance Period

Award of this proposal is anticipated to be announced with thirty-one (31) calendar days, although all offers must be completed and irrevocable for ninety (90) days following the submission date.

Confidentiality

The content of all proposals and scoring sheets may be subject to confidentiality pursuant to the Texas Public Information Act (“Act”). After the award of the contract, all information related to proposals received may be subject to release pursuant to the Act.

Proposal Format

Proposals are to be prepared in such a way as to provide a straightforward, concise delineation of Proposer’s capabilities to satisfy the requirements of this RFP. Emphasis should be placed on

conformance to RFP instructions, responsiveness to RFP requirements, overall completeness, and clarity of content.

Signature Requirements

All proposals must be signed. An officer or other agent of a corporate vendor, if authorized to sign contracts on its behalf; a member of a partnership; the owner of privately owned vendor; or other agent if properly authorized by a Power of Attorney or equivalent document may sign a proposal. The name and title of the individual(s) signing the proposal must be clearly shown immediately below the signature.

Proposal Submission

Ten (10) copies of the finished and bound proposal and one (1) flash drive of the proposal must be received by the City of Manor, City Secretary no later than 2:00 p.m. C.S.T on Friday, October 9, 2020. All copies of the proposal must be under sealed cover and plainly marked with the project name.

Proposals shall be delivered or mailed to:

The City of Manor,
ATTN: City Secretary
105 East Eggleston Street,
Manor, Texas 78653

News Releases

News releases pertaining to the award resulting from the RFPs shall not be made without prior written approval of the Development Services Department.

Disposition of Proposals

All materials submitted in response to this RFP will become the property of the City of Manor. One copy shall be retained for the official files of the Development Services Department and will become public record after award of the contract.

Modification/Withdrawal of Proposals

A Proposer may withdraw a proposal at any time before the final submission date by sending written notification of its withdrawal, signed by an agent authorized to represent the agency. The Proposer may thereafter submit a new or modified proposal before the final submission date. Modifications offered in any other manner, oral or written, will not be considered. A final proposal cannot be changed or withdrawn after the time designated for the receipt, except for modifications requested by the City after the date of receipt and following oral presentations.

Oral Change/Interpretation

No oral change or interpretation of any provision contained in this RFP is valid unless issued as a written addendum. A written addendum shall be issued when the City deems changes, clarifications, or amendments to proposal documents necessary.

Late Submissions

Proposals not received before the date and time specified will not be considered and will be returned unopened after recommendation of award.

Rejection of Proposals

The City of Manor reserves the right to reject any and all proposals, to waive irregularities and to accept that proposal which is in the best interest of the City.

Project Completion

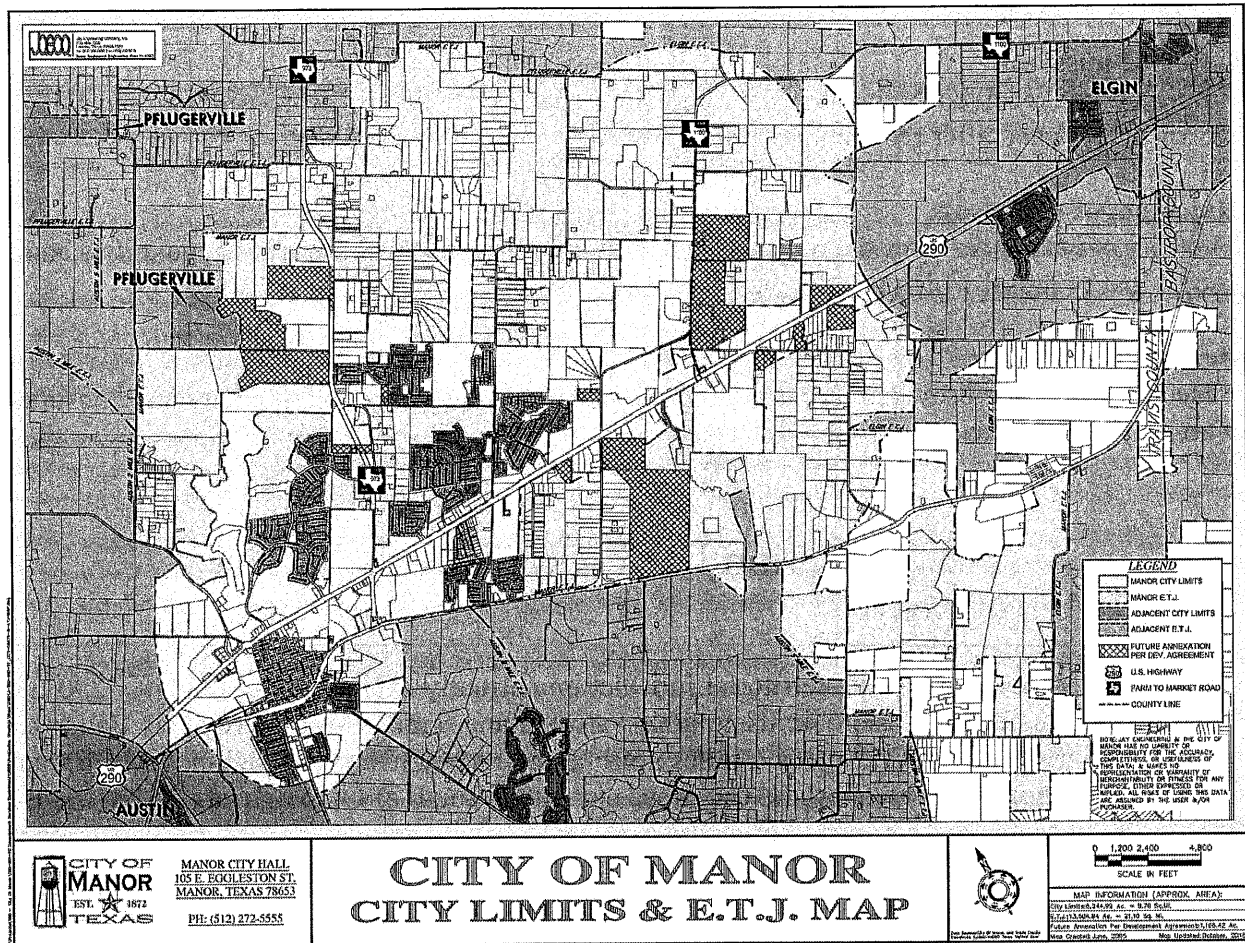
Based on a timeline provided in the submission and agreed upon by both the City and consultant who is awarded the contract.

Section II: Scope of Work

Article 1: Area of Project

The City of Manor and its extraterritorial jurisdiction currently extends along US Hwy 290 East from the City of Austin's eastern limits, roughly Parmer Lane, 7 miles to approximately Ballerstedt Road. The City and its ETJ extends 4 miles north along FM 973 North as well as FM 1100 and with the exception of Old Manor, the City does not extend south of Old Highway 20 but the ETJ extends Southeast across various tracts some 4 miles.

The City is primarily growing north and east with most projects being residential subdivisions. Limited commercial development is occurring along US Hwy 290 East and FM 973 North.



Article 2. Expectation of Consultant

Throughout the process the selected consultant will be expected to utilize their experience and drive the process. To achieve this goal, and utilize the experience of the selected consultant, the City of Manor will require the following expectations be met and identified within the consultant's proposal:

1. Initial meeting with City staff to review project timeline, schedule meetings and being the process of data acquisition
2. Review all existing plans, maps, documents, data and other materials relevant to the project. The City will provide all available existing documentation to the consultant. The consultant will study, amend as needed, and consolidate applicable materials into the Plan.
3. Conduct meetings with key elected and appointed officials. The selected consultant will lead stakeholder outreach and participation efforts with City staff providing assistance where needed.

4. Plan and implement an extensive stakeholder and public outreach process using a range of methods to inform and involve stakeholders, citizen organizations and the general public.
5. Develop 2050 Plan goals, objectives, and implementation strategies based on technical data and public input
6. Draft materials for review and comment by the City in accordance with a schedule at the beginning of the planning process.
7. Confirm the final 2050 Plan conforms to all Federal, State, and local codes.
8. Analyze consistency of current City ordinances and policies in relationship to the 2050 Plan goals and objectives.
9. Prepare draft document for public review and comment, and present to City boards, committees, commissions, and Council as necessary.
10. Prepare final draft document and present to all associated meetings and public hearings for adoption of the plan.
11. Provide at least weekly updates, primarily through email or telephone and occasionally in-person, to update City staff on project status, discuss issues and review drafts. Periodic written status reports and status presentations may also be required to the Planning and Zoning Commission and City Council.

Article 3: Project Scope

1. **Infrastructure**
Incorporate the current infrastructure in place and recommend goal, policy, and action items for future infrastructure to include Capital Improvements Plan update and service provision to recently annexed areas. Address growth management strategies as it relates to infrastructure, as well as projections for needed items.
2. **Traffic/Transportation**
Review and update the City's 2014 Thoroughfare Plan to include projections for traffic management in relation to future developments of the city.
3. **Current and Future Land Use**
Develop realistic population projections and build-out scenarios utilizing preferred land-use patterns for the City and ETJ. The build-out scenarios shall include land use projections, population densities, development phasing models, and infrastructure improvements as required. Review, analyze and provide the land use and development character goal, policy and action items of the Plan and refine as needed to account for shifting demographics and vision of the community.
4. **290 Corridor Plan, TOD Overlay Plan and Historic Overlay Plan**
Specific focus shall be made to create a US Hwy 290 East corridor plan that provides for consistent and unified development along the corridor including current and future land uses, architectural standards, site design standards, landscaping, and signage.

Implementation policies to create an overlay zone shall be included for Capital Metro's Transit Oriented Development Plan for the half-mile area around their proposed station area identified the Green Line TOD Corridor Plan.

Objectives and action items to implement design standards for Manor's Historic District including current and future land uses, architectural standards, site design standards, landscaping, and signage.

5. Facilities

The City is undertaking by separate consultant a review of existing city government facilities and future needs. The work of that review shall be incorporated into the Plan. Additional to that study, this project shall review the needs for community facilities including a library, community center and athletic fields and courts based on population projections.

6. Parks, Trails and Open Space

Review and update the City's Hike and Bike Trails Master Plan. Develop a parks and open space plan for the City and ETJ as well as reviewing the City's parkland dedication requirements to align with goals of the parks and open space plan.

7. Economic Development and Downtown Revitalization Plan

Review, analyze and update local, state, regional and global factors that influence the future development, redevelopment and growth opportunities within the City of Manor. Specify the economic impacts for major components of the Plan.

Provide strategies and policies for a Downtown Revitalization Plan that spurs economic activity in the historic downtown area including various funding methods, land use changes, and streetscape enhancements.

8. Branding

Create a branding scheme to create an identity for the City. Specify the implementation strategies, key factors, and projects to form a full identity for the future. Items included may be logos, wayfinding, monument signs, event recommendations, and more.

9. Planning and Assessment Based on Public Participation

Create a plan to assess public participation comments to implement the most requested topics in a reasonable and time effective manner that fits within this Comprehensive Plan.

Article 4: Public Participation



The City of Manor considers public participation essential to a successful Comprehensive Plan. The Plan process shall be structured to efficiently maximize citizen involvement and participation. The consultant shall be responsible for designing a public engagement strategy, to include an online platform, which incorporates effective and innovative participation techniques and encourages participation throughout the development of the Comprehensive Plan. Participation by residents, businesses, agencies, organizations, all city departments, and public officials is a must throughout the planning process. The proposed public engagement strategy must include the latest technologies and be creative, inclusive, efficient and reliable with the goal of channeling this input into realistic alternatives for consideration by the public. The consultant team must demonstrate extensive expertise and experience in the public participation and facilitation process. The consultant team must have strong leadership and creativity to provide clear direction in participation techniques that result in inclusive and timely decisions.

Section III: Proposal and Submission Requirements

The City of Manor requires comprehensive responses to every section within this RFP. To facilitate the review of the responses, Proposers shall follow the described proposal narrative. The intent of the proposal narrative requirements is to expedite review and evaluation. It is not the intent to constrain Proposers with regard to content, but to assure that the specific requirements set forth in this RFP are addressed in a uniform manner amenable to review and evaluation.

Article 1: Proposal Narrative

All proposal information shall be presented in a single-bound volume that has been checked sufficiently to ensure completeness and accuracy of detail. Proposals that do not comply with the instructions in this RFP will not be accepted. It is mandatory that the proposal contains the following 7 items and that is be presented in the following order:

1. Cover
2. Title Page (1 page)
3. Letter of Transmittal (1 page)
4. Table of Contents (1 page)
5. Core Content (6 pages maximum)
 - a. Consultant Project Approach
 - b. Key Project Personnel
 - c. Past Project Performance
 - d. Rates and Expenses
 - e. References
6. Supporting Attachments (10 pages maximum)
7. The City intends to execute a contract with the successful Proposer in substantially the form attached hereto in Exhibit A

- a. The Proposer shall include all objections, deletions, or required additions to the contract sought by Proposer. The number of additions, deletions, modifications, and objections to the Contract will be considered in the City's evaluation of the proposals.

Title Page

Show the RFP title being proposed on, the name of your firm, address, telephone numbers, name of a contact person and date

Letter of Transmittal

1. Identify the RFP project for which the proposal has been prepared
2. Briefly state your Firm's understanding of the services to be performed and make a positive commitment to provide services as specified.
3. Provide the name(s) of the person(s) authorized to make representations for your firm, their titles, address, and telephone numbers.
4. A corporate officer or another individual who has the authority to bind the firm must sign the letter. The name and title of the individual(s) signing the proposal must be clearly shown immediately below the signature.

Table of Contents

Clearly identify the materials by Section and Page Number

Details of Core Content

1. Recent Comprehensive Planning Experience
Include a brief statement concerning the recent relevant experience of the persons from your firm and each sub-consultant who will be actively engaged in the proposal effort. Do not include firm experiences unless individuals who will work on this project participated in that experience. If the consultant proposal includes sub-consultants, a list of such consultants shall be submitted, and qualifications and experience stated for each sub-consultant.
2. Consultant Work Approach
The proposal must include a brief description of the Proposer's overall approach to comprehensive planning and any unique capabilities the Firm can bring to the project. Also include information addressing how the Proposer plans to provide project management, quality assurance, contract deliverables, budget and cost control, schedule control, and internal/external coordination for this project.
3. Key Project Personnel
It is recommended personnel have a thorough knowledge and understanding of Municipal Government operations to provide perspective related to comprehensive planning analysis and recommendations.

Specific background information for key individuals who will be assigned to the project must be included. The background information on these individuals should emphasize their

work experience relative to project requirements, current projects, and availability. The proposed key personnel must be the personnel assigned to the project.

It is intended that the personnel assigned will carry this project to its conclusion. If for unforeseen reasons key personnel can no longer contribute to the discipline specialties for which they have been selected, the Consultant may petition the Project Manager in writing within thirty (30) days of any changes of personnel that are included in this statement and the addition to the Consultant's staff of personnel who may contribute to the discipline specialties for which the key personnel has been selected.

The City of Manor reserves the right to approve all personnel changes, as well as reserves the right to cancel any task request in effect should it determine that the proposed personnel are not available or assigned to the task order.

4. Rates and Expenses

Provide a proposed fee schedule broken down by task. Express your administrative fee in a lump sum not-to-exceed maximum amount and separate price for travel and related expenses (if applicable). Firms shall incur no travel or related expenses chargeable to the City without prior approval by an authorized City representative. Proposers may submit proposals on any task or combination of tasks, and may propose alternative payment methods (ie: hourly rates). However, expenses not specifically listed will be considered. The actual contract amount will be negotiated after the consultant has been selected and the scope of work finalized.

5. Past Project Performance

Information is to be provided on the Firm's performance on past projects (include City projects if applicable), regarding the project management items identified. Provide the names, addresses, current telephone numbers, and brief project description of three past or current clients who can comment on aspects of your work relevant to this proposal.

Supporting Attachments

Attach only information pertinent to the project being proposed on and that will provide reviewers clear and concise insights into your firm's capabilities.

Include a timeline for estimated completion dates from start to finish with a summary of key benchmarks.

Contract

Include all objections, deletions, or required additions to the contract sought by Proposer to the draft contract contained in Exhibit A of this RFP.

Section IV: Evaluation Criteria and Selection Process

Firms will be ranked using the points available for each RFP criterion. The criterion categories and points available for each are as follows:

- 40% Recent Comprehensive Planning Experience and Past Performance
- 25% Rates and Expenses
- 20% Consultant Project Approach
- 10% Key Project Personnel
- 5% Conformance to RFP Instructions and Contract Changes

A committee of individuals representing the City of Manor shall evaluate the proposals and will rank the proposals as submitted.

The City of Manor reserves the right to award a contract solely on the written proposal. The City also reserves the right to request oral interviews with the highest ranked firms. The purpose of the interviews with the highest ranked firms is to allow expansion upon written responses. The City reserves the right to request additional questions to be answered during the interviews, determine the format and content of the interviews, and establish the maximum number of people who attend the interview from each firm. If interviews are conducted, a maximum of three firms will be shortlisted. The Consultant's project manager identified in the proposal will be required to attend the interviews. By submitting a proposal, it is understood that the Proposers may not change (add or delete) personnel for interviews from those listed in the proposals without written consent from the City.

A second score sheet will be used to score those firms interviewed. If oral interviews are conducted, the final selection will be based on the total of all evaluators' scores achieved on the second rating. The highest ranked Proposer(s), after the second scoring, if performed, may be invited to enter final negotiations with the City for the purpose of Contract award.

Section V: Contract Negotiation Process

The highest ranked Proposer(s) may be invited to enter Contract negotiations with the City of Manor. If an agreement cannot be reached with the highest ranked Proposer, the City shall notify the Proposer and terminate negotiations. The second highest ranked Proposer may be contacted for negotiations. This process may continue until successful negotiations are achieved. However, the City reserves the right to terminate negotiations with any Proposer should it be in the City's best interest. The City of Manor reserves the right to reject all proposals submitted.

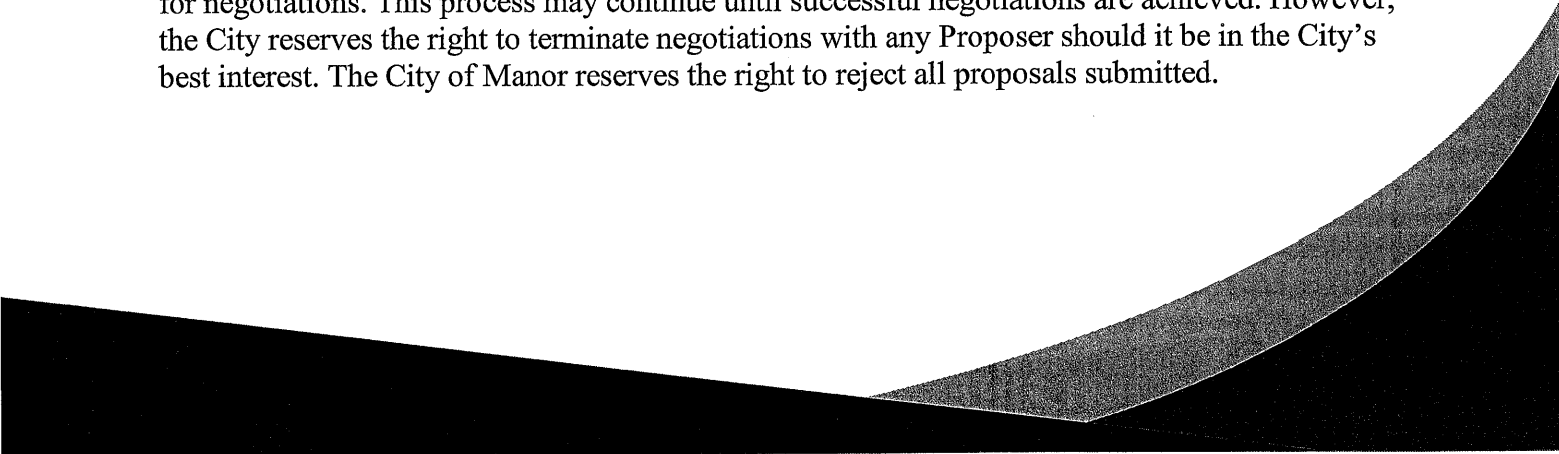
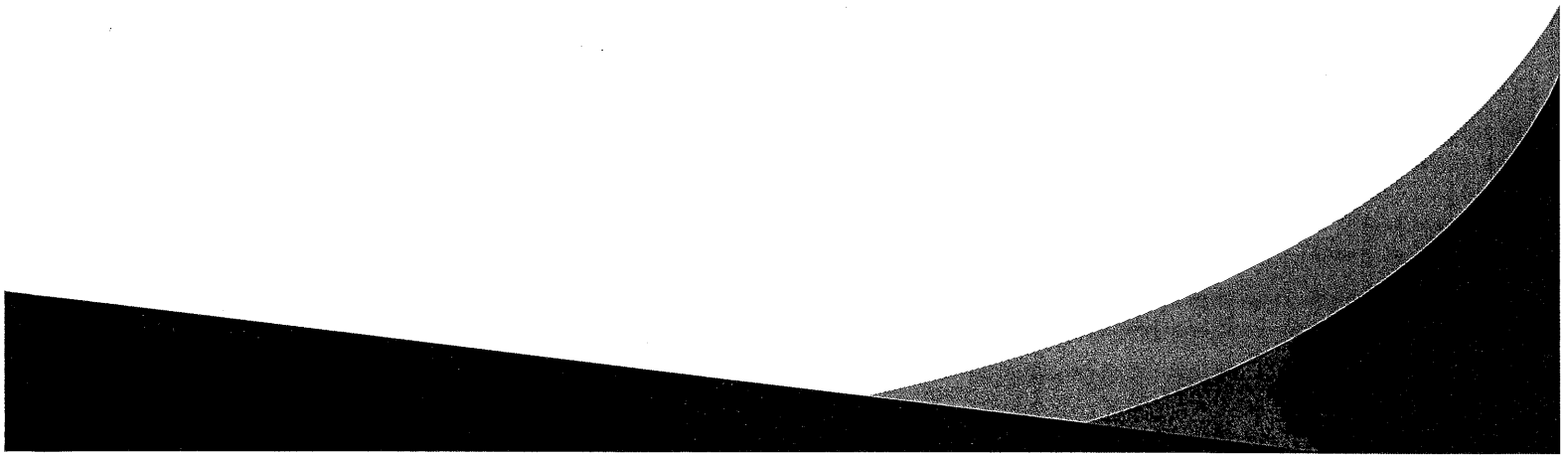


Exhibit A: Contract





VISION THAT MOVES YOUR COMMUNITY

June 12, 2020

Dr. Larry Wallace Jr.
City of Manor
105 E. Eggleston St.
Manor, TX 78653
E-mail: Mayor@cityofmanor.org

Subject: Proposal to Complete City of Manor's Comprehensive Plan (Incremental Completion)

Mayor Wallace:

TJKM Transportation Consultants is pleased to submit this scope of work to complete the City of Manor's Comprehensive Plan in specified increments. As you are aware, the region is growing at a rapid pace and the city of Manor is seeing both the benefits and pitfalls that are attributed to this rapid growth. It is our understanding that the city is looking to create a roadmap that will help guide development and the overall implementation of a vision for the future. We realize the funding limitations the city of Manor is currently experiencing and we would like to provide a proposal that not only fits the city's funding constraints but also provides for an all-encompassing and multi-faceted approach towards comprehensive planning.

TJKM has assembled an outstanding and creative team to help meet the challenges and capitalize on the opportunities in the city of Manor. The TJKM team consists of planning experts, local experts, and specialists. TJKM will serve as prime consultant and planning lead for the project, bringing our unique specialty in transportation planning that emphasizes health, equity, and sustainability. We will have support on the project from two additional consulting firms to help with additional elements within the comprehensive plan. We have great confidence in the expertise we provide as an integrated team.

The overall Comprehensive Plan will address 5 elements critical to the City's growth. The elements include: Future Land Use Plan, Transportation, Parks/Recreation/Open Space Plan, Economic Development & Housing, and Capital Improvement Plan. The total estimated cost is **\$200,000** with additional **Grant Writing Services** to be provided **complimentary** for a maximum of two grants. The plan is expected to be divided and paid in increments agreed by TJKM and the City of Manor at a later date. The expectation is that each element and work completed can be a stand along document and can be incorporated into the full comprehensive plan upon completion of the project.

Scope of Services

Future Land Use Element

\$45,000

1. Baseline analysis and mapping
2. Projections/Build out analysis/Land Use Calculations
3. Initial Future Land Use Map and Land Use Districts Definitions
4. Revised Future Land Use Map, District Definitions
5. Implementation Plan, matrix, and policy recommendations

CALIFORNIA • TEXAS • FLORIDA

Corporate Office: 4305 Hacienda Drive, Suite 550, Pleasanton, CA 94588

Phone: 925.463.0611 Fax: 925.463.3690 www.TJKM.com

DBE • SBE



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Transportation Element

\$50,000

1. Baseline Analysis
2. Development Projections
3. Traffic simulation modeling, generation of potential lane, signalization, direction, and other interventions
4. Generation of cross sections, concept illustrations
5. Update of thoroughfare plan draft
6. On street Bike and complete streets analysis and recommendations
7. Implementation Plan, matrix, and policy recommendations

Economic Development & Housing Element

\$50,000

1. Baseline Analysis/Housing Condition Survey
2. Needs projections/LIH
3. Housing Typologies
4. Draft Recommendations
5. Baseline Analysis/Business Inventory/Employment
6. Downtown Analysis
7. Initial plan/recommendations
8. Implementation Plan, matrix, and policy recommendations

Parks, Recreation, and Open Space Element

\$20,000

1. Baseline Analysis/Current Parks Inventory
2. Needs Assessment
3. Initial Parks/Trail Locations and Facilities Maps and Concepts
4. Revised Parks/Trails Locations and Facilities Maps and Concepts
5. Implementation Plan, Matrix, and Policy Recommendations

Capital Improvements Element

\$35,000

1. Needs Assessment
2. Implementation Plan, Matrix, and Policy Recommendations
3. Conceptual Designs & Crosshatches of Mutually Agreed upon locations
4. Implementation Plan, matrix, and policy recommendations

Potential Public Engagement Methods (Methods may need to be adjusted due to COVID-19 pandemic)

- a. Visioning Session
- b. Stakeholder Engagement
- c. Steering Committee Meetings
- d. Public Survey
- e. Website
- f. Public Open House and/or Focus Groups
- g. Board and Council Presentations



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This proposal provides information about each strategy and examples of deliverables that we think will make the project successful while incorporating all of the required tasks that are agreed upon between the city and TJKM. Our team is committed to providing the City of Manor with high-quality planning services, and we look forward to discussing our potential partnership with you. We would very much appreciate the opportunity to work with the City of Manor.

Thank you for considering TJKM again for your consulting needs. This TJKM proposal is valid for 30 days. In the meantime, should you have any questions, please feel free to call me at your convenience. If you have any questions concerning our proposal, please feel free to call me at 512-200-3114 or via email at afritz@tjkm.com. We look forward to working with you.

Sincerely,

Aldo Fritz

Senior Transportation Planner

CONSULTANT CONTRACT

This Contract is by and between the **City of College Station**, a Texas Municipal Home-Rule Corporation (the "City") and _____, a _____ Corporation (the "Consultant"), whereby Consultant agrees to perform and the City agrees to pay for the work described herein.

ARTICLE I SCOPE OF SERVICES

1.01. This Contract is for as described within RFP#12-012 _____ (the "Project"). The scope and details of the work to be provided to the City by Consultant are set forth in Exhibit "A" to this Contract and are incorporated as though fully set forth herein by reference. Consultant agrees to perform or cause the performance of all the work described in Exhibit "A."

1.02 Consultant agrees to perform the work described in Exhibit "A" hereto and the City agrees to pay Consultant a fee based on the rates set forth in Exhibit "B" to this Contract for the services performed by Consultant. The invoices shall be submitted to the City following the 15th day and the last day of each month. The payment terms are net payable within thirty (30) calendar days of the City's receipt of the invoice. Upon termination of this Contract, payments under this paragraph shall cease, provided, however, that Consultant shall be entitled to payments for work performed in accordance with this Contract before the date of termination and for which Consultant has not yet been paid.

ARTICLE II PAYMENT

2.01. The total amount of payment, including reimbursements, by the City to Consultant for all services to be performed under this Contract may not, under any circumstances, exceed _____ and ____/ 100 Dollars (\$_____).

ARTICLE III CHANGE ORDERS

3.01. The City may from time to time request changes in the scope and focus of the activities, investigations, and studies conducted or to be conducted by Consultant pursuant to this Contract, provided, however, that any such change that in the opinion of Consultant, the City Manager, or the City's Project Manager varies significantly from the scope of the work set out herein and would entail an increase in cost or expense to the City shall be mutually agreed upon in advance in writing by Consultant and the City's Project Manager.

- (a) When the original Contract amount plus all change orders is \$100,000 or less, the City Manager or his designee may approve the written change order provided the change order does not increase the total amount set forth in the Contract to more than \$100,000. For such contracts, when a change order results in a total contract

amount that exceeds \$100,000, the City Council of the City must approve such change order prior to commencement of the services or work; and

- (b) When the original contract amount plus all change orders is equal to or greater than \$100,000, the City Manager or his designee may approve the written change order provided the change order does not exceed \$50,000, and provided the sum of all change orders does not exceed 25% of the original contract amount. For such contracts, when a change order exceeds \$50,000 or when the sum of all change orders exceeds 25% of the original contract amount, the City Council of the City must approve such change order prior to commencement of the services or work. Thereafter, any additional change orders exceeding \$50,000 or any additional change orders totaling 25 percent following such council approval, must be approved by City Council; and
- (c) Any request by the Consultant for an increase in the Scope of Services and an increase in the amount listed in paragraph two of this Contract shall be made and approved by the City prior to the Consultant providing such services or the right to payment for such additional services shall be waived. If there is a dispute between the Consultant and the City respecting any service provided or to be provided hereunder by the Consultant, including a dispute as to whether such service is additional to the Scope of Services included in this Contract, the Consultant agrees to continue providing on a timely basis all services to be provided by the Consultant hereunder, including any service as to which there is a dispute.

ARTICLE IV TIME OF PERFORMANCE

- ☒ 4.01. Except as provided in Article X herein below, the Consultant shall complete all of the work described in Exhibit "A" by the dates set forth below.

- OR -

- ☐ 4.01. Except as provided in Article X herein below, the term of this Contract shall be for one (1) year from the effective date of this Contract. Thereafter, upon the mutual consent of both parties, including budget approval by the City, this Contract may be renewed on an annual basis, under the same terms and conditions, for up to two (2) additional years (three (3) years total). If, for any reason, funds are not appropriated to continue the contract, the contract shall become null and void and shall terminate.

4.02. Time is of the essence of this Contract. The Consultant shall be prepared to provide the professional services in the most expedient and efficient manner possible in order to complete the work by the times specified.

4.03. Consultant promises to work closely with the City Manager or his designee (the "Project Manager") or other appropriate City officials. Consultant agrees to perform any and all Project-related tasks reasonably required of it by the City in order to fulfill the purposes of the work to be performed. The work of Consultant under this Contract may be authorized by the Project Manager in various phases as set forth in Exhibit "A."

ARTICLE V INDEPENDENT CONSULTANT

5.01 In all activities or services performed hereunder, the Consultant is an independent Consultant and not an agent or employee of the City. The Consultant, as an independent Consultant, shall be responsible for the final product contemplated under this Agreement. Except for materials furnished by the City, the Consultant shall supply all materials, equipment and labor required for the execution of the work on the Project. The Consultant shall have ultimate control over the execution of the work under this Contract. The Consultant shall have the sole obligation to employ, direct, control, supervise, manage, discharge, and compensate all of its employees and subConsultants, and the City shall have no control of or supervision over the employees of the Consultant or any of the Consultant's subConsultants except to the limited extent provided for in this Contract. Consultant shall be liable for any misrepresentations. Any negotiations by the Consultant on the City's behalf are binding on the City only when within the scope of work contained herein and approved by the City.

ARTICLE VI AUTHORIZATION

6.01 The City shall direct Consultant to commence work on the Project by sending Consultant a "letter of authorization" to begin work on the Project.

6.02 Upon receipt of the letter of authorization to begin work on the implementation of the Project, Consultant shall meet with the City for the purpose of determining the nature of the Project, including but not limited to the following: meeting with the City's staff to coordinate Project goals, schedules, and deadlines; coordinating data collection; briefing the City's management staff; documenting study assumptions and methodologies; devising the format for any interim reports and the final report to the City.

6.03 Consultant shall consult with the City and may in some limited circumstances, act as the City's representative, but it is understood and agreed by the parties that for all purposes related to this Contract, Consultant shall be an independent Consultant at all times and is not to be considered either an agent or an employee of the City.

ARTICLE VII WARRANTY

7.01 As an experienced and qualified professional, Consultant warrants that the information provided by Consultant reflects high professional and industry standards, procedures, and performances. Approval or acceptance by the City of any of Consultant's work product under this

Contract shall not constitute, or be deemed, a release of the responsibility and liability of Consultant, its employees, agents, or associates for the exercise of skill and diligence necessary to fulfill Consultant's responsibilities under this Contract. Nor shall the City's approval or acceptance be deemed to be the assumption of responsibility by the City for any defect or error in the work products prepared by Consultant, its employees, associates, agents, or subConsultants.

7.02 Consultant shall keep the City informed of the progress of the work and shall guard against any defects or deficiencies in its work.

7.03 Consultant shall be responsible for using due diligence to correct errors, deficiencies or unacceptable work product. Consultant shall, at no cost to the City, remedy any errors, deficiencies or any work product found unacceptable, in the City's sole discretion, as soon as possible, but no later than fifteen (15) calendar days after receiving notice of said errors, deficiencies, or unacceptable work product.

7.04 Any and all of Consultant's work product ("Work Product") hereunder shall be the exclusive property of the City. Upon completion or termination of this Contract, Consultant shall promptly deliver to the City all records, notes, data, memorandum, models, and equipment of any nature that are within Consultant's possession or control and that are the City's property or relate to the City or its business.

7.05 Consultant warrants to City that (i) Consultant has the full power and authority to enter into this Agreement, (ii) Consultant has not previously assigned, transferred or otherwise encumbered the rights conveyed herein, (iii) Work Product is an original work of authorship created by Consultant's employees during the course of their employment by Consultant, and does not infringe on any copyright, patent, trademark, trade secret, contractual right, or any other proprietary right of any person or entity, (iv) Consultant has not published the Work Product (including any derivative works) or any portion thereof outside of the United States, and (v) to the best of the Consultant's knowledge, no other person or entity, except City, has any claim of any right, title, or interest in or to the Work Product.

7.06 Consultant shall not seek to invalidate, attack, or otherwise do anything either by act of omission or commission which might impair, violate, or infringe the title and rights assigned to City by Consultant in this Article VII of the Contract.

ARTICLE VIII INDEMNIFICATION & RELEASE

8.01 INDEMNITY

- (a) To the fullest extent permitted by law, Consultant agrees to indemnify and hold harmless the City, its Council members, officials, officers, agents, employees, and volunteers (separately and collectively referred to in this paragraph as "Indemnitee") from and against all claims, damages losses and expenses (including but not limited to attorney's fees) arising out of or resulting from any negligent act, error or omission, intentional tort or willful misconduct, intellectual property

infringement or breach of contract including failure to pay a subconsultant, subConsultant, or supplier occurring in the course of performance of professional services pursuant to this agreement by Consultant, its employees, subConsultants, subconsultants, or others for whom Consultant may be legally liable ("Consultant Parties"), but only to the extent caused in whole or in part by the Consultant Parties. **IF THE CLAIMS, ETC. ARE CAUSED IN PART BY CONSULTANT PARTIES, AND ALSO IN PART BY THE NEGLIGENCE OR WILLFUL MISCONDUCT OF ANY OR ALL OF THE INDEMNITEES OR ANY OTHER THIRD PARTY, THEN CONSULTANT SHALL ONLY INDEMNIFY ON A COMPARATIVE BASIS, AND ONLY FOR THE AMOUNT FOR WHICH CONSULTANT PARTIES ARE FOUND LIABLE AND NOT FOR ANY AMOUNT FOR WHICH ANY OR ALL INDEMNITEES OR OTHER THIRD PARTIES ARE LIABLE.**

- (b) To the fullest extent permitted by law, Consultant agrees to defend the Indemnitees where the indemnifiable acts listed in section 8.01 above occur outside the course of performance of professional services (i.e. non-professional services) and the claim is not based wholly or partly on the negligence of, fault of, or breach of contract by the governmental agency, the agency's agent, employee, or other entity over which the governmental agency exercises control, other than the Consultant or Consultant Parties.
- (c) It is mutually understood and agreed that the indemnification provided for in this section shall indefinitely survive any expiration, completion or termination of this agreement.
- (d) It is agreed with respect to any legal limitations now or hereafter in effect and affecting the validity or enforceability of the indemnification obligation under this section, such legal limitations are made a part of the indemnification obligation and shall operate to amend the indemnification obligation to the minimum extent necessary to bring the provision into conformity with the requirements of such limitations, and as so modified, the indemnification obligation shall continue in full force and effect.

8.02 Release. The Consultant releases, relinquishes, and discharges the City, its council members, officials, officers, agents, and employees from all claims, demands, and causes of action of every kind and character, including the cost of defense thereof, for any injury to, sickness or death of the Consultant or its employees and any loss of or damage to any property of the Consultant or its employees that is caused by or alleged to be caused by, arises out of, or is in connection with the Consultant's work to be performed hereunder. Both the City and the Consultant expressly intend that this release shall apply regardless of whether said claims, demands, and causes of action are covered, in whole or in part, by insurance and in the event of injury, sickness, death, loss, or damage suffered by the Consultant or its employees, but not otherwise, this release shall apply regardless of whether such loss, damage, injury, or death was caused in whole or in part by the City, any other party released hereunder, the Consultant, or any third party.

ARTICLE IX INSURANCE

9.01 General. The Consultant shall procure and maintain at its sole cost and expense for the duration of this Agreement insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, volunteers, employees or subConsultants. The policies, limits and endorsements required are as set forth below:

During the term of this Contract all Consultant's insurance policies shall meet the requirements of this section:

9.02 Types. Consultant shall have the following types of insurance:

- (a) Commercial General Liability
- (b) Business Automobile Liability
- (c) Workers' Compensation
- (d) Professional Liability

9.03 Certificates of Insurance. For each of these policies, the Consultant's insurance coverage shall be primary insurance with respect to the City, its officials, agents, employees and volunteers. Any self-insurance or insurance policies maintained by the City, its officials, agents, employees or volunteers, shall be considered in excess of the Consultant's insurance and shall not contribute to it. No term or provision of the indemnification provided by the Consultant to the City pursuant to this Contract shall be construed or interpreted as limiting or otherwise affecting the terms of the insurance coverage. All Certificates of Insurance and endorsements shall be furnished to the City's Representative at the time of execution of this Contract, attached hereto as **Exhibit C**, and approved by the City before any letter of authorization to commence project will issue or any work on the Project commences.

9.04 General Requirements Applicable to All Policies. The following General requirements applicable to all policies shall apply:

- (a) Only licensed insurance carriers authorized to do business in the State of Texas will be accepted.
- (b) Deductibles shall be listed on the Certificate of Insurance.
- (c) "Claims made" policies will not be accepted, except for Professional Liability insurance.
- (d) Coverage shall not be suspended, voided, canceled, or reduced in coverage or in limits except after thirty (30) calendar days prior written notice has been given to the City of College Station.
- (e) The Certificates of Insurance shall be prepared and executed by the insurance company or its authorized agent on the most current State of Texas Department of Insurance-approved forms.

9.05 Commercial (General) Liability requirements. The following Commercial (General) Liability requirements shall apply:

- (a) Coverage shall be written by a carrier rated "A:VIII" or better in accordance with the current A. M. Best Key Rating Guide.
- (b) Minimum Limit of \$1,000,000 per occurrence for bodily injury and property damage with a \$2,000,000 annual aggregate.
- (c) No coverage shall be excluded from the standard policy without notification of individual exclusions being attached for review and acceptance.
- (d) The coverage shall not exclude premises/operations; independent contracts, products/completed operations, contractual liability (insuring the indemnity provided herein), and where exposures exist, Explosion Collapse and Underground coverage.
- (e) The City shall be included as an additional insured and the policy shall be endorsed to waive subrogation and to be primary and non-contributory.

9.06 Business Automobile Liability requirements. The following Business Automobile Liability requirements shall apply:

- (a) Coverage shall be written by a carrier rated "A:VIII" or better in accordance with the current A. M. Best Key Rating Guide.
- (b) Minimum Combined Single Limit of \$1,000,000 per occurrence for bodily injury and property damage.
- (c) The Business Auto Policy must show Symbol 1 in the Covered Autos portion of the liability section in Item 2 of the declarations page.
- (d) The coverage shall include owned autos, leased or rented autos, non-owned autos, any autos and hired autos.
- (e) The City shall be included as an additional insured and the policy shall be endorsed to waive subrogation and to be primary and non-contributory.

9.07 Workers' Compensation Insurance requirements. The Workers' Compensation Insurance shall include the following terms:

- (a) Employer's Liability limits of \$1,000,000 for each accident is required.
- (b) "Texas Waiver of Our Right to Recover From Others Endorsement, WC 42 03 04" shall be included in this policy.
- (c) Texas must appear in Item 3A of the Worker's Compensation coverage or Item 3C must contain the following: All States except those listed in Item 3A and the States of NV, ND, OH, WA, WV, and WY.

9.08 Professional Liability requirements. The following Professional Liability requirements shall apply:

- (a) Coverage shall be written by a carrier rated "A:VIII" or better in accordance with the current A.M. Best Key Rating Guide.

- (b) Minimum of \$1,000,000 per claim and \$2,000,000 aggregate, with a maximum deductible of \$100,000.00. Financial statements shall be furnished to the City of College Station when requested.
- (c) Policy must include availability of a two-year extended reporting period.
- (d) Retroactive date must be shown on certificate.

ARTICLE X TERMINATION

10.01 At any time, the City may terminate the Project for convenience, in writing. At such time, the City shall notify Consultant, in writing, who shall cease work immediately. Consultant shall be compensated for the services performed. In the event that the City terminates this Contract for convenience, the City shall pay Consultant for the services properly performed and expenses incurred prior to the date of termination.

10.02 No term or provision of this Contract shall be construed to relieve the Consultant of liability to the City for damages sustained by the City or because of any breach of contract by the Consultant. The City may withhold payments to the Consultant for the purpose of setoff until the exact amount of damages due the City from the Consultant is determined and paid.

ARTICLE XI MISCELLANEOUS TERMS

11.01 This Contract has been made under and shall be governed by the laws of the State of Texas. The parties agree that performance and all matters related thereto shall be in Brazos County, Texas.

11.02 Notices shall be mailed to the addresses designated herein or as may be designated in writing by the parties from time to time and shall be deemed received when sent postage prepaid U.S. Mail to the following addresses:

CITY:

City of College Station

Attn: _____

P.O. Box 9960

College Station, Texas 77842

CONSULTANT:

Attn: _____

11.03 Consultant, its employees, associates or subConsultants shall perform all the work hereunder. Consultant agrees that all of its associates, employees, or subConsultants who work on this Project shall be fully qualified and competent to do the work described hereunder. Consultant shall undertake the work and complete it in a timely manner.

11.04 The Consultant shall comply with all applicable federal, state, and local statutes, regulations, ordinances, and other laws, including but not limited to the Immigration Reform and Control Act (IRCA). The Consultant may not knowingly obtain the labor or services of an undocumented worker. The Consultant, not the City, must verify eligibility for employment as required by IRCA.

11.05 No action or failure to act by the City shall constitute a waiver of a right or duty afforded them under the Contract, nor shall such action or failure to act constitute approval of or acquiescence in a breach there under, except as may be specifically agreed in writing. No waiver of any provision of the Contract shall be of any force or effect, unless such waiver is in writing, expressly stating to be a waiver of a specified provision of the Contract and is signed by the party to be bound thereby. In addition, no waiver by either party hereto of any term or condition of this Contract shall be deemed or construed to be a waiver of any other term or condition or subsequent waiver of the same term or condition and shall not in any way limit or waive that party's right thereafter to enforce or compel strict compliance with the Contract or any portion or provision or right under the Contract.

11.06 This Contract and all rights and obligations contained herein may not be assigned by Consultant without the prior written approval of the City.

11.07 If any provision of this Contract shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court of competent jurisdiction finds that any provision of this Contract is invalid or unenforceable, but that by limiting such provision it may become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

11.08 This Contract represents the entire and integrated agreement between the City and Consultant and supersedes all prior negotiations, representations, or agreements, either written or oral. This Contract may only be amended by written instrument approved and executed by the parties.

11.09 The parties acknowledge that they have read, understood, and intend to be bound by the terms and conditions of this Contract.

11.10 This Contract will be effective when signed by the last party whose signing makes the Contract fully executed.

11.11 Notice of Indemnification. City and Consultant hereby acknowledge and agree this Contract contains certain indemnification obligations and covenants.

11.12 Verification No Boycott Israel. To the extent this Contract is considered a contract for goods or services subject to § 2270.002 Texas Government Code, Consultant verifies that it i) does not boycott Israel; and ii) will not boycott Israel during the term of this Contract.

List of Exhibits

- A. Scope of Services
- B. Payment Schedule
- C. Certificates of Insurance

CITY OF COLLEGE STATION

By: _____
Printed Name: _____
Title: _____
Date: _____

By: _____
City Manager
Date: _____

APPROVED:

City Attorney
Date: _____

Assistant City Manager/CFO
Date: _____

Exhibit A
Scope of Services

Contract No. _____
Professional Services -Consultant
Form 04-16-18

Exhibit B
Payment Terms

SELECT ONE:

☐ Compensation is based on *actual* hours of work/time devoted to providing the described professional services. The Consultant will be paid at a rate of \$_____ per hour, or at the rates per service or employee shown below. The City will reimburse the Consultant for *actual*, non-salary expenses at the rate of _____ percent (____%) above the Consultant's actual costs, or at the rates set forth below. Unless amended by a duly authorized written change order, the total payment for all invoices on this job, including both salary and non-salary expenses, shall not exceed the amount set forth in paragraph 2.01 of this Contract (\$_____).

The Consultant must submit *monthly* invoices to the City, accompanied by an explanation of charges, professional fees, services, and expenses. The City will pay such invoices according to its normal payment procedures.

-OR-

☒ Payment is a fixed fee in the amount listed in Article II of this Contract. This amount shall be payable by the City pursuant to the schedule listed below and upon completion of the services and written acceptance by the City.

The Consultant may submit *monthly* invoices to the City, accompanied by an explanation of charges, professional fees, services, and expenses. The City will pay such invoices according to its normal payment procedures.

Schedule of Payment for each phase:

Exhibit C
Certificates of Insurance

Contract No. _____
Professional Services -Consultant
Form 04-16-18

Exhibit A

AGREEMENT FOR COMPREHENSIVE MASTER PLANNING SERVICES

THIS AGREEMENT, is made and entered this _____ day of _____, 2020, by and between the City of Jarrell, a Texas general law municipality ("City") and [Entity name, state of incorporation/organization] ("Professional").

RECITALS

WHEREAS, the City desires to retain a design professional for services associated with preparing a Comprehensive Master Plan for the City ("Master"); and

WHEREAS, the Professional responded to a Request for Proposal for Comprehensive Master Planning services for the City ("RFP");

WHEREAS, a copy of the RFP is attached hereto as Exhibit No. 1;

WHEREAS, the Professional responded to the RFP seeking to provide master planning service for the City;

WHEREAS, Professional is in the business of master-planning of the type proposed by the City; and

WHEREAS, Professional has by providing a response to the RFP indicated a willingness to undertake the master planning services for the benefit of the City; and

WHEREAS, the City wishes to authorize Professional to undertake master-planning services under the terms set forth herein.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING RECITALS, THE PARTIES AGREE AS FOLLOWS:

I. Scope of Work.

The general Scope of Work ("SOW") for this Agreement is a Comprehensive Plan that encompasses the present conditions of the City as well as projects that it will include in the coming years. The specific SOW shall consist of the following documents, attached hereto and incorporated herein by this reference:

- Request for Proposal ("RFP") issued by the City on [date]; and
- Any Addenda to the RFP issued by the City, bearing the date(s) of [date(s)]; and
- The Professional's Response to RFP, dated [date]; and

The SOW shall be governed by the above-identified documents, except as may be amended by the issuance of Change Orders pursuant to Section II below.

II. Change Orders.

A. Any material change to the Scope of Work contemplated under Section I above shall be accomplished only as provided in this Section II.

B. Should either party determine that a material change to the Scope of Work is necessary or advisable, the particular change shall be set forth in a writing entitled "Change Order, [date]", and shall bear the signatures of an authorized representative of each party. Upon execution by both parties of any such Change Order, the Scope of Work shall be deemed modified and incorporated by this reference into this Agreement as if set forth fully herein. The City will retain all original Change Orders approved pursuant to this Section II, and Professional shall be provided a copy for its files.

III. Project Commencement, Progress and Completion.

A. Professional's SOW services shall be completed as presented in Exhibit No 1. Professional will undertake the SOW services in a thorough and workmanlike manner in every respect and in compliance with the applicable standard of care for such professionals.

B. The SOW services will be considered complete when all services described in the SOW has been finished, and the design materials have been accepted by City.

IV. Relationship of Professional to City.

A. Professional acknowledges that it, its employees and sub-contractors, if any, are an independent contractor, and not as employees of the City. Nonetheless, Professional accepts the relationship of trust and confidence established between it and the City by this Agreement. Professional covenants with the City to furnish its best skill and judgment and to assure SOW services are undertaken and completed as contemplated herein.

B. The City's Project Manager for all purposes under this Agreement is City Manager, Vanessa Shrauner, and all communications from Professional to City arising out of this Agreement shall be directed to Ms. Shrauner's attention, except as she may specifically designate in writing.

V. Professional's Representations.

Professional has the requisite experience, training, personnel and resources to complete the SOW within the time frames set forth herein, and in accordance with the standard of care applicable to the Professional's occupation.

The Professional has familiarized itself with the nature and the extent of this Agreement, the SOW, the locality, all characteristics of the City considering the local conditions and federal, state, and local laws, ordinances, rules, and regulations that in any manner may affect cost, progress, or performance of the SOW services, or apply in any manner whatsoever to the work.

VI. Payment to Professional.

Professional agrees to accept the sum of [dollars in text][(\$dollars in numerals)] as full payment for the performance of the SOW services contemplated under this Agreement, which sum shall be increased or decreased only by the amount representing the associated cost of any and all Change Orders approved as provided in Section II above. The City shall render payment based on key benchmarks as approved in Exhibit No 1

VII. Ownership of Plans, Specifications, and Documents.

All Work Product from the SOW services shall be considered work(s) made by Professional for the City and shall belong exclusively to the City and its designees. If by operation of law, any of the Work Product, including all related documents, is not owned in its entirety by the City automatically upon creation thereof, then Professional agrees to assign, and hereby assigns, to the City and its designees the ownership of such Work Product, including all related property rights. "Work Product" shall mean any writings (including excel, power point, emails, etc.), programming, documentation, data compilations, reports, and any other media, materials, or other objects produced as a result of Professional's work hereunder or delivered by Professional in the course of performing that work.

VIII. Indemnification.

To the fullest extent permitted by law, the Professional agrees to indemnify and hold harmless the City, and its officers and its employees, from and against all liability, claims, and demands, on account of any injury, loss, or damage, which arise out of or are connected with the work contemplated herein, if such injury, loss, or damage, or any portion thereof, is caused by, or claimed to be caused by, the act, omission, or other fault of the Professional or any subcontractor of the Professional, or any officer, employee, or agent of the Professional or any subcontractor, or any other person for whom Professional is responsible. The Professional shall investigate, handle, respond to, and provide defense for and defend against any such liability, claims, and demands, and to bear all other costs and expenses related thereto, including court costs and attorneys' fees. The Professional's indemnification obligation shall not be construed to extend to any injury, loss, or damage which is caused by the act, omission, or other fault of the City.

IX. Insurance and Bonds.

A. Professional shall not commence work under this Agreement until it has presented Certificates of Insurance as required by sub-section IX (C) below, confirming it has obtained all insurance and bonds required by this Section IX, and with the minimum insurance coverage as follows:

(1) Workers' Compensation: statutory limits.

(2) Comprehensive General Liability insurance with minimum combined single limits of ONE MILLION DOLLARS (\$1,000,000) each occurrence and TWO MILLION DOLLARS (\$2,000,000) aggregate. The policy shall be applicable to all premises and operations. The policy

shall include coverage for bodily injury, broad form property damage (including completed operations), personal injury (including coverage for contractual and employee acts), blanket contractual, independent contractors, products, and completed operations.

(3) Comprehensive Automobile Liability insurance with minimum combined single limits for bodily injury and property damage of not less than ONE MILLION DOLLARS (\$1,000,000) each occurrence and TWO MILLION DOLLARS (\$2,000,000) aggregate with respect to each of Professional's owned, hired and/or non-owned vehicles assigned to or used in performance of the services.

(4) Professional Liability insurance with minimum limits of ONE MILLION DOLLARS (\$1,000,000) each occurrence and ONE MILLION DOLLARS (\$1,000,000).

B. The policies required above, except for the Workers' Compensation insurance, shall be endorsed to include the City as an additional insured. Every policy required above shall be primary insurance, and any insurance carried by the City, its officers, or its employees, shall be excess and not contributory insurance to that provided by Professional. The additional insured endorsement for the Comprehensive General Liability insurance required above shall not contain any exclusion for bodily injury or property damage arising from completed operations. The Professional shall be solely responsible for any deductible losses under each of the policies required above.

C. Certificates of Insurance shall be completed by the Professional's insurance agent as evidence that policies providing the required coverage, conditions, and minimum limits are in full force and effect, and shall be subject to review and approval by the City. Each certificate shall provide that the coverage afforded under the policies shall not be cancelled, terminated or materially changed until at least 30 days prior written notice has been given to the City. The City reserves the right to request and receive a certified copy of any policy and any endorsement thereto.

D. Failure on the part of the Professional to procure or maintain policies as provided herein shall constitute a material breach of contract upon which the City may immediately terminate this Agreement, or at its discretion may procure or renew any such policy or any extended reporting period thereto and may pay any and all premiums in connection therewith, and all monies so paid by the City shall be repaid by Professional to the City upon demand, or the City may offset the cost of the premiums against any monies due to Professional from the City.

X. Costs and Attorneys' Fees. In the event of litigation enforcing or interpreting the terms of the within Agreement, the City shall be entitled an award of reasonable attorney fees and all costs of suit, including expert witness fees, court reporter fees and similar litigation expenses. Nothing in this Section X shall be deemed a waiver of any constitutional or statutory protections afforded to municipal governments under Texas law.

XI. No Assignment.

This Agreement shall not be assigned by the Professional without the prior written approval of the City. However, Professional shall have the right to employ such assistance as may be required for the performance of the project, including the use of subcontractors, which employment shall not be deemed an assignment of the Professional's rights and duties hereunder.

XI. Governing Law, Venue.

This Agreement is to be governed by and construed in accordance with the laws of the State of Texas. Proper venue for any dispute or litigation shall be only in Williamson County, Texas. The parties further agree that the interpretation and enforcement of the within Agreement shall be in accordance with Texas law.

XII. Form 1295

Texas law and the City requires that business entities, as defined in Texas Government Code § 2252.908, who contract with the City complete the on-line of Form 1295 "Certificate of Interested Parties" as promulgated by the Texas Ethics Commission (<https://www.ethics.state.tx.us/filinginfo/1295/>). Form 1295 is also required for any and all contract amendments, extensions or renewals. Prior to any payment to Professional hereunder, Professional shall provide proof of submission of the appropriate Form 1295 documentation has been submitted.

XIII. Miscellaneous

A. Nothing in this Agreement shall in any way be construed to constitute PROFESSIONAL as an agent, employee or representative of the CITY, but PROFESSIONAL shall perform the services hereunder as an independent contractor.

B. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

C. Any modification of this agreement or additional obligation assumed by either party in connection with this agreement shall be binding only if evidenced in writing signed by each party or an authorized representative of each party.

D. The failure of either party to this agreement to insist upon the performance of any of the terms and conditions of this agreement, or the waiver of any breach of any of the terms and conditions of this agreement, shall not be construed as thereafter waiving any such terms and conditions, but the same shall continue and remain in full force and effect as if no such forbearance or waiver had occurred.

E. This Agreement and the rights, obligations and liabilities created hereunder shall be binding upon and inure to the benefit of the heirs, executors, administrators, legal representatives,

successors, and assigns of each of the parties hereto, but no rights, obligations, or liabilities hereunder shall be assignable or delegable by PROFESSIONAL without the prior written consent of the CITY. CITY may assign or delegate the rights, obligations, or liabilities created hereunder to its successor in interest without the consent of PROFESSIONAL.

F. All obligations by either party which expressly or by their nature survive the expiration or termination of this Agreement shall continue in full force and effect subsequent to and notwithstanding its expiration or termination and until they are satisfied in full or by their nature or within one year of termination, provided however that any obligations regarding protecting confidential information shall continue in perpetuity.

G. The terms, provisions, representations, and warranties contained in this Agreement that by their sense and context are intended to survive the performance thereof by either or both parties hereunder shall so survive the completion of performances and termination of this Agreement, including the making of any and all payments due hereunder.

IN WITNESS WHEREOF, City and Owner have executed this Agreement as of the date set forth below, to be effective as of the Effective Date. **EXECUTED** on this, the ____ day of _____, 2020.

CITY:

Vanessa Shrauner, City Manager

THE STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

BEFORE ME, the undersigned authority, on this day personally appeared **Vanessa Shrauner, City Manager of the City of Jarrell, Texas**, a municipal corporation of Williamson County, Texas, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of the said **City of Jarrell**, for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 20____.

Notary Public in and for the State of Texas

My Commission Expires: _____
Professional,
(Professional Service Company)

Name of authorized representative.

THE STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said _____ for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 20____.

Notary Public in and for the State of Texas

My Commission Expires: _____

ATTEST:

Dianne Peace, Municipal Clerk

APPROVED AS TO FORM:

Art Rodriguez, City Attorney

ECONOMIC DEVELOPMENT

- **ED Ordinance**
- **PID Policy**

ORDINANCE NO. 309

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, CREATING "REINVESTMENT ZONE NUMBER ONE, CITY OF MANOR"; "REINVESTMENT ZONE NUMBER TWO, CITY OF MANOR"; "REINVESTMENT ZONE NUMBER THREE, CITY OF MANOR"; MAKING FINDINGS OF FACT; PROVIDING DEFINITIONS; ESTABLISHING BOUNDARIES OF THE ZONES; PROVIDING A TERMINATION DATE FOR THE ZONES; AND FOR RELATED MATTERS.

Whereas, Chapter 380, Tex. Loc. Gov't Code and the Texas Constitution, Article III, Section 52-a permit and authorize the City to offer and extend incentives to attract and keep economic development;

Whereas, the City of Manor, although existing for over ninety years and within a short commute from downtown Austin, has not experienced economic growth comparable to the Austin metropolitan area and finds the properties identified as reinvestment zones meet one or more of the requirements of § 312.202, *Tex. Tax. Code* resulting in the arrest or impairment of sound growth;

Whereas, the creation of reinvestment zones with boundaries as hereinafter described will enable the City to obtain investments and job creation in the City and within the boundaries of the reinvestment zones; and

Whereas, improvements within the reinvestment zones will enhance the value of all taxable real property in the zones and benefit the entire city;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

Section 1. Findings. That the facts and recitations hereinabove set out are hereby found and declared to be true and correct and are incorporated herein as findings of fact.

Section 2. Purpose. (a) The city is committed to the promotion of quality development in all parts of the city and to improving the quality of life for its citizens. In order to help meet these goals, the city will consider providing tax incentives and other incentives within the "reinvestment zone" to stimulate economic development within the city. It is the policy of the city that such incentives will be provided in accordance with the procedures and criteria outlined in this document. However, nothing in this policy shall imply or suggest, by implication or otherwise, that the city is under any obligation to provide any incentive to any applicant; and all such decisions and actions shall be at the sole discretion of the city council. All applicants for tax incentives and other economic development incentives will be considered on an individual basis.

(b) It is the intent of the city to offer tax incentives and other economic development incentives on an individual basis so that the total package of incentives, if any, may be

designed specifically for each project which is proposed. This approach will allow the city the flexibility necessary to satisfy the unique needs and concerns of each applicant and the needs and concerns of the city and its citizens.

(c) The City of Manor has been incorporated for over ninety years and has experienced very limited economic growth although it is on the outskirts of the City of Austin. The City's infrastructure and facilities require significant investments to improve properties to support economically beneficial uses. The City is designating three zones based on the differing status of properties requiring more or less infrastructure and based on the desired uses. The City Council finds the development of the properties in the zones will not occur solely through private investment in the reasonably foreseeable future and therefore has determined that incentives are appropriate.

Section 3. Definitions. The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Company Sales Tax Revenues means the City's share received from the State Comptroller's Office of a one percent (1%) municipal sales tax, such as that presented in effect pursuant to Texas Tax Code §§ 321.101 and 321.103, resulting from (i) sales tax collected by the Company, and (ii) sales/use tax paid directly by the Company under its sales tax permit. For purposes of this Ordinance, Sales Tax Revenues shall be determined to be the amount remitted by Company to the State Comptroller's Office for the benefit of the City of Manor, less the applicable administrative charge, as set forth in the records prepared by the Company and submitted to the State Comptroller.

Developer means an owner or person with rights to develop a tract of property being larger than one-hundred contiguous acres in size for replatting and redevelopment as a comprehensive master-planned development with only eligible facilities for which the developer is required to construct eligible infrastructure as a condition precedent to the location of eligible facilities thereon.

Eligible facility means a structure or building that is designed, constructed or remodeled for use as a commercial, retail, or industrial business purpose and that is located wholly within the "reinvestment zone."

Eligible Infrastructure means additional infrastructure not required as part of the City's standard subdivision process which is dedicated to the City for public use and, if approved, maintenance.

End Use Operator means an owner or tenant adding new value to an eligible facility within a reinvestment zone for which a Developer is not receiving tax incentives who adds qualifying new value and a qualifying number of FTE's.

Full-Time Equivalent Employee or "FTE's" means an employee position on the eligible facility scheduled to work or compensated for a standard 40 hour work week for the equivalent of 2,080 hours per year as more particular described by the U.S. Department of Labor. Positions

not filled at least eleven months out of the year with an actual employee legally eligible to work in the United States shall not be counted toward the FTE nor shall owners or operators with an interest in the business be included.

New employment means that not less than the number full-time equivalent employee positions that will be maintained or created pursuant to the minimum requirements and criteria set forth in Sections 6 and 7 and: (1) At least 25 percent of the jobs provided will be made available to residents of the city; (2) At least 50 percent of the jobs provided will be made available to residents of the county; and (3) Compliance with the requirements of local hiring will remain in effect for the entire period that economic incentives are being offered.

New value means the net increase in the value of an eligible facility, including the real estate, improvements and fixtures, together with the machinery and equipment therein added after entering an agreement for tax incentives.

Reinvestment zone means that area of the city identified as a reinvestment zone in a current ordinance; such designation being made by the city council in the manner specified in Tex. Tax Code, §§ 312.201 or 312.2011.

Retail Use means a business generating at least 60% of its revenues from taxable sales or services.

Tax Incentives shall be an agreement for abatement or rebate of taxes, by separate agreement agree to abate or rebate all or a portion of the ad valorem tax, excluding any portion thereof required to pay an interest in sinking fund obligation, and may include a rebate of Company Sales Tax Revenues, with either the developer or end use operator but not both.

Section 4. Reinvestment Zone. There is hereby created the "Reinvestment Zone Number One, City of Manor", "Reinvestment Zone Number Two, City of Manor", and "Reinvestment Zone Number Three, City of Manor" pursuant to *Chapt. 312, Tex. Tax Code*.

Section 5. Boundaries and Designated Purposes of the Zones. Reinvestment Zone 1, 2, and 3 shall be located within the corporate boundaries of the City of Manor, Texas (the "City"), and shall be as set forth and identified in Exhibit "A". The City Council has found the designation of zones will likely contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property within the zones and that would contribute to the economic development of the municipality.

- (a) Reinvestment Zone Number One, City of Manor – shall include properties within the downtown business district identified as predominantly open and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impair or arrest the sound growth of the municipality.
- (b) Reinvestment Zone Number Two, City of Manor shall include properties predominately open and undeveloped due to lack of sufficient public improvements and infrastructure to adequately support commercial or retail use.

- (c) Reinvestment Zone Number Three, City of Manor shall include properties predominately open and undeveloped due to lack of sufficient public improvements and infrastructure to adequately support industrial use.

Section 6. Minimum Requirements and Criteria. The following are the minimum requirements that must be satisfied for any application for tax abatement or other incentives to be considered:

(a) Tax Incentives will not be provided to both the developer and the end use operator within an eligible reinvestment zone. Developers and end use operators shall each be subject to different minimum requirements in Reinvestment Zones Two and Three. Only end use operators are eligible for Tax Incentives in Reinvestment Zone One. A developer who will also be the end use operator shall be subject to the minimum requirements for end use operators.

(b) If the developer or end use operator receives approval for a municipal utility district as the mechanism for financing property improvements, then the developer or end use operator will not be eligible for Tax Incentives under this ordinance.

(c) Reinvestment Zone One to redevelop the downtown business district properties so identified, the minimum criteria must be met:

(1) *Employment and development.* (A) A proposed development and/or redevelopment that is a retail business must maintain or create at least one new FTE for each 2,000 square feet of occupied space, or a portion thereof, exclusive of the owner/operator and with a minimum of one new FTE regardless of floor space; (B) a proposed development and/or redevelopment that is a non-retail business must maintain or create at least one FTE for the first 2,000 square feet of floor space, or a portion thereof, and at least two FTE's for each additional 2,000 square feet of floor space, or a portion thereof; (C) non-profit organizations are not eligible; (D) the applicant must be investing at least \$100,000.00 in property improvements; (E) property improvements must include off-street parking for all employees and restoration of an existing building or demolition of an existing building and construction of a new building; (F) other eligible property improvements may include sidewalks, curbing, gutters, covered walkways, and other pedestrian-oriented improvements, exterior lighting, landscaping, and off-site parking for customers, provided that the improvement qualifies as eligible infrastructure; and (G) the proposed project must be in compliance with the city's master plan, building codes and all other applicable city ordinances without variances.

(2) *Offsets and adjustments.* (A) At the discretion of the city council, the assessed value of any property that is demolished will be subtracted from the value of the property replacing it, for the purpose of calculating the portion

eligible for abatement; and (B) For businesses relocating from a non-reinvestment zone location onto the reinvestment zone, eligibility for incentives will be determined using the increase in the number of jobs at the new location over the jobs at the previous site.

(d) Reinvestment Zone Two to redevelop the undeveloped properties so identified, the minimum criteria must be met:

- (1) *Employment and development criteria for developers.* (A) The applicant must be investing at least \$10,000,000.00 in property improvements; and (B) the proposed project must be in compliance with the city's master plan, building codes and all other applicable city ordinances.
- (2) *Employment and development criteria for end use operators.* (A) The applicant must be investing at least \$10,000,000.00 in property improvements; (B) a proposed development and/or redevelopment must maintain or create at least one new FTE for each 2,000 square feet of occupied space, or a portion thereof; (C) eligible property improvements include dedication of and improvements to parkland, additional improvements to offsite utility infrastructure, improvements to regional mobility, streets, bridges, pedestrian crossings, flood plain reclamation, and historic structure acquisition and restoration, provided that the improvement qualifies as eligible infrastructure; and (D) and the proposed project must be in compliance with the city's master plan, building codes and all other applicable city ordinances.
- (3) *Offsets and adjustments applicable to developers and end use operators.* (A) At the discretion of the city council, the assessed value of any property that is demolished will be subtracted from the value of the property replacing it, for the purpose of calculating the portion eligible for abatement; and (B) For businesses relocating from a non-reinvestment zone location onto the reinvestment zone, eligibility for incentives will be determined using the increase in the number of jobs at the new location over the jobs at the previous site.

(e) Reinvestment Zone Three to redevelop the undeveloped properties so identified, the minimum criteria must be met:

- (1) *Employment and development criteria for developers.* (A) The applicant must be investing at least \$10,000,000.00 in property improvements; and (B) the proposed project must be in compliance with the city's master plan, building codes and all other applicable city ordinances.
- (2) *Employment and development criteria for end use operators.* (A) The applicant must be investing at least \$10,000,000.00 in property

improvements; (B) a proposed development and/or redevelopment that is a retail business must maintain or create at least three new FTE's for each 10,000 square feet of occupied space, or a portion thereof; (C) eligible property improvements include dedication of and improvements to parkland, additional improvements to offsite utility infrastructure, improvements to regional mobility, streets, bridges, pedestrian crossings, flood plain reclamation, and historic structure acquisition and restoration, provided that the improvement qualifies as eligible infrastructure; and (D) and the proposed project must be in compliance with the city's master plan, building codes and all other applicable city ordinances.

- (3) *Offsets and adjustments applicable to developers and end use operators.* (A) At the discretion of the city council, the assessed value of any property that is demolished will be subtracted from the value of the property replacing it, for the purpose of calculating the portion eligible for abatement; and (B) For businesses relocating from a non-reinvestment zone location onto the reinvestment zone, eligibility for incentives will be determined using the increase in the number of jobs at the new location over the jobs at the previous site.

Section 7. Tax Incentives. (a) The portion of the property for which a business may qualify for a tax incentive will be determined on the basis of the level of new value and, in the case of end use operators, new employment added within the reinvestment zone.

(b) Failure to pay property taxes by the due date and failure to pay sales taxes due within 90 days of the due date will immediately void any applicable tax incentives and tax abatement and economic development incentive agreements for the property upon which taxes have not been paid.

(c) Tax abatement or economic development incentive agreements that establish a specific dollar amount of tax to be abated shall be subject to performance. If inadequate ad valorem and sales taxes are generated to rebate the full amount of an agreed incentive, the City will not be obligated to make additional rebates or payments to meet the agreed upon amount. Rebates may not exceed the total agreed-upon cost for an eligible facility and/or eligible infrastructure.

(d) Approved applicants shall submit the following reports to the City, and payment of rebates shall be subject to the following reports being submitted:

- (1) Each year, the annual tax receipt from the Travis County Tax Collector and Assessor's Office reflecting the payment of property taxes for the eligible facilities, within 30 days of receipt.
- (2) Quarterly Texas Workforce Commission reports demonstrating the number of persons employed for applicants required to create and maintain a certain number of FTE's, within 30 days of receipt.
- (3) Quarterly sales tax reports for applicants authorized to receive sales tax rebates, within 30 days of receipt.

Failure to submit the reports to the City as required within 90 days of the date the report is due shall result in termination of Tax Incentives.

(e) Sales tax rebates shall begin at the end of the first full quarter following the issuance of a certificate of occupancy.

(f) Reinvestment Zone One:

(1) A percentage of the tax may be abated on an eligible facility for up to five years, up to amounts set forth in the Tax Rebate Schedule set forth in subsection (f)(2), provided that the following minimum criteria are met:

(A) For retail businesses, at least one new FTE is created or maintained for each 2,000 square feet of occupied space, or a portion thereof, exclusive of the owner/operator;

(B) For non-retail businesses, at least two new FTE's are created or maintained for each 2,000 square feet of occupied space, or a portion thereof, exclusive of the owner/operator; and

(C) For both retail and non-retail businesses, at least \$100,000.00 of new value is added to the portion of the property for which a business may qualify for a tax incentive.

(2) Tax Rebate Schedule:

(A) Sales Tax:

<u>Year</u>	<u>Maximum Tax Abatement (%)</u>
1	50
2	50
3	50
4	75
5	75

(B) Ad Valorem, Retail Businesses:

<u>Year</u>	<u>Maximum Tax Abatement (%)</u>
1	50
2	50
3	50
4	50
5	50

(C) Ad Valorem, Non-Retail Businesses:

<u>Year</u>	<u>Maximum Tax Abatement (%)</u>
1	80
2	80
3	80
4	80

(3) Tax Incentives shall not be transferred or assigned. Tax Incentives shall terminate upon the occurrence of any of the following:

- (A) Sale or transfer of an eligible facility;
- (B) Discontinuance of the type of business operation described in the application; and
- (C) Failure to maintain the minimum number of required FTE's for three consecutive months as reflected in the Texas Workforce Commission reports.

(g) Reinvestment Zone Two:

(1) A percentage of the tax may be abated on an eligible facility for up to ten years, up to amounts set forth in the Tax Rebate Schedule set forth in subsection (g)(2), provided that the following minimum criteria are met:

- (A) For end use operators, a minimum of one new FTE is created and maintained for each 2,000 square feet of occupied space, or a portion thereof;
- (B) At least \$10,000,000.00 of new value is added to the portion of the property for which a business may qualify for a tax incentive.

(2) Tax Rebate Schedule:

(A) Sales Tax:

<u>Year</u>	<u>Maximum Tax Abatement (%)</u>
1	25
2	25
3	85
4	85
5	85
6	85
7	85
8	85
9	85
10	85

(B) Ad Valorem:

<u>Year</u>	<u>Maximum Tax Abatement (%)</u>
1	50
2	50
3	80
4	80
5	80
6	80
7	80
8	80
9	80

- (3) The rebate period will begin the earlier of the following: (A) The January 1st after the thirtieth month following the issuance of the first building permit for the eligible facility or eligible infrastructure; (B) the combined sales and ad valorem tax revenue reaches or exceeds \$1,000,000.00; or (C) all eligible facilities and infrastructure are completed and accepted by the City.
- (4) If the eligible facilities or eligible infrastructure have not been started within 24 months of the date of issuance of the first permit or 36 months from the date of the applicable tax abatement or economic development incentive agreement, the Tax Incentives shall terminate.

(h) Reinvestment Zone Three:

- (1) A percentage of the tax may be abated on an eligible facility for up to ten years, up to amounts set forth in the Tax Rebate Schedule set forth in subsection (h)(2), provided that the following minimum criteria are met:
- (A) For end use operators, a minimum of three new FTE's are created and maintained for each 10,000 square feet of occupied space;
- (B) At least \$10,000,000.00 of new value is added to the portion of the property for which a business may qualify for a tax incentive.

(2) Tax Rebate Schedule:

(A) Ad Valorem:

<u>Year</u>	<u>Maximum Tax Abatement (%)</u>
1	100
2	100
3	100
4	100
5	100
6	100
7	100
8	100
9	100
10	100

- (3) Rebates shall begin on March 1 following the tax year in which the required new value was added to the tax roll.

Section 8. Other Economic Development Incentives. (a) It is the intent of the city to offer tax incentives and other economic development incentives on an individual basis so that the total package of incentives may be designed specifically for each proposed project. This

approach will allow the city the flexibility necessary to satisfy the unique needs and concerns of each applicant and the needs and concerns of the city and its citizens.

(b) In addition to tax incentives, the following economic development incentives may be offered, providing the city council, in its sole discretion, approves the applicant's request: (1) Reduction, rebate, or elimination of capital recovery fees and the costs of certain other infrastructure improvements; (2) Implementation of special economic development utility rates for water and/or wastewater, as outlined in the utility rate ordinance; and/or (3) Reduction, rebate, or elimination of building permit fees, inspection contractor's fees, and utility tapping fees.

Section 9. Application procedures. (a) Any person, organization, joint venture, partnership, association or corporation desiring that the city consider providing tax incentives and other economic development incentives to encourage location of a business or expanded business operations within a reinvestment zone shall be required to comply with the following procedures. (1) Applicants shall make written application to the city; (2) A complete legal description of the property along with a plat showing the precise location of the project shall be submitted; (3) A brief description of the proposed improvements or expansion must be provided along with the project's estimated cost, the type of business operation proposed, the number and type of jobs created, the expected source of labor to fill such jobs, the projected date of beginning operation and the type and value of the tax abatement and other economic development incentives which are requested; (4) End use applicants shall submit either a current financial statement, if currently in business, or a prospective financial statement, if a start-up business; and (5) Applicants shall provide other information as required by the city.

(b) All applications will be reviewed by the mayor-authorized representative for completeness and accuracy, and comments will be received from appropriate city departments. Once this information is compiled, the application and review comments will be forwarded to members of the city council and to other taxing entities which may be involved in offering tax abatement. After the review by the city council and other taxing entities, additional information may be requested of the applicant.

(c) All requirements of the Property Redevelopment and Tax Abatement Act, Chapt. 312, Tex. Tax Code, shall be followed.

Section 10. City Council Approval. (a) If the city council determines in its sole discretion that it is in the best interest of the city to grant incentives to a particular applicant, a resolution shall be adopted approving the terms and conditions of a tax abatement and economic development incentive agreement ("tax abatement agreement") with the applicant. The tax abatement agreement will enumerate the types of incentives to be provided and the conditions applicable to such incentives.

(b) All such tax abatement agreements must, at minimum, be in writing and include: (1) A description of each of the types of incentives to be provided and their duration; (2) A legal description of the property indicating its location in the reinvestment zone; (3) Detailed information regarding the type, number, location and cost of planned improvements; (4) A

plan providing access to and inspection of the property and proposed improvements by city inspectors and officials to ensure that the improvements are made according to the requirements and conditions of the agreement; (5) A provision limiting the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that tax abatements and other economic development incentives are in effect; and (6) A method to provide for the city to recover property tax revenues and all waived fees and costs which are lost as a result of the agreement if the applicant fails to perform its obligations under the agreement.

Section 11. Effective Date. This Ordinance shall be in full force and effect immediately upon its final passage and publication in the manner required by the Texas Local Government Code.

Section 12. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any section, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid section, paragraph, sentence, clause or phrase. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 13. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.


PASSED AND APPROVED on this the 21 day of June, 2006.

ATTEST:

The City of Manor, Texas



Phil Tate, City Secretary



Jeff Turner, Mayor



Public Improvement District Policy

A Public Improvement District ("PID") in accordance with Texas Local Government Code Chapter 372, provides the City of Manor ("the City") an economic development tool that finances the costs of public improvements that benefit a definable part of the City or its ETJ. A PID may be located either within the City's corporate limits or within its extra-territorial jurisdiction. PIDs allow the costs of public improvements to be borne by those who receive special benefits from the improvements.

The purpose of this PID policy is to outline the policies and procedures the City will use to consider whether creation of a PID, the levy of PID assessments, and issuance of PID bonds is in the best interest of the City. Any aspect not specifically addressed by this policy will be considered on an individual project basis.

The City may, on a case-by-case project basis, waive a requirement of this policy if it does not conflict with state or federal law. Any requirements waived shall be noted in the resolution approving the PID petition, or other relevant document, and must include a finding that the waiver is in the best interest of the City.

Location

The City will consider a petition for formation of a PID within the City's corporate limits and within its extra-territorial jurisdiction ("the ETJ"). For projects within the ETJ:

1. a development agreement must be entered into prior to the levy of assessments requiring (i) compliance with the City's development standards, (ii) City building permits, and (iii) easements over City streets to enable the City to collect franchise fees;
2. a maintenance assessment will be required to maintain roads funded by the PID at the City's standards only if such roads are not maintained to City standards by another public jurisdiction; and
3. a separate services assessment for police and/or fire services may be required if the City determines it is in its best interest unless such services are being provided by another public jurisdiction.

Application Fee and Professional Services Reimbursement Agreement

A non-refundable application fee of \$15,000.00 is required at the time a petition is filed. If the City determines it is in its best interest to establish a PID, a Professional Services Reimbursement Agreement will be entered into with the developer. The Professional Services Reimbursement Agreement will require the developer to initially deposit funds in the amount of \$45,000 (in addition to the amounts already required to pay for the City's costs for staff including the City Attorney, City Engineer and City Planning staff) to pay for third party consultants including, but not limited to, Bond Counsel, Financial Advisor, PID Administrator, Trustee, Underwriter, Appraiser, and Market Study Analysts. An additional \$25,000 deposit will be required to be deposited by the developer when the deposit balance reaches \$10,000. The unused balance will be returned to the developer. The developer may recover the professional fee deposit at bond closing.

Development Standards

The City will consider petitions for PID projects that support real estate developments which confer benefits to the City to a degree that is superior to benefits typically generated by projects that do not involve PID financing.

1. The project must include improvements that enhance the City's master plan, including the City's thoroughfare plan and water and wastewater plans (improvements must exceed current subdivision regulations) and advance the City's trail and park plans.
2. Any improvements that are offsite or are part of the City's master plans must obtain approval from the City Engineer prior to being included in the PID.
3. Preference will be given to high quality projects that exceed the City's subdivision requirements for overall design, building standards and amenities with enhanced landscaping and appealing architecture throughout.
4. Preference will be given to mixed use projects that include a mix of residential and commercial uses.
5. Preference will be given to projects where an average home price is expected to exceed other surrounding new home community pricing by \$30,000.
6. Preference will be given to projects within the ETJ that voluntarily annex into the City's corporate limits.

Collection of Assessments

Prior to the levy of assessments, the City will enter into an agreement with Travis County to include the annual PID installments on the Travis County Tax Bill.

Disclosure to Homeowners

To satisfy disclosure to homeowners, the City will require the petitioner to comply with the following:

1. Landowner's Agreement to be recorded in the Official Public Records of Travis County.
2. Signage at major entryways and exits.
3. Signage and information flyers in any sales centers within the PID that include:
 - a. Frequently Asked Questions
 - b. Total Assessment
 - c. Average Annual Installment
 - d. Equivalent Tax Rate

4. Homebuyer disclosure documents in accordance with Section 5.014 of the Texas Property Code to be signed both at contract signing and at closing with such agreements maintained on file by each homebuilder and available for inspection by the City
5. Developer contracts with homebuilders must require the homebuilder to disclose the PID on any MLS listing.

City Consultants

The City will independently select a Bond Counsel, Financial Advisor, PID Administrator, Trustee and Market Study Analyst. With input by the Developer, the City will select an Underwriter and Appraiser. The City's PID Administrator, in conjunction with the developer's PID Consultant, will draft the Service and Assessment Plan and prepare all annual updates.

Maximum Assessment

The annual PID installment shall not exceed an amount that increases the expected total equivalent tax rate upon buildout above \$3.26. per \$100 of assessed value A true-up calculation will be performed at each bond issuance and upon filing of a final plat to ensure that the maximum assessment is not exceeded, which may result in a mandatory prepayment from the developer.

Assessment Term/Bond Term

The maximum term of a PID assessment is not to exceed 30 years and the assessment term must equal the bond term.

PID Bonds

The following performance standards shall apply to PID bonds:

1. Minimum appraised value to lien ratio of 3:1.
2. All improvements to be funded with PID bonds must be fully engineered and bid. A competitive bidding process with at least three bids will be required.
3. Developer is required to demonstrate committed capital in the form of cash deposit, proof of bank financing and/or equity capital, or letter of credit to the City with an amount confirmed by an engineer's opinion of probable cost, which represents the difference between budgeted cost to complete the public improvements assumed to be complete in the appraisal and the net proceeds of the PID bonds. The form of committed capital (cash deposit, letter of credit or bank/equity commitment) will be determined by the City on a case-by-case basis on advice from its Financial Advisor.

CITY OF MANOR, TEXAS

By: 

Rita G. Jonse, Mayor

Date: 3-23-18

ATTEST:


Lluvia Tijerina, City Secretary





AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: August 5, 2020

PREPARED BY: Lluvia T. Almaraz, City Secretary

DEPARTMENT: Administration

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action to approve the City Council Minutes:

- July 15, 2020, Joint Meeting with Manor Charter Review Commission; and
- July 25, 2020, Workshop Session

BACKGROUND/SUMMARY:

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

July 15, 2020, Joint Meeting with Manor Charter Review Commission Minutes

July 25, 2020, Workshop Session Minutes

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve the City Council Minutes of the July 15, 2020, Joint Meeting with Manor Charter Review Commission; and July 25, 2020, Workshop Session.

PLANNING & ZONING COMMISSION: ☐ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE



**CITY COUNCIL
JOINT MEETING WITH MANOR CHARTER REVIEW COMMISSION
MINUTES
JULY 15, 2020**

The meeting was live streamed on Manor Facebook Live beginning at 6:00 p.m.
<https://www.facebook.com/cityofmanor/>

PRESENT:

Dr. Larry Wallace Jr., Mayor

COUNCIL MEMBERS:

Emily Hill, Place 1 (Absent)
Maria Amezcua, Place 2
Dr. Christopher Harvey, Place 3
Danny Scarbrough, Place 4
Deja Hill, Mayor Pro Tem, Place 5
Vacant, Place 6

COMMISSION MEMBERS:

Jennifer Wissmann, Chairperson
Adriana Gamez, Secretary
Delisa Hamilton
Maria D. Benitez (Absent)
Joshua Abrahm Hay
Ruben J. Cardona
John Burrell

CITY STAFF:

Thomas Bolt, City Manager
Lluvia T. Almaraz, City Secretary
Lydia Collins, Director of Finance
Ryan Phipps, Chief of Police
Scott Dunlop, Assistant Development Services Director
Debbie Charbonneau, Community Development Manager

CHARTER REVIEW COMMISSION SPECIAL SESSION – 6:00 P.M.

With a quorum of the Commission Members present, the special session of the Manor Charter Review Commission was called to order by Chairperson Wissmann. at 6:00 p.m. on Wednesday, July 15, 2020, in the Council Chambers of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

PLEDGE OF ALLEGIANCE

Mayor Wallace Jr. led the Pledge of Allegiance.

PUBLIC COMMENTS

Due to State and County Orders limiting gatherings and temporary suspension by the Governor of sections of the Texas Open Meetings Act that may be interpreted to require face-to-face interaction between members of the public and public officials, in-person public comments were canceled.

In the alternative, an email (publiccomments@cityofmanor.org) was provided for any comments on agenda items or general comments from the public. Public Comments were open until 4:00 p.m. the day of the meeting.

There were no public comments received prior to the meeting.

REGULAR AGENDA

1. Approval of the Charter Review Commission Minutes of the July 9, 2020, Called Special Session.

MOTION: Upon a motion made by Commissioner Burrell and seconded by Commissioner Hay, to approve the July 9, 2020, Called Special Session Minutes.

Motion to approve carried 6-0

3. Discussion of proposed City Charter Amendments.

Discussion was held regarding the attached Manor Charter Commission Proposed Amendments.

ADJOURNMENT

The Special Session of the Charter Review Commission Adjourned at 8:47 p.m. on Wednesday, July 15, 2020.

Following the Manor Charter Review Commission Joint Meeting the Manor City Council regular session proceeded.

CITY COUNCIL REGULAR SESSION – 9:12 P.M.

With a quorum of the Council Members present, the regular session of the Manor City Council was called to order by Mayor Wallace Jr. at 9:15 p.m. on Wednesday, July 15, 2020, in the Council Chambers of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

PLEDGE OF ALLEGIANCE

Mayor Wallace Jr. led the Pledge of Allegiance.

PUBLIC COMMENTS

Due to State and County Orders limiting gatherings and temporary suspension by the Governor of sections of the Texas Open Meetings Act that may be interpreted to require face-to-face interaction between members of the public and public officials, in-person public comments were canceled.

In the alternative, an email (publiccomments@cityofmanor.org) was provided for any comments on agenda items or general comments from the public. Public Comments were open until 5:00 p.m. the day of the meeting.

There were no public comments received prior to the meeting.

At the request of City Manager Bolt Agenda Item No. 10 was moved before the Consent Agenda for discussion.

REGULAR AGENDA

10. Consideration, discussion, and possible action on proposed City Charter Amendments.

The City staff recommended that the City Council approve the proposed Charter Amendments.

The discussion was held regarding the attached Manor Charter Commission Proposed Amendments.

- A. Commission Action: Make annexation sections (which are Section 1.07 and 2.01) the same as state law; add requirement to post notices on City website as well

MOTION: Upon a motion made by Council Member Dr. Harvey and seconded by Mayor Pro Tem Hill, to approve Section 1.07 Annexation and Disannexation as proposed by Charter Review Commission.

Motion to approve carried 5-0

MOTION: Upon a motion made by Council Member Dr. Harvey and seconded by Council Member Amezcua to approve Section 2.01 Boundaries as proposed by Charter Review Commission.

Motion to approve carried 5-0

- B. Commission Action: Move term length to Section 3.02; increase term to 3 years (Note: Increasing the term to 3 years requires candidates to be elected by majority vote, so the last sentence is deleted)

MOTION: Upon a motion made by Mayor Pro Tem Hill and seconded by Council Member Scarbrough, to approve Section 3.01 Governing Body as proposed by Charter Review Commission.

Motion to approve carried 5-0

- C. Commission Action: Move term length to Section 3.02; increase term length to 3 years; delete last two sentences; term limit of 5 terms (total, consecutive or not); provide for runoff election date to be on a Saturday within the time period set by state law

(City Attorney Note: Moving to 3-year terms requires candidates to be elected by majority vote. If a candidate is not elected by majority vote, there is a runoff election between the two highest vote-getters. This happens when there are 3 or more candidates. Moving to 3-year terms also requires vacancies to be filled by special election held within 120 days of the vacancy.)

MOTION: Upon a motion made by Council Member Harvey and seconded by Mayor Pro Tem Hill to keep original Charter language as written and add four (4) year terms on Section 3.02 Term Limitations (a)

Motion to approve carried 5-0

MOTION: Upon a motion made by Council Member Scarbrough and seconded by Mayor Pro Tem Hill to add on Section 3.02 (b) terms to a four (4) three (3) year term on presidential election including the mayor's position.

Motion to approve carried 4-1 (Council Member Dr. Harvey voted against)

At the request of City Manager Bolt the order of the Agenda followed:

CONSENT AGENDA

1. **Consideration, discussion, and possible action to approve the City Council Minutes of the July 2, 2020, Called Special Session.**
2. **Consideration, discussion, and possible action on the acceptance of the June 2020 Departmental Reports:**
 - **Police – Ryan Phipps, Chief of Police**
 - **Development Services – Scott Dunlop, Asst. Dev. Services Director**
 - **Community Development – Debbie Charbonneau, Community Development Manager**
 - **Municipal Court – Sarah Friberg, Court Clerk**
 - **Public Works – Michael Tuley, Director of Public Works**
 - **Finance – Lydia Collins, Director of Finance**

MOTION: Upon a motion made by Council Member Dr. Harvey and seconded by Council Member Amezcua, to approve and adopt all items on the Consent Agenda.

Mayor Wallace Jr. open the floor for any questions to the motion.

There was no discussion.

Motion to approve carried 5-0

PUBLIC HEARING

3. **Public Hearing: Conduct a public hearing on an Ordinance rezoning 24.78 acres of land more or less out of the Sumner Bacon Survey No. 62, and being located along Hill Lane, from Light Commercial (C-1) to Institutional Small (I-1).**

The City staff recommended that the City Council conduct the Public Hearing.

MOTION: Upon a motion made by Council Member Amezcua and seconded by Mayor Pro Tem Hill, to close the Public Hearing.

Mayor Wallace Jr. open the floor for any questions to the motion.

There was no discussion.

Motion to approve carried 5-0

REGULAR AGENDA

4. **First Reading: Consideration, discussion, and possible action on an Ordinance rezoning 24.78 acres of land more or less out of the Sumner Bacon Survey No. 62, and being located along Hill Lane, from Light Commercial (C-1) to Institutional Small (I-1). Applicant: Catholic Diocese of Austin. Owner: Catholic Diocese of Austin.**

The City staff recommended that the City Council approve the first reading of an ordinance rezoning 24.78 acres of land more or less out of the Sumner Bacon Survey No. 62, and being located along Hill Lane, from Light Commercial (C-1) to Institutional Small (I-1).

MOTION: Upon a motion made by Council Member Scarbrough and seconded by Council Member Amezcua, to approve the first reading of an ordinance rezoning 24.78 acres of land more or less out of the Sumner Bacon Survey No. 62, and being located along Hill Lane, from Light Commercial (C-1) to Institutional Small (I-1).

Mayor Wallace Jr. open the floor for any questions to the motion.

Motion to approve carried 5-0

5. **Consideration, discussion, and possible action on selecting an appraiser for the EntradaGlen Public Improvement District (PID).**

The City staff recommended that the City Council approve the selection of Flato Realty Advisors, LLC as the appraiser for the EntradaGlen PID; and authorize the City Manager to enter and execute any agreements necessary for appraisal services regarding the EntradaGlen PID.

MOTION: Upon a motion made by Council Member Scarbrough and seconded by Council Member Amezcua, to approve the selection of Flato Realty Advisors, LLC as the appraiser for the EntradaGlen PID; and authorize the City Manager to enter and execute any agreements necessary for appraisal services regarding the EntradaGlen PID.

Mayor Wallace Jr. open the floor for any questions to the motion.

There was no discussion.

Motion to approve carried 5-0

Mayor Pro Tem Hill advised she would be abstaining from discussion and consideration of the following item, as she is a resident of the Bell Farms Subdivision. The appropriate Conflict of Interest Affidavit had been filled out and filed with the City Secretary.

Mayor Pro Tem Hill removed herself from the dais.

6. Consideration, discussion, and possible action on a license agreement with Bell Farms Master Community, Inc. to install a fountain on Lot 1 Block C Bell Farms Phase 1A. Applicant: Bell Farms Master Community, Inc. Owner: City of Manor.

The City staff recommended that the City Council approve the license agreement with Bell Farms Master Community, Inc.

MOTION: Upon a motion made by Council Member Scarbrough and seconded by Council Member Amezcua, to approve the license agreement with Bell Farms Master Community, Inc.

Mayor Wallace Jr. open the floor for any questions to the motion.

There was no discussion.

Motion to approve carried 4-0

Mayor Pro Tem Hill returned to the dais.

7. Acknowledge the resignation of Planning and Zoning Commissioner Lian Stutsman, Place No. 5 and declare a vacancy.

The City staff recommended that the City Council acknowledge the resignation of Planning and Zoning Commissioner Lian Stutsman, Place No. 5 and declare a vacancy.

MOTION: Upon a motion made by Council Member Dr. Harvey and seconded by Council Member Amezcua, to acknowledge the resignation of Planning and Zoning Commissioner Lian Stutsman, Place No. 5 and declare a vacancy.

Mayor Wallace Jr. open the floor for any questions to the motion.

There was no discussion.

Motion to approve carried 5-0

8. Consideration, discussion, and possible action on Economic and Community Development Organizations for the City of Manor.

Mayor Wallace Jr. recommended the list of economic and community development enhancing organizations the City of Manor should be affiliated with and have representation on from City Council:

- The U.S. Conference of Mayors - \$1,992
- African American Mayors & Association - \$1,000
- Association of Hispanic Municipal Officials - \$75.00

- National League City - \$1,172 (this will change next year to \$1563 due to 2020 census population)
- Texas Association of Black City Council Members - \$65.00

The City staff's recommendation was that the City Council provide any additional organizations council would like to participate in and provide information to Council Member Amezcua to present to the Budget Committee.

There was no action taken.

9. Consideration, discussion, and possible action on planning for the purchase of land and construction of a library and a recreation center.

Council Member Dr. Harvey requested additional data information from city staff to provide to the community regarding a library and recreation center.

Mayor Wallace Jr. requested a retreat workshop to discuss the item further and other administration and economic topics.

MOTION: Upon a motion made by Council Member Dr. Harvey and seconded by Council Member Scarbrough to schedule a Workshop Administration Retreat on Saturday, July 25, 2020 at 8:00 a.m – 12:00 p.m. to discuss this item and other administration needs.

Mayor Wallace Jr. open the floor for any questions to the motion.

There was no discussion.

Motion to approve carried 5 -0

Mayor Wallace Jr. returned to the order of the Agenda as followed:

10. Consideration, discussion, and possible action on proposed City Charter Amendments.

No Action taken on Section 5.01 – Notice and Order for Elections; Section 5.02 – General Election; Section 5.08 – Voters and Voting; Section 5.09 Election Results; 5.12 Term of Office.

- D. Commission Action: Remove “gross immorality” and “habitual drunkenness”; add “gross misconduct” Section 3.04 – City Council Judge of Its Members

MOTION: Upon a motion made by Mayor Pro Tem Hill and seconded by Council Member Amezcua, to deny Charter Review Commission Recommendation for Section 3.04 – City Council Judge of Its Members and keep original Charter language as written.

- E. Commission Action: If vacancy occurs with 12 months or less left on term, Council may fill vacancy by appointment or special election. If a third vacancy occurs when two members of Council have been appointed, the vacancy must be filled by special election. If a vacancy is filled by appointment, the appointment must first be offered to the next highest vote getter. Vacancy in the mayor's position is always filled by election. Appointments must be made within 45 days. Section 3.05 – Vacancies in Office.

MOTION: Upon a motion made by Council Member Scarbrough and seconded by Council Member Amezcua to keep original Charter language as written.

Mayor Wallace Jr. open the floor for any questions to the motion.

Discussion was held regarding proposed options.

Motion to approve failed 0-0

Mayor Wallace Jr. open the floor for a second motion.

MOTION: Upon a motion made by Mayor Pro Tem Hill and seconded by Council Member Amezcua to approve Section 3.05 – Vacancies in Office subsections a; b; and c; with the exception of removing sentence on subsection c) “If the council chooses to fill the vacancy by appointment, the council will first offer the position to the candidate who received the second highest number of votes in the election for the vacant position that immediately preceded the date the vacancy arose; provided that the candidate must meet the qualifications for office prescribed by state law and this charter” and subsection d.

Mayor Wallace Jr. open the floor for any questions to the motion.

There was no further discussion.

Motion to approve carried 5-0

- F. Commission Action: Council compensation: Compensation for attendance at regular Council meetings, a maximum of two per month as follows— \$150/meeting for the Mayor and \$75/meeting for Councilmembers – Section 3.09 Compensation
- G. Commission Action: Announcement of candidacy or filing for office at any time during term is an automatic resignation. – Section 3.10 Automatic Resignation

- I. Commission Action: Add “public on the City’s website and in the City’s official newspaper” to Section 5.01; make the change through the Charter – where publication in newspaper is required also require posting on the City’s website – Section 5.01 Notice and Order for Elections

[City Attorney Note: I only show you the revised Section 5.01. The language “and posting on the City’s website” will also be added to the sections listed after 5.01]

- J. Commission Action: Default to state law for period of time voters must be registered. Section 5.08 Voters and Voting.
- K. Commission Action: Clarify this section. Section 6.03 Referendum
- N. Commission Action: Addition of Committees
- O. Commission Action: Address conflict in state law for timeframe for approving certain Charter amendments
- P. Commission Action: Have an interview process; no one related within 1st degree of consanguinity or affinity may be appointed; if there are not enough qualified voters of the City who apply, appoint up to two ETJ residents. Section 12.01 Ethics Commission
- Q. Commission Action: Add family members related within the first degree of consanguinity or affinity. Section 12.04 Conflict of Interest
- R. Commission Action: Conform to State Law. Section 13.06 Public Records.
- S. Commission Action: Add Finance Director as subsection (f) and public works director moves to (g). Section 13.07 Succession
- T. Commission Action: Change “shall” to “will”. Section 13.08 Charter Review
- U. Commission Action: Adopt language recommended by City staff regarding changes to Charter sections governing the Public Works Department; and establish offices of Human Resources and Planning Department.

MOTION: Upon a motion made by Council Member Harvey and seconded by Mayor Pro Tem Hill to approve Section F,G, I,J,K,N,O,P,Q,R,S,T,U as proposed by Charter Review Commission.

Mayor Wallace Jr. open the floor for any questions to the motion.

There was no discussion.

Motion to approve carried 5-0

H. Commission Action: Remove “may take command of the police”, “maintain order and enforce all laws”. Section 4.01 - Mayor

MOTION: Upon a motion made by Council Member Harvey and seconded by Mayor Pro Tem Hill to approve Section 4.01 Mayor as proposed by Charter Review Commission.

Mayor Wallace Jr. open the floor for any questions to the motion.

Discussion was held regarding the clarification of proposed changes.

There was no further discussion.

Motion to approve carried 5-0

L. Commission Action: Adopt a process for Recall of Councilmembers
ARTICLE VI. INITIATIVE, REFERENDUM AND RECALL
Section 6.11 Power of Recall; Section 6.12 Recall Elections; Section 6.13 Limitation on Recall; Section 6.14 Failure of City Council to Call an Election

MOTION: Upon a motion made by Council Member Harvey and seconded by Council Member Amezcua to deny Article VI. Initiative, Referendum and Recall Sections proposed by Charter Review Commission.

Mayor Wallace Jr. open the floor for any questions to the motion.

Discussion was held regarding the clarification of proposed changes.

Motion to approve failed 2-0

Mayor Wallace Jr. open the floor for a second motion.

MOTION: Upon a motion made by Council Member Scarbrough and seconded by Council Member Amezcua to approve Article VI. Initiative, Referendum and Recall Sections proposed by Charter Review Commission and change percentage to 50% on Section 6.11 Power of Recall.

Mayor Wallace Jr. open the floor for any questions to the motion.

Discussion was held regarding the clarification of proposed changes.

Council Member Amezcua and Mayor Pro Hill recommended on Section 6.13 Limitation on Recall to change to 2 years instead of 6 months.

Council Member Scarbrough amended his first motion to the following:

MOTION: Upon a motion made by Council Member Scarbrough and seconded by Council Member Amezcua to approve Article VI. Initiative, Referendum and Recall Sections proposed by Charter Review Commission and change percentage to 50% on Section 6.11 Power of Recall and change six (6) months to one (1) year on Section 6.13 Limitation on Recall

Mayor Wallace Jr. open the floor for any questions to the motion.

There was no further discussion.

Motion to approve failed 2-3

(Mayor, Mayor Pro Tem Hill and Council Member Dr. Harvey voted against)

M. Commission Action: City Manager must live within 25 miles of the city limits; minimum three years must pass before a Council member can be appointed city manager

MOTION: Upon a motion made by Council Member Dr. Harvey to approve Section 7.01 - City Manager by adding upon hired City Manager would move within city limits/ETJ and adding a grandfathered clause in regards to city employees that have been working actively with the city for seven (7) years would qualify to apply; and removing within 25 miles of the city limits language. No one seconded motion. Motion failed.

Mayor Wallace Jr. open the floor for second part of proposed section - *minimum three years must pass before a Council member can be appointed city manager*

MOTION: Upon a motion made by Mayor Pro Tem Hill and seconded by Council Member Amezcua to deny the proposed changes by Charter Review Commission.

Mayor Wallace Jr. open the floor for any questions to the motion.

There was no discussion

Motion to approve passed 4-1 (Council Member Scarbrough voted against)

ADJOURNMENT

The Regular Session of the Manor City Council Adjourned at 11:57 p.m. on Wednesday, July 15, 2020.

These minutes approved by the Manor City Council on the 5th day of July 2020.

APPROVED:

Dr. Larry Wallace Jr.
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary

Draft Minutes

Manor Charter Commission – Proposed Amendments

Draft 7/10/20

[Note: Charter sections revised due to Charter Commission’s vote is shown below. The Charter Commission’s vote causing the change is provided. New language is underlined, bold, and italicized. Deleted language is shown with strike throughs.]

- A. Commission Action: Make annexation sections (which are Section 1.07 and 2.01) the same as state law; add requirement to post notices on City website as well**

Section 1.07. – Annexation and Disannexation.

The council may by ordinance unilaterally annex or disannex any land, property or territory upon its own initiative, upon a petition submitted by a majority of the voters residing within the territory being annexed or disannexed or upon petition by the owners of the property, as authorized by applicable law. The procedure for the establishment, modification or extension of the city boundaries, including the annexation or disannexation of territory, may not be inconsistent with any applicable requirements and limitations established by state law; provided that absent procedures being established by state law the action may be taken by ordinance adopted after one public hearing is held at least ten but not more than 20 days after notice of such public hearing is published in a newspaper of general circulation in the city and posted on the City’s website. Upon final passage of an ordinance, fixing, establishing or modifying the boundaries of the city or annexing or disannexing any property by any method prescribed herein, the boundaries of the city shall be so extended or modified as provided in such ordinance. Upon an ordinance annexing property into the city, the territory described in the ordinance shall become a part of the city, and the said land and its residents and future residents shall be bound by the acts, ordinances, codes, resolutions and regulations of the city.

A good and sufficient legal description of the land area being considered for annexation or disannexation, together with a map or plat prepared at the initiator's expense showing the location of such land area, shall be presented to the council at a public meeting prior to final action on such annexation or disannexation. Land disannexed from the city shall not be relieved from any unpaid lawful assessments or taxes levied by the city against the property while such land or property was a part of the city.

Section 2.01. – Boundaries.

The boundaries and limits of the city shall, until changed in the manner herein provided, be the same as have heretofore been established and as exist on the date of the adoption of this charter. The boundaries and territorial limits of the city may from time to time by ordinance be fixed, decreased, modified or extended, and property may be annexed into the city or disannexed from

the city, with or without the consent of any voter or of any landowner in the affected area, **unless consent is required by applicable law.**

- B. Commission Action: Move term length to Section 3.02; increase term to 3 years (Note: Increasing the term to 3 years requires candidates to be elected by majority vote, so the last sentence is deleted)**

Section 3.01. - Governing Body.

The governing body of the city shall be a city council composed of six council members and a mayor, ~~each elected for a term of two years.~~ When used in this charter or any other city document "council person" or "council member" includes the mayor unless the context indicates otherwise.

The mayor shall be elected from the city at large. The council members shall be elected from the city at large, by Place. Each seat on the council, except for the position of mayor, will be numbered, as Place 1 through Place 6. The council member occupying a particular seat will be identified by the Place number assigned to that council seat. The mayor and the three council members occupying Places 1, 3, and 5 shall be elected in odd numbered years and the three council members occupying Places 2, 4, and 6, shall be elected in even numbered years. ~~The candidate who receives the largest number of votes for a particular office shall be declared elected for that office.~~

- C. Commission Action: Move term length to Section 3.02; increase term length to 3 years; delete last two sentences; term limit of 5 terms (total, consecutive or not); provide for runoff election date to be on a Saturday within the time period set by state law**

(Note: Moving to 3-year terms requires candidates to be elected by majority vote. If a candidate is not elected by majority vote, there is a runoff election between the two highest vote-getters. This happens when there are 3 or more candidates. Moving to 3-year terms also requires vacancies to be filled by special election held within 120 days of the vacancy.)

Section 3.02. – Term and Term Limitations.

(a) The mayor and council members shall be elected in the manner provided in Article V of this charter to serve for no more than five ~~three consecutive~~ terms. **A partially-served term shall count as a term for the purposes of this subsection.** ~~Terms served as council member shall be considered separately from those served as mayor. However, no person may serve more than six consecutive terms as mayor and council member. After completing five three consecutive terms, as applicable, a person may again run for office after one full year of not holding any appointed or elected position on the council. Non-consecutive terms shall not be limited. Terms served prior to the adoption of this charter shall not be considered for the purpose of term limitations.~~

(b) Beginning with the November 2021 general election, the council shall transition to three-year terms as provided in this subsection. The candidates elected to Places 2, 4, and 6 in November 2020 shall serve two-year terms. For the November 2021 general election, the Mayor and two council places will be elected for three-year terms, and one council place will be elected for a two-year term. On or before June 1, 2021, the council members in Places 1, 3, and 5 shall draw lots to determine which place will serve the two-year term after the November 2021 general election. For the November 2022 general election, two council places will be elected to three-year terms and one council place will be elected to a one-year term. On or before June 1, 2022, the council members in Places 2, 4, and 6 shall draw lots to determine which place will serve the one-year term after the November 2022 general election. For the November 2023 general election, the council place elected to a two-year term in 2021 and the council place elected to a one-year term in 2022 will be elected for a three-year term. Thereafter, the candidates elected to the city council in the November general election will be elected to three-year terms.

Section 5.02. - General Elections.

~~(a).~~ Beginning with the general election to be held in 2016 and for each successive general election, the general city election shall be held annually on the uniform election date in November. The mayor and council members are elected by majority ~~plurality~~ vote.

~~*(b). The terms of office for the members of the city council elected to Places 2, 4, and 6 in May 2014 shall be extended until their respective successors qualify for office following the November 2016 election. The terms of office for the mayor and the members of the city council elected to Places 1, 3, and 5 in May 2015 shall be extended until their respective successors qualify for office following the November 2017 election.*~~

Section 5.09. - Election Results.

The mayor and council members are elected by majority ~~plurality~~ vote. No measure shall be adopted except by a majority vote and a tie vote shall defeat the measure.

Section 5.11. Run-Off Election. If no candidate for an elective office receives a majority of the votes cast for that position in the regular or special election, a run-off election shall be held between the two (2) candidates who received the greatest number of votes. Such run-off election shall be held in accordance with State election laws on a Saturday within the period set by state law for holding runoff elections. The candidate receiving the highest number of votes cast for the office in the run-off election shall be declared elected.

Section 5.12. ~~11~~. - Term of Office.

The mayor and each council member shall serve until his or her successor is elected or appointed and qualified to serve. The regular term of office of the mayor and the council members shall commence on the first regular council meeting following the canvass of the election at which they receive a majority ~~plurality~~ vote. The remaining term of a member of council elected at a special election shall commence on the first regular council meeting after

the canvass of votes for the election at which they receive a majority plurality of the votes cast for the office.

D. Commission Action: Remove “gross immorality” and “habitual drunkenness”; add “gross misconduct”

Section 3.04. – City Council Judge of Its Members.

The council shall be the judge of the election and qualifications of its members, may determine the rules of its proceedings and shall have power to compel the attendance of absent members and to punish members for disorderly conduct. After due notice and opportunity to be heard, upon not less than six affirmative votes, the council shall have the power to remove any elected officer for conviction of a felony, gross misconduct, ~~gross immorality, habitual drunkenness~~, corruption, misconduct or malfeasance in office or failing to continuously reside within the corporate limits. Members of all boards appointed by the council may be removed by majority vote of the council present and voting at any time after notice in compliance with the open meetings laws.

E. Commission Action: If vacancy occurs with 12 months or less left on term, Council may fill vacancy by appointment or special election. If a third vacancy occurs when two members of Council have been appointed, the vacancy must be filled by special election. If a vacancy is filled by appointment, the appointment must first be offered to the next highest vote getter. Vacancy in the mayor’s position is always filled by election. Appointments must be made within 45 days.

Section 3.05. - Vacancies in Office.

- ~~(a)~~ The office of mayor or council member shall become vacant as provided in Section 3.10, or upon death, resignation, removal from office of the incumbent, or, for individuals elected to office, failure to take the oath of office by the first regular city council meeting following the canvass of the election at which the individual receives a plurality vote, or, for individuals appointed to office, by the first meeting following the individual's appointment. ~~Any vacancy or vacancies, whether in the office of mayor or council member, may be filled by special election called for such purpose or by the majority of the remaining council members appointing a qualified person to fill the vacancy. All appointees to vacancies shall serve for the remainder of the unexpired term of the office so filled.~~
- (b) A vacancy for an unexpired term that exceeds twelve months, that occurs when two places on council have been filled by appointment, or that occurs in the office of mayor, shall be filled by special election called for such purpose. The date for a special election to fill a vacancy shall be the first uniform election date after the vacancy occurs and for which there is sufficient time to call and give notice of the election as required by law;**

provided that, if a vacancy occurs and no such election date falls within 120 days after the date of the vacancy, the council shall, without regard to the specified uniform election dates, order such election to be held on a Saturday within 120 days from the date of the vacancy. No special election will be required if the vacated office has a term of 120 days or less remaining as of the date of the first council meeting held after the date of the vacancy.

- (c) If a vacancy occurs for an unexpired term of twelve months or less for a position other than the mayor when there are less than two place on council filled by appointment, then the vacancy may be filled by either special election called for such purpose or by the majority of the remaining council members appointing a qualified person to fill the vacancy. If the council chooses to fill the vacancy by appointment, the council will first offer the position to the candidate who received the second highest number of votes in the election for the vacant position that immediately preceded the date the vacancy arose; provided that the candidate must meet the qualifications for office prescribed by state law and this charter. If the candidate does not accept the offer of appointment or is unqualified to serve, then the Council may appoint another qualified person to fill the vacancy. The vacancy must be filled within forty-five days from the date the vacancy occurs.
- (d) All appointees or persons elected to vacancies as provided in this section shall serve for the remainder of the unexpired term of the office so filled.

F. **Commission Action:** Council compensation: Compensation for attendance at regular Council meetings, a maximum of two per month as follows— \$150/meeting for the Mayor and \$75/meeting for Councilmembers

Section 3.09 - Compensation.

~~The mayor shall not be paid and each other council member shall not be paid.~~ The mayor shall be paid one hundred fifty dollars and each council member shall be paid seventy-five dollars for each city council meeting attended each month, up to a maximum of two per month. ~~They~~ The mayor and council members shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties, as budgeted and duly authorized. No staff or assistant shall be provided for any member of the council.

G. **Commission Action:** Announcement of candidacy or filing for office at any time during term is an automatic resignation.

Section 3.10. - Automatic Resignation.

The office of mayor or council member shall become vacant upon such member's announcement of candidacy or becoming a candidate in any general, special, or primary election, or any office of profit or trust under the laws of the State of Texas or the United States other than the office then held, at any time during the member's term, and ~~when the unexpired term of~~

~~the office then held exceeds one year and 30 days, [and]~~ such announcement or such candidacy shall constitute an automatic resignation of the office then held. The city council may not appoint a person who vacates his or her place on council under this ~~sub~~section to fill the resulting vacancy.

H. **Commission Action:** Remove “may take command of the police”,
“maintain order and enforce all laws”

Section 4.01. - Mayor.

The mayor serves as the ceremonial head of the city, and shall preside at all meetings of the council and provide the leadership necessary to good government. He or she shall work with the council to obtain legislation in the public interest and with the city manager to ensure the same is enforced, and participate in the discussion and vote on all legislative and other matters coming before the council. The mayor shall have signatory authority for all legal contracts and commitments of the city, sign all ordinances and resolutions, work and coordinate with the city manager and the council, but may not bind or obligate the city in any way without prior authorization from the council and to the extent provided by state law in time of declared emergency, may ~~take command of the police and~~ govern the city by proclamation, ~~maintain order and enforce all laws~~; provided that the mayor must immediately call for an emergency meeting of the city council to consider the appropriate actions for the city during the emergency; and perform ceremonial duties.

I. **Commission Action:** Add “public on the City’s website and in the City’s official newspaper” to Section 5.01; make the change through the Charter – where publication in newspaper is required also require posting on the City’s website

[Note: I only show you the revised Section 5.01. The language “and posting on the City’s website” will also be added to the sections listed after 5.01]

Section 5.01. - Notice and Order for Elections.

City elections shall be ordered and notice thereof given as provided in the Texas Election Code. The council shall establish the procedures and order elections except as provided therein. If not otherwise provided for by state law, all elections shall be ordered at least 62 days prior to the date of election and notice shall be given by publication and posting on the City’s website not more than 30 days and not less than 20 days immediately preceding the date of election. Notice of election shall be published in a newspaper published within the city, and if there be no such publication, notice shall be published in a newspaper of general circulation within the city.

Sections where posting on City website needs to be added:

Section 1.07: Annexation and Disannexation

Section 6.10: Procedure and Results of Election (Initiative and Referendum):

Section 8.05. Budget Process

Section 8.11: Bonds

Section 11.02. - Franchises.

J. Commission Action: Default to state law for period of time voters must be registered

Section 5.08. - Voters and Voting.

Every registered voter who has been a resident of the city for the period of time required by state law ~~30 days or more~~ prior to the date of the election shall be entitled to vote in city elections. Early voting and the hours the polls are open shall be as established by state law, or absent state law providing therefor, as established by ordinance.

K. Commission Action: Clarify this section

Section 6.03. - Referendum.

The people of the city shall have the power to require reconsideration by the council of any adopted ordinance regarding any issue that would be a proper subject for an initiative, ~~and if~~ *If* the council fails to repeal an ordinance so reconsidered, the people shall have the power to approve or reject the ordinance at an election. Such power does not extend to the budget; capital expenditures; levy of taxes; any bonds, certificates of obligation or any similar obligations; zoning; annexation; or any rates, fees and charges; provided that tax increases shall be subject to petition as provided by state law.

L. Commission Action: Adopt a process for Recall of Councilmembers

ARTICLE VI. INITIATIVE, REFERENDUM AND RECALL

Section 6.11. Power of Recall.

The people of the city reserve the power to recall any elected city officer and may exercise the power by filing with the city secretary a petition signed by qualified voters of the city equal in number to at least twenty-five percent (25%) of the number of votes cast in the last general city election, demanding the removal of the elected officer. The petition shall be signed and verified as required for an initiative petition and a separate petition must be filed for each officer being recalled.

Section 6.12. Recall Election.

The provisions regulating examination, certification, and amendment of initiative petitions shall apply to recall petitions. If the city secretary certifies the petition as sufficient, the city council shall, at the first meeting for which timely notice may be given, order a special election to be held at the earliest time permitted by this charter and state law, to determine whether the officer shall be recalled. If a majority of votes cast at a recall election be for the recall of the officer, the office shall be vacant.

Section 6.13. Limitation on Recall.

No recall petition shall be filed against an officer within six (6) months after taking office, and no officer shall be subjected to more than two (2) recall election during the term of office.

Section 6.14. Failure of City Council to Call an Election.

If the city secretary shall certify the petition as sufficient and the city council shall fail or refuse to order such recall election, or to discharge any other duty imposed upon the council with reference to the recall, then any citizen of the city may file suit in the district courts to compel the council to order the election.

- M. Commission Action: City Manager must live within 25 miles of the city limits; minimum three years must pass before a Council member can be appointed city manager**

Section 7.01. - City Manager.

The council appoints and removes the city manager upon the affirmative vote from five members of council. The council supervises the city manager by majority vote. The city manager shall be chosen and compensated solely on the basis of his or her experience, education, training, ability and performance, and need not be a resident of the city; provided that, during his or her tenure of office the city manager shall reside within twenty-five miles of the city limits ~~Travis County or any contiguous county~~. The city manager may be bonded at city expense as determined by the council, and the city manager may require a bond be provided at city expense by any other employee. No member of the council shall, during the term of office for which he or she is elected or for three years ~~one year~~ thereafter, be appointed city manager.

N. Commission Action: Addition of Committees

ARTICLE X. PLANNING AND DEVELOPMENT; COMMUNITY COMMITTEES

Section 10.10. Community Committees. The following community committees are hereby established. The City Council shall adopt an ordinance providing for the membership, qualifications, terms, duties, and other matters determined appropriate by the City Council regarding the committees.

- (a) Community Collaborative Committee. The community collaborative committee shall serve to promote communication between the City and the community on issues affecting the City as a whole. The community collaborative committee shall include representatives from the City's homeowners' associations, community non-profit associations, the school district, charter schools, and other members of the community as determined appropriate by the City Council.
- (b) Economic Development Committee. The economic development committee will be made up of representatives from the City, the local business community, and other persons determined appropriate by the City Council. The economic development committee shall serve as a resource for marketing the City and promoting the economic development of the City.
- (c) Public Safety Committee and Community Advisory Committee. The public safety committee shall serve to provide input on the programs and activities of the Police Department and other areas of public safety and to assist in bridging relationships between the community and local police, fire, EMS and to provide direction in matters of public safety. The committee will be made up of members of city council and city staff, and additional members of the community if determined appropriate by the City Council. The public safety committee shall recommend for appointment by the city council persons to serve on a community advisory committee. The community advisory committee shall receive input from the community on ideas, areas of concern, and complaints regarding public safety matters , and shall perform other functions established by the City Council by ordinance.
Emergency Management Committee. The emergency management committee shall serve to coordinate and integrate activities and capabilities needed to mitigate against, prepare for, respond to, and recover from emergencies, declared disasters or hazards. The committee will be made up of members of city council and city staff, and additional members of the community if determined appropriate by the City Council.

O. Commission Action: Address conflict in state law for timeframe for approving certain Charter amendments

Section 11.02. - Franchises.

The council shall have the power and authority to grant franchises for the use and occupancy of streets, avenues, alleys and any and all public property belonging to or under the control of the city. Except as specifically authorized and provided otherwise by state law, no individual, organization, entity, political subdivision, corporation, public utility or any provider of public service shall provide any service within the city requiring the use or occupancy of any street, public right-of-way or property without first being granted a franchise or permit to use such city facilities. The franchise ordinance or permit shall fully describe the terms of the agreement, and regardless of the title given, shall be subject to the terms of this Article. The terms of such agreements shall be explicit so as to protect the interests of the citizens and shall include but not be limited to the terms prescribed in this charter. No franchise ordinance or permit shall be passed except on two readings held after a public hearing for which ten days' notice is given in a newspaper of general circulation in the city, unless applicable state or federal law requires the

issuance of the franchise or permit within a specific time period, in which case the franchise ordinance or permit will be approved in accordance with the procedures established by ordinance.

- P. **COMMISSION ACTION:** Have an interview process; no one related within 1st degree of consanguinity or affinity may be appointed; if there are not enough qualified voters of the City who apply, appoint up to two ETJ residents

Section 12.01. - Ethics Commission.

The city council shall adopt, and periodically modify and amend, an ordinance providing an ethics policy and code of conduct applicable to the officers, employees, boards and commission members of the city. An ethics commission composed of a minimum of five qualified voters of the city shall be established to advise the council on the content and requirements of the ethics policies and ordinance and to hear and decide complaints filed pursuant to such policies and ordinance. The council shall applications from and interview persons interested in serving on the ethics commission. After concluding the interview process, each Each council member has the right to recommend appointment of qualified citizens to serve, subject to the approval by vote of the council. Should the council approve a seven member ethics commission, each council member shall appoint one member to the commission, subject to the approval by vote of the council. If a sufficient number of qualified voters do not apply to fill vacancies on the commission, the council may appoint up to two residents of the extraterritorial jurisdiction to serve on the ethics commission. The council may not appoint any person related to a member of the council within the first degree of consanguinity or affinity. The members of such commission are appointed, supervised and removed by the city council and shall meet upon a complaint or grievance being filed or at the request of the council or the city manager. The ethics commission has authority and power to investigate complaints; gather and hear evidence; issue and enforce subpoenas to compel the attendance of witnesses and collection and presentation of any evidence or documents; decide ethics complaints based on the information and facts submitted; issue written opinions; issue verbal or written reprimands and to admonish; and in appropriate circumstances, to recommend to the city council and/or the city manager as appropriate more severe disciplinary action, including removal, termination, civil litigation or criminal charges. The ethics commission shall be advised by independent legal counsel nominated by the city attorney and appointed by the council.

- Q. **COMMISSION ACTION:** Add family members related within the first degree of consanguinity or affinity

Section 12.04. - Conflict of Interest.

No elected or appointed officer or employee of the city shall participate in the deliberation or decision on any issue, subject or matter before the council or any board or commission, if the officer or employee, or a family member related to the officer or employee within the first degree of consanguinity or affinity, has a personal financial or property interest, direct or indirect, in the issue, subject or matter that is different from that of the public at large. An interest

arising from job duties, compensation or benefits payable by the city shall not constitute a personal financial interest.

R. COMMISSION ACTION: Conform to State Law

Section 13.06. - Public Records.

All public records of every office, department, or agency of the city, that are not subject to a privilege against disclosure that is recognized by state or federal law are open to inspection by the public all reasonable times *in accordance with state law and the policies and procedures established by the City that are consistent with state law.*; ~~provided that the following records shall not be considered public records for the purpose of this section:~~

- ~~(a) records that may be closed to the public pursuant to state law;~~
- ~~(b) records that are attorney client privileged;~~
- ~~(c) records that regard a competitive bid or proposal that has not been finally awarded;~~
- ~~(d) records that regard the active negotiation of a contract or pending acquisition of property;~~
- ~~or~~
- ~~(e) records that include information that is protected by a right of privacy established by statute or constitution.~~

S. COMMISSION ACTION: Add Finance Director as subsection (f) and public works director moves to (g)

Section 13.07. - Succession.

If four or more positions on the city council become vacant at any time due to disaster or an event that results in the death or inability to serve of four or more members, the mayor, mayor pro-tem, majority of the surviving members of council, or if there be but one, any surviving member, may call a special election to fill the vacant positions. In such event, pending the election, if there are three surviving members of the city council they constitute a quorum. If there are not at least three surviving members the following officers of the city in the order listed shall serve with the surviving members of the council on an interim basis as necessary to result in a four member quorum:

- (a) the chair of the planning and zoning commission;
- (b) the vice chair of the planning and zoning commission;
- (c) the city manager;
- (d) the chief of police;
- (e) the city secretary; ~~and~~
- (f) the finance director; and*
- ~~(f)~~ *(i)* the director of public works.

If such surviving officers not be sufficient in number to constitute a quorum, the remainder shall constitute a quorum until the officers elected at the special election take office.

T. COMMISSION ACTION: Change “shall” to “will”

Section 13.08. - Charter Review.

The council will ~~shall~~ review the charter every two years to determine if any amendment should be considered. The council will ~~shall~~ appoint a charter review commission, consisting of seven qualified voters of the city, at least every fifth year. The terms of each charter review commission will ~~shall~~ be six months and such commission will ~~shall~~ review, hold hearings upon and make recommendations for the amendment, if any, of this charter. Any resulting charter elections will ~~shall~~ be noticed and held in compliance with state law.

U. COMMISSION ACTION: Adopt language recommended by City staff regarding changes to Charter sections governing the Public Works Department; and establish offices of Human Resources and Planning Department

Section 7.08. - Public Works Department.

There shall be established a public works department to administer, supervise and coordinate the construction and maintenance of the streets, parks, water/wastewater and thoroughfares, the drainage system, and all public property and equipment not the responsibility of another department. The department shall have and be responsible for other duties, projects and works as provided by ordinance or assigned by the city manager. The director of public works shall administer and manage the department. *The director of such department is appointed and removed by the city manager.*

Section 7.11. - Human Resources.

The office of Human Resources shall be established. The city shall be an equal opportunity employer and the service of each officer and employee shall be "at will". The administration of human resources of the city shall be governed by written rules and regulations to be known as "Personnel Policies". The city manager or his or her designee shall prepare such policies and recommend their adoption to the council. Such policies shall not be inconsistent with this charter and will become effective when approved by the council by ordinance. All policies so adopted and not inconsistent with this charter shall have the force and effect of law.

Section 10.07. - Planning and Development Department.

The city council shall ~~may~~ create by ordinance such department(s) as necessary to provide technical and administrative support in the areas of planning, growth management and land development, or the city manager may assign such duties to any other department or officer of the city. The director of such department is appointed and removed by the city manager.

The department of Development Services shall be established. The director of planning shall administer and manage the department and shall have and be responsible for the duties, projects and works as provided by this charter, ordinance, or as assigned by the city manager. The director of such department is appointed and removed by the city manager.



**CITY COUNCIL
WORKSHOP SESSION MINUTES
JULY 25, 2020
VIA TELEPHONE/VIDEO CONFERENCE**

PRESENT:

Dr. Larry Wallace Jr., Mayor

COUNCIL MEMBERS:

Emily Hill, Place 1 (via Zoom and Telephone)
Maria Amezcua, Place 2
Dr. Christopher Harvey, Place 3
Danny Scarbrough, Place 4
Deja Hill, Mayor Pro Tem, Place 5
Vacant, Place 6

CITY STAFF:

Thomas Bolt, City Manager
Lluvia T. Almaraz, City Secretary
Lydia Collins, Director of Finance

WORKSHOP SESSION – 8:00 A.M.

With a quorum of the Council Members present, the workshop session of the Manor City Council was called to order by Mayor Dr. Wallace Jr. at 8:12 a.m. on Saturday, July 25, 2020, in the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

PUBLIC COMMENTS

No one appeared to speak at this time.

The discussion was held regarding the following:

- **Discussion of Policies and Procedures for City Council and Administration.**

Councilmember Dr. Harvey discussed his request for a zoom account to conduct city business.

Discussion was held regarding city policy and procedures for zoom accounts for city staff and city council.

- **Discussion of the planning for the purchase of land and construction of a library and recreation center.**

Discussion was held regarding the process for the purchase of land and construction of a library and recreation center.

Discussion was held regarding the need of a new City Hall and Police Building.

Discussion was held regarding the communication with the community on data related to project costs and processes for the city.

Discussion was held regarding economic growth within the city.

Mayor Wallace Jr. requested for a future agenda item regarding the establishment of an Economic Development Office.

Council Member Dr. Harvey requested for a plan assessment for a library and recreation center.

Discussion was held regarding the Comprehensive Plan Request for Proposal (RFP).

Discussion was held regarding Economic Development Policies.

Discussion was held regarding the Economic Development Committee.

- **Discussion of Budget for future projects.**

Discussion was held regarding Public Hearings for the Budget Proposal.

Mayor Wallace Jr. discussed a potential City Budget Address.

Discussion was held regarding city programs.

Discussion was held regarding a park recreation center.

- **Discussion of Rules of Procedure for City Council.**

City Council Rules of Procedure Attached

Discussion was held regarding the clarification of Section 5.04 - Voting and Section 7.04 - Addressing the City Council, c) Media Inquiries.

Discussion was held regarding revisions to Section 9 – City Council Committees regarding the addition of all new standing committees.

Purchasing Policy Attached

Discussion was held regarding the Purchasing Policy revisions to the Purchasing Tree Diagram to match description of purchases.

2019 TML Handbook Attached

Discussion was held regarding the 2019 TML Handbook for Mayors and Councilmembers.

- Chapter One: Local Government in Texas – *The Home Rule Concept*
- Chapter Three: Roles and Responsibilities of Officers in Home Rule Cities
- Chapter Four: Powers and Duties of Cities - *Planning, Subdivision Controls, and Annexation; Payment of Bonuses to City Employees*
- Chapter Five: The City Council at Work: Meetings – *Texas Open Meetings Act; Formal Meetings of the Council / The Agenda*
- Chapter Seven: Ordinances and Resolutions
- Chapter Eight: Conflicts of Interest

Discussion was held regarding Council Workshops and Orientation for incoming Council Members.

- **St. David's Grant Update**

Director of Finance Collins briefly discussed updates on the St. David's Grant.

ADJOURNMENT

With no further discussion the Workshop Session of the Manor City Council Adjourned at 1:06 p.m. on Saturday, July 25, 2020.

These minutes approved by the Manor City Council on the 5th day of August 2020.

APPROVED:

Dr. Larry Wallace Jr.
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary

Draft Minutes



CITY COUNCIL RULES OF PROCEDURE

**As Adopted by Ordinance No. 516
Effective May 2, 2018**

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Section 1 – GENERAL

Parliamentary law and the rules of procedure derived from such law are essential to all deliberative organizations so that they may consider all matters before them in an effective and efficient manner and produce results that are legal and binding. Moreover, such procedural safeguards ensure due process during deliberations among members of the organization while at the same time protecting the rights of both the group and each member. Accordingly, these rules of procedure establish guidelines to be followed by all persons attending City Council meetings, including members of the City Council, administrative staff, news media, citizens and visitors.

Section 2 – AUTHORITY

The City Charter of Manor, Texas [Adopted: August 15, 2007; Amended: May 9, 2015] provides in Article III (City Council Judge of its Members), Section 3.04. (Rule of Procedure) that “The Council shall by ordinance determine its own rules and order of business.” Thus, these rules of procedure are established. In the event of any conflict between the City Charter and these rules of procedure, the City Charter shall prevail.

The parliamentary reference for the City Council is the most recent edition of *Robert’s Rules of Order Newly Revised* (RONR). When any issue concerning procedure arises that is not covered by the Rules of Procedure, the City Charter or State law, the Council will refer to RONR, which shall generally determine such procedural issue. www.robertsrules.com.

Section 3 – MEETINGS

The City Council shall follow both the letter and the spirit of the Texas Open Meetings Act.

3.01. Regular Meetings.

The City Council shall conduct regular meetings generally on the first (1st) and third (3rd) Wednesdays of each month. All regular meetings shall normally be scheduled to begin at 7:00 p.m. at City Hall and are open to the public.

3.02. Special Meetings.

In accordance with Section 3.07 (Meetings) of the City Charter, “special meetings may be scheduled and held as the council deems necessary to transact the business of the city.” Special meetings are open to the public.

3.03. Workshop Sessions.

Workshop sessions may be scheduled by the Mayor, a majority of Council Members or by the City Manager. They are normally conducted prior to regular or special meetings but may also be conducted at other times as well. Their purpose is to exchange information between council, staff, vendors or other groups. No official action is taken by council during these sessions, but workshops shall be posted and are open to the public. The City Council may suspend the application of this rule during a workshop session by majority vote of those members present and voting and take action on any item posted on the workshop agenda.

3.04. Executive Sessions.

The City Council may meet in executive session under the provisions of the Texas Open Meetings Act. No vote shall be taken in an executive session on any matter under consideration nor shall any Council Member enter into a commitment with another respecting a vote to be taken subsequently in an open meeting of the City Council.

3.05. Public Hearings.

Public Hearings may be scheduled to present evidence on both sides of issue(s). Some Public Hearings are required by state law such as approving an annual budget and setting a tax rate. Others are conducted voluntarily to obtain a full range of citizen input on important matters, such as a proposed bond issue. Public Hearings may be scheduled as part of a Regular Meeting or on other occasions as necessary.

3.06. City Hall Meetings.

City Hall Meetings may be scheduled periodically for the purpose of open discussion with citizens of Manor on specific issues or general matters regarding the activities of the City. Action may not be taken by the City Council at a City Hall Meeting. If any action is indicated, the matter will be scheduled as an agenda item at a regular meeting of the City Council. Any citizen may participate in a City Hall Meeting, and there is no requirement to sign up to speak prior to the meeting. City Hall Meetings will be posted according to the Texas Open Meetings Act.

3.07. Public Notice.

The agenda for all meetings and the notice listing items to be considered shall be posted by the City Secretary on the City's website and on the bulletin board at City Hall in accordance with the Texas Open Meetings Act [Chapter 551, Texas Government Code].

3.08. Quorum and Attendance.

In accordance with Section 3.06 (Quorum and Attendance) of the City Charter, "Four members of the council shall constitute a quorum for transacting business and no action of the council shall be valid or binding unless taken in an open meeting with a quorum present. Less than a quorum may adjourn any meeting, or order and compel the attendance of absent members. It shall be the duty of each member of the council to attend each regular and special council meeting and the failure of any member to attend three consecutive, regular meetings, without good and sufficient cause, shall constitute misconduct in office."

3.09. City Manager Participation.

The City Manager shall attend all meetings of the City Council except when excused by the City Council. The City Manager may make recommendations to the City Council and shall have the right to take part in all discussions, but shall not have a vote.

3.10. City Attorney Participation.

The City Attorney, or designated assistant City Attorney, shall attend the meetings of the City Council upon request by the City Manager to advise the City Council on all legal matters and represent the City in all litigation (except where outside counsel is engaged) and other legal matters.

3.11. City Secretary Participation.

The City Secretary shall attend each meeting of the City Council and shall keep, in a record provided for that purpose, accurate minutes of the City Council's proceedings.

3.12. City Department Directors Participation.

The City staff department heads shall attend the second regular meeting of each month to respond to inquiries made by the City Council on departmental monthly reports unless excused by the City Manager. The City Council may request the presence of specific department heads or staff members, through the City Manager, for other meetings or sessions.

3.13. Agenda.

- a. The Mayor, Council Members, City Manager, City Department Directors, City Attorney, and the City Secretary may place items on the agenda. Agenda items shall be submitted in written form to the City Secretary in accordance with subsection (b). The City Secretary will coordinate the placement of items on the agenda with the City Manager who will resolve any conflicts with Mayor and Council Members. Agenda items may be removed only by the Mayor and City Manager, except agenda items requested by City Council.
- b. Agenda items, including any necessary or applicable supporting documents and materials to be included in agenda packets, shall be submitted in written form to the City Secretary in accordance with this section and in order to allow compliance with the Texas Open Meetings Act 72-hour notice provision. Agenda items are due on or before the Wednesday of the week preceding the next scheduled City Council meeting.
- c. The City Secretary shall submit a draft agenda to the City Manager on or before the Tuesday of the week preceding the next scheduled City Council meeting for review and revision.
- d. The agenda packets for all regular and special meetings will be delivered to the Mayor and Council Members on the Friday preceding the following Wednesday meeting.

3.14. Minutes.

Minutes of City Council meetings will be recorded and maintained by the City Secretary. The Minutes will include final motions with voting results. The Minutes will also reflect the names of those citizens presenting public comments. Minutes of meetings will generally be submitted to the City Council for approval at the next regularly scheduled meeting.

3.15. Attendance by the Public.

Members of the public are invited and encouraged to attend any sessions of the City Council that are not closed to the public in accordance with the Texas Openning Meetings Act.

3.16. City Legislation and Actions of Significant Public Impact and Concern.

Any action or ordinance of the City of Manor that falls into the following three categories is considered an action of significant public impact and concern:

- a. Any action or ordinance that criminalizes behavior or creates criminal liability.
- b. Any action or ordinance that has a substantial impact on private property rights.
- c. Any action or ordinance that involves the expenditure of more than three hundred thousand dollars (\$300,000) and that is not a recurring expense or renewal of an expense.

The City Council shall not vote on any action of significant public impact and concern unless and until it has been presented and discussed in at least two Council meetings, which occur within a 60-day period, except as provided in Section 10.

Section 4 - STANDARDS OF CONDUCT

4.01. Council Members.

- a. During City Council meetings, Council Members shall assist in preserving order and decorum and shall neither by conversation or other activity delay or interrupt the proceedings nor refuse to obey the orders of the presiding officer or the rules of the City Council.
- b. A Council Member desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine his/her discussion to the question under debate and avoid discussion of personalities, the use of inappropriate language, making personal attacks, and verbally abusing colleagues or anyone else in attendance.

- c. Council Members may question City staff members during meetings when they are making presentations to the City Council. Council Members shall neither berate nor admonish City staff members. Questions to other City staff members who are not making presentations should first be directed to the City Manager who will then ask the appropriate City staff member to respond or the City Manager may address the question.
- d. A Council Member, once recognized, shall not be interrupted while speaking unless called to order by the presiding officer. If a Council Member is called to order while speaking, that member shall cease speaking immediately until the question of order is determined.
- e. Council Members shall confine their questions to the particular matters before the assembly and in debate shall confine their remarks to the issues before the City Council.
- f. When there is more than one speaker on the same subject, Council Members will delay their subsequent comments until after all speakers on the subject have been heard.

4.02. Council Relations with the Media.

All City press releases, media advisories, story suggestions, or similar items should go through the City Manager's office for distribution, with exception of factual police department bulletins which designated officers may send directly to the City Manager, with a copy to the City Secretary.

4.03. City Staff.

- a. Members of the City staff and employees of the City shall observe the same rules of procedures and decorum applicable to members of the City Council.
- b. Although the presiding officer has the authority to preserve decorum in meetings, the City Manager also is responsible for the orderly conduct and decorum of all City staff members under the City Manager's direction and control.
- c. The City Manager shall take such disciplinary action as may be necessary to ensure that decorum is preserved at all times by City staff members in City Council meetings.
- d. All staff members addressing the City Council, including the City Manager, other staff members, or members of the public shall be recognized by the presiding officer and shall limit their remarks to the matter under discussion.
- e. All remarks and questions addressed to the City Council by staff members shall be addressed to the City Council as a whole and not to any individual member.

4.04. Members of the Public

- a. Members of the Public are invited to attend all open meetings of the City Council and will be admitted to the Council Chambers or other room(s) in which the City Council is meeting, but not to exceed the fire safety capacity of the room(s).
- b. All persons shall remove hats and all individuals shall refrain from private conversations in the chambers while the City Council is in session.
- c. Members of the Public attending Council meetings also shall observe the same rules of propriety, decorum and good conduct applicable to members of the Council. Any person making personal, impertinent, and slanderous remarks or who become boisterous while addressing the Council or while attending the Council meeting shall be removed from the room if the presiding officer requests the sergeant-at-arms to remove such offenders from the room.
- d. Reactions from the audience following the recognition and rewarding of citizens and special guests is considered appropriate and encouraged. Reactions from the audience during staff presentations to the Council and during debate between Council Members are not appropriate and not permitted. The presiding officer will ensure that the decorum of the meeting is maintained and is appropriate.
- e. No placards, banners, or signs of any kind will be permitted in the Council Chamber or in any other room in which the City Council is meeting. Exhibits, displays, and visual aids used in connection with presentations to the City Council, however, are permitted.
- f. Members of the Public attending Council meetings are not allowed to bring food or drink into the Council Chamber or into any other room in which the City Council is meeting.

4.05. Enforcement.

The sergeant-at-arms attending the City Council meetings, shall ensure that a safe environment exists for the City Council to conduct its meetings and shall furnish whatever assistance is needed to enforce the rules of the City Council.

Section 5 - DUTIES AND PRIVILEGES OF COUNCIL MEMBERS

5.01. Seating Arrangement.

In meetings where the Council is seated at the dais, the Mayor shall be seated at the center of the dais; the City Manager shall be seated adjacent to the Mayor, Council Members are seated by Place No. 1-6 and City Secretary shall be seated on the table to the right of the dais.

5.02. Right of the Floor.

A Council Member desiring to speak must first be recognized by the presiding officer. No Council Member shall address the presiding officer or demand the floor while a vote is being taken.

5.03. Conflict of Interest.

In accordance with Section 12.04 (Conflict of Interest) of the City Charter, “No elected or appointed officer or employee of the city shall participate in the deliberation or decision on any issue, subject or matter before the council or any board or commission, if the officer or employee has a personal financial or property interest, direct or indirect, in the issue, subject or matter that is different from that of the public at large. An interest arising from job duties, compensation or benefits payable by the city shall not constitute a personal financial interest.”

Further, in accordance with Chapter 171, Texas Local Government Code (Chapter 171), no City Council member and no City officer may vote or participate in discussion of a matter involving a business entity or real property in which the City Council member or City officer has a substantial interest (as defined by Chapter 171) and action on the matter will have a special economic effect on the business entity or real property that is distinguishable from the effect on the general public. An affidavit in the form attached hereto in Annex D disclosing the conflict of interest must be filled out and filed with the City Secretary before the matter is discussed.

5.04. Voting.

- a. In accordance with Section 3.08 (Voting) of the City Charter, “All members of the council present shall vote upon every issue, subject or matter properly before the council and requiring a council vote; provided that, if any member of the council has a conflict of interest, that fact shall be stated in the minutes and such member shall abstain from discussion and voting on the issue. No ordinance, resolution, order, action, matter or issue shall be passed, approved, adopted, taken or consented to except by a majority vote of the members of council present and voting, and not less than four affirmative votes shall be required to pass, approve, adopt, take action on or consent to any ordinance, resolution, action, matter, issue or motion.” Any reference to an action of the City Council requiring a majority vote of the members present and voting shall be subject to the requirement set forth in Section 3.08 of the City Charter that not less than four affirmative votes shall be required to pass, approve, adopt, take action on, or consent to the action.
- b. After the result of a vote is announced, a member may not change a vote unless, before the adjournment of that meeting, permission is given to change the vote by a majority vote of the members present and voting.
- c. A tie vote results in a lost motion. In such an instance, any member of the City Council may offer a motion for further action. If there is not an affirmative vote, the result is no action.

5.05. Excusal from Attendance.

Council Members are expected to attend meetings and remain in attendance during each meeting. Should a Council Member be unable to attend, the Mayor, City Manager, or City Secretary should be notified prior to that meeting.

5.06. Excusal During Meetings.

A Council Member needing to be excused during an ongoing session should advise the presiding officer prior to departing the session.

Section 6 - CHAIR AND DUTIES

6.01. Chair.

The Mayor, if present, shall preside as chair at all meetings of the City Council. In the absence of the Mayor, the Mayor ProTem shall preside. In the absence of both the Mayor and Mayor ProTem, the remaining Council Members shall, in accordance with the City Charter, by election, designate one member as acting Mayor to preside for that session. The term "presiding officer" when used in these Rules of Council shall mean the chair.

6.02. Call to Order.

The sessions of the City Council shall be called to order by the Mayor or, in the Mayor's absence, by the Mayor ProTem or, in the Mayor ProTem's absence, by the acting Mayor. In the absence of both the Mayor and Mayor ProTem, the City Manager will temporarily preside over the meeting until the Council selects an acting Mayor to preside over the meeting.

6.03. Preservation of Order.

The Chair shall preserve order and decorum, call upon the sergeant-at-arms as necessary to enforce compliance with the rules, and confine Council Members in debate to the question under discussion. It is the responsibility of the Chair to keep the comments of Council Members on topic during public meetings.

Section 7 - ORDER OF BUSINESS

7.01. Regular and Special Meetings.

Regular and special meetings will generally adhere to the following agenda:

- Call to Order and Announce a Quorum is Present
- Pledge of Allegiance
- Presentations/Proclamations/Recognitions (as appropriate)
- Workshop Sessions (as appropriate)
- Public Comments (related to any matter not on the agenda, no action taken)

- Consent Agenda (may be moved to Regular Agenda by the Mayor or a Council Member)
- Regular Agenda
- Reports (as appropriate)
- Executive Session (as appropriate)
- Reconvene in Open Session (as appropriate)
- Adjournment

7.02. Workshop Sessions.

Workshop sessions will normally be conducted in a less formal manner than regular sessions as follows:

- Call to Order
- Overview of matter(s) to be discussed
- Discussion of matter(s)
- Summation
- Adjournment

7.03. Public Hearings.

The City Manager shall schedule public hearings on the City Council's agenda to be held at least two weeks before the City Council must vote on the matter (unless the law requires otherwise, in which case, Public Hearings shall be conducted as provided by state law). In addition to this requirement, when conducted as part of a Regular Meeting, a vote may be taken on the matter at that same meeting. When a Public Hearing is conducted as a stand-alone meeting and not part of a Regular Meeting, the vote may be taken at a subsequent Regular or Special Meeting.

7.04. Addressing the City Council.

Members of the public are invited and encouraged to attend any sessions of the City Council that are not closed to the public in accordance with the Texas Opening Meetings Act. It is the desire of the City Council that citizens actively participate in the City's governance system and processes. Therefore, public input to the City Council, both oral and written, is encouraged.

a. Public Comments.

- (1) Prior to the meeting being called to order, the person wishing to speak shall complete a speaker card and present it to the City Secretary. The presiding officer shall call upon those who have submitted cards. When called upon to speak by the presiding officer, the person shall come to the podium, state his/her name for the record, and, if speaking for an organization or group, identify the group represented. *No formal action can be taken by the City Council during the public comments.*
- (2) For items on the agenda, the speaker will have three (3) minutes to complete his/her comments unless otherwise permitted by the presiding officer. The City Secretary

shall maintain the time and advise the speaker when his/her time has expired. The speaker shall then complete his sentence and take his/her seat.

- (3) All remarks shall be addressed to entire City Council and not directed to individual Council Members or members of the city staff.

b. Written Correspondence and Telephone Calls.

- (1) Member of the Public may direct written comments to the entire City Council or individual Council Members by addressing their letters to City Hall at: Manor City Hall, 105 E. Eggleston Street, Manor, Texas 78653. The Mayor and each Council Member has an email address listed on the City's website at www.cityofmanor.gov.
- (2) Citizens should expect a timely acknowledgement of their letters and e-mail messages within three (3) working days. Telephone calls should be returned within twenty-four (24) hours, excluding Saturdays, Sundays and official state holidays.

c. Media Inquiries.

- (1) The recognized local media sources may direct questions to members of the City Council through the City Manager.
- (2) Other legitimate regional, state and national media sources are expected to coordinate questions to Council Members and staff through the City Manager.
- (3) All media questions will be initially directed to the City Manager or the Chief of Police.

Section 8 – RULES OF ORDER

8.01. General.

These rules, consistent with the City Charter and any applicable city ordinance, statute or other legal requirement, shall govern the proceedings of the City Council.

8.02. Authority of the Chair.

- a. Subject to appeal of the full City Council, the Chair shall have the authority to prevent the misuse of motions, the abuse of any privilege, or the obstruction of the business of the City Council by ruling any such matter out of order. In so ruling, the Chair shall be courteous and fair and should presume that the moving party is acting in good faith.
- b. The Chair will perform the role of facilitator to assist the City Council in focusing agenda discussions and deliberations.
- c. Any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council present and voting shall require the Chair to act.

8.03. Obtaining the Floor.

Any Council Member wishing to speak must first obtain the floor by being recognized by the presiding officer. The presiding officer must recognize any Council Member who seeks the floor appropriately entitled to do so.

8.04. Council Deliberations and Order of Speakers.

- a. The presiding officer shall control the debate and the order of speakers.
- b. Speakers shall generally be called upon in the order of their request to speak.
- c. With the concurrence of the presiding officer, a Council Member holding the floor may address a question to another Council Member or the City Manager. The Council Member or City Manager may respond while the floor is still held by the Council Member asking the question.
- d. With the concurrence of the presiding officer, a Council Member holding the floor may address questions to an individual making a presentation to the City Council, e.g., city staff member, consultants, and citizens making public comments.
- e. Comments and questions shall be conducted in rounds to ensure that Council Members have the opportunity to make their comments and then respond to the comments they have heard from their fellow Council Members.
- f. The presiding officer shall only terminate deliberations and debate after all Council Members have been provided a reasonable time and opportunity to participate and prepare them to render a reasonable and responsible vote on the question.
- g. During presentations by the staff or special guests on agenda items, Council Members may obtain the floor from the presiding officer to ask questions of the presenters regarding details of their presentations.
- h. Following a motion and second of an agenda item, Council Members may enter into additional discussions about the item as described below in subsection 8.08(d).

8.05. Length of Comments.

Council Members shall govern themselves as to the length of the comments, questions, or presentations. As a courtesy, the presiding officer will signal by hand to a Council Member who has been speaking for over five minutes. This procedure is not meant to limit debate or to cut comments short, but rather to assist Council Members in their efforts to communicate concisely.

8.06. Limit Deliberations to Item at Hand.

Council Members shall limit their comments and questions to the subject matter, time, or motion being currently being considered by the City Council.

8.07. Motions.

In accordance with Section 1.05.037 (Motions; deferring action) of the City Charter, “(a) A motion may be made by any member other than the presiding officer.” The presiding officer shall, prior to offering a motion, however, ensure that other Council Members have the opportunity to make the motion. Any member of the City Council, other than the person offering the motion, may second a motion. See Annex B (Chief Purposes of Motions) and Annex C (Parliamentary Strategy).

8.08. Procedures for Motions.

The following is the general procedure for making motions:

- a. Before a motion can be considered or debated, it must be seconded. If there is no second, the motion fails.
- b. A Council Member who wishes to make a motion should do so through a verbal request to the presiding officer.
- c. A Council Member who wishes to second a motion should do so through a verbal request to the presiding officer.
- d. Once a motion has been properly made and seconded, the presiding officer shall open the matter for additional discussion offering the first opportunity to the moving party and, thereafter, to any Council Member properly recognized by the presiding officer.

8.09. Amendments to Motions.

- a. When a motion is on the floor and an amendment is offered, the amendment shall be acted upon prior to action on the main motion.
- b. No proposal of a subject different from that under consideration shall be admitted as a motion or amendment to a motion.
- c. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order.
- d. Action shall be taken on the amended amendment prior to any other action to further amend the main motion.

8.10. Motion to Continue.

A motion to continue will leave the motion in its present condition for consideration on a date and time certain.

8.11. Motion to Remove.

A motion to remove will take the matter off the agenda and will not be considered by the Council for an indefinite period of time.

8.12. Motion to Table.

A motion to table will delay consideration of the item being discussed by the City Council.

8.13. Motion to Refer.

A motion to refer forwards the item under consideration to the named group, committee, or board for further study.

8.14. Withdrawal of Motion.

A withdrawal of motion indicates a motion may be withdrawn or modified by the Council Member who originally made the motion at any time prior to its passage. If the motion is modified, the Council Member who seconded the motion may withdraw his/her second. If a motion that has received a second is withdrawn by one of the Council Members making the motion, the motion must be seconded by another Council Member to proceed or it will die for lack of a second.

8.15. Motion for Reconsideration.

- a. A motion to reconsider any action of the City Council may be made, seconded, and voted on not later than the next succeeding regular meeting of the City Council. If reconsideration of the Council action has not been posted on the Council agenda for the meeting at which the motion to reconsider is made, however, actual reconsideration of the item must be delayed until the next regular meeting after the posting requirements of the Texas Open Meetings Act are met.
- b. A motion to reconsider an action of the City Council may only be made by a member who voted with the prevailing side. Any member can second it. No question shall be twice reconsidered except by unanimous vote of the City Council. Actions relating to any contract may be reconsidered at any time before the final execution thereof.

Section 9 – CITY COUNCIL COMMITTEES

9.01. Committees Established.

The City Council can establish standing committees or ad hoc committees when necessary. All committees will be advisory committees.

9.02. Standing Committees.

- a. The following standing committee(s) of the City Council are established:
 - (1) Budget Committee
 - i. The Budget Committee shall consist of not less than three (3) Council Members and serve a one-year term, appointed by the City Council.
 - ii. [Purpose of the Budget Committee]
 - iii. Summary minutes will be kept for the Budget Committee by Finance Department staff.

- b. Each standing committee shall review matters in its area of responsibility that are referred to it by the City Council, the City Manager, or an individual City Council Member. A standing committee may, by majority vote, recommend action to the City Council, but committee recommendation is not necessary for a matter to be placed on the City Council agenda. The committee chair may make a statement on behalf of the committee on an item in a briefing or voting meeting of the City Council.
- c. City Council shall determine the number of members and appoint a chair to the standing committee.

9.03. Ad Hoc Committees.

The Mayor may appoint ad hoc committees from time to time to study and review specific issues. The Mayor shall determine the number of members and appoint a chair of ad hoc committees. The ad hoc committees shall be established for a designated period of time, which may be extended by the Mayor and shall meet as needed. The Mayor shall formally announce the establishment of any ad hoc committee along with his appointments to that committee in a regular session of Council prior to the committee convening to conduct business.

9.04. Committee Meetings.

- a. Standing and Ad Hoc Committees shall meet as necessary.
- b. The committee chair shall develop committee meeting agendas through coordination with fellow committee members and appropriate supporting staff members. The committee chair will coordinate with the City Secretary to ensure that the committee meeting agenda is posted as appropriate.

9.05. Agenda and Information.

- a. Before each committee meeting, the City Manager and City Secretary shall provide an agenda and supporting information for the meeting to committee members and the public. Items may be scheduled on the agenda for committee briefings by the chair, the City Council, the City Manager, or the Mayor.
- b. Summary minutes will be kept by the City Secretary, unless otherwise indicated within this procedure.

Section 10 – RULES SUSPENSION, AMENDMENT, AND ANNUAL REVIEW

10.01. Suspension of Rules.

Any provision of these rules not governed by the City Charter, City ordinances, or state law may be temporarily suspended by a majority vote of the members of the City Council present and voting. The vote on any such suspension shall be taken by Motion and entered upon the record.

10.02. Amendment of Rules.

These rules may be amended, or new rules adopted, by a majority vote of the members of the City Council present and voting.

10.03. Annual Review of Rules.

Following the municipal general elections each year, City Council may review these rules of procedure, make changes as appropriate, and adopt their own rules of procedure in accordance with the City Charter. In the event no annual review occurs, the standing rules of procedure continue in effect. This does not limit the City Council's right and ability to amend the rules in accordance with the City Charter and Rule 10.02.

Section 11 – ADMINISTRATIVE SUPPORT TO COUNCIL MEMBERS

11.01. Mail and E-mail.

- a. All general mail directed to the Mayor and Council Members at City Hall will be date stamped, and distributed as appropriate at City Council Meetings.
- b. All mail providing information on city issues and agenda items will be copied to the Mayor and Council Members.
- c. E-mails are provided to Mayor and Council Members for city business, e-mails requiring a response from the Mayor or Council Member(s) should copy the City Manager.

11.02. Clerical Support.

The City Manager will coordinate appropriate clerical support requested by the Mayor and Council Members.

11.03. Master Calendar.

A master calendar of City Council events, functions, and sessions will be maintained by the City Secretary's office and provided to the Mayor and Council Members as appropriate. Events, functions, and activities to be attended by the Mayor or individual Council Members will be included on the master calendar only at the request of the Mayor or individual Council Member(s).

11.04. Requests for Research or Information.

The Mayor and individual Council Members may request information or research from the city staff on a given topic through the City Manager who will make all members of City Council aware of the special request, as it may be of interest to them as well. Accordingly, the City Manager will provide the results of the request to all members of City Council. In the event the City Manager believes he cannot respond in a timely manner, he and the members of City Council will coordinate a reasonable and responsible timeframe in which to expect the results without unduly interfering with other activities of higher priority.

11.05. Notification of Significant Activities or Events.

The Mayor and Council Members shall expect the City Manager to notify them, and provide periodic updates, regarding significant activities or events in the City related to natural or man-made disasters.

ANNEX A

Fundamental Principles of Parliamentary Law

The Mayor, Council Members, City Manager, City Attorney, City Secretary, and City staff members appearing before the various sessions of the Manor City Council should become familiar with following rules and customs:

1. All members have equal rights, privileges, and obligations; rules must be administered impartially.
2. The minority has rights, which must be protected.
3. Full and free discussions of all motions, reports, and other items of business is a right of all members.
4. In doing business the simplest and most direct procedure should be used.
5. Logical precedence governs introduction and disposition of motions.
6. Only one question can be considered at a time.
7. Members may not make a motion or speak in debate until they have been recognized by the chair and thus have obtained the floor.
8. No member may speak a second time on the same question if anyone who has not spoken on that question wishes to do so.
9. Members must not attack or question the motives of another member. Customarily, all remarks are addressed to the presiding officer.
10. In voting, members have the right to know at all times what motion is before the assembly and what affirmative and negative votes mean.
11. The majority vote decides. This is a fundamental concept of democracy.
12. All meetings will be characterized by fairness and good faith.

ANNEX B

The Chief Purposes of Motions

PURPOSE	MOTION
Present an idea for Consideration and action	Main motion Resolution
Improve a pending motion	Amend Division of question
Regulate or cut off debate	Limit or extend debate Previous Question
Delay a decision	Refer to committee Postpone/table to a certain time Recess Adjourn
Kill an item	Postpone Indefinitely
Meet an emergency	Question of privilege Suspend rules Lay on the Table
Gain information on a pending motion	Parliamentary inquiry Request for information Request to ask a member a question Question of privilege
Question the decision of the presiding officer	Point of order
Enforce rights and privileges	Parliamentary inquiry Point of order Appeal from decision of the chair
Consider a question again	Take from the Table Discharge a committee Reconsider Rescind Renew a motion Amend a previous action Ratify
Change an action already taken	Reconsider Rescind Amend a previous action
Terminate a meeting	Adjourn Recess

ANNEX C

Parliamentary Strategy

To Support a Motion	To Oppose a Motion
<ol style="list-style-type: none"> 1. Second it promptly and enthusiastically. 2. Speak in favor of it as soon as possible. 3. Do your homework; know your facts; have handouts, charts, etc., if appropriate. 4. Move to amend motion, if necessary, to make it more acceptable to proponents. 5. Vote against motion to table or to postpone, unless delay will strengthen your position. 6. Move to recess or postpone, if you need time to marshal facts or work behind the scenes. 7. If defeat seems likely, move to refer to committee, if that would improve chances. 8. If defeat seems likely, move to divide question, if appropriate, to gain at least a partial victory. 9. Have available a copy of the rules of procedure, City Charter, and <i>Robert's Rules of Order Newly Revised</i>, most recent edition, in case of a procedural dispute. 10. If motion is defeated, move to reconsider, if circumstances warrant it. 11. If motion is defeated, consider reintroducing it at a subsequent meeting. 	<ol style="list-style-type: none"> 1. Speak against it as soon as possible. Raise question; try to put proponents on the defensive. 2. Move to amend the motion so as to eliminate objectionable aspects. 3. Move to amend the motion to adversely encumber it. 4. Draft a more acceptable version and offer as amendment by substitution. 5. Move to postpone to a subsequent meeting. 6. Move to refer to committee. 7. Move to recess, if you need time to round up votes or obtain more facts. 8. Question the presence of quorum, if appropriate. 9. Move to adjourn 10. On a voice vote, vote emphatically. 11. If the motion is adopted, move to reconsider, if you might win a subsequent vote. 12. If the motion is adopted, consider trying to rescind it at a subsequent meeting. 13. Have available a copy of the rule of procedure, City Charter, and <i>Robert's Rules of Order Newly Revised</i>, most recent edition, in case of a procedural dispute.

ANNEX D

Conflict of Interest

AFFIDAVIT

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

I, _____, as a member of the City of Manor City Council, make this Affidavit and hereby on oath, state the following:

"I, and/or a person or persons related to me, have a substantial interest in a business entity or real property that may receive a special economic effect by a vote or decision of the City of Manor City Council and the economic effect on my business entity or real property is distinguishable from its effect on the general public. What constitutes a "substantial interest," "business entity," "real property" and a "special economic effect" are terms defined in Chapter 171 of the Texas Local Government Code.

"I affirm that the business entity or real property referred to above is: _____

The nature of my substantial interest in this business entity or real property is: (Check all which are applicable.)

- ___ An ownership interest of 10% or more of the voting stock or shares of the business entity; or
- ___ An ownership interest either 10% or more or \$15,000 or more of the fair market value of the business entity; or
- ___ Funds received from the business entity exceed 10% of _____(my, his, her) gross income for the previous year; or
- ___ Real property is involved and _____(I, he, she) has/have an equitable or legal ownership with a fair market value of at least \$2,500 or more;
- ___ A relative of mine related in the first degree by consanguinity (blood) or affinity (marriage), as determined under Chapter 573, Texas Government Code, is considered to have a substantial interest in the business entity or property that would be affected by a decision of the public body of which I am a member.
- ___ Other: _____

"Upon the filing of this Affidavit with the City Secretary, I affirm that I will abstain from any discussion, vote, or decision involving this business entity or real property and from any further participation in this matter whatsoever."

SIGNED this the ____ day of _____, 20 ____.

Signature of public official

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, by

_____, on this the ____ day of _____, 20 ___, which witness my hand and official seal.

Notary Public
State of Texas



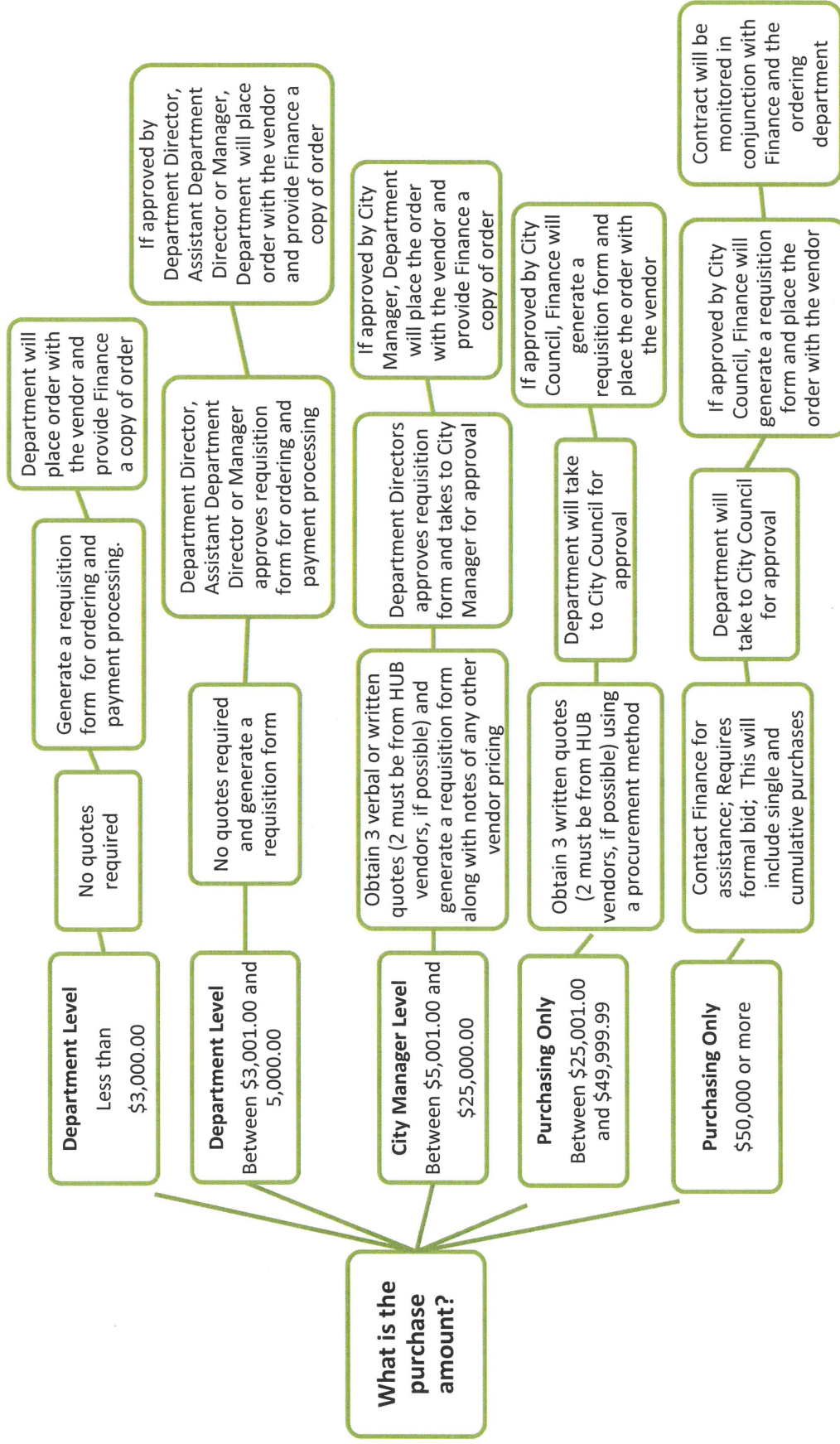
Purchasing Policy

Approved: Thomas Bolt
Tom Bolt, City Manager
Date: 5/23/19

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PURCHASING TREE



Glossary of Terms

Award – Approval by the City Council, City Manager or Department Head or their designee, under whose authority a purchase or purchase order is approved.

Best Value – If the sealed competitive bidding requirement applies to the contract for goods or services, the contract may be awarded to the lowest, responsible bidder or to bidder who provides goods or services at the best value for the City. In determining the best value for the City, we may consider:

- The purchase price
- The reputation of the bidder and the bidder's goods or services
- The quality of the bidder's goods or services
- The extent to which the goods or services meet the City's needs
- The bidder's past relationships with the City
- The impact on the ability of the City to comply with the laws and rules relating to contracting with historically underutilized businesses and non-profit organizations employing persons with disabilities
- The total long-term cost to the City to acquire the bidder's goods or services, and
- Any relevant criteria specifically listed in the request for bids or proposals.

Bid Advertisement – A public notice put in a newspaper of general circulation, containing information about an Invitation for Bid or a Request for Proposal.

Change Order – After the award of the contract; if circumstances change which will alter the scope, a change order may be issued. See page 9 for further explanation.

City Manager Approval – City Manager prior written approval is required for all procurements \$3,000 to \$25,000. It is intended to provide the City Manager with information to make an informed decision regarding the approval of requested purchases. At a minimum, the information should include: summary information of purchase request, background information, number of bids solicited, number of bids received, funding source, budget vs. actual cost and summary tabulation.

Commodity Code – A specific group of goods or services categorized into distinct classes that have been assigned a numerical reference number within the purchasing and inventory system.

Competitive bidding – A process wherein a vendor openly competes with other vendors, through a formal or informal process, for the City's business.

Component Purchases – Purchases of the component parts of an item that in normal purchasing practices would be purchased in one purchase.

Contract – An agreement between the City and a Vendor to furnish supplies and/or services over a designated period of time, during which purchase are made of the commodity specified. If the contract is for more than one (1) fiscal year, it must include a non-appropriation clause.

Contractor – The successful vendor(s) awarded a contract by the City of Manor.

Cumulative Purchases – Purchases within a commodity over a fiscal year that are used city wide.

Emergency – Purchases that are made to meet a critical, unforeseen need of the City, where the City's ability to serve the public would be impaired if purchase is not made immediately. Emergency purchases are exempt from standard

purchasing procedures and must qualify for exemption as stated in Texas Local Government Code, Section 252.022 also stated on page 11.

Encumbrance – The process wherein the City reserves funds and pays for the purchase of supplies, goods, services and equipment in one budgetary-accounting period.

Goods – A generic term that includes all types of property to be purchased by the City; equipment, supplies, materials, component and repair parts.

Historically Underutilized Businesses (HUB) - The statewide program facilitates the use of HUBs in state procurement and provides information on the state's procurement process to minority and woman- owned businesses. HUB requirements are found in Section 252.0215 of the Texas Local Government Code and Chapter 2161 of the Texas Government Code.

Invitation to Bid – This is a formal written document that requests from bidders a firm price and delivery details for specified merchandise listed on a purchase requisition. An Invitation to Bid is one way to procure when the anticipated level of expenditure will be greater than \$25,000. It may be used any time the Finance Department, the Department or the City Manager feels it is justified.

Lowest responsible bidder – This is the vendor who offers the lowest bid to which meets all the specifications, requirements, terms and conditions of the Invitation to Bid or the Request for Proposal. It is expressly understood that the lowest responsible bid includes any related costs to the City, using a total cost concept. The term “responsible” refers to the financial and practical ability of the bidder to perform the contract. The term is also used to refer to the experience or safety record of the vendor.

Non-Appropriation Clause – This clause must be included in term related contracts. This is a commitment of the City's current revenues only. It is understood and agreed that the City shall have the right to terminate the Contract at the end of any City fiscal year (September 30th) if the governing body of the City does not appropriate funds sufficient to purchase the estimated yearly quantities, as determined by the City's budget for the fiscal year in question. The City may effect such termination by giving the Vendor a written notice of termination at the end of its then current fiscal year.

Personal Services – Services provided to the City personally by a particular individual. This does not include Professional services.

Professional Services – Services rendered by a person or firm that requires years of education and service for one to attain competence and which calls for higher order of intelligence, skill and learning. (Mental or intellectual skills, rather than physical or manual) When the Request for Proposal is used for selection of professional services as allowed in the Texas Local Government Code, Subsection 252.022(a)(4), the City shall comply with Texas Government Code Section 2254.003 in the procurement of these services. The City shall not award a contract for these services based on competitive bids but shall make the selection and award on the basis of demonstrated competence and qualifications for fair and reasonable price. Fees must be consistent with and not higher than the recommended practices and fees published by the applicable professional associations and may not exceed any maximum(s) provided by law.

Purchase – The act that includes the acquisition of goods and services, to include the act of leasing personal or real property. Separate, sequential and component purchases shall be treated as a single purchase.

Purchasing – The act, function and responsibility for the acquisition of goods and services.

Purchase order – A formal, binding, legal agreement issued by the City. A purchase order is requested by a departmental requisition that details the merchandise or services required. A Purchase Order grants the vendor the

authority to deliver the goods or services and invoice for the same. It is the City's commitment to accept the goods or services and pay for them at the agreed price.

Quotes

Verbal Quote – A verbal quote is obtained from a potential vendor that has the ability to provide the good/service. This quote must include the individual's name, company name, phone number and the dollar amount of the quote for the good/service.

Written Quote – A written quote is provided by the potential vendor that states the good/service pricing as well as the delivery date/terms. This quote can be used as a reference when placing the order with the vendor.

No Bid or Non-Responsive Bid – An opportunity was given to a potential vendor in which they have not responded or responded with a "no bid".

Request for Proposal (RFP) – A formal written document requesting potential vendors make an offer for services to the City. The Request for Proposal method of procurement may be used for goods or services including high technology and insurance when it is determined that the proposal process provides the best value to the City.

Request for Qualifications (RFQ) – A formal written document used when soliciting providers of architectural, engineering and land surveying services. The City shall comply with Texas Government Code, Section 2254.004 in the procurement of these services. The City must first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications. After a firm has been selected based on qualifications and experience, then a fair and reasonable fee shall be negotiated. If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land surveying services, the City shall formally end negotiations with that firm and select the next most highly qualified firm and begin negotiations with that provide for a fair and reasonable price.

Requisition – The source document for all purchasing activity. This form communicates a department's needs to the Finance Department and authorizes the Finance Department to enter into a contractual relationship for the delivery of the goods and/or services. A requisition is for communicating internal requirements and should not be used by the departments for the order and delivery of goods and/or services.

Separate Purchases – Purchases made separately of items that in normal purchasing practices would be purchased in one purchase.

Sequential Purchases – Purchases made over a period of time of items that in normal purchasing practices would be purchased in one purchase.

Services – A generic term to include all work or labor performed for the city on an independent contractor basis, including maintenance, construction, manual, clerical or professional services.

Sole Source – Purchases of goods or services that are available from only one supplier. There may be just one vendor because of copyrights or patents, or simply because the vendor is the only one that supplies the good or service. These purchases are exempt from the standard bidding requirements and must qualify as outlined in Texas Local Government Code, Section 252.002. A determination must be made by legal counsel.

Specifications – Statements containing a detailed description of the terms of the contract, as well as specific details for the goods and/or services. The details or specifications should be descriptive, but not restrictive.

State Contract Purchase – An item available through the State of Texas Procurement Division Cooperative Purchasing Program. The State has publically advertised and received qualified bids for specific items. These appear on a listing

periodically published by the State. The City of Manor has elected to participate in the cooperative purchasing program for governmental subdivisions and other state agencies.

Vendor – A generic term applied to individuals and companies alike, who provide goods and services to the City.

PURCHASING POLICY

Purpose

The City of Manor is committed to ensuring that all purchases are in compliance with State and Federal law, City ordinances and policies when procuring the highest quality material and services at the best value for the citizens of Manor. The City of Manor encourages free and unrestricted competition on all bid requests and purchases.

All formal solicitations (except construction) which include Invitation for Bid (IFB), Request for Proposal (RFP), and Request for Qualifications (RFQ), will be handled by the Finance Department.

Finance should be included in the early planning phases of major projects. Finance will gain a full understanding of the goals to be accomplished and will be able to add specialized knowledge of products and services. This will allow Finance to schedule solicitations for timely delivery of products and services and set schedules to help avoid delays.

This policy was written in conjunction with current State of Texas purchasing laws. Should there be a conflict between this document and state law, the more restrictive will control.

I. Purchasing Policy

A. Responsibilities in the Purchasing Process

The City Council delegates the City Manager the authority to approve and execute contracts and purchases under \$25,000.00.

No employee or agent of the City has the authority to enter into any contract on behalf of the City, except otherwise expressly provided by the City Manager. If a City employee signs a contract without authority, or falsely represents to a third party that he or she has authority to sign a contract, the employee may be held personally responsible to the third party under Texas law.

The authority to purchase is given to the Department Directors, Assistant Directors, Managers and Supervisors and other employees as delegated by the City Manager.

The single purchase approval amounts are listed below:

Department Directors, Assistant Department Directors and Managers can purchase less than \$5,000.00

Supervisors can purchase less than \$3,000.00

Department Directors may delegate purchasing amounts in writing to employees within their department. These delegations will need to be approved in writing by the City Manager.

Any attempt to evade the requirements of this policy or state procurement statutes, including but not limited to sequential or component purchases, may be grounds for disciplinary action up and including termination.

The Finance Department reserves the right to solicit various commodities that might possibly be used citywide to ensure best value for the City.

B. Purchasing Procedures

1. Purchases up to \$2,999.99

- a. No quotes are required. However, purchase requisitions and purchase orders are still required for purchases less than \$3,000.00.

2. Purchases \$3,000.00 - \$24,999.99

- a. Obtain not less than three (3) verbal or written quotes, at least two (2) of which shall be Historically Underutilized Business (HUB) vendors if available. Contact Finance for questions regarding HUB vendors. HUB requirements are found in Section 252.0215 of the Texas Local Government Code and Chapter 2161 of the Texas Government Code.
- b. HUB Website <http://www.window.state.tx.us/procurement/prog/hub/>.
- c. HUB Search Page <http://www2.cpa.state.tx.us/cmb/hubonly.html> to use the search site add in Travis County and then use one of the following Business Categories:
 - 01 Heavy Construction other than Building Contracts;
 - 02 Building Construction, including General Contractors and Operative Builders;
 - 03 Special Trade Construction;
 - 04 Financial and Accounting Services;
 - 05 Architectural/Engineering and Surveying Services;
 - 06 Other Services including Legal Services;
 - 07 Commodities Wholesale;
 - 08 Commodities Manufacturers; or
 - 09 Medical.
- d. If the search criterion within the county comes up empty, the City is considered exempt from HUB requirements. If HUB vendors are listed on the Travis County list; at least two (2) HUB vendors must be contacted for quotes.
- e. When you receive the quotes, the information should be included as part of the requisition form. In addition, include the other vendors contacted with their pricing regarding this purchase.
- f. The department will keep this documentation with their files for two (2) years. To ensure compliance, these records might be periodically audited by the Finance Department.

3. Purchases \$25,000.00 – \$49,999.99

These purchases will require written quotes and will be completed by the Finance Department. Finance will determine the procurement method to use to best meet the department need and the City.

All purchases of \$25,000 and over including cumulative purchases by all departments during the fiscal year must be submitted to City Council for approval.

4. Purchases \$50,000.00 and over

Purchases must be accomplished through a formal solicitation process. Contact Finance for assistance with all formal bids.

5. Formal Bid Procedure

For all bids contact Finance. We will arrange a time to develop a detailed specification or statement of work with the requesting department to assure the exact requirements are being communicated to the responding vendors. Allow 8-10 weeks minimum for the entire procurement process including specification development, advertisement, Council agenda preparation and approval, and contract negotiations.

a. Procedures

Finance will issue the correct type of solicitation (Invitation for Bid-IFB, Request for Proposal-RFP, or Request for Qualifications-RFQ); place an advertisement in the City's official newspaper and any other media appropriate for the type of solicitation; send the package to the Vendors on the request for bid list and

vendors recommended by the requesting department. If there are not existing vendors in the City's request for bid list, Finance will locate a list of appropriate vendors to respond to the solicitation. While the solicitation is in the vendor's hands no communication between any responding vendor and any City staff or City Council member, except for Finance and the Legal Department will be allowed concerning the outstanding solicitation. Finance will be the primary contact for all solicitations. Any contact concerning the solicitation with City staff or City Council will be grounds for disqualification of a Vendor's response. Communication for business not concerning the solicitation is acceptable.

The City may hold a mandatory or non-mandatory pre-bid conference. Date, time and location must be included in the bid advertisement. This should be coordinated with Finance during specification development. The requesting department will be asked to attend this pre-bid conference so they may answer Vendor questions.

b. Bid Opening, Evaluation and Award

Finance will execute the bid opening. A tabulation of the responses will be created and the requesting department will meet with Finance to jointly determine the response containing best value for the City. If negotiations are appropriate, Finance will assist in these negotiations with the Vendor.

The Contract, after review and approval by the City Attorney, if necessary, must be awarded to the lowest responsible bidder or to the bidder who provides goods and services at the best value for the municipality. The Terms and Conditions of the solicitation must indicate the criteria and corresponding weight for each criterion that will be used in the evaluation. Per Texas Local Government Code, Section 252.043, these criteria may include:

1. Purchase price;
2. The reputation of the bidder;
3. Quality of the proposed goods or services;
4. Extent to which the goods or services meet the municipality's needs;
5. Bidder's past relationship with the municipality;
6. The impact on the ability of the municipality to comply with laws and rules relating to contracting with HUB and nonprofit organizations employing persons with disabilities;
7. The long-term cost to the municipality to acquire the bidder's goods or services; and
8. Any relevant criteria specifically listed in the solicitation.

After final negotiation, if necessary, has been completed the purchase and contract must be approved by the City Council. The Department purchasing the service or good prepares the agenda summary to present to the City Council.

If contract extensions are included in the solicitation, these should also be included in the City Council agenda item so the contract can be renewed without having to go back through City Council approval. Finance will issue a formal letter to the Vendor when renewing a contract and the Vendor has the right to refuse the extension. A copy of the letter of contract extension must be placed in the Contract and bid files.

c. Change Orders

After the award of the Contract; if circumstances change which will alter the scope, a change order may be issued. A change order is required if, after the Contract has been executed one or more of the following events occur:

1. Changes in plans or specifications are necessary; or
2. It is necessary to decrease or increase the quantity of work of materials, equipment or supplies to be furnished.

Material changes in the scope, quantities or related work may not be made. A material change is defined as substantial revisions.

All change orders must include sufficient explanation or detail for the City Manager to make an informed consent to change the original contract. Change orders involving an increase or decrease of less than \$25,000.00 may be approved by the City Manager. Change orders of more than \$25,000.00 must be approved by the City Council.

Per Texas Local Government Code, subsection 252.048(d), *Change Orders may not increase more than 25% of the original contract price. Change orders may not decrease the original contract by more than 25% without consent of the contractor. Any change greater than 25% will require a new solicitation.*

6. Cooperative Purchasing

Cooperative purchasing is one of the ways that local governments can save time and money in their purchasing programs. It occurs when two or more entities (state, federal or local governments) coordinate some or all of their purchasing needs so that they can join in purchases to the mutual benefit of all the entities concerned (e.g. fuel, radio equipment, vehicles).

An interlocal government cooperative purchasing agreement must be approved first by the City Council. Please contact Finance if you want to enter in to any new interlocal agreements or to check if an interlocal agreement already exists with a particular entity.

The benefits are:

- a. Lower costs through economies of scale.
- b. Lower (shared) administrative costs.
- c. Improved response from Vendors.
- d. Shared experience leading to better product specifications.

There are several ways cooperative purchasing can be done:

- a. Entering into a cooperative agreement with another government entity for a bid.
- b. Two or more governments may join to purchase one or more goods/services jointly.
- c. Buying from state contracts (e.g. Term Contracts, TXMAS Texas Multiple Award Schedule).
- d. Purchasing through established purchasing cooperatives.

Legal Constraints – There are different statutes for different types of government. When purchasing cooperatively, the strictest statutes apply.

Pricing from a cooperative should still be compared to at least two other vendors or other cooperatives to ensure best value.

The City of Manor participates in several Cooperative Purchasing programs. For a complete list, please contact Finance.

7. Sole Source Purchases Texas Local Government Code, Section 252.022, Item 7

Competitive bids cannot be obtained on items that are only available from one source. Sole source determination will need to be preapproved by Finance and must be noted on the purchase order.

If the following are available from only one source they are exempt from bidding:

- a. Items those are available from only source because of patents, copyrights, secret processes or natural monopolies;
- b. Films, manuscripts, or books;

- c. Electricity, gas, water or other utility services;
- d. Captive replacement parts or components for equipment;
- e. Books, papers and other library materials for a public library that is available only from the person; and holding exclusive distribution rights to the material.

Any items not listed above that are considered sole source will need to be supported by all of the following:

- a. A statement on how the determination was made that the item(s) requested is/are only available from one source. Include why a functional equivalent is not available from any other source.
- b. A statement on company letterhead from the vendor attesting to the fact that the item(s) being requested is/are only available from that vendor.
- c. Names of people contacted in an effort to find other sources.

8. Emergency Purchases Texas Local Government Code, Section 252.022, Items 1-3

These purchases are exempt from competitive bidding.

- a. Items purchased in case of public calamity to relieve the needs of the citizens or to preserve City property.
- b. Items to preserve or protect the public health or safety of the residents of the City.
- c. Items necessary because of unforeseen damage to public property.

d. The Emergency Management Coordinator or City Manager must preapprove all Emergency purchases.
Finance may be contacted for assistance in determining emergency purchases.

9. Other Exemptions from Competitive Bidding Texas Local Government Code, Section 252.022, Items 4-6

These items are exempt from competitive bidding. However, any use of City funds \$25,000 and over must be approved by City Council.

- a. Personal or professional services as defined by Texas Government Code, Section 2254.002. These services are generally licensed by the state and include accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, and professional nursing. The City must select the most highly qualified provider and then attempt to negotiate a fair and reasonable price. The use of a Request for Qualifications is recommended.
- b. Work paid for on a daily basis (day labor).
- c. Land or right of way.

10. Alternative Purchasing Procedures

This policy cannot address every situation. When an unusual situation occurs or a difficult legal problem arises, the City Manager may approve exceptions to this policy, when in the best interests of the City, so long as the proposed exceptions are consistent with the local, state and federal law.

11. Ethics

Public employment is a public trust. Public employees must discharge their duties impartially so as to assure fair competitive access to governmental procurement by responsible contractors. Moreover, they should conduct themselves in such a manner as to foster public confidence in the integrity of the City of Manor procurement organization.

To achieve the purpose of this article, it is essential that those doing business with the City of Manor also observe the ethical standards prescribed herein.

- a. **Personal Gain-** It is a breach of ethics to realize personal gain by any conduct inconsistent with the proper discharge of the employee's duties.
- b. **Conflicts of Interest-** It is a breach of ethics for any employee to participate directly or indirectly in procurement when the employee knows that:

1. The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement.
 2. A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement.
 3. Any other person, business or organization with which the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.
- c. Gratuities-It is a breach of ethics to offer, give or agree to give any employee or former employee of the City of Manor, or for any employee or former employee to solicit, demand, accept or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter pertaining to any program requirement or a contract or subcontract or to any solicitation or proposal pending before the City of Manor.
- d. Kickbacks- It is a breach of ethics for any payment, gratuity or offer of employment to be made by or on behalf of a vendor, contractor, or subcontractor as an inducement for the award of a contract or order. It is a breach of ethics to accept such an offer.
- e. Confidential Information- It is a breach of ethics for any employee or former employee of the City of Manor knowingly to use confidential information for actual or anticipated personal gain for them or any other person.
- f. As stated in the Formal Solicitations section, contact with Vendors is limited during the solicitation process.
- g. Vendors may obtain information about a bid or quote after the award by submitting an open records request specifically requesting documents related to the solicitation. This request needs to be coordinated through purchasing.
- h. Criminal Penalties from Texas Local Government Code, Section 252.062
1. A municipal officer or employee commits an offense if the officer or employee intentionally or knowingly makes or authorizes separate, sequential, or component purchases to avoid the competitive bidding requirements of Section 252.021. An offense under this subsection is a Class B misdemeanor.
 2. A municipal officer or employee commits an offense if the officer or employee intentionally or knowingly violates Section 252.021, other than by conduct described by Subsection (a). An offense under this subsection is a Class B misdemeanor.
 3. A municipal officer or employee commits an offense if the officer or employee intentionally or knowingly violates this chapter, other than by conduct described by Subsection (a) or (b). An offense under this subsection is a Class C misdemeanor.
- i. Removal Ineligibility from Texas Local Government Code, Section 252.063
1. The final conviction of a municipal officer or employee for an offense under Subsection 252.062(a) or (b) results in the immediate removal from office or employment of that person.
 2. For four (4) years after the date of the final conviction, the removed officer or employee is ineligible:
 - a. to be a candidate for or to be appointed or elected to a public office in this state;
 - b. to be employed by the municipality with which the person served when the offense occurred; and
 - c. to receive any compensation through a contract with that municipality.
 3. This section does not prohibit the payment of retirement or workers' compensation benefits to the removed officer or employee.

II. CREDIT CARD POLICY

A. Introduction

The credit card is a purchasing tool that is an efficient and effective method of purchasing and paying for goods and services. The cardholder will be able to purchase goods in accordance with these policies and procedures directly from vendors.

Payment by credit card should not be made prior to receipt of goods or services without acceptable terms and conditions that adequately protects the City. Normal procurement rules should apply.

This policy describes the procedures for appropriate purchasing card use. The credit card is issued to the employee only. No other person is permitted to use another employee's card. As a cardholder, the employee is responsible for the appropriate use of City funds. Although the card is issued to the employee, it remains City property and may be rescinded at any time.

B. Employee Responsibility

No employee has the authority to use a personal credit card to purchase or pay for goods or services (such as, but not limited to, airline tickets, conference registration, hotel accommodations, education sessions or materials) unless authorized in writing by the City Manager. If a City employee purchases or pays for goods or services with a personal credit card without obtaining prior authorization, the employee may be held personally responsible to the third party, not receive reimbursement and may result in disciplinary actions.

The City issued credit card may not be used to circumvent the City's purchasing rules and procedures.

C. Responsibilities

1. Program Administrator

The Program Administrator resides in the Finance Department and is responsible for:

- Approving/processing applications for new credit card holders;
- Establishing guidelines and criteria for transactions and cumulative dollar limits;
- Maintaining the records of credit card holders, card numbers and card limits;
- Coordinating training on credit card usage, purchasing policies and procedures;
- Reviewing departmental compliance/submission of approved monthly statement reconciliation;
- Suspending/cancelling cardholder privileges for not following policies listed within this document or as requested by the City Manager or Department director;
- Assisting in the resolution of declined transactions; and
- Serving as the primary contact with the bank for the credit cards.

2. Department Director

The Department director is charged with monitoring all aspects of individual credit cards issued to the employees for whom they are responsible. Department directors have the authority to recommend changes to or removal of a card and recommending employee purchasing limits.

The Department Director is responsible for:

- Reviewing and approving credit card applications and submitting to the Program Administrator;
- Reviewing and approving monthly statements and receipts for policy compliance and forwards them to the Finance Department in a timely manner;
- Notifying the Program Administrator to cancel privileges and retrieving the credit card from an employee who is retiring or is terminated;
- In the event the cardholder has used the card fraudulently, the Department director shall immediately report the misuse to the Program Administrator and retrieve the card; and
- Attending training as specified by the Program Administrator.

3. Cardholder

A credit card will be issued to an employee upon department approval and receipt of the cardholder form, the employee should immediately sign the back of the card and keep secure. By signing the cardholder agreement form, the employee promises to comply with program rules and regulations.

Cardholders are accountable and responsible for:

- Their credit card;
- Following the established purchasing procedures and attend training;
- Adherence to limits set for their card;
- The physical receipts for their purchases;
- Coordinating any returns with the vendor and ensuring proper credit is given for those returns;
- Ensuring tax is not charged to the purchase.

D. **Spending Controls**

1. Credit Limits

Department Directors can purchase up to \$5,000.00

Assistant Department Directors, Managers and Supervisors can purchase up to \$3,000.00

Department Directors may delegate credit card limits to employees within their department. These delegations will need to be approved in writing by the City Manager.

The credit card limit is also the cardholder's transaction limit.

2. Sales Tax

- a. All purchases made with the credit card are exempt from State of Texas Sales tax. The cardholder should inform the vendor of the tax exempt status prior to placing the order. Upon request, a Tax Exemption Certificate may be completed by the cardholder and submitted to the vendor.
- b. If sales tax is charged, contact the vendor to request a credit of sales tax back to the credit card. The cardholder is responsible for reversing any sales taxes charged to their card.
- c. If a receipt is turned in to the Finance Department with sales tax over \$2.00 on a receipt totaling more than \$24.25 (excluding meals and hotels), the cardholder will:
 - First Offense- lose their credit card privileges for thirty (30) days and the Department director will be notified.
 - Second Offense - will be the same as the first.
 - Third Offense - the cardholder will have to pay the City for the sales tax on the credit card issued.

3. Disallowed Vendors and Prohibited Merchant Category Codes (MCC)

- a. Misuse or fraudulent use of the credit card may result in disciplinary actions and may be grounds for termination.
- b. Purchases that are prohibited with the purchasing card:
 - (i) Cash advances;
 - (ii) Sales tax;
 - (iii) Liquor;
 - (iv) Independent Contractor Payments;
 - (v) Capitalized equipment – Unless arrangements have been made with the Finance Department;
 - (vi) Multiple, sequential purchases from a single vendor for similar commodity to evade the bidding requirements; and

(vii) Personal expenditures:

- (A) First Offense- reimbursement of the charge to the City plus 10% of the total charge added.
- (B) Second Offense – same as the first offense and leave without pay as determined by the City Manager.

- c. Occasionally a supplier will receive a “decline” response from the bank after attempting to complete a credit card transaction by the card holder. The decline could be for multiple reasons: purchase exceeds spending limits, incorrect expiration date, incorrect billing address or purchase outside our assigned spending profile which includes a prohibited merchant category code (MCC). The Program Coordinator will contact the bank to determine the cause of the decline. The Program Coordinator can work with the bank to have the MCC code lifted based on the information provided by the card holder.

E. Record Keeping

1. Required Documentation and Statement Preparation

- a. The card holder must retain all credit card itemized sales receipts, packing slips (if applicable), on-line/web receipts/confirmations and all related information for each charge on the credit card to reconcile their statement.
- b. If there are missing receipts, the cardholder must contact the vendor immediately regarding a missing receipt or invoice and request a duplicate. Every attempt needs to be made to obtain some form of documentation regarding the purchase. If the card holder is unable to obtain a receipt, a letter stating what was purchased and signed by the Department director must accompany the statement.
- c. When the billing cycle is complete, the cardholder will receive an email stating their statement is ready to view and reconcile their statement.
- d. Once the monthly credit card statement has been printed, attach the receipts to the statement in chronological order, cardholder’s signature on the statement, make copies of all documentation for departmental records, if necessary, and submit to the Finance Department.

2. Records Management

- a. The Finance Department will maintain the credit card statements, purchase documents and reconciliations. Records are considered Accounts Payable transactions and should be maintained in accordance with the established guidelines and policy for such documents. Documents should be destroyed through the appropriate archive period requirements. Records will be kept by billing cycle.
- b. These files will be inclusive of:
 - (i) All documents, when required to justify the purchase;
 - (ii) Disputed items and all related documents (memos, forms, resolutions); and
 - (iii) Cardholder’s monthly detail and summary report with receipts for each billing cycle.

F. Returns and Credit

Each Cardholder is responsible for coordinating returns with the vendor and ensuring that proper credit was made to their credit card. The original receipt and the credit receipt are required documentation for your statement. No cash refunds are allowed.

G. Disputing a Transaction and Fraud

1. Disputing a Transaction

- a. A charge is considered disputable if one of the following conditions exist:
 - (i) A transaction appears on the statement that the cardholder did not authorize;
 - (ii) There is a difference between the amount authorized and the amount billed;
 - (iii) A transaction on the statement was billed on a previous statement;

- (iv) The transaction was authorized but there are issues with the purchase;
- (v) A credit voucher for the transaction has been received but the account has not been credited;
- (vi) Account has been charged but the merchandise has not been received; or
- (vii) Account has been charged but the merchandise has been returned.

- b. According to the cardholder agreement, notification of any transaction the cardholder disputes needs to be within 60 days of the last day of the billing cycle of the month the charge occurred.
- c. Once the cardholder audits the statement and determines a charge(s) should be disputed, it is the cardholder's responsibility to immediately investigate the charges. The cardholder should contact the vendor first to resolve any outstanding issues. Most can be resolved this way.
- d. If the issues cannot be resolved, then the cardholder will contact the credit card company and work with customer service regarding the questionable charge. Thoroughly document the dispute which will include the bank representative's name, when the call took place, any paper documentation related to the dispute. Include this documentation with the credit card statement. If the cardholder is unable to resolve the dispute, the Program Administrator should be notified.

2. Fraud

- a. Fraud is when an unauthorized person uses the credit card. The bank scans regularly for any credit card transactions that are outside of the "normal" spending pattern for the cardholder. If the bank detects any suspicious activity on a credit card, they will temporarily block the card until they have contacted the cardholder to verify the validity of the charge. If the charge is valid, they will release the temporary block. If the charge is determined to be fraudulent, they will cancel the current card and re-issue a new card.
- b. According to the cardholder agreement, notification of any transaction the cardholder determines is fraudulent needs to be reported to the credit card bank within 10 days from the date of the statement.

H. **Stolen or Misplaced Cards**

- 1. The City will still be financially liable for charges in the event the cardholder's card is misplaced or stolen. It is the cardholder's responsibility to notify the credit card bank that their card is either stolen or misplaced. Inform the bank representative of the last date the credit card was used by the cardholder. Once the bank has been notified, the City is no longer liable for the charges.
- 2. After the cardholder notifies the bank, the employee must also contact the Program Administrator and the Department Director that the card has been stolen or misplaced.
- 3. Failure by the cardholder to report the stolen or misplaced credit card to the bank or the appropriate City staff may result in the cardholder reimbursement to the City of charges.

I. **Cancellations and Terminations**

The Department Director is responsible for retrieving the credit card from the cardholder before separating or terminating with the City. The card and the final statement will be turned into Finance.



Handbook for Mayors and Councilmembers

2019 Handbook for Mayors and Councilmembers

Texas Municipal League
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2019 Handbook for Mayors and Councilmembers

Foreword

Serving as a local elected official is one of the most demanding—and often thankless—tasks a citizen can perform. Municipal officials can be called upon day and night. They are subject to constant criticism, and almost everything they do will be wrong in someone’s opinion. Many spend their own money to campaign for election; most receive little, if any, pay for the job.

But serving in local office can also be rewarding and productive. For many, it is more important than being in Congress or the state legislature because the city is the real world where municipal officials can make good things happen for their fellow citizens.

We hope this handbook will offer a few suggestions that will make your job easier. Obviously, such a guide cannot possibly touch upon every relevant subject, but it does include what we think are the most important topics. Throughout, however, it should be recognized that this handbook is only a guide and that there is no substitute for competent legal advice regarding interpretations of the law and other questions that might arise in specific situations.

If you don’t find the answers to your questions about the part of city government you are covering or the issues facing cities today, we’re ready to assist you in any way we can. Just give us a call at 512-231-7400, email us at legalinfo@tml.org, or visit our website at www.tml.org.

We wish you great success.

Bennett Sandlin
TML Executive Director

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About the Texas Municipal League

In the summer of 1913, Professor Herman G. James, Director of the Bureau of Municipal Research and Reference at the University of Texas at Austin, and A.P. Woolridge, then the Mayor of Austin, formed the League of Texas Municipalities.

The two men invited representatives from all Texas cities to come to Austin on November 4, 1913, for an organizational meeting. Fourteen cities sent representatives to Austin. At that first meeting, a modest membership fee was approved along with a constitution to govern the association.

Since that time, the League has grown into one of the largest and most respected organizations of its kind in the nation. From the original 14 members, TML's membership has grown to 1,160 cities. Membership is voluntary and is open to any city in Texas. More than 16,000 mayors, councilmembers, city managers, city attorneys, and department heads are member officials of the League by virtue of their cities' participation.

The Texas Municipal League exists solely to provide services to Texas cities. Since its formation, the League's mission has remained the same: to serve the needs and advocate the interests of its members. The TML constitution states that the purpose of the League is to "render services which individual cities have neither the time, money, nor strength to do alone."

League services to its member cities include legal advice and information on municipal legal matters, legislative representation on the state and federal levels, information and research, publication of a monthly magazine, conferences and training seminars on municipal issues, and professional development of member city officials.

Introduction

How to Use This Book

In the past, the League has prepared two separate handbooks for city officials: one for those in general law cities, and one for those in home rule cities. In the interest of efficiency, those books have been combined to form this *Handbook for Mayors and Councilmembers*. Most of the information is relevant to all cities. But a fundamental understanding of the fact that there are two types of cities in Texas will help the reader recognize those areas where a distinction is made.

The two types of cities in Texas are general law and home rule. Most smaller cities (those with 5,000 or fewer inhabitants) are general law cities. A general law city operates exactly as its name implies: it can do only what state law expressly authorizes. The most important part of that authorization is the form of government of a general law city. State law defines the composition of the governing body and various items that go with that (such as filling vacancies on the governing body). Chapter two describes in detail the roles and responsibilities of officers in general law cities: Type A, Type B, and Type C. The main differences in the powers of the different types of cities are largely of historical interest, but the state law directing the makeup of the governing body is still very important.

When a general law city reaches 5,000 inhabitants, it may follow procedures in state law to draft a home rule charter. The draft is then submitted to the voters of the city at an election. If the voters approve the charter at the election, the city becomes a home rule city. A home rule city is governed by its charter (see chapter three for the roles and responsibilities of officers in home rule cities) and looks to state law for limitations on its power. The state legislature has frequently passed laws that limit the authority of home rule cities, and state law also frequently imposes certain procedures that must be followed by any type of city.

This book is meant to be a broad and general overview of cities in Texas. Many of the topics are covered in much more detail in various papers and memos available from the League. City officials with questions about items in this book or anything relating to the governance or authority of their city should visit the TML website at www.tml.org and/or contact the League's legal services department at legalinfo@tml.org. The information in this book, or other information obtained from the League, should never be substituted for the advice of local legal counsel.

Chapter One:

Local Government in Texas

Understanding city government requires some knowledge of all local governments. This chapter briefly discusses counties, school districts, council of governments, and types of city governments.

Units of Local Government

According to 2010 Census of Government figures, Texas has 1,209 cities, 254 counties, 1,082 school districts, and 2,291 special districts. During the past 20 years, the number of special districts has steadily increased, due mainly to the rapid creation of water districts in unincorporated areas. Conversely, the number of school districts has steadily declined as smaller systems have consolidated with larger ones. The number of counties has remained constant for 100 years, while the number of cities is increasing at an average of about 10 per year.

The United States Census Bureau also recognized that four of the 10 cities with the largest recent population gains were in Texas —San Antonio, Dallas, Fort Worth, and Frisco. Texas also had seven of the most recent 15 fastest-growing cities by percentage — New Braunfels, Frisco, McKinney, Georgetown, Rowlett, Midland, and Round Rock.

Counties

Counties are known as “general purpose” governments due to the many different functions they perform. Counties serve the dual purposes of providing governmental services for the benefit of their residents and

administrative services on behalf of the state. Major governmental services include road construction and maintenance, jails and courts, welfare, health, and law enforcement. Administrative services performed by counties as agents of the state include voter registration and motor vehicle licensing.

Special Districts

Schools and the many types of special districts are known as “single-purpose” governments, since they usually perform just one function, such as education, water supply, or hospital care. Most special districts serve a limited geographical area and were created because of the inability of general purpose local governments to provide a particular service.

Councils of Governments

Councils of governments (COGs) are also known as “regional planning commissions.” COGs are defined as “political subdivisions of the state” under Texas law. However, COGs differ considerably from cities, counties, and other conventional local governments because they cannot levy taxes nor incur debt.

COGs are voluntary, area-wide associations of local governments. Their function is to foster local cooperation among localities by serving as forums for intergovernmental problem-solving and by planning governmental programs and facilities on a regional basis. Though they do not have broad power to execute projects, many of the state’s COGs provide direct services on a limited basis.

Each COG operates under the supervision of a governing body composed of elected officials representing participating local governments. Financing is provided by a combination of dues paid by member governments and federal and state funds.

Cities

Among all of the different types of local governments, cities perform the greatest number of functions, both governmental and proprietary.

State law specifically defines and lists certain activities as either governmental or proprietary functions in the Texas Tort Claims Act. The law lists 36 functions that are governmental. Included among them are police and fire protection, health and sanitation services, street construction and design, transportation systems, establishment and maintenance of jails, and enforcement of land use restrictions. Three functions are listed as proprietary: the operation and maintenance of a public utility, amusements owned and operated by a city, and any activity that is abnormally dangerous or ultra-hazardous. Functions that are listed as governmental are not included as proprietary functions.

There are two categories of cities in Texas: home rule and general law.

Home rule cities are larger cities with more than 5,000 inhabitants in which the citizens have adopted a home rule charter. A charter is a document that establishes the city's governmental structure and provides for the distribution of powers and duties among the various branches of government.

The legal position of home rule cities is the reverse of general law cities. Rather than

looking to state law to determine what they may do, as general law cities must, home rule cities look to the state constitution and state statutes to determine what they may not do. Thus, if a proposed home rule city action has not been prohibited, limited, or pre-empted by the state, the city generally can proceed.

General law cities are smaller cities, most of which are less than 5,000 in population. All general law cities operate according to specific state statutes prescribing their powers and duties. General law cities are limited to doing what the state authorizes or permits them to do. If state law does not grant general law cities the express or implied power to initiate a particular action, none may be taken.

Approximately seventy-five percent of all Texas cities operate under the general laws; the remainder are home rule cities. "General law" is a term used to describe all of the state laws applicable to a particular class of things. A general law city, therefore, is one that is subject to all of the state laws applicable to such cities, many of which are found in the Local Government Code.

General law city officials occasionally call the Texas Municipal League office to request a copy of their "city charters." Unlike home rule cities, general law cities do not have charters. The creation of a general law city is documented in its incorporation papers, filed at the county courthouse, which describe when the city was established and its original boundaries.

Categories of General Law Cities

There are three categories of general law cities: Type A, Type B, and Type C. Although it is sometimes difficult to distinguish between

the types, it is necessary to know the difference in order to determine which state laws apply.

Type B General Law Cities

Most new cities begin as Type B general law cities under a state law that permits the incorporation of any area containing 201 to 10,000 inhabitants. Later, as the population of a city grows to 600 or more, it can make a transition to Type A.

In a Type B general law city with the aldermanic form of government, the governing body is known as the “board of aldermen” and includes six members (a mayor and five aldermen), all of whom are elected at-large. At its discretion, the board of aldermen may provide by ordinance for the appointment or election of such additional officers as are needed to conduct the business of the city.

Type A General Law Cities

Type A general law cities are usually the larger general law cities. Most were incorporated under Type B status and then switched to Type A status when their population increased to 600 or more, or when they had at least one manufacturing establishment.

The governing body of a city operating as a Type A general law city is technically known as the board of aldermen, although many cities refer to it as the “city council.” It varies in size depending on whether the city has been divided into wards. If the city has been divided into wards, the council consists of a mayor and two councilmembers from each ward—whatever the number. If the city has not been divided into wards, the governing body always consists of a mayor and five councilmembers.

In addition to the city council, other municipal officers include a marshal, treasurer, tax assessor-collector, city secretary, city attorney, and engineer. Whether these offices are elective or appointive depends on the method selected by the city council for filling them. Moreover, the city council may provide by ordinance for the appointment or election of such other municipal officers as it deems necessary.

Type C General Law Cities

A Type C city operates with the commission form of government. The governing body is known as the “board of commissioners” and always consists of a mayor and two commissioners. No other elective officers are required; however, the board of commissioners must appoint a city clerk, and may provide by ordinance for the election or appointment of such other officers as are required.

In a Type C city of 500 or less population, the board of commissioners must follow the requirements applicable to a Type B general law city—that is, the board of commissioners has the same powers and duties as the board of aldermen in a Type B general law city, except where specifically provided otherwise. In a city of over 500 population, the board of commissioners must follow the requirements of a Type A general law city, except where specifically provided otherwise.

Any city operating under the commission form of government can change over to the aldermanic form of government, and vice versa. The commission form of government in a general law city should not be confused with the commission plan adopted by the City of Galveston at the turn of the century. Under the Galveston plan, each member of the

municipal governing body—the city commission—simultaneously served as legislators and heads of the city’s administrative departments. Thus, one member of the governing body served as “police commissioner,” another served as “fire commissioner,” and so on, with each commissioner exercising day-to-day supervisory authority over a particular department.

General law cities operating under the commission form of government are not authorized to adopt the Galveston plan. In a general law city, one commissioner, acting alone, has no individual power; only the commission, acting collectively, exercises power.

City Manager Plan

The city manager plan can be adopted in any general law city under the provisions of Chapter 25, Local Government Code:

- 1) Upon presentation of a petition signed by at least 20 percent of the total number of qualified voters voting for mayor in the last preceding city election, the mayor must call an election on the question of adopting the city manager plan within 10 days after the date the petition is filed.
- 2) If a majority of the votes cast at the election favor adoption of the city manager plan, the council must, within 60 days after the election, appoint a city manager and fix his or her salary by ordinance.
- 3) The administration of the city is to be placed in the hands of the city manager, who serves at the pleasure of the city council.

- 4) In any city where the city manager plan has been approved, all officers of the city, except members of the governing body, thereafter shall be appointed as may be provided by ordinance.
- 5) Procedures for repealing the city manager plan are essentially the same as for adopting it.

The basic structure of the city manager plan is similar to that of a private corporation, in which the stockholders elect a board of directors which then hires a president to run the company. Under the city manager plan, the voters elect a city council which, in turn, hires a city manager to administer the city’s day-to-day affairs.

Under the city manager plan, the council serves as the legislative body. The council sets policy, it approves the budget and sets the tax rate, and it determines the size of the payroll and the extent and cost of municipal services. In short, the council is the final authority on all of the many policy decisions that determine the scope and functions of the city government.

The mayor and councilmembers have no administrative duties under the city manager plan. These are vested in the city manager, who is responsible for directing the workforce and programs of the city in accordance with ordinances, rules, and regulations adopted by the council.

The typical city manager in Texas is appointed for an indefinite term and is subject to dismissal by the council at any time except as otherwise prohibited by law. He or she is designated as the chief executive and administrative officer of the city and is accountable to the council for the proper conduct of all municipal operations. The

manager has the unilateral authority to hire, discipline, and fire the department heads under the manager's control. In some cases, however, certain employees, such as the city attorney or municipal judge, are directly hired and/or supervised by the council rather than the manager. Although the manager's role varies from one city to another, the primary function is to implement the policies established by the council and ensure that the city is operated in an economical and responsible manner. Specific duties of the manager may include the following:

- 1) Enforcing all city ordinances, rules, and regulations.
- 2) Supervising all municipal employees and programs.
- 3) Preparing and executing the city's annual budget pursuant to the revenue and expenditure plans adopted by the council.
- 4) Managing the city's funds and preparing periodic reports that advise the council and the general public of the city's financial condition.
- 5) Providing information to the council to facilitate its ability to make informed decisions in the best interests of the city.
- 6) Preparing council meeting agendas and attending all such meetings to serve as a resource to the council and the public.
- 7) Drawing the council's attention to community needs and recommending alternatives by which the council can respond to those needs.

Adopting the city manager plan does not change the basic governmental framework of a general law city. Rather, it is an administrative mechanism added to the basic structure.

Legislation passed in 2003 clarifies that city councils of cities that have not adopted a city manager plan under chapter 25 of the Local Government Code are free to delegate by ordinance management duties to a city administrator.

The Home Rule Concept

Although scholars have used a variety of flowery phrases to describe the concept of home rule, the principle is simple: home rule is the right of citizens at the grassroots level to manage their own affairs with minimum interference from the state. Home rule assumes that governmental problems should be solved at the lowest possible level, closest to the people.

As mentioned earlier, home rule cities look to the state to tell them what they are prohibited from doing, rather than for specific grants of authority to undertake particular functions. In *Forwood v. City of Taylor*, the Texas Supreme Court summarized Texas' home rule doctrine as follows:

It was the purpose of the Home-Rule Amendment ... to bestow upon accepting cities and towns of more than 5,000 population full power of self-government, that is, full authority to do anything the legislature could theretofore have authorized them to do. The result is that now it is necessary to look to the acts of the legislature not for grants of power to such cities but only for limitations on their powers.

As a result of the *Forwood* case and other court decisions upholding their broad powers, home rule cities have the inherent authority to do just about anything that qualifies as a

“public purpose” and is not contrary to the constitution or laws of the state.

Inherent Powers of Home Rule Cities

An “inherent power” is one that is possessed by a city without its having been specifically granted by the state. It is the right to perform an act without having received that right from the Texas Constitution or the state legislature.

Home rule cities have many inherent powers. A discussion of some of the inherent powers of major significance may explain why so many cities have chosen to adopt home rule charters.

Municipal Organization

In contrast to counties or general law cities, whose organization is fixed by state law, the governmental structure of a home rule city is left entirely to the discretion of local voters. The citizens of a home rule city are free to decide their form of municipal government (mayor-council, council-manager, and so on); choose between a large or small city council; provide for the election of the city council at-large, by single-member district, or by place; fix the terms of office for councilmembers at two, three, or four years; or establish overlapping terms of office. Moreover, they can decide whether the mayor is to be elected directly by the voters, selected from among members of the council, or chosen by some other method.

The citizens of a home rule city also have total discretion over the city’s administrative structure. Subject only to local preferences, the charter can establish a simple

administrative framework or a complex one, provide for the appointment or election of major administrative officials, and so on. And finally, the charter can provide for the creation of any boards or commissions that local voters decide are necessary to make the city function effectively.

Annexation

From 1912-2019, when H.B. 347 passed, the inherent power to unilaterally annex adjoining areas was one of the most important home rule prerogatives. To annex “unilaterally” means that the city can bring an adjacent, unincorporated area into the city without the permission of the persons residing in that area.

In 2019, the legislature passed H.B. 347. The bill drastically altered the annexation landscape for all cities. The bill provides that a city:

- 1) May annex vacant land at request of the owner
- 2) may annex an area with a population of less than 200 only if the following conditions are met, as applicable: (1) the city obtains consent to annex the area through a petition signed by more than 50 percent of the registered voters of the area; and (2) if the registered voters of the area do not own more than 50 percent of the land in the area, the petition described by (1) is signed by more than 50 percent of the owners of land in the area; and
- 3) may annex an area with a population of 200 or more only if the following conditions are met, as applicable: (1) the city holds an election in the area proposed to be annexed at which the qualified voters of the area may vote on the question of the annexation and

a majority of the votes received at the election approve the annexation; and (2) if the registered voters of the area do not own more than 50 percent of the land in the area, the city obtains consent to annex the area through a petition signed by more than 50 percent of the owners of land in the area.

Initiative, Referendum, and Recall

Initiative, referendum, and recall are inherent home rule powers that are reserved for exclusive use by local voters in order to provide direct remedies in unusual situations. There is no constitutional or statutory authority for initiative, referendum, or recall. These powers are unique to home rule cities, and they are not available to voters at any other level of government, including the state.

Initiative is a procedure under which local voters directly propose (initiate) legislation. Citizen lawmaking through the initiative process allows local voters to circumvent the city council by direct ballot box action on new ordinances that have wide support in the community, but which the council refuses to enact.

The initiative process begins with circulation of a petition setting forth the text of the desired ordinance. Then, petitioners must obtain the number of voter signatures needed to force the city council to submit the ordinance to the people at a citywide election. Petition signature requirements vary from charter to charter. Some are based on a percentage of the number of qualified voters in the city, while others are expressed as a ratio of the number of votes cast at the last general city election.

After a completed petition is filed, the city secretary checks it to make sure that all of those who signed are qualified voters. If the petition complies with the requirements of the charter, the city council has two options: (1) it can adopt the proposed ordinance; or (2) it must call an election on the ordinance. If, at the election on the proposed ordinance, a majority of those voting favor its adoption, the ordinance is put into effect.

Referendum is a procedure under which local voters can repeal unpopular, existing ordinances the council refuses to rescind by its own action. The procedures for forcing the city council to call a referendum election are usually the same as for initiative elections. Petitions calling for an election to repeal "Ordinance X" are circulated. When the required number of signatures is obtained, the petition is submitted to the city council, which can either repeal the ordinance by its own action or call an election at which the people can vote to repeal it. If, at such election, a majority favors retaining the ordinance, it is left on the books. If a majority favors its repeal, it is rescinded when the council canvasses the election returns.

Recall is a process by which local voters can oust members of the city council before the expiration of their terms. Under most charters, a recall election begins with the filing of an affidavit stating the name of the councilmember whose removal is sought and the grounds for removal. The city clerk or secretary then furnishes the person filing the affidavit with petition forms that must be completed and returned within a prescribed time.

Most city charters impose two further limitations on recall efforts. First, they prohibit more than one recall election per

councilmember per term. Secondly, they forbid recall elections for any councilmember during the early stages of his or her term—as, for example, prohibiting an election to recall a councilmember within 60 days of the date he or she was sworn into office, or prohibiting recall elections for councilmembers whose terms will expire within 60 days. The following language is typical of charter recall provisions:

The people of the city reserve the power to recall any member of the council and may exercise such power by filing with the city clerk a petition, signed by qualified voters of the city equal in number to at least ten percent of the qualified voters of the city, demanding the removal of a councilman.

Charter Amendments

In addition to initiative and referendum, direct lawmaking by local voters can be accomplished through amendments to the charter document itself. Under Section 9.004 of the Local Government Code, citizens can force the city council to call an election on a proposed charter amendment by simply filing a petition signed by five percent of the qualified voters or 20,000, whichever is less. Voter-initiated charter amendments, if adopted, can change most aspects of the city government.

Limitations on Home Rule Powers

Although the powers of a home rule city are extensive, they remain subject to all of the limitations imposed by state and federal law. Some of these are briefly summarized below.

Every city must comply with the federal and state constitution and statutory requirements.

Examples include state statutes that require every city to pay unemployment taxes, that require cities with 10,000 or more in population to pay longevity compensation to its police officers and firefighters, or prohibit conducting regular city elections on any day except on those days prescribed by the Election Code.

Though certain limitations are imposed on home rule cities by the state, some can be further narrowed by local action. For example, the Texas Constitution authorizes any city with more than 5,000 inhabitants to levy property taxes at a maximum rate of \$2.50 per \$100 assessed valuation. But a home rule charter may set a local ceiling lower than that. If a city's charter limits the city tax rate to \$1.70 per \$100 of assessed valuation, this provision has the same effect as state law. The city council is bound by it even though the state constitution permits a higher rate.

Additionally, the governing body of a home rule city cannot act on any matter which has been preempted by the state. For example, the Texas Alcoholic Beverage Code fixes the business hours of retail liquor stores. Therefore, an ordinance requiring liquor stores to open or close at times other than those prescribed by state law may not be enacted.

Finally, when a charter provision conflicts with a state law, the state law controls, unless expressly stated otherwise.

The Charter Document

Although all municipal governments are subject to an abundance of federal and state laws, the charter remains the most important document for a home rule city. Members of the council should read the charter

immediately upon their election to office; annual reviews also can be useful.

Most charters include the following components:

- Provisions establishing the city's form of government (mayor-council, council-manager, and so on) and its legislative and judicial machinery;
- Organizational provisions establishing the administrative structure of the city government and the means for financing its operations;
- Provisions governing the procedures of the city council and advisory boards and commissions, and procedures for granting franchises, and assessing and collecting taxes; and,
- Popular controls over the city government, such as elections, referenda, initiative, and recall.

Forms of Home Rule City Government

Every home rule city in the state operates under one of two forms of government: mayor-council or council-manager. Among Texas' approximately 385 home rule cities, the vast majority have the council-manager form.

Mayor-Council Government

The mayor-council plan has two variants: strong-mayor and weak-mayor. Under the strong-mayor system, most key administrative and appointive powers are concentrated in the hands of a full-time mayor who also presides over meetings of the city council. The mayor usually has: (1) the power to appoint and remove department heads and the members

of most major boards and commissions; (2) the prerogative to prepare the city budget and, following its adoption by the council, to execute the budget; (3) a high enough salary to enable the officeholder to devote their full time to being mayor, as well as an office budget sufficient to hire an adequate staff; and (4) the power to veto actions by the city council. In a strong-mayor city, councilmembers have no administrative duties. Their role is to enact ordinances, adopt policies governing the operations of the city, and otherwise function as the legislative branch of the city government.

Under the weak-mayor system, the powers of the mayor are limited. First, the mayor may be selected by the council rather than being directly elected by the people, which dilutes his or her political influence. Secondly, the mayor's pay is usually minimal and few, if any, funds are provided for staff. Third, department heads often are appointed and removed by majority vote of the city council, which diffuses administrative authority. And finally, few weak mayors have either the authority to veto actions of the council or the exclusive power to develop and execute the budget, since these powers are collectively exercised by the council.

Very few home rule cities in Texas use the weak-mayor form of government.

Council-Manager Plan

The basic structure of the council-manager form of government is similar to that of a private corporation where the stockholders elect a board of directors which then hires a president to run the company. Under the council-manager plan, the voters elect a city council which, in turn, hires a city manager to administer the city's day-to-day affairs.

In a council-manager city, as in any other form of city government, the council serves as the legislative body. The council sets policy, approves the budget and sets the tax rate, and determines the size of the payroll and the extent and cost of municipal services. In short, the council is the final authority on all of the many policy decisions that determine the scope and functions of the city government.

Under the council-manager plan, the mayor and councilmembers have no administrative duties. These are vested in the city manager, who is responsible for directing the workforce and programs of the city in accordance with ordinances, rules, and regulations adopted by the council. The typical city manager in Texas is appointed for an indefinite term and is subject to dismissal by the council at any time except as otherwise prohibited by law. He or she is designated, either by charter or ordinance, as the chief executive and administrative officer of the city and is accountable to the council for the proper conduct of all municipal operations. The manager has the unilateral authority to hire, discipline, and fire the department heads.

Although the manager's role varies from one city to another, the manager's primary function is to implement the policies established by the council and ensure that the city is operated in an economical and responsible manner. Specific duties of the manager may include the following:

- 1) Enforcing all city ordinances, rules, and regulations.
- 2) Supervising all municipal employees and programs.
- 3) Preparing and executing the city's annual budget pursuant to the revenue

and expenditure plans adopted by the council.

- 4) Managing the city's funds and preparing periodic reports that advise the council and the general public of the city's financial condition.
- 5) Providing information to the council to facilitate its ability to make informed decisions in the best interests of the community.
- 6) Preparing council meeting agendas and attending all such meetings to serve as a resource to the council and the public.
- 7) Drawing the council's attention to community needs and recommending alternatives by which the council can respond to those needs.

In larger cities, city managers spend comparatively little time on citizen contacts, personnel problems, and other routine matters. Managers in these cities usually have a sizable staff capable of handling day-to-day problems, thus allowing the manager to concentrate on communicating with the council, policy issues, planning activities, and work sessions with department heads.

On the other hand, the managers of medium-sized and smaller cities frequently operate with limited resources and small staffs. The manager must, by necessity, be personally involved in the details of providing police, fire, solid waste, and other services.

Chapter Two:

Roles and Responsibilities of Officers in General Law Cities

All members of the city council play unique roles in making the city government operate effectively in a general law city. Many of their functions are set by law, while others are established as a matter of local custom or policy.

Office of the Mayor

The mayor occupies the highest elective office in the municipal government. As political head of the city, the mayor is expected to provide the leadership necessary to keep it moving in the proper direction.

Except under the city manager plan of government, the mayor is the city's chief executive officer. The mayor presides over council meetings and is generally recognized as the ceremonial and governmental head of the city for most purposes.

Most of the powers exercised by the mayor are created through ordinances and resolutions adopted by the city council. Very few mayoral powers are prescribed by state law.

Legislative Responsibilities

The mayor's most important duty is to carry out the legislative responsibilities he or she shares with other members of the council—identifying the needs of the city, developing programs to satisfy those needs, and evaluating the extent to which municipal

services satisfactorily reflect the policy goals of the council.

Under the law, the mayor is the presiding officer of the city council. In this capacity as presiding officer, the mayor's actual powers in legislative matters can be greater than those of other councilmembers. For example, the mayor can influence the flow of debate through the power to recognize councilmembers for motions or statements.

Also, the mayor rules on questions of procedure at council meetings, and those rulings are binding unless successfully challenged by a majority of the governing body. Finally, the mayor of a Type A general law city can formally object to ordinances and other resolutions passed by the council. If the mayor objects to an ordinance or resolution before the fourth day after it is placed in the city secretary's office, it must be reconsidered by the governing body. If approved, it becomes effective (Local Government Code Section 52.003).

Appointive Powers

Appointive powers represent another area in which the mayor's powers often outrank those of councilmembers, especially when the mayor is authorized by ordinance to appoint department heads and advisory board members. In Chapter 25 council-manager cities, the mayor's appointive powers are more limited, because the city manager may appoint all or most administrative employees. Although most of the mayor's appointive

powers are established by ordinances enacted by the city council, some are established by state law, such as the power to appoint commissioners of a housing authority (Local Government Code Section 392.031).

Law Enforcement and Related Duties of the Mayor

The office of the mayor involves a variety of law enforcement responsibilities. The mayor is specifically obligated by law to “actively ensure that the laws and ordinances of the city are properly carried out,” and “in the event of a riot or unlawful assembly or to preserve the peace,” the mayor may order the closing of certain public places.

Under extreme circumstances, as in the case of a riot, the mayor of a Type A general law city can summon a special police force into service (Local Government Code Section 341.011) or call for assistance from the Texas National Guard. Also, if the city has used the provisions of Sections 362.001 et seq., Local Government Code, to enter into a mutual law enforcement pact with other nearby cities or the county, the mayor can call on those localities for help in dealing with civil disorders and other emergencies. Additionally, most local emergency management plans authorize the mayor to exercise supreme powers in case of a public calamity, after the mayor has declared a local disaster or asked the governor to declare a state of emergency. State law also permits a mayor to require a mandatory evacuation order and control who can access an area during a phased reentry (Government Code Chapters 418 and 433).

Judge of the Municipal Court

In every general law city where no separate office of judge of the municipal court exists by

ordinance, the mayor is ex officio judge of the court (Government Code Section 29.004). A mayor serving as the ex officio municipal judge must still receive the annual training required of all municipal judges.

Signatory Duties

As signatory for the city, the mayor maybe required to sign a variety of documents to give them official legal effect. The mayor’s signature is required on all bonds, certificates of obligation, warrants, and other evidence of debt, as well as may be required on ordinances, resolutions, advertisements for bids on public works projects, contracts, and similar legal paperwork. The mayor is also responsible for signing proclamations recognizing special events and personal achievements.

Ceremonial Duties

The mayor’s participation in local ceremonial events is a never-ending responsibility. The mayor is expected on a daily basis to cut ribbons at ceremonies opening new businesses; break the ground to begin the construction of new city facilities; and regularly appear at fairs, parades, beauty pageants, and other community celebrations.

The mayor also issues proclamations for a variety of purposes, whether to honor visiting dignitaries or declare “Support Your Local School Week.” And as a featured speaker before professional clubs, school assemblies, and neighborhood groups, the mayor can expect to be interviewed, photographed, and otherwise placed on extensive public display by the media.

Administrative Duties

Except in Chapter 25 council-manager cities, the mayor serves in the dual roles of administrator and political head of the city, going to city hall on a regular basis, working with department heads on matters that need attention each day, and performing the ceremonial duties that go with the office. In some cases, ordinances approved by the council give the mayor wide latitude to deal with the many problems that arise each day. Also, an administrative staff is sometimes available to help the mayor, but the office still involves considerably more effort—and power—than its counterpart in cities operating under the city manager plan.

Limitations on the Mayor's Powers

The broad powers of the mayor can be offset by several methods, including ordinance requirements that the council ratify mayoral appointments and other key actions.

Limiting the mayor's power at the council table is another way of imposing restraints. In Type A general law cities, for instance, the mayor is allowed to vote only in the event of a tie (Local Government Code Section 22.037). As state law is unclear on the mayor's ability to vote in Type B general law cities, those cities should consult with their local legal counsel with questions.

The mayor's prerogatives can also be restricted by the structure of the city government. Under the Chapter 25 council-manager plan, for example, the mayor has no administrative powers and will probably be in city hall on a less frequent basis. The ordinances of most council-manager cities also make it clear that decision-making is to be shared by the full council, and that the mayor

is to be considered the same as any other member of the governing body for policy purposes. This is accomplished by concentrating administrative powers in the hands of a city manager, who acts under the direction of the full council.

Qualifications of Office

In Type A general law cities, every candidate for the office of mayor must meet the following qualifications:

- 1) Be a United States citizen;
- 2) Have been a resident of Texas for at least 12 months, as of the deadline for filing for the office;
- 3) Have resided in the city for at least 12 months preceding election day;
- 4) Be a registered voter;
- 5) Be 18 years of age or older upon the commencement of the term to be filled at the election;
- 6) Not have been convicted of a felony for which he or she has not been pardoned or otherwise released from the resulting disabilities; and
- 7) Not have been deemed mentally incompetent by a final judgment of a court.

(Election Code Section 141.001; Local Government Code Section 22.032).

In Type B and Type C general law cities, every candidate for mayor must meet the qualifications listed above, except that he or she must have resided in the city for six months, rather than twelve, preceding election day (Election Code Section 141.001; Local Government Code Section 23.024).

Terms of Office

In a Type B general law city operating under the aldermanic form of government, the mayor's term of office is one year, unless the board of aldermen has enacted an ordinance providing a two-year term for the mayor and two-year overlapping terms for aldermen (Local Government Code Section 23.026). In a Type A general law city, the term of the mayor and members of the city council or board of aldermen is two years (Local Government Code Section 22.035). In a Type C general law city, the mayor's term of office is two years (Local Government Code Section 24.023).

In any city, the term of office for members of the governing body can be extended to three years or four years upon approval of a majority of the voters voting at an election on the question (Texas Constitution, Article XI, Section 11).

Vacancies

When the mayor is temporarily unable to perform his or her duties because of illness, out-of-town travel, or similar reasons, the mayor pro tem assumes the responsibilities of the office on an interim basis (please see discussion of mayor pro tem on the next page). But if a permanent vacancy occurs in the office of mayor as a result of death, disability, resignation, or some other reason, the vacancy should be filled according to prescribed procedures.

In a Type B general law city operating under the aldermanic form of government, a mayoral vacancy must be filled by appointment by the board of aldermen. The term of the person appointed expires at the same time that the term of the person who vacated the office would have expired if he or she had remained

in office (Local Government Code Section 23.002).

In a Type A general law city operating under the aldermanic form of government, the vacancy can be filled either by appointment of the city council or by a special election if the mayor's office is the only one vacant. However, if another vacancy exists on the board of aldermen when the mayor's office is vacant, both vacancies must be filled at a special election. When a vacancy is filled by appointment, the term of the person appointed expires at the next general municipal election. When a vacancy is filled by special election, the person elected serves out the remainder of the unexpired term of the vacancy being filled (Local Government Code Section 22.010).

In a Type C city operating under the commission form of government, a vacancy in the office of mayor must be filled by appointment by the two remaining members of the board of commissioners. But if there are two vacancies on the board of commissioners, they must be filled at a special election called by the county judge, and the persons elected serve out the remainder of the unexpired terms of the vacancies being filled (Local Government Code Section 24.026).

If the terms of office in a city have been changed to three or four years, appointment to fill a vacancy is no longer an option. Any vacancy must be filled by special election (Texas Constitution, Article XI, Section 11).

Absences

Under Section 22.041 of the Local Government Code, "if a member of the governing body is absent for three regular consecutive meetings, the member's office is considered vacant

unless the member is sick or has first obtained a leave of absence at a regular meeting.”

Removal

Procedures for removing the mayor or a councilmember from office are set forth in Section 21.002 of the Local Government Code. Under the law, a member of the governing body is subject to removal for incompetence, official misconduct, or intoxication. A petition for removal must be filed with a district court, may be filed by any resident of the city, and must state the alleged grounds for removal. The judge may decide to issue a citation to the member in question or may decline to do so. If the judge declines to issue a citation, the petition is dismissed at the cost of the petitioner. If the judge issues a citation to the member, the member must appear before the judge to answer the petition and may request a trial by jury. The petitioner must execute a bond in an amount fixed by the judge. The bond shall be used to pay damages and costs to the member if the alleged grounds for removal are found to be insufficient or untrue. The final judgment on the issue may be appealed by either party. Conviction of the member for any felony or official misconduct will result in immediate removal, and the removed member is ineligible for reelection for two years.

There is no such thing in a general law city as “recall,” which is a procedure citizens can use to vote an incumbent mayor or councilmember out of office before the expiration of his or her term. The power of recall is limited to voters in home rule cities in which the charter provides for the procedure.

Compensation

In Type C cities, the board of commissioners may, by ordinance, fix the mayor’s compensation at a maximum of \$5 for each regular commission meeting and \$3 for each special meeting. Alternatively, the board of commissioners in a city of less than 2,000 can pay the mayor a salary of up to \$600 per year, while the board of commissioners in a city of 2,000 or greater population can pay the mayor up to \$1,200 per year (Local Government Code Section 141.003).

In Type A and B general law cities, no maximum salary amount is fixed for the mayor. The governing body can set the mayor’s compensation at any level it chooses (Local Government Code Sections 141.001 and 141.002). Only one limitation exists: an elected officer cannot receive a pay increase that was approved during the term for which he or she is elected. Such increase will become effective only after the next general municipal election at which the office is filled (Local Government Code Section 141.001).

Expense Reimbursement

It is commonplace for the city to reimburse the mayor for travel and other expenses incurred on official city business trips, such as meetings of the Texas Municipal League and similar organizations. Most city travel policies are established by ordinance or resolution.

Office of the Mayor Pro Tem

The mayor pro tempore is a member of the council who performs the mayor’s duties during the mayor’s incapacity or absence. The mayor pro tem is selected by majority vote of the council from among its own membership.

The mayor pro tem's term is one year. The mayor pro tem retains the right to vote on all matters before the council while performing the duties of the mayor (Local Government Code Sections 22.037 and 23.027).

Office of Councilmember

Councilmembers are the city's legislators. Their primary duty is policymaking, which includes identifying the needs of local residents, formulating programs to meet the changing requirements of the community, and measuring the effectiveness of ongoing municipal services.

Unless restricted by state law, each councilmember is entitled to vote or abstain on every question decided at a council meeting, and has full parliamentary privileges in council meetings—including the right to speak and make motions when recognized by the chair and the right to introduce new ordinances and amendments to existing ones. Though foremost in importance, lawmaking is just one of many functions councilmembers perform. They also wear several other hats, which one writer describes as follows:

- **Regulator**—The council exercises regulatory powers over the conduct and property of its citizens. It has the power to declare certain conduct to be criminal, to require that certain businesses and activities be licensed, and to tell property owners how and for what purposes they may use their property.
- **Financier**—The council may levy taxes, assess fees and charges, and sell bonds in order to finance the many functions of the city government. The council also has to budget the expenditure of

the city's funds, and then explain to the people why municipal government is a bargain compared to the price of rampant crime, fires, disease, and all of the other problems that would flourish without proper city services.

- **Employer**—The council is responsible for all of the city's employees, and must see that they are adequately paid and provided with decent working conditions and fringe benefits.
- **Buyer**—The council is one of the biggest purchasers in the community, and must see to it that the city gets the best value possible for dollars spent.

Even this is not a complete description of all the challenges that confront councilmembers.

The real task is in providing leadership and direction for the city, in deciding what needs to be done, and in helping plan what the city will be for future generations.

Qualifications

In general law cities, the qualifications for the office of councilmember are:

- 1) Be a United States citizen;
- 2) Have been a resident of Texas for at least 12 months as of the deadline for filing for the office;
- 3) Have resided in the city for at least six months preceding election day;
- 4) Be a registered voter;
- 5) Be 18 years of age or older upon the commencement of the term to be filled at the election;
- 6) Not have been convicted of a felony for which he or she has not been pardoned or otherwise released from the resulting disabilities; and

- 7) Not have been deemed mentally incompetent by a final judgment of a court.

(Election Code Section 141.001; Local Government Code Sections 22.032 and 23.024).

One additional requirement: if a Type A general law city has been divided into wards, every council candidate must, at the time of his or her election, be a resident of the ward he or she proposes to represent if elected (Local Government Code Section 22.032).

Terms of Office

In a Type B general law city, the term of office for aldermen is one year, unless the board of aldermen has enacted an ordinance providing a two-year term for the mayor and two-year overlapping terms for aldermen (Local Government Code Section 23.026). In a Type A general law city, the term of office for members of the city council is two years (overlapping terms) (Local Government Code Section 22.035).

In any city, the term of office of members of the governing body can be extended to three years or four years upon approval of a majority of the voters voting at an election called on the question (Texas Constitution, Article XI, Section 11).

Vacancies

In a Type B general law city operating under the aldermanic form of government, vacancies on the board of aldermen— whatever the number of vacancies—must be filled by appointment by the remaining members of the

board (Local Government Code Section 23.002).

In a Type A general law city operating under the aldermanic form of government, when there is only one vacancy on the governing body, the vacancy can be filled either by appointment of the city council or by means of a special election. However, if there are two or more vacancies on the governing body, such vacancies must be filled at a special election (Local Government Code Section 22.010).

In a Type C general law city, a single vacancy must be filled by appointment by the two remaining members of the board of commissioners. But if there are two vacancies on the board, they must be filled at a special election called by the county judge (Local Government Code Section 24.026).

Absences

Under Section 22.038 of the Local Government Code, an illness of an alderman or someone in his or her family is the only reason for absence from council meetings in a Type A general law city without a fine. Unexcused absences are punishable by a fine of \$3 for each council meeting missed. If an alderman is absent for three consecutive regular meetings—unless because of sickness or the alderman has obtained a leave of absence at a regular meeting—his or her office shall be vacant. (Local Government Code Section 22.041).

There is no law applicable to absences by aldermen in Type B general law cities or members of the board of commissioners in cities operating under the commission form of government (Type C general law cities). However, in cities over 500 population, which operate under the commission form of

government, Sections 51.035 and 51.051 (the “borrowing provisions”) of the Local Government Code (relating to the application of laws to cities with the commission form) would probably make Sections 22.038 and 22.041 of the Local Government Code (relating to absences) applicable to such cities. Type B general law cities should contact their local legal counsel to discuss this issue, as state law is unclear.

Removal

Procedures for removing a councilmember from office in a general law city are the same as for the mayor and are governed by Chapter 21 of the Local Government Code.

Compensation

In Type C cities, the board of commissioners may, by ordinance, fix commissioners’ compensation at a maximum of \$5 for each regular commission meeting and \$3 for each special meeting. Alternatively, the board of commissioners in a city of 2,000 or greater population can provide for paying commissioners up to \$600 per year (Local Government Code Section 141.003).

In Type A and B general law cities, no maximum salary amount is fixed for aldermen. Therefore, the governing body can set councilmembers’ compensation at any level it decides. Only one limitation exists: an alderman cannot receive the benefit of a pay increase adopted during the term for which he or she is elected. Such increase will become effective only after the next general municipal election at which the office of the alderman serving at the time of the pay increase is filled

(Local Government Code Chapter 141).

Expense Reimbursement

It is commonplace for cities to reimburse councilmembers for travel and other expenses incurred on official city business trips to meetings of the Texas Municipal League, a council of governments, and similar organizations. Most travel policies are established by ordinance or resolution.

Chapter Three:

Roles and Responsibilities of Officers in Home Rule Cities

All members of the city council play unique roles in making the city government operate effectively in a home rule city. Many of their functions are set by law, while others are established as a matter of local custom or policy.

Office of the Mayor

The mayor occupies the highest elective office in the municipal government. As political head of the city, the mayor is expected to provide the leadership necessary to keep it moving in the proper direction.

Except under the city manager plan of government, the mayor is the city's chief executive officer, just as the governor serves as chief executive of the state. The mayor presides over council meetings, is the signatory for the city, and is generally recognized as the ceremonial and governmental head of the city for most purposes.

Most of the powers exercised by the mayor are created either by provisions in the charter or through ordinances and resolutions adopted by the city council. Very few mayoral powers are prescribed by state law.

Legislative Responsibilities

The mayor's most important duty is to carry out the legislative responsibilities he or she shares with other members of the council—identifying the needs of the city, developing

programs to satisfy those needs, and evaluating the extent to which municipal services satisfactorily reflect the policy goals of the council.

All charters designate the mayor as presiding officer of the city council and as such, his or her actual powers in legislative matters can be greater than those of other councilmembers. For example, as presiding officer of the council, the mayor can influence the flow of debate through the power to recognize councilmembers for motions or statements.

Also, the mayor rules on questions of procedure at council meetings, and those rulings are binding unless successfully challenged by a majority of the governing body. Finally, the charters of some cities authorize the mayor to veto ordinances and other enactments approved by the city council.

Appointive Powers

Appointive powers represent another area in which the mayor's powers often outrank those of councilmembers, especially in mayor-council cities where the mayor is authorized to appoint department heads and advisory board members. In council-manager cities, however, the mayor's appointive powers are more limited, since the city manager appoints all or most administrative employees, and the full council appoints the members of advisory boards and commissions.

Signatory Duties

As signatory for the city, the mayor is required to sign a variety of documents to give them official legal effect. The mayor's signature is required on all bonds, certificates of obligation, warrants, and other evidence of debt, as well as ordinances, resolutions, advertisements for bids on public works projects, contracts, and similar legal paperwork. The mayor is also responsible for signing proclamations recognizing special events and personal achievements.

Ceremonial Duties

The mayor's participation in local ceremonial events is a never-ending responsibility. The mayor is expected on a daily basis to cut ribbons at ceremonies opening new businesses; break the ground to begin the construction of new city facilities; and regularly appear at fairs, parades, beauty pageants, and other community celebrations.

The mayor also issues proclamations for a variety of purposes, whether to honor visiting dignitaries or declare "Support Your Local School Week." And as a featured speaker before professional clubs, school assemblies, and neighborhood groups, the mayor can expect to be interviewed, photographed, and otherwise placed on extensive public display by the media.

Powers of the Mayor in Mayor-Council Home Rule Cities

In mayor-council home rule cities, the mayor serves in the dual roles of administrator and political head of the city. He or she is in city hall on a continuing basis, working with department heads on routine items that need to be addressed each day, handling

emergencies, and performing all of the ceremonial duties that go with the office. Depending on the city, the charter may give the mayor broad authority to deal with the many problems that arise each day. A skilled administrative staff usually is available to help the mayor carry the day-to-day load. Also, in some cities, the charter gives the mayor the power to veto actions of the council.

The broad powers of the mayor in mayor-council cities usually are offset by charter provisions that require the council to ratify mayoral appointments and other key actions. Also, the requirement for council approval of the budget provides councilmembers with an effective method of slowing down a zealous mayor by reducing or abolishing expenditures.

Further checks can be created by distributing governmental powers in a certain way. Under the Houston charter, for example, provision is made for an elected city controller responsible for supervising the expenditure of municipal funds independent of both the mayor and council.

Powers of the Mayor in Council-Manager Home Rule Cities

Under the council-manager form of government in a home rule city, the mayor's administrative responsibilities differ sharply from those of a mayor in a mayor-council city. Under the council-manager plan, the mayor has no day-to-day administrative duties; these are vested in a city manager who is responsible for implementing policies established by the council. In most council-manager cities, the mayor is in city hall on an irregular basis and is involved very little in routine operational matters.

The charters of most council-manager cities make it clear that decision-making is to be exercised by the full council, and that the mayor is to be considered the same as any other member of the council for policy purposes. This is accomplished by concentrating administrative powers in the hands of the city manager and by requiring action by the whole council, and not just the mayor, to appoint key board and commission members.

And finally, a number of state laws further ensure that the full council share appointive powers. An example is Local Government Code Section 211.008, which requires that the city's governing body appoint the zoning board of adjustment.

Limitations on the Mayor's Powers

As noted above, the powers of the mayor in both mayor-council and council-manager home rule cities can be limited by requiring full council approval of the budget and board and commission appointments, and by distributing governmental powers among a variety of city officials rather than concentrating them in the office of mayor. Another way to impose restraints on the mayor is to limit his or her power at the council table. For example, some charters in home rule cities do not allow the mayor to initiate motions at council meetings. Some charters forbid the mayor from voting except to break a tie.

Office of the Mayor Pro Tem

The mayor pro tempore is a member of the council who performs the mayor's duties during the mayor's incapacity or absence. The mayor pro tem is usually selected by majority vote of the council, and his or her term is often

the same as that of a councilmember. In some cities, the term of mayor pro tem is shorter; in one city, for example, each councilmember serves a three-month term as mayor pro tem on a rotating basis.

Office of Councilmember

Councilmembers are the city's legislators. Their primary duty is policymaking, which includes identifying the needs of local residents, formulating programs to meet the changing requirements of the community, and measuring the effectiveness of ongoing municipal services.

Unless restricted by state law, each councilmember is entitled to vote or abstain on every question decided at a council meeting, and has full parliamentary privileges in council meetings—including the right to speak and make motions when recognized by the chair and the right to introduce new ordinances and amendments to existing ones.

Though foremost in importance, lawmaking is just one of many functions councilmembers perform. They also wear several other hats, which one writer describes as follows:

- **Regulator**—The council exercises regulatory powers over the conduct and property of its citizens. It has the power to declare certain conduct to be criminal, to require that certain businesses and activities be licensed, and to tell property owners how and for what purposes they may use their property.
- **Financier**—The council must levy taxes, assess fees and charges, and sell bonds in order to finance the many functions of the city government. The council

also has to budget the expenditure of the city's funds, and then explain to the people why city government is a bargain compared to the price of rampant crime, fires, disease, and all of the other problems that would flourish without proper city services.

- **Employer**—The council is responsible for all the city's employees, and must see that they are adequately paid and provided with decent working conditions and fringe benefits.
- **Buyer**—The council is one of the biggest purchasers in the community, and must see to it that the city gets the best value possible for dollars spent.

In addition to these everyday duties, councilmembers spend considerable time representing the city in a wide circle of external relationships. Examples include:

- Serving on committees of the Texas Municipal League and other statewide local government organizations.
- Working with state legislators on city-related bills.
- Working with the National League of Cities, the U.S. Conference of Mayors, and other national public interest groups on municipal issues pending before Congress or federal regulatory agencies.
- Supporting efforts of the chamber of commerce, industrial foundations, and other organizations to foster the city's economic development.

Size of the Council

There is no state law requiring the city council of a home rule city to be any particular size. As is true in so many other areas of home rule,

the size of the governing body is determined by the city's charter.

Method of Electing the Council

There are four basic methods of electing home rule city councils in Texas. The first is the at-large system, under which candidates are elected citywide without regard to where they live.

The second is the place system of electing the council, under which candidates run citywide, but each must file for a designated seat (place) on the council.

Under an at-large/from-districts system, candidates are elected citywide, but councilmembers must reside in designated geographical areas of the city.

Under a pure single-member district electoral system, all candidates for the council (not including the mayor) must live in designated districts of the city and are voted upon only by the voters residing in those districts.

Additionally, a number of cities use hybrid electoral systems that combine various features of the plans described above. Mixed systems include those in which some members of the council are elected at-large and the remaining councilmembers are elected from single-member districts, or where some members of the council are elected at-large and the balance are elected from districts at-large.

Qualifications

Every candidate for the office of mayor or councilmember must meet the qualifications

prescribed by the Texas Election Code, which requires that a candidate:

- 1) Be a United States citizen;
- 2) Be 18 years of age or older upon the commencement of the term to be filled at the election;
- 3) Has been a resident of Texas for at least 12 months as of the deadline for filing for the office;
- 4) Has resided in the city for at least 6 months as of the deadline for filing for the office;
- 5) Has not been convicted of a felony for which he or she has not been pardoned or otherwise released from the resulting disabilities;
- 6) Has not been found mentally incompetent by a final judgment of a court; and
- 7) Be a registered voter.

(Election Code Section 141.001).

The Election Code authorizes home rule cities to establish two exceptions to these six criteria. First, the charter can require council candidates to be up to 21 years old, rather than 18, upon the commencement of the term to be filled at the election. Second, the charter can require candidates to be residents of the city for 12 months, rather than 6 months, as of the deadline for filing for office (Election Code Section 141.003).

Terms of Office

The terms of office for mayors and councilmembers range from two to four years and are set by the city's charter. More than ninety percent of all home rule charters provide continuity on the governing body by staggering councilmembers' terms,

thus preventing wholesale changeovers on the council at any one election. Under staggered term procedures, the terms of approximately half of the members of the council expire at one municipal election, and the other half expire at the next election. In the case of a seven-member city council with two-year terms, the terms of three members might expire during each odd-numbered year, while the other four terms would expire during each even-numbered year. Some home rule charters limit the number of terms a councilmember may serve.

Vacancies

Vacancies on the council can result from resignation, death, disability, recall, or failure of a councilmember to meet the requirements of the charter. In some instances, a vacancy can occur if a member of the council announces for another elective office. For example, under Article XI, Section 11, of the Texas Constitution, in cities where the term of office for councilmembers is three or four years, any councilmember who announces for another elective office is automatically removed from the council if more than one year and 30 days remains in his or her term at the time of such announcement.

Also, some city charters provide that any councilmember who runs for another office automatically vacates his or her seat on the council. A city charter may provide that:

If any officer of the city shall file as a candidate for nomination or election to any public office, except to some office under this charter, he shall immediately forfeit his office.

Procedures for filling vacancies vary from charter to charter. In some instances, charters require that vacancies on the governing body be filled by appointment of the council in every case, regardless of whether a regular municipal election is imminent. The charters of others require the council to fill a single vacancy by appointment, but if two or more vacancies exist, they must be filled at a special election. Under Article XI, Section 11, of the Texas Constitution, cities with three- or four-year terms must fill all vacancies by election unless: (a) there is 12 months or less left in the councilmember's term; and (b) the charter provides for appointment. Finally, some charters require that all council vacancies must be filled by special election. Among these cities, the common practice is not to require special elections in cases where a regular municipal election is imminent (for example, within sixty to ninety days of the time the vacancy occurred).

Compensation

As with so many other aspects of home rule government, state law is silent regarding the compensation of mayors and councilmembers. As such, the salary can be governed by the charter or set by local policy if the charter is silent.

Salaries

In most of the cities operating under the mayor-council form of government, the mayor may receive a substantial salary for his or her full-time administrative services. In council-manager cities, the charter generally treats councilmembers as part-time legislators for whom minimum compensation is provided.

Most charters fix the dollar amount of the salary or fees to be paid to members of the governing body. A few permit the council to set its own compensation.

Expense Reimbursement

It is commonplace for cities to reimburse councilmembers for travel, hotel, and other expenses incurred on official city business trips to meetings of the Texas Municipal League, National League of Cities, and similar organizations. Only a small number of charters make any mention whatsoever of councilmembers' expense reimbursement. Most travel policies are established by ordinance or resolution.

Other Benefits

A final category of benefits for councilmembers includes staff and office facilities. Again, there is no consistency among cities: benefits range from providing part-time clerical help to full-time secretaries and administrative assistants.

As with so many other issues, the question of what—if any—staff and facilities should be provided to councilmembers must be decided locally.

Chapter Four:

Powers and Duties of Cities

Both home rule and general law cities have the authority to deal with many issues. General law cities must look to state law for the authority to act, while home rule cities may have more latitude in certain areas (although the state legislature has seen fit to limit home rule authority in many ways). Below is a discussion of some of the basic powers given to cities.

Administrative Oversight in General Law Cities

The Mayor as Chief Executive Officer

In a general law city, a mayor's duties and authority come first from the Local Government Code and other state law and then may be expanded by the city council. See Local Government Code Sections 22.037, 22.042, and 23.027. The city council in a smaller city may give the mayor the responsibility of supervising the city's employees, procuring supplies, ensuring that the streets are cleaned and repaired, and overseeing the multitude of other items that need attention each day. Department heads report directly to the mayor, who meets with them from time to time to check on their problems. Most of the mayors who assume these extensive responsibilities usually do so in addition to their regular jobs.

The degree of flexibility the council permits the mayor to exercise in administrative matters varies from one city to another. In some cities, the council expects the mayor to make routine

decisions only as specifically authorized by ordinances enacted by the governing body. In others, the mayor is given free rein over the city's administration.

Placing the lead responsibility for administration in the hands of the mayor enables citizens and the city council to go to one central point for solutions to particular problems. Also, this arrangement can help focus accountability and keep the city's business moving ahead smoothly and efficiently. At the same time, this system can easily go awry if the mayor does not get along with the council or when council meetings deteriorate into haggling sessions over whether the mayor has the legal authority to do something.

The City Council as "Administrative Board"

In addition to their legislative duties, some city councils supervise local operations on a continuing basis. Under this approach, the full council approves all purchases and other administrative details, and department heads report directly to the council at every regular meeting.

This arrangement has the advantage of providing the council with maximum control over the city's operations. If a department is not functioning properly, the council can go directly to the source of the problem and take corrective action.

The downside is that the council meets just once or twice a month, and may not be able to

deal in a timely manner with problems as they arise. Delays can occur if a department is unable to proceed with a project because of snags that only the council can overcome. Also, this arrangement tends to be inefficient unless some method is established for coordinating the operations of various departments on a regular basis between council meetings, while not violating open meetings laws.

City Manager or Administrator

Many city councils have found it advantageous to delegate administrative powers and responsibilities to a single appointive officer or employee. In some cases, this official is the city manager or city administrator, whose position has been established by ordinance. In others, the lead administrative role is assumed by the city clerk or secretary, the utility manager, or another department head who serves as “first among equals.” Whatever the title, the official the city has delegated administrative functions to is responsible for overseeing all the city’s operations on a continuing basis and for reporting to the council on behalf of the various departments. All administrative actions by the council are taken through the official, and any questions the council may have concerning the enforcement of ordinances or performance of city programs are directed to that individual.

Centralizing authority and accountability in one appointed officer or employee can simplify the council’s job. The council will be relieved of attending to minor details and will have more time for the important task of setting policy. With proper guidance from the council, a skillful administrator can create an efficient management team capable of running itself.

Conversely, concentrating too much authority in the hands of an appointed officer or employee may put a barrier between citizens and their elected representatives. Also, allowing one person to control information concerning the city’s internal administrative operations can lead to a situation in which councilmembers are isolated from the real-world problems the community is experiencing with the city government.

Another form of administrative oversight of a city is accomplished by an election under chapter 25 of the Local Government Code. Under this chapter, the city manager position is created pursuant to an election, and his duties are established by state law. This form of government is rare and has different characteristics from other forms where a manager or administrator position is created solely by ordinance at the city council’s discretion.

Council Committees

Most smaller cities are faced with the problem of limited resources, and there simply are not enough staff members to handle the many demands imposed on the city organization. One method of dealing with this problem is to subdivide the council into administrative committees, each responsible for a different area of the city government.

Council committees usually are organized by service or function: police, fire, health, budget, and so on. “Standing committees” are permanent panels that meet regularly and have assigned areas in which there is always work to be done. On the other hand, “ad hoc” or “special” committees serve on a temporary basis and deal with short-term items that cannot be handled by a standing committee. At the option of the city council, either the full

council can designate the councilmembers who chair or serve as members of the various committees or the council can delegate this authority to the mayor.

Most council committees serve as the liaison between the governing body and individual city departments. They communicate with department heads, ensure that the full council is kept apprised of departmental problems, and, as necessary, conduct departmental evaluations and report their findings to the council.

The most common temptation for members of council committees is to overstep the bounds of their authority. Although they can be vested with substantial authority—such as the authority to conduct investigations or take employment action—council committees do not possess legislative powers and should never attempt to act as if they are the city council.

One cautionary note: care should be taken to avoid violations of the Texas Open Meeting Act, which requires that meetings of all governmental bodies be posted in advance and open to the public. If there is some question as to whether meetings of a council committee are subject to the open meeting statute, the best practice usually is to assume that they are (see Texas attorney general opinions H-3, and JM-1072; and JC-60) and consult with the city attorney for guidance.

Administrative Oversight in Home Rule Cities

While the same general policy-making functions are shared by city councils everywhere, administrative responsibilities

differ according to the particular local government organization. For example, if the city operates under a city manager or administrator plan, or if the mayor serves as an administrative head of the city, the council exercises control in a more indirect way by setting broad policies that are left to the mayor or manager for execution.

Regardless of the administrative structure used, every city council should operate on the basis of written policies that set out the specific powers and duties of all the city's departments and officials, and some method should be established for ensuring that those policies are carried out. Policy decisions are not implemented automatically, and no matter how much careful thought may go into their preparation, there is always a management job to be done. Someone must assume the responsibility for organizing and controlling the city's administrative machinery.

The city's charter, along with local ordinances and policies, outline the administrative procedures in a home rule city.

The Police Power

Cities have the power to regulate a wide range of activities in order to promote the general welfare of the city's residents. This is known as the city's "police power," and it encompasses all governmental powers exercised for the public good.

More particularly, the police power is defined as the city's authority to preserve and promote the health, safety, morals, and welfare of local citizens. It is based on the supremacy of the rights of the general public over individual rights. Some of the more common methods by which city police powers are exercised are

described below.

In order to preserve the peace, the city council has the power to create a police department to maintain order, enact ordinances controlling noise and other disturbances, and require animals to be leashed. The council also can declare certain activities to be public nuisances and penalize persons who create them.

With regard to public health and safety, the council has the power to take all actions and make all regulations that may be necessary or expedient for the promotion of health or the suppression of disease. A city's authority to protect the health of the public is generally broader than other city police powers.

The regulation of dogs and other animals, the regulation of unwholesome business practices, and the regulation of slaughterhouses are just a few of the powers the city council may exercise to protect the health of its citizens. The council also has the power to enact quarantine regulations, regulate cemeteries, and regulate weeds and stagnant water. The authority for these regulations can be found in the Local Government Code, the Health and Safety Code, and other statutes.

Additionally, a city can enact a zoning ordinance to regulate the height and size of buildings, the size of lots and density of population, the location and use of buildings, and other aspects of land and improvements thereon, and the uses to which they are put (Local Government Code Chapter 211). The city council also has the authority to prescribe some standards for the construction of buildings within the city, regulate the condition of buildings, and condemn unsafe buildings.

Planning, Subdivision Controls, and Annexation

The city council has the power to spend city funds to compile statistics, conduct studies, and make plans for the orderly growth of the city and the welfare of its residents. The council can create a planning commission to develop and maintain a city plan, and can establish a planning department to implement the plan.

The council can establish rules and regulations governing the subdivision and development of land within the city. The city also can extend its subdivision controls to land located within the city's area of extraterritorial jurisdiction in order to ensure the orderly development of outlying areas (Local Government Code Chapters 212 and 213).

Prior to 2017, a home rule city could annex most areas without consent. However, in 2017, the legislature began to drastically alter the annexation landscape by passing S.B. 6, which provided that certain home rule cities:

- (1) may annex an area with a population of less than 200 only if the following conditions are met, as applicable: (1) the city obtains consent to annex the area through a petition signed by more than 50 percent of the registered voters of the area; and (2) if the registered voters of the area do not own more than 50 percent of the land in the area, the petition described by (1) is signed by more than 50 percent of the owners of land in the area; and
- (2) may annex an area with a population of 200 or more only if the following conditions are met, as applicable: (1)

the city holds an election in the area proposed to be annexed at which the qualified voters of the area may vote on the question of the annexation and a majority of the votes received at the election approve the annexation; and (2) if the registered voters of the area do not own more than 50 percent of the land in the area, the city obtains consent to annex the area through a petition signed by more than 50 percent of the owners of land in the area.

In 2019, the legislature finished restricting cities ability to annex without consent. H.B. 347, which became effective on May 24, 2019, now applies these restrictions on annexation to all cities. Cities can either follow the procedure above or annex on request of landowners.

Regulation of Streets and Other Public Places

The city council has supervisory powers over all streets, alleys, sidewalks, bridges, parks, and other public ways and places within the city. The council has the power to: (1) regulate the use of streets and other public ways, provide for cleaning and lighting, prevent and remove encroachments, and direct and regulate the planting of trees; (2) regulate openings for laying out gas, water, and other mains and pipes; (3) regulate the use of sidewalks and require the owners or occupants of abutting premises to keep their sidewalks free from obstructions; (4) prevent activities that would result in damage to streets, alleys, or other public grounds; (5) regulate crosswalks, curbs, and gutters; (6) regulate and

prevent the posting of signposts, handbills, and similar items on streets or sidewalks; (7) regulate traffic and sales on streets, sidewalks, and other public spaces; (8) control weedy lots and junked vehicles; (9) regulate the location of manufactured housing; and (10) regulate the location of sexually oriented businesses and establishments that sell alcoholic beverages.

Construction of Public Facilities

In addition to its regulatory powers, the council has the authority to erect, construct, and maintain a wide variety of facilities for public use, including water and sewage systems, airports, hospitals, parks, libraries, transit systems, electric and gas systems, streets, bridges, culverts, sidewalks, street lights, and many other kinds of facilities.

A city may construct or maintain certain public facilities using either traditional competitive bidding or an alternative procurement and delivery method (such as design-build, construction management, a job order contract, or competitive sealed proposals) that provides the “best value” to the city (Local Government Code Chapter 252 and Government Code Chapter 2267).

Donations of City Funds

The Texas Constitution prohibits the donation of city funds to private individuals, corporations, or associations (such as garden clubs or boy or girl scouts), no matter how worthy the cause. The purpose of this prohibition is to prevent a city council from appropriating public money for private purposes (Texas Constitution, art. III, §52, and art. XI, §3).

Expenditures that serve a “public purpose” (for example, contributions to a local volunteer fire department) may fall outside of the constitutional prohibition against donations.

If the city council wishes to make such an expenditure, it must determine whether the expenditure accomplishes a public purpose, and the determination is subject to review by the courts. Written contracts with formal control over use of a city expenditure or payment are usually necessary in order for the council to ensure that the city receives some sort of payment or value for its expenditure—the accomplishment of the public purpose.

The constitutional prohibition does not apply to expenditures made in connection with contracts for services provided by engineers, architects, and other professionals, nor to the payment of dues to the Texas Municipal League, councils of governments, or similar organizations.

A city may establish and implement programs to promote state or local economic development and to stimulate business and commercial activity within the city. A program such as this may include provisions for making loans and grants of public money and for utilizing the city’s personnel and services for the purpose of economic development (Local Government Code Chapter 380).

Payment of Bonuses to City Employees

The State Constitution (Article III, Sections 52 and 53) prohibits the payment of bonuses to city employees. If, for example, when December arrives, it is found that the city has

some extra funds and it is decided that it would be nice to reward the city’s employees with a Christmas bonus, such a distribution of public funds would be illegal. However, if the bonus is part of the employee’s overall compensation, and is included in the budget as such, it is a legitimate expenditure.

Bids

Chapter 252 of the Local Government Code requires that any city purchase requiring the payment of more than \$50,000 be awarded pursuant to certain competitive bidding or sealed proposal procedures. The statute mandates that the city either accept the lowest responsible bid under the traditional competitive bidding process, accept the bid or proposal that provides goods or services at the best value for the city, use an Internet-based reverse auction procedure, or participate in a cooperative purchasing program.

Certain cities that choose to use traditional competitive bidding when purchasing real or personal property may give preference to a local bidder if certain procedures are followed and the local bid is within a certain percentage of the lowest bid from a non-local bidder. In some cases, local preference is allowed only if the purchase is for less than \$100,000.

Cities making an expenditure of more than \$3,000 but less than \$50,000 must contact at least two historically underutilized businesses (HUBs) from a list provided by the Texas Facilities Commission through the state comptroller’s office. If the list does not identify a HUB in the county in which the city is situated, the city is exempt from this requirement.

The above procedures do not apply to some purchases, including: (1) the purchase of land or rights-of-way; (2) personal or professional services, such as engineering, architectural, or planning services; (3) property bought at an auction; (4) property bought at a going-out-of-business sale; (5) property bought from another political subdivision or the state or federal government; and (6) advertising, other than legal notices.

Also, the city can waive the requirement for bids in—for example—the following instances: (1) in the case of public calamity, where it becomes necessary to act at once to provide relief for local citizens or to preserve or protect the public health; or (2) in the case of unforeseen damage to public property, machinery, or equipment, where immediate repair is necessary.

A city may use a competitive sealed proposal procedure for the purchase of goods, services, and high technology items. If a city makes a contract without compliance with competitive procurement laws, it is void, and the performance of the contract, including the payment of any money under the contract, may be enjoined by: (1) any property tax-paying resident of the city; or (2) a person who submitted a bid for a contract to which the competitive sealed bidding requirement applies, regardless of residency, if the contract is for the construction of public works.

City Depository

Under chapter 105 of the Local Government Code, the city council is authorized to designate a bank as the official depository of the city's funds. The city attorney should be consulted as to the manner of designating the depository, as well as procedures the city must

follow after designation has been made.

Uniform Election Dates

The Texas Election Code prescribes certain days for holding municipal elections for officers. Any municipal election for officers held on a day other than one of those prescribed is void, with a few exceptions. Currently, the uniform election dates for city elections are the first Saturday in May and the first Tuesday after the first Monday in November.

Official Newspaper

At the beginning of each fiscal year, the council is required to designate, by ordinance or resolution, the official newspaper of the city, and to publish therein the captions of penal ordinances, notifications of public hearings, and other required public notices (Local Government Code Sections 52.004 and 52.011). Type B general law cities must, before enforcing an ordinance, publish the ordinance (or simply the caption and penalty for violations of the ordinance) enacted by the governing body by either posting it in three public places or by publication in the newspaper (Local Government Code chapter 52). Many home rule charters may have similar provisions.

Federal Voting Rights Act

On June 25, 2013, the U.S. Supreme Court issued its opinion in *Shelby County v. Holder*. In the case, Shelby County, Alabama, alleged that the basis for applying the federal Voting Rights Act to certain states is unconstitutional. The Court agreed. It concluded that Section 4

of the Act is unconstitutional, but the holding also affects other portions of the law, including the requirement that any voting change made by a city be “precleared” by submitting it to the U.S. Department of Justice or a federal court for a determination that it is not discriminatory.

In response to the opinion, the United States Department of Justice is providing a written response to jurisdictions that submit proposed changes to the Attorney General that advises that no determination will be made under Section 5 of the Voting Rights Act on the specified change.

Based on the United States Department of Justice’s response, the Texas Municipal League advises that Section 5 preclearance submissions to the Department of Justice are no longer required. However, each city should heed the advice of its attorney to make the determination on whether or not preclearance is required, as pending litigation may impact other sections of the Voting Rights Act.

Delegation of Legislative Powers

The city council is prohibited from delegating its legislative powers. As a practical matter, this means that the council may not authorize any person, committee, board, or commission to make policy decisions on its behalf. The job of ensuring that the council’s policies are carried out can be assigned to the mayor, city manager, or some other city official, but the ultimate responsibility for establishing policy rests with the council.

Chapter Five:

The City Council at Work: Meetings

It is imperative that every meeting of the city council be conducted in an orderly and legal manner. If the council's procedures are improper, the legality of its actions may be successfully challenged in court. If its meetings are slovenly and disorganized, the council cannot expect to command public respect.

Legal Requirements

State law prescribes several specific requirements for council meetings, including: (1) that meetings be scheduled at a fixed time and place; (2) that a quorum of the council be present (either in person or, in certain cases, by video conference) for the transaction of business; (3) that any question before the council be decided by majority vote of the members present and voting, except where the law requires more than a simple majority; and (4) that the mayor always presides, if present.

Texas Open Meetings Act

Every meeting of the city council must be conducted in accordance with chapter 551 of the Government Code, the Texas Open Meetings Act. Among all the state laws affecting city officials, this is the one most likely to be unintentionally violated because of lack of knowledge.

To help educate government officials on the Act's requirements, each elected or appointed member of a governmental body must take at

least one hour of training in the Open Meetings Act. The training must be completed not later than ninety days after the member takes the oath of office or assumes the responsibilities of the office.

The attorney general's office allows the training requirement to be met in at least two ways: (1) viewing a video that is available to borrow or online; and (2) receiving training from certified entities, such as TML. Please visit the attorney general's website or call TML for more information on the training.

The Open Meetings Act requires that written notice of the date, hour, location, and subject of every council meeting, be posted 72 hours in advance of such meeting on a bulletin board in city hall accessible to the public day and night. Cities that maintain a website must also post the city council agenda on the website and the minutes of the city council's meetings must be posted when approved. If the governmental body makes a good-faith attempt to continuously post the notice on the Internet during the prescribed period, the notice physically posted at city hall must be readily accessible to the general public only during normal business hours. There are some special requirements, including additional notice requirements, if a meeting is to be held by videoconference call.

There are three exceptions to the 72-hour posting requirement:

- 1) At least one hour advance notice is required for a special meeting called in

the case of “emergency or urgent public necessity,” the nature of which must be stated in the notice.

- 2) Items of an emergency or urgent public necessity nature may be added to the agenda of a meeting for which 72 hours notice has already been posted if a supplemental notice listing such items is posted at least one hour prior to the meeting stating the emergency that requires action on the additional items.
- 3) Pursuant to a general posting of items of “community interest,” the following need not specifically appear
- 4) on the posted notice: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; honorary recognitions of city officials, employees, or other citizens; reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by a city official or employee; and announcements involving imminent threats to the public health and safety of the city.

The Act also requires that all council meetings, with narrow exceptions, be open to the public. Closed meetings (“executive sessions”) are permitted for the discussion of items that legitimately fall within the exceptions stated in the law. Exceptions from the open meeting requirement are provided for the following:

- 1) Private consultations between the city council and its lawyers to discuss pending or contemplated litigation, settlement offers, and other legal matters that implicate the attorney-client privilege. The city’s attorney must be present (either in person if the attorney is a city employee, or in person or by telephone, video conference call, or Internet communications if the attorney is an independent contractor) at any closed meeting held under this exception.
- 2) Discussions regarding the purchase, exchange, lease, or value of real property, or negotiated contracts for prospective gifts or donations to the city, when a discussion of these items in public would have a detrimental effect on the city’s negotiating position.
- 3) Deliberations involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a city officer or employee, or to hear complaints or charges against such officer or employee, unless such officer or employee requests a public hearing.
- 4) Discussions regarding the deployment or implementation of security personnel or devices, or a security audit. Also, security assessments or deployment relating to information research technology.
- 5) Discussions regarding commercial information received from a business prospect and/or the nature of any incentives being considered by the city for economic development purposes.
- 6) Deliberations regarding a test item or information relating to a test that the city administers to individuals who seek to obtain or renew a license or certificate necessary to engage in an activity.
- 7) Electric or gas service discussions in very limited circumstances.
- 8) Discussions regarding various critical infrastructure and homeland security information, including: (a) staffing requirements of an emergency response provider; (b) tactical plans; (c) infrastructure vulnerability

assessments and other reports prepared for the federal government; (d) the location of dangerous materials that may be used for weapons; (e) computer passwords; and (f) information regarding security systems that protect property from terrorism or related criminal activity.

Before an executive session can take place, the council must first convene in open session, the presiding officer must announce that a closed meeting will take place, and he or she then must identify the section of the Open Meetings Act that authorizes the closed session.

The law requires that a certified agenda or a recording must be made of all meetings that are closed to the public, except executive sessions held for the purpose of consulting with an attorney under the provisions of the law. For an executive session to discuss critical infrastructure or homeland security matters, a recording is mandatory. The law does not define “certified agenda,” but it does provide that the agenda shall state the subject matter of each deliberation and include a record of any further action taken. It also must include a record of the date and time of the beginning and end of the meeting. The presiding officer must certify that the agenda is a true and correct record of the proceedings. In lieu of the certified agenda, the governmental body may make a recording of the closed meeting, including an announcement made by the presiding officer at the beginning and end of the meeting indicating the date and time.

The certified agenda or the recording must be maintained for a period of two years after the date of the meeting. However, if a lawsuit is filed during this two-year period, the certified agenda or recording must be preserved

pending the outcome of the action. The certified agenda or recording is not a public record, and it is unlawful to make either available to the public without lawful authority, but either may be reviewed by a current member of the governmental body that conducted the closed meeting. It is advisable that the certified agenda or the recording be placed in a sealed envelope identifying the contents and then placed in secured storage. They are available for inspection by a judge if litigation has been initiated involving an alleged violation of the open meetings law. The judge may order that the recording or certified agenda be made available to the public if the closed meeting was not authorized.

Although a certification of the posted notice may have been the intent of the legislature, the fact that a certified agenda or recording is to be made available only upon court order may indicate that the contents of the certified agenda consist of a more descriptive agenda item than might be placed on the posted notice. For example, while the posted notice may state that an executive session is being held for the purpose of discussing “Land Acquisition for an Electric Substation,” the certified agenda may read “Land Acquisition—Discuss acquisition of land for a new electric substation to serve The Oaks subdivision.” Although the statute requires the certified agenda to include a record of any further action taken, the open meetings law expressly provides that no final action, decision, or vote can be made except in a meeting that is open to the public. The “further action” which must be noted on the certified agenda may be, for instance, no action, a directive to place the item on an open meeting agenda for final action, or a request that additional information be gathered for discussion on another date.

One of the most difficult aspects of the Open Meetings Act results from the fact that communications between a quorum of a city council about public business, no matter the forum or the time, constitute a “meeting” to which the Open Meetings Act applies. As a result, city councilmembers have generally been advised to avoid commenting, for instance, on social media sites related to city business if the discussion will ultimately involve a quorum.

However, Texas Government Code Section 551.006, provides that communication between councilmembers about public business or public policy over which the council has supervision or control does not constitute a meeting if certain conditions are met. The communication must be: (1) in writing, (2) posted to an online message board that is viewable and searchable by the public, and (3) displayed in real time and displayed on the message board for no less than 30 days after the communication is first posted. A city is prohibited from having more than one online message board used for these purposes.

Additionally, the online message board must be prominently displayed on the city’s primary website and no more than one click away from the city’s website. The message board may only be used by city councilmembers or city employees that have received authorization from the council. If a city employee posts on the message board, the employee must include his or her name and title with the communication. The council may not vote or take action by posting on the city’s online message board, and if the city removes a posted message, the city must retain the posting for six years as it is considered public information.

Stiff penalties are provided for violations of the Open Meetings Act. A councilmember or any other person who participates in an illegal closed meeting can be punished by a fine of \$100 to \$500, confinement in the county jail for one to six months, or both. The same penalty can be applied to a councilmember who has a prohibited series of communications. For instance, using the telephone or email to poll other councilmembers or meeting with them individually to deliberate over some matter of city business that will be deliberated among a quorum of councilmembers could violate the Act.

The actions taken by a city council in an illegal meeting are voidable, and a court may assess costs of litigation and reasonable attorney’s fees incurred by a party who substantially prevails in an action brought under the open meetings law.

Public Information Act

Chapter 552 of the Government Code requires that most city records, including those in the possession of councilmembers, be open to public inspection.

As with the Open Meetings Act, each elected or appointed member of a governmental body must take at least one hour of training in the Public Information Act, or designate a public information coordinator to take the training on his or her behalf.

The training or designation must be completed not later than ninety days after the member takes the oath of office or assumes the responsibilities of the office. Again, note that a public official (for example, a member of a city council) may designate a public information

coordinator to satisfy the open records training requirement.

“Public information” is defined as information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business: (1) by a governmental body; (2) for a governmental body and the governmental body: (A) owns the information; (B) has a right of access to the information; or (C) spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or (3) by an individual officer or employee of a governmental body in the officer’s or employee’s official capacity and the information pertains to official business of the governmental body. Information is in connection with the transaction of official business if the information is created by, transmitted to, received by, or maintained by an officer or employee of the governmental body in the officer’s or employee’s official capacity, or a person or entity performing official business or a governmental function on behalf of a governmental body, and pertains to official business of the governmental body.

“Public information” includes any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business. “Official business” is defined as any matter over which a governmental body has any authority, administrative duties, or advisory duties. This means, for instance, that the Act now expressly provides that a councilmember’s private computer or cell phone communications, if made in connection with the transaction of official business, are public information.

Councilmembers are considered “temporary custodians” of the public information on their privately-owned devices. “Temporary custodian” means an officer or employee of a governmental body, including a former officer or employee, who, in transaction of official business, creates or receives public information that the officer or employee has not provided to the officer for public information of the governmental body or the officer’s agent. As a temporary custodian, the councilmember must preserve the public information in its original form in a backup and on their privately-owned device for the required record retention period, or transfer the public information to the governmental body or the governmental body server. Also, as the temporary custodian, a councilmember is required to surrender public information that has been requested to the public information coordinator not later than the tenth day after receiving a request for the information from the public information coordinator. Failure to surrender the information could be grounds for disciplinary action by the governmental body, as well as, other penalties being brought against the temporary custodian.

The media on which public information is recorded includes paper; film; a magnetic, optical, or solid state or other device that can store an electronic signal; tape; mylar; and any physical material on which information may be recorded, including linen, silk, and vellum. The general forms in which the media containing public information exist include a book, paper, letter, document, email, Internet posting, text message, instant message, other electronic communication, printout, photograph, film, tape, microfiche, microfilm, photostat, sound recording, map, and drawing and a voice, data, or video representation held in computer memory.

Certain information is specifically excluded from the requirements of the law. While the list of exempt materials is too long to recite here, it includes such information as working papers being used to draft ordinances or resolutions; certain personnel records; information that would, if released, give an advantage to bidders; documents protected because of attorney-client relationships; documents relating to pending litigation; and various types of critical infrastructure and homeland security information, including information that relates to: (a) staffing requirements of an emergency response provider; (b) tactical plans; (c) infrastructure vulnerability assessments and other reports prepared for the federal government; (d) the location of dangerous materials that may be used for weapons; (e) computer passwords; and (f) information regarding security systems that protect property from terrorism or related criminal activity.

Despite the narrow exemptions established in the law, its net effect is to require that most information must be made available, upon request, to the news media and other members of the public. A governmental body that receives a written request for information that it wishes to withhold from public disclosure and that it considers to be within one of the exceptions, must, with some exceptions, ask for a decision from the Texas attorney general. If an attorney general decision is required, the city must request the decision and state the exceptions that apply not later than the 10th business day after receiving the written request. Not later than the 15th business day after receiving the request, the city must submit to the attorney general the reasons that the exceptions apply, a copy of the request for information, and a copy of the information requested or representative samples labeled to indicate

which exceptions apply to which parts of the information.

Formal Meetings of the Council/ The Agenda

A well-organized agenda is an indispensable part of every orderly council meeting. The agenda establishes a calendar of activities for the council to follow in the course of its meeting. It lists all the items of business that will be considered. By putting councilmembers on notice as to what will be discussed, each of them is enabled to arrive at the meeting prepared and ready to conduct business.

The following illustrates a typical agenda format:

- 1) Call to Order—The presiding officer calls the meeting to order and determines whether a quorum is present.
- 2) Invocation—Optional.
- 3) Roll Call—Although most city councils are small enough to readily determine who is present by simply looking around the council table, a formal roll call lends an air of dignity to the proceedings.
- 4) Approve Minutes of the Previous Meeting—Unless a majority of the council desires that the minutes of the previous council meeting be read, the minutes can be approved as submitted or corrected.
- 5) Consent Items—"Consent" items are noncontroversial items that can be considered and voted upon as a block.
- 6) Presentations by Citizens—Scheduling this agenda item early in the meeting permits citizens to complete their

business with the council in a timely manner and then leave, if they wish.

- 7) Public Hearings.
- 8) Old Business—Final passage of ordinances, and other business pending from previous council meetings.
- 9) New Business—New ordinances or resolutions (or amendments to existing ones) or policies that councilmembers or city staff wish to have the council consider. Under the Open Meetings Act, each item to be considered must be specifically described in the agenda. It is not sufficient just to put the words “New Business” or “Old Business” on the agenda, and then allow the consideration at the council meeting of any or all items that might be brought up.
- 10) Reports of Advisory Boards and Commissions—Each board or commission must be listed, together with a description of each report that will be presented at the council meeting.
- 11) Items from Council—This part of the agenda is provided for councilmembers to present matters other than ordinances, resolutions, and other matters requiring formal action. The attorney general has opined that matters raised by councilmembers or members of the city staff must be specifically described on the agenda (other than items of “community interest,” as previously explained in this chapter). Examples would include a councilmember’s request that the staff take action on a particular problem, as described in the agenda.
- 12) Staff Reports—This agenda item includes reports from the mayor and/or city administrator on the status of various projects, problems that are

developing in particular neighborhoods, and so on. Under the open meetings law, each of these reports must be listed and specifically described in the agenda.

13) Announcements.

14) Adjournment—If there is no further business, the mayor can adjourn the meeting. If all of the items listed in the agenda have not been considered and disposed of, a majority vote usually is required to adjourn.

The amount of detail included in the agenda is a matter for the council to decide. Oftentimes, the agenda is used as the notice of the meeting. In that case, the legal rule applicable to the format of an agenda is found in the open meetings law, which requires that every agenda item be specifically described in the meeting notice. In practice, this means that broad categories, such as “Old Business” or “New Business,” cannot be included in the agenda without listing each of the specific items that will be discussed.

The governmental body is specifically required to have minutes or a recording of each of its open meetings. The minutes shall state the subject matter of each deliberation and shall indicate each vote, other decision, or other action taken by the governmental body. The minutes or recording are public records and may be examined or copied by members of the public. This requirement must be met for all open meetings of governmental bodies, including meetings when formal actions or votes do not occur. City councils or boards that meet to discuss formulation or development of a policy or ordinance that will be voted on at a later date must keep a formal record of the proceedings, even though no final vote or action is taken.

Rules of Order and Procedure

Recognizing that every legislative body needs a systematic way of conducting its business, many city councils operate according to formal rules of order and procedure. Rules of order and procedure prevent confusion by establishing an organized process for conducting council meetings. Properly followed, they save time for all participants, while protecting the individual's right to participate fully.

The following provisions usually are included in rules of order and procedure:

- Designation of the time and location of regular meetings of the council, together with a description of procedures for calling special meetings;
- Procedures for placing items on a meeting agenda;
- Methods for compelling councilmembers to attend meetings;
- A description of the duties of the presiding officer at council meetings;
- A description of the parliamentary rules under which the council will operate;
- Procedures for introducing and voting on ordinances, resolutions, and other items;
- The order of business the council will follow at each meeting; and
- A ranking of motions by order or precedence, which motions may or may not be debated, and so on.

Although most city councils use *Robert's Rules of Order* to conduct their meetings, some have adopted their own local rules. *Robert's Rules of Order* may be appropriate for some cities, but is often too cumbersome for others. State law is silent with regard to this matter; so, unless

your city charter provides otherwise, any standard rules that are reasonable and consistently followed are acceptable.

The following two sections briefly describe motions and debate rules that are fairly common.

Motions

A motion is simply a vehicle for initiating action on a proposal. Some types of motions can be brought up and voted on at any time, while others are out of order at certain times. Certain motions outrank others. Some motions require a second; others do not. Knowing the difference between the various types of motions and when to use them is a first step in taking an active part in passing or defeating measures before the council.

A main motion is used to initiate the consideration of a new item of business. After being seconded, a main motion is subject to being debated, amended, tabled, or withdrawn before a final vote is taken.

Any councilmember making a main motion may, prior to receiving a second, withdraw or change it. If the motion has been seconded, approval of the person who seconded it is required in order for the maker of the motion to change or withdraw it, unless another councilmember objects, in which case the change or withdrawal must be voted upon.

A new main motion cannot be brought up for consideration while another main motion is being debated. Each main motion must be disposed of before another is made.

A secondary motion is used to propose an action on a main motion being debated by the

council. Examples of secondary motions include the following:

- 1) Motion to table the main motion; that is, lay it aside and go on to the next item on the agenda.
- 2) Motion to request that discussion cease and that the main motion be voted upon; that is, moving the previous question.
- 3) Motion to limit discussion to a fixed amount of time.
- 4) Motion to postpone action on the proposal until some definite time in the future.
- 5) Motion to refer the proposal to a committee.
- 6) Motion to amend the main motion.
- 7) Motion to postpone action on the proposal to an indefinite future time.

These examples of secondary motions are listed in the order of their rank. Therefore, if the council is debating Councilmember X's motion that the item under consideration be referred to a committee, and Councilmember Y moves to table the main motion, debate would cease until Councilmember Y's higher-ranking motion is voted upon.

A privileged motion is used to bring procedural questions before the council, such as whether the council should recess or adjourn. Unlike other motions, privileged motions do not require a second in order to be considered.

A privileged motion can be offered at any time, without regard to any other motion pending before the council, and must be decided before the council returns to the other business under discussion. Therefore, a motion to adjourn, if made while a main motion is before the council, must be decided before the main motion is considered any further.

Some privileged motions are more privileged than others. This is the usual order of their importance:

- 1) Motion to set the time and place of the next meeting.
- 2) Motion to fix the time of adjournment.
- 3) Motion to adjourn.
- 4) Motion to recess.
- 5) Motions on questions of privilege.
- 6) Motion to keep the meeting to the agreed order of business.

Thus, during consideration of a main motion, a privileged motion might be made to adjourn. But before the question is called on the motion to adjourn, another higher-ranking privileged motion might be made to set the time and place of the next meeting.

Debate

Motions are usually classified three ways: (1) undebatable motions; (2) privileged motions upon which limited debate is permitted; and (3) fully-debatable motions.

Undebatable motions involve procedural questions that can be resolved without discussion, such as tabling a main motion, moving the previous question, restricting further discussion of a main motion to a fixed number of minutes, postponing action, or referring an item under discussion to a committee. [See items (1) through (7) under "secondary motions."] After an undebatable motion is offered, the presiding officer must immediately take a vote, without discussion.

Privileged motions upon which limited debate is permitted include setting the time of the next meeting and others listed among items (1) through (6) under "privileged motions."

Any discussion of a privileged motion must be addressed to the motion itself. A motion to fix the time for adjourning the council meeting, for example, might require limited debate as to the advisability of such a decision, but other points of discussion would be out of order.

Fully-debatable motions are subject to unlimited discussion prior to a decision.

One of the most important principles of debate is that councilmembers' statements be directly relevant to the item under consideration. Councilmembers recognized by the mayor are given the floor only for the purpose of discussing the item then pending, and they are out of order if they depart from that item.

"Debate" can easily evolve into statements of personal philosophy. Interesting though they may seem to the speaker, such departures do not belong in a council meeting. Meandering can be controlled by limiting councilmembers to one speech per agenda item or by restricting the length of their speeches. (Robert's Rules of Order sets an arbitrary limit of 10 minutes for each such speech.) A more difficult alternative is to impose limits on the number of minutes that will be allotted for a given agenda item.

Role of the Mayor as Presiding Officer

The mayor, as presiding officer, has the primary responsibility for ensuring that the council's rules of procedure are followed and for maintaining the dignity of council meetings. The mayor calls the meeting to order and confines the discussion to the agreed order of business. He or she recognizes councilmembers for motions and statements and allows audience participation at appropriate times. The mayor sees to it that

speakers limit their remarks to the item being considered and, as necessary, calls down people who are out of order.

Proper performance of these functions requires that the mayor know parliamentary procedure and how to apply it. The mayor must recognize that parliamentary procedure is a tool, not a bludgeon—that is used to ensure that the will of the majority prevails while the right of the minority to be heard is protected.

In addition to fulfilling the duties of the presiding officer, the mayor should be familiar with legal requirements imposed by state law. This involves knowing which actions are required on ordinances, when extraordinary council votes are required, and when a time element—such as the deadline for giving notice of a city election—is important. The city attorney can help with these matters, but if the mayor knows the basics, time can be saved and illegal or incomplete actions prevented.

Presiding effectively at a council meeting is an art that no book can fully teach. The tactful presiding officer knows how to courteously discourage councilmembers who talk too much or too often, and how to encourage shy councilmembers who are hesitant to speak at all.

Councilmembers' remarks should always be directed to the chair. Even when responding to questions asked by another councilmember, he or she should begin by saying, "Mayor, if you will permit me. . ." and wait for recognition from the chair before proceeding. This helps avoid the spectacle of two councilmembers haggling over an issue that is of little interest to their council colleagues.

In addition to maintaining order and decorum at council meetings, the mayor must see to it that all motions are properly dealt with as they arise. The mayor must recognize the councilmember offering the motion, restate the motion, present it to the council for consideration, call for the vote, announce the vote, give the results of the effect of the vote, and then announce the next order of business.

In some cases, the mayor might refuse to allow a councilmember to offer a motion, even though it is in order, either because of unfamiliarity with parliamentary procedure or because of personal opposition to the proposed action. The mayor's refusal to allow a motion to be considered is subject to appeal, as are all of the mayor's decisions regarding procedures. A simple majority vote is all that is required to overrule the mayor's decision on procedural issues. If the decision of the chair is sustained, no further action is taken; but if the decision of the chair is overruled by the council, the council goes forward with the discussion of the motion or other matters before it.

On rare occasions, the mayor, in the heat of the moment, may rule that an appeal is out of order, or even declare the meeting adjourned. Both rulings are improper. A meeting cannot be summarily adjourned by the mayor. If an appeal from the decision of the chair is made immediately following the ruling, it is not out of order. If the mayor refuses to honor the appeal, the person making the appeal could then state the question, suggest limited debate, and then put the question to a vote.

Streamlining Council Meetings

Even the best planned council meetings can deteriorate into endurance contests. These are

not necessarily the exceptional meetings, with long public hearings or battles over controversial ordinances. As often as not, these are regularly-scheduled meetings which drone on until the entire council is thoroughly exhausted.

Regulating Talk

Too much talking is the most common cause of lengthy meetings. Talking can assume a variety of forms—bickering or tiresome exchanges of personal opinions among councilmembers, endless speeches by citizens appearing before the council, or unnecessarily long and detailed reports by staff.

Nearly all these problems can be overcome by tactful action on the part of the presiding officer. If citizens addressing the council ramble on and on, the mayor may have no choice but to tell them to confine their remarks to the subject at hand and conclude as quickly as possible. If the problem is created by a talkative councilmember, a simple statement to the effect that "it's getting late and we must move along" usually will suffice, though private visits by the mayor may be needed to handle chronic talkers.

Shortening the Agenda

Having too many items on the agenda is another frequent cause of lengthy council meetings. This is not an easy problem to solve, and several evaluation sessions may be needed to correct the situation.

Perhaps the agenda is loaded down with detailed items that are included for reasons of custom, rather than necessity, and many of these could be handled by staff without council action. If too much meeting time is needed to explain the various items on the

agenda, perhaps a requirement that the more complex ones be explained in writing in advance of the meeting would help.

In some cases, it may be discovered that lengthy council meetings are the result of complexities that simply cannot be overcome. In these instances, the only answer may be more frequent meetings.

Handling “Consent” Agenda Items

Agendas tend to be cluttered with uncontroversial, recurring items that are of little interest to most councilmembers, but must be included because they require formal council approval. Examples include council approval of the minutes of previous meetings, routine purchases, and minor fund transfers between accounts. Most of these items generate no discussion, but each uses up time by requiring a separate motion to approve, a second, and a vote.

This problem can be overcome by establishing a “consent” agenda category that encompasses routine items that are approved by a single motion and a vote, without debate. (“Councilmember Smith moves the approval of items 3a, b, c, d, e, f, and g.”)

If a councilmember objects to a consent item, it is removed from the list and added to the regular agenda at the appropriate spot. If a councilmember questions a consent item, but not so strongly as to require that it be removed from the list, his or her “no” vote or abstention can be entered in the minutes when the consent vote is taken.

The number of consent items can range from a handful to 25 or 30 or more, depending on the council’s workload and preferences. Whatever the size, the consent agenda can be a real

time-saver. One city reported that using a consent agenda had slashed the length of the average council meeting by 50 percent.

Administrative Improvements

Some council meetings are unnecessarily long because of deficiencies in the city’s administrative procedures. For example, citizens who can’t get their problems solved at city hall during normal business hours are likely to show up at council meetings to demand assistance. The fact that most of these complaints should have been handled through administrative action does not relieve the council of the duty to spend time listening to them.

Councilmembers who sense that too much formal meeting time is being devoted to hearing gripes from citizens about administrative inaction usually come to the conclusion that the way to get frustrated citizens off the agenda and into proper channels is to establish a system for receiving and processing complaints. The system can be simple, such as assigning one or two employees to process complaints on a part-time basis, or it can be a more sophisticated office operated by a full-time staff. In any event, it is usually advisable to have at least one of the staff members responsible for this function attend council meetings to be available to head off complaints.

Mechanical Aids

The time needed to explain an agenda item can be reduced by using photographs, flipcharts, and other graphic arts to supplement or replace written reports. Graphics and visual presentations needn’t be expensive. In most cases, using a simple map to show the location of a project, flow charts

to illustrate a particular procedure or process, photographs to point out the physical characteristics of the matter being discussed, or a PowerPoint presentation can provide the extra perspective that written words or oral discussions sometimes fail to convey.

Council Work Sessions

Informal work sessions (sometimes called “workshops”) of the council may be needed from time to time to study certain matters in detail. These are most often held in conjunction with budget review, since regular council meetings do not provide enough time to consider the budget in detail. Work sessions also are useful when major policy questions must be decided or when a complicated ordinance, such as a building code, comes before the council.

The Texas Open Meetings Act applies to all council meetings, whether formal or informal. Notices of workshop meetings therefore should be posted in the same manner as notices of regular council meetings. Also, minutes or a recording must be made of the meetings.

Citizen Participation

Many citizens form their opinions of the city government on the basis of having attended just one council meeting. For some, it will be the only one they attend in their lifetime. This is the time to impress citizens favorably, and to show them that the council is capable of doing its job.

The “citizen participation” period, also known as “public comment,” is a time slot set aside on the agenda for citizens to address the

council on any subject. Prior to 2019, councils determined when and if there would be citizen participation on an agenda because the Open Meetings Act only gave the public the right to observe an open meeting. Through reasonable rules, councils governed when citizen participation was placed on the agenda, how long a citizen could speak on a topic, and the decorum of the speaker towards the council.

House Bill 2840, effective on September 1, 2019, now requires a council to give the public the right to speak on items on the agenda for consideration at an open meeting. The council is required to allow the public to speak on items on the agenda either at the beginning of an open meeting or during the meeting when that item is being discussed by the council. The council can still adopt reasonable rules regarding the right of the public to address the council. This includes limiting the amount of time that the public may address the council on a given item. If the citizen addressing the council on an item on the agenda speaks a foreign language and needs an interpreter, then the council must allow at least double the time allowed for this non-English speaker to address the council. Just as before, the presiding officer should inform visitors of the place on the agenda at which time they will be recognized to speak. And if an exceptionally controversial item has drawn a large crowd, it is generally wise to state the approximate time the item is likely to come up for discussion.

To guard against citizen filibusters, some councils limit the length of time any one citizen may speak to three or four minutes, and permit this to be extended only by a two-thirds vote of the council. This kind of limitation often is necessary to keep talkative speakers from infringing on the rights of others who may wish to speak.

Although limited verbal interchanges between citizens and council members are appropriate, discussions should not be permitted to drag on. When a member of the public makes an inquiry about a subject for which notice has not been given, a councilmember may respond with a statement of factual information or recite existing policy. Though councilmembers are expected to be polite to citizens appearing before them, H.B. 2840 prohibits councils from forbidding public criticism in public comment.

The city council cannot take action unless it has been posted on the agenda in accordance with the Open Meetings Act. If a citizen brings an item before the council that needs to be acted upon, the city council should request that it be placed on the agenda for the next meeting. The attorney general has also stated that a city that knows or reasonably should know the subject matter of a citizen's presentation should place the matter on the agenda.

Public Hearings

The purpose of a public hearing is to present evidence on both sides of an issue. Some public hearings are required by state law, as in the case of the Uniform Budget Law (Sections 102.001 et seq., Local Government Code), which requires a public hearing on the city budget prior to its adoption. Others are voluntarily conducted by the council to obtain a full range of citizen opinion on important matters, such as a proposed bond issue. The difference between a public hearing and public comments is that a public hearing is required by law for particular topics with specific notice requirements by the Open Meetings Act.

The proper conduct of a public hearing is no less important than for a regular council

meeting. Each should begin promptly and be conducted in an orderly manner in conformance with established rules of procedure.

At the start of the hearing, the presiding officer should clearly state the subject to be discussed. If, for instance, it is a rezoning hearing, the proposed ordinance should be read and its purpose explained. If the subject is controversial, the following order can be adhered to: proponents' presentation, opponents' presentation, proponents' rebuttal, opponents' rebuttal, questions from council.

One cardinal rule to remember is that numbers don't always count. There are some topics that naturally draw large, highly biased crowds. Vocal minorities often swamp public hearings to show that their side has widespread support. Such items as little league ballparks, school crosswalks, water rates, and taxes can attract crowds, but the size of the turnout does not necessarily indicate that their cause is just. The council is elected to serve all the citizens, and a councilmember must look at the overall picture—not just the view presented by one partisan group.

The council is responsible for weighing the evidence presented at the hearing and, after due consideration, reaching a decision. Obviously, this cannot always be done at the same meeting as the public hearing. In fairness to those who have taken the time to attend, the presiding officer should indicate when a decision can be made immediately after the hearing and the result announced. Otherwise, the chair should describe the reason that no decision will be made at that time, then state the probable time at which a final determination will be reached.

When a decision is announced on an issue that involves a public hearing, the presiding officer may, with the assistance of legal counsel, give the reasons why the decision was reached. Even a brief explanation will help prevent observers from feeling that the outcome of the hearing was decided in advance, and that they wasted their time by attending.

Chapter Six:

Financial Administration

Financial administration, simply stated, is matching dollars with needs. Financial administration is the small town mayor who notices that city hall has a leaky roof, and makes a mental note to have it replaced when the money is available. Financial administration is a million-dollar capital improvements program, a bond election preceded by a barrage of information disseminated through the news media, a bond sale, and a report to the taxpayers through the newspaper—all of this is part of financial administration.

Financial administration involves an understanding of the extent and limits of the economic resources of the city and the methods of tapping them to meet citizens' demands for city services. It begins with a thorough knowledge of revenue sources and ends with a proper accounting of all of the funds expended by the city. Much lies in between; it is all financial administration.

Revenue Sources

City revenues come from many sources, including utility systems, property taxes, sales taxes, user fees, federal grants, and street rentals. (The Texas Municipal League publishes a comprehensive Revenue Manual for Texas Cities.)

Utility Revenues

Most Texas cities own water and sewer systems, while comparatively few operate

electric or gas systems. Among those that own water or sewer systems, the revenue produced by utility billings accounts for a substantial portion of all money taken in at city hall. This percentage is considerably higher among cities that own electric or gas systems.

Property Taxes

Municipal property tax revenue is growing each year, both in total dollars and on a per-capita basis. In many cases, however, the demands on city budgets have increased at a much greater rate than have property tax collections.

Maximum Property Tax Rates

The Texas Constitution establishes the maximum permissible property tax rate for cities at the following levels: (1) for Type B and small Type C general law cities—25¢ per \$100 assessed valuation; (2) for other general law cities with a population of 5,000 or less—\$1.50 per \$100 assessed valuation; and (3) for cities with 5,001 or greater population—\$2.50 per \$100 assessed valuation.

Administrative Procedures

Over the years, the Texas system of property tax administration has undergone significant change.

Prior to 1980, the appraisal of property for tax purposes was fragmented among more than 3,000 cities and other local jurisdictions, and there were no uniform statewide standards governing the administration of local taxes. In

1979, however, the Texas Legislature changed this situation radically when it enacted a new State Property Tax Code that established uniform appraisal policies and procedures.

Under the code, county-wide appraisal districts are now responsible for preparing a unitary tax roll that encompasses all property within the county. Although cities and other jurisdictions retain the authority to set their own tax rates and collect their own taxes, they must use the tax roll prepared by the central appraisal district for all tax-related purposes.

The basic procedures for administering property taxes include the following:

- 1) Appraisal: The taxable value of all property in the county is determined by the central appraisal district.
- 2) Protest: Any property owner dissatisfied by the value fixed by the central appraisal district can appeal to the appraisal review board. Upon a convincing demonstration that the appraisal district's determination was erroneous, the review board has the authority to correct the error, including but not limited to ordering a reduction of the taxable value of the appellant's property.
- 3) Assessment of Taxes: The tax roll prepared by the central appraisal district is furnished to cities and other taxing entities within the county; those entities use it as the basis for levying taxes for the coming fiscal year.

Legislation passed in 2019 overhauls the process by which cities adopt their tax rates. Generally speaking, if taxes that fund maintenance and operations expenses increase more than 3.5 percent, the city must hold an election

on the November uniform election date for voters to approve the rate. (Note: There are exceptions to this general process for cities under 30,000 population, under certain circumstances.) A city may not adopt a tax rate exceeding the lower of the voter-approved tax rate or the no-new-revenue tax rate until it publishes notice and holds a public hearing. Cities must take various other actions to promote transparency in the tax-rate-setting process, including posting certain information on their websites, and incorporating tax rate information into a database maintained by their appraisal districts.

- 4) Collection: After the council has set the property tax rate for the coming fiscal year, the tax assessor-collector mails tax notices to all property owners in the city and initiates the collection of taxes.

The procedures for assessing and collecting property taxes are prescribed by the Tax Code and Local Government Code. Complete details regarding state requirements are available from the Property Tax Division of the Texas State Comptroller of Public Accounts.

Delinquent Property Taxes

For obvious reasons, it is to the city's advantage to collect as much as possible of the amount of property taxes owed. In this regard, financial analysts are inclined to criticize cities that fail to consistently collect at least 95 percent of the taxes levied. In many Texas cities, a 98-percent collection rate is the norm.

The more successful city tax offices are assisted by an attorney who is skilled in collecting delinquent taxes. In some cases, this

may be the city attorney, but the more common practice is for the city to hire a lawyer who specializes in the delinquent tax field. Most outside lawyers charge a fee that is paid by the delinquent taxpayers on the basis of a percentage of the delinquent taxes they owed.

City Sales Tax

As a result of legislation initiated by the Texas Municipal League, the general city sales tax became available to Texas cities in 1968 and has become almost universal, with virtually all cities in the state having adopted it.

Most cities in which the combined local sales tax (city, county, special district) has not reached two percent can consider the imposition of certain additional sales taxes for purposes that include economic development, crime control, property tax relief, and street maintenance. Additional information regarding the sales tax for economic development is available from the Texas Municipal League and the League's *Economic Development Handbook*.

User Fees

Charges for the use of city services are an increasingly popular method of generating revenues. In addition to charging for solid waste collection and water and sewer services, cities impose fees for the use of a variety of facilities, including swimming pools, golf courses, and airports.

Federal Grants

Despite cutbacks in recent years, federal aid is still an important part of the municipal revenue picture. For individual cities, federal aid as a proportion of all revenues fluctuates widely, with "distressed" cities receiving large

amounts of federal money, and the more prosperous cities receiving comparatively little.

Street Rentals

A portion of an average city's revenue is produced by rental charges collected from private firms—such as cable TV companies, telecommunications providers, and gas and electric utilities—in return for allowing them to use streets and other public rights-of-way. Municipal street rental charges for electric, gas, and water utilities are authorized under the state Tax Code, which allows cities to impose such charges on utility and transportation enterprises in return for the privilege of using the city's streets and alleys to string lines, bury pipes, and otherwise use public property to conduct business. The provisions for collecting compensation from telecommunications providers are contained in Local Government Code Chapter 283, and those relating to cable and video providers are in Chapter 66 of the Utilities Code. Chapter 284 of the Local Government Code contains right-of-way compensation provisions for small cellular network nodes.

Fines

Under state law, a city may assess a fine of up to \$2,000 per day for violations of ordinances dealing with fire safety, zoning, or public health-related matters. A city may assess a fine of up to \$4,000 per day for violation of an ordinance governing the dumping of refuse. For ordinances dealing with other violations, the maximum fine is \$500 per day.

The amount of revenue from fines as a proportion of city revenues usually varies in direct proportion to city size. In larger cities, fines generate a comparatively small proportion of total revenues; in most small

cities, fine revenues play a much more important role in the city budget. State law limits the amount of revenue that a city under 5,000 population may derive from fines for violations of traffic laws.

License and Permit Fees

Under their police powers, cities regulate a wide variety of activities in order to promote the health, safety, and welfare of local citizens. Permit and license fees provide the revenues necessary to finance the cost of these regulatory programs. Examples of permit fees include those charged for examining subdivision plats and plumbing installations. Examples of license fees include those for registering dogs. The amount of a permit or license fee must bear a reasonable relationship to the cost of the particular regulatory program. Under the law, excessive fees may not be imposed in order to create “profits.” Also, the city may not assess a fee or require a permit for which no bona fide regulatory function is performed.

Hotel-Motel Tax

Chapter 351 of the Tax Code authorizes most cities to levy an occupancy tax of up to seven percent on the price of a hotel or motel room. Other cities, depending on population, may levy an even higher tax. Under the law, proceeds from this tax must be earmarked for certain specified purposes, including the advertising and promotion of the city and its vicinity to attract tourism, arts and cultural activities, historical restoration and preservation activities, registration of convention delegates, operation of visitor information centers, the construction of civic centers and auditoriums, certain sporting events, signage, and tourist buses. Cities must maintain a written list of all projects funded by

the hotel-motel tax. Cities must also annually report to the comptroller their hotel occupancy tax rates, the amount of revenue collected from hotel occupancy taxes during the year, and the amounts and percentages allocated to specific uses during the year.

Taxes on Alcoholic Beverages

Under the Texas Alcoholic Beverage Code, the state levies both a gross receipts tax and a separate tax on the sale of all mixed drinks served in clubs, saloons, and restaurants. Some of the state’s total collections are remitted back to the cities on a pro rata basis.

Additionally, cities are authorized by Section 11.38 of the Texas Alcoholic Beverages Code to levy fees not to exceed one-half of the state fee for a variety of alcoholic beverage-related permits, including permits for package stores, distributors, brewers, and others issued within the city.

Occupation Taxes

Cities are authorized under Section 302.101 of the Texas Tax Code and Article VIII, Section 1, of the Texas Constitution to levy an occupation tax on certain businesses and professions, such as operators of pinball machines and other coin-operated devices. The rate of the city tax may not exceed an amount set by statute and may not exceed 50 percent of the rate of the occupation tax levied by the state on the same businesses, if no statutory amount is set. A city may not levy a tax on a business or profession not subject to state occupation taxation.

Special Assessments

A “special assessment” is a charge imposed by the city on a limited group of properties to finance public improvements that specifically

benefit those properties and enhance their value. Special assessments are most frequently used to finance the construction of sidewalks or reconstruction of streets. The cost of improvements is apportioned among all the owners of property abutting the improvement according to relative benefit. Costs are divided between property owners and the city according to the state law applicable to the particular type of improvement.

Miscellaneous Revenues

Miscellaneous income is derived from many different sources, such as rental charges for the use of the city's property, the sale of city property, the sale of water and other utility services to other jurisdictions, and interest income on idle city funds.

Budgeting

For many councilmembers, budgeting represents the most wretched and tiresome aspect of city government. Budgeting begins amid cries from some citizens for "tax relief" and demands from others that their "essential" programs be funded. Upon its adoption, the budget is dismissed with a sigh: "Now that that dreadful chore is behind us, we can get on with the 'fun' part of the city's business."

Financial management is indeed unglamorous, and budgets are poor leisure reading. However, it is also true that among all the functions performed by the city council, budgeting is the most important. In its simplest definition, budgeting is a plan for utilizing the city's available funds during a fiscal year to accomplish established goals and objectives. Within a broader context, the budget also serves to:

- 1) Provide the public with an understandable financial plan that plainly describes activities that will be undertaken during the next fiscal year and the extent and specific types of services that will be performed.
- 2) Establish priorities among city programs, particularly new or expanded programs.
- 3) Define the financial framework that will be used to periodically check the status of city operations.
- 4) Determine the level of taxation necessary to finance city programs.

Budgeting is the forum for making the most of the council's key decisions about the future of the city. It is a process for determining the community's standard of living—what local residents need and want, what they are willing and able to pay for, and what services they can expect to receive for their tax dollars.

The council can use the budget to restore an ailing municipal government to financial health, or misuse it to drive a healthy government to insolvency. It can be used to nurture community development or freeze growth. The budget is everything. It is, in the words of one mayor, "the World Series of municipal government."

Statutory Requirements

The budgeting process in every Texas city, regardless of size, must comply with the requirements in Chapter 102 of the Local Government Code. Under the statute:

- 1) The city council must adopt an annual budget and conduct the financial affairs of the city in strict conformance with the budget.

- 2) The budget for each fiscal year must be adopted prior to the first day of such fiscal year. In most Texas cities, the fiscal year begins on October 1; therefore, the budget must be adopted by September 29 or earlier.
- 3) The city's budget officer must prepare a proposed budget for the consideration of the city council. In most cities, the law requires that the mayor serve as budget officer; in cities that have adopted the city manager form of government, the city manager is the budget officer.
- 4) Copies of the proposed budget compiled by the budget officer must be filed with the city clerk/secretary and made available for public inspection. The initially proposed budget must be filed no later than thirty days prior to the date upon which the city council sets the property tax rate for the next fiscal year.
- 5) If the budget will raise more total property taxes than in the prior year, it must contain a cover page giving notice of that fact. A budget calling for such a property tax increase must be posted on the city's website, if it operates one.
- 6) The city council must hold a public hearing on the budget after the 15th day that the budget has been filed with the city clerk or secretary. Notice of the public hearing must be given in a newspaper of general circulation in the county not less than ten nor more than thirty days prior to the hearing. The notice must identify a proposed property tax increase.
- 7) Upon adoption of the final budget by majority vote of the council, copies must be filed with the county clerk and city clerk/secretary and made available

for public inspection. A budget that raises total property taxes requires a separate ratification vote. The adopted budget must contain a cover page that includes property tax information as well as the record vote of each councilmember on the budget. The adopted budget and cover page must be posted on the city's website, if it operates one.

- 8) After the new fiscal year has begun and the budget has been put into effect, no expenditure "shall thereafter be made except in strict compliance with such adopted budget," nor may the council amend the budget except for reasons of "grave public necessity" requiring "emergency expenditures to meet unusual and unforeseen conditions, which could not, by reasonable diligent thought and attention, have been included in the original budget..."
- 9) The budget and any amendments to it must be filed with the county clerk.
- 10) The governing body of the city may levy taxes only in accordance with the budget.

For obvious reasons, Chapter 102 of the Local Government Code is generally interpreted to prohibit deficit financing— that is, budgeting expenditures for which no offsetting revenues are provided.

Charter Requirements in a Home Rule City

All city charters establish a framework for budget preparation, adoption, and implementation. While the details of these provisions vary from city to city, charter requirements generally prescribe a timetable for preparing the budget, require a public

hearing(s), and require the council to adopt the budget by a certain time.

Many charters also prescribe the format of the budget, including requirements that it contain a message describing the budget officer's proposed fiscal plan for the city and significant features of the budget for the forthcoming fiscal year; a general summary, with supporting data, which shows proposed expenditures and anticipated revenues for the next fiscal year and their relationships to corresponding data for the current budget year; and details of proposed expenditures and anticipated revenues.

Basic Budget Information

Adoption of a plan of city services for the next fiscal year begins with a budget document containing certain basic information. The budget document should identify all services currently provided and proposed to be provided (or terminated) during the coming fiscal year. For each service, the following information should be furnished:

- An itemization of expenditures for each service during the previous fiscal year, a projection of actual expenditures for the current year, and proposed expenditures for the next fiscal year.
- A statement of objectives for each service to be funded during the next fiscal year. "Objectives" do not mean organizational objectives—such as "to add new police officers" or "to purchase a new street sweeper." Rather, these statements should describe the benefits the community will derive from a particular service, such as "to reduce average police response time to emergency calls by

three minutes," or "to clean x number of miles of streets."

- The proposed level of each service for the next fiscal year, together with a description of performance standards for each. In the case of the solid waste budget, for example, service levels and performance can be expressed in terms of the numbers of customers served and the volume of refuse collected. Street maintenance can be expressed in terms of lane miles resurfaced, maintenance requests, and number of complaints concerning street quality, and so on. This approach will help the council focus on community benefits that will be produced by a given expenditure, rather than on such details as whether a particular department is requesting too much money for supplies or travel.
- A brief description of the methods by which the services will be delivered.
- An itemization of the cost components of proposed services.
- Sources of funding for the proposed services.
- A description of factors that could affect the cost of proposed services.

The budget also should contain a summary of the city's financial condition for the prior year and current year, and a projection of its anticipated condition for the coming fiscal year and beyond. This summary should indicate:

- Outstanding obligations of the city.
- Beginning balance of all cash funds.
- Actual revenues, broken down by source, collected in the preceding year and anticipated for the ensuing year.
- Estimated revenue available to cover the proposed budget.

- Estimated tax rate required to cover the proposed budget.

Properly organized, this information will enable councilmembers to gain a comprehensive understanding of the city's financial condition and give them the tools they need to establish the scope and direction of municipal services for the coming year.

For a more in-depth discussion of budgets, the Texas Comptroller, with the help of the Texas Municipal League, has published the *Budget Manual for Texas Cities*. Copies are available on the Comptroller's website.

Implementation

After the budget has been approved, regular monitoring by the city council can help ensure that municipal services are carried out in accordance with budget objectives and within expenditure ceilings. In most cities, the budget officer is required to furnish the council with periodic reports that show the prior month's expenditures and total expenditures to date for each budgeted activity. Using these reports, the council can identify deviations from budget plans, anticipate financial trouble spots, and determine whether the various departments are functioning properly.

On a periodic basis, perhaps quarterly, the council should be furnished with a written description of significant budgetary developments during the current fiscal year. For each activity, this statement should describe progress to date in comparison with objectives, and should provide reports on expenditures by budget category and revenue collections. Revised estimates of revenue also should be presented, together with revised surplus or deficit projections. These reports will give the council the basis for determining

how well the city is meeting its service targets with the funds available. Also, it can help the council determine whether budget modifications are needed during the year.

Municipal Borrowing

It is a rare case when a city is able to carry out a capital improvements program of any consequence without using its credit. More often, the city borrows money, and in doing so, offers future tax collections or utility revenues as security for the loan.

Loans fall into two categories: short-term and long-term—or, stated differently, loans to be repaid within the current fiscal year versus those to be repaid in future years. This section briefly reviews the two types of loans.

Short-Term Borrowing

Most short-term loans are made with local banks. Their purpose is to provide funds of a temporary nature, and they are made with the expectation of repayment within the current fiscal year. A bank loan made in August to avoid an overdraft in the general fund pending receipt of tax collections in September is a good example of a short-term loan.

A short-term loan differs from a long-term loan in two respects: (1) it will mature within the current fiscal year; and (2) it can be approved by the city council without the necessity for voter approval at a referendum election.

Short-term loans should be used sparingly. An excessive amount of short-term debt can adversely affect the city's bond rating and impair its ability to accomplish long-term borrowing for major capital improvement programs. Frequent use of short-term

borrowing reflects deficiencies in the quality of the city's management of its financial resources.

Long-Term Borrowing

Unlike short-term loans, which can be repaid with general fund dollars derived from a variety of revenue sources, long-term loans require that the specific source of revenue that will be used to repay the debt be identified and, in certain cases, pledged.

Long-term loans secured by a pledge of property taxes are called "general obligations" and include ad valorem tax bonds, time warrants, and certificates of obligation. Long-term loans secured by a pledge of revenue from an income-producing facility are called "revenue bonds."

General Obligation Debt

General obligation debts are payable from, and are secured by, a pledge of future property tax collections. Under standards promulgated by the attorney general of Texas, a city with a maximum permissible tax rate of \$1.50 per \$100 assessed valuation may not incur general obligation debt that will require the levy of a tax at a rate higher than \$1.00, after allowing ten percent for delinquencies in collection and for the payment of maturing principal and interest.

General obligation debt is commonly expressed as a percentage of the city's total assessed valuations. For example, a city that has a total assessed valuation of \$10 million and outstanding general obligation debt in the principal amount of \$500,000 is said to have a debt ratio of five percent. Three common forms of general obligation debt are ad

valorem tax bonds, time warrants, and certificates of obligation.

Ad Valorem Tax Bonds

Ad valorem tax bonds are commonly referred to as general obligation, or G.O. bonds. They are issued pursuant to an ordinance adopted by the city council, typically following approval of the bonds at a referendum election. The bonds are examined as to legality by the attorney general of Texas, and then delivered by the city to the successful purchaser or bidder for payment in cash. This cash is then used by the city to pay for libraries, police buildings, city halls, and other public facilities with a long, useful life.

G.O. bonds usually are issued in \$5,000 denominations, and the bond issue usually provides serial maturities, with a certain amount of principal maturing each year over a period not to exceed forty years.

General obligation bonds have the highest degree of investor acceptance of any type of municipal indebtedness, and they command the lowest interest rates. Therefore, unless exceptional circumstances dictate otherwise, G.O. bonds are the preferred means of borrowing against a pledge of tax revenues.

Time Warrants

Time warrants are also general obligation debts and are payable from ad valorem taxes. Unlike G.O. bonds, which are sold for cash, time warrants are issued directly to vendors to pay for construction, equipment, and services. Also unlike G.O. bonds, time warrants do not require voter approval, although the law does require that the city council publish notice of its intent to issue them and that the council call a referendum election upon presentation

of a petition signed by ten percent of the taxpaying voters.

The procedures for issuing time warrants are cumbersome and expensive and will result in the city paying a higher rate of interest than if the borrowing were accomplished with bonds. Nevertheless, time warrants can occasionally be advantageous—for example, to complete the construction of a public works project where there has been a cost overrun and bond funds have been exhausted.

Certificates of Obligation

The third form of general obligation debt payable from ad valorem taxes is certificates of obligation (COs). Like time warrants, COs can be issued without voter approval—except that upon notice of the city’s intent to issue certificates, five percent of the qualified voters can force an election on the issue by submission of a petition. With certain exceptions, a city may not issue a CO to pay a contracted obligation if a bond proposition to authorize the issuance of bonds for the same purpose was submitted to the voters during the preceding three years and failed to be approved.

Certificates of obligation can be issued directly to vendors to pay for construction work, equipment, machinery, materials, supplies, land, or professional services furnished to the city. Also, under certain circumstances COs can be sold, like bonds, for cash, in which case they must be approved by the attorney general in the same manner as bonds.

Revenue Bonds

There is only one type of bond secured by a pledge of revenues from an income-producing

facility such as a utility system. These obligations are revenue bonds and usually are designated with the name of the system that pledges the revenues (for example, Waterworks System Revenue Bonds, Waterworks and Sewer System Revenue Bonds, and so on).

When utility revenues are pledged to support revenue bonds, the pledge is made of the system’s net revenues—that is, gross revenues minus operating and maintenance costs. Such bonds are payable solely from these revenues and include a statement on their face that the holder shall never be entitled to demand payment from property taxes.

In determining whether the amount of pledged revenues is sufficient to repay the outstanding revenue bonds of a utility system, analysts will look at the ratio between the system’s net earnings and the requirements of principal and interest maturities over a period of years. As a rule, net revenues should be at least 1.25 times larger than the average annual debt service requirements of the system. This ratio is called “coverage,” and revenue bonds are said to have 1.25X coverage, or 2.23X coverage, and so on. The higher the coverage, the better the security for the bonds and, all other things being equal, the lower the rate of interest at which the bonds can be issued.

In pledging the revenues of a utility system, it is common to make a “cross pledge,” or “combined pledge.” This is a pledge of the revenues of one system to repay bonds issued for improvements to a different system; for example, pledging the net revenues of the water system to the payment of bonds issued to improve the sewer system. On the other hand, the revenues of a utility system may not be cross pledged to the payment of bonds issued on behalf of a non-revenue-producing

facility. For instance, water system revenues cannot be pledged to the payment of bonds issued to build a city hall.

Bond Ratings

As the annual volume of long-term debt incurred by state and local governments has grown over the years, competition between cities and other borrowers for the investor's dollar has increased correspondingly. A municipal bond rating is one of the methods used to help alleviate the problems arising from this competitive situation.

A bond rating gives a quick indication of the quality of a new issue being offered, so that prospective bidders may know if they want to develop a bid. But a bond rating has greater value than a mere screening device: it also influences the rate of interest payable on bonds. Therefore, it is desirable that the city maintain a good rating for its bonds, because it can mean the difference between a good bid and a poor one, and a difference in interest charges to the city running into many tens of thousands of dollars.

Most Texas cities have more than one bond rating. Each bond issue is rated separately, based on the source of revenue that has been pledged to secure payment. General obligation bonds, therefore, are rated separately from water or sewer revenue bonds.

In determining the rating of a bond issue, analysts focus on the nature of the particular security. In the case of general obligation bonds, prime importance is attached to relationships among the city's debt, wealth, population, and tax collection experience. The economic base of the city, the stage of its development, and the quality of its

government also are important factors. Finally, analysts examine the exact nature and strength of the legal obligation that the bonds represent.

The bond ratings of two particular firms are universally accepted in investor circles. These are Moody's Investors Service and Standard & Poor's Corporation, both of which are based in New York City. The four investment grade ratings granted by these services are as follows:

Moody's Investors Service

Aaa: Best quality, carrying the smallest degree of investment risk

Aa: High quality (together with Aaa comprise "high-grade bonds")

A: Higher medium-grade (many favorable investment attributes)

Baa: Lower medium-grade (neither high-quality nor high-risk)

Standard & Poor's Corporation

AAA: Highest rating, with extremely strong capacity to repay loan

AA: Only a small degree below AAA in the capacity to repay the loan

A: Strong capacity to repay loan, although more susceptible to adverse effects in economic conditions

BBB: Adequate capacity to repay loan

In offering newly issued bonds for bids, the city should apply to one or both of the rating agencies to obtain a rating on the issue being offered. The nominal cost of obtaining a rating can be recovered many times over by minimizing interest costs on the basis of a favorable bond rating, as opposed to the sale of non-rated bonds.

Bond Elections

If it has been determined by the city council that a bond election is required, the first step—and the key step—in a successful campaign is citizen participation. The tried-and-true elements of a successful bond election include the following:

- Let private citizen volunteers, rather than the city council, conduct the campaign to persuade local voters to vote for the bonds.
- Enlist the support of community and civic organizations.

Installment Obligations

An ever increasing number of Texas cities are financing municipal purchases through installment sales or lease-purchase agreements. Generally speaking, cities must competitively procure the personal property at issue when a lease-purchase agreement or installment sale involves an expenditure of more than \$50,000 in city funds.

Anticipation Notes

Certain cities may have authority to borrow against anticipated revenue (typically federal grant money) by issuing anticipation notes. Anticipation notes may be appropriate for borrowing relatively small amounts of money when the issuance of bonds would be cost prohibitive. State agencies may be authorized to purchase anticipation notes from cities, thus speeding the grant process to fund city projects. The law relating to anticipation notes may be found in chapter 1431 of the Texas Government Code.

Capital Improvements Programming

It is a financial fact of life in every city that the demand for new streets, water lines, and other public works will always exceed the supply of current funds. Capital improvements programming is the primary method used by most cities to cope with the perpetual imbalance between capital demands and limited financial resources.

A capital improvements program (CIP) is a long-term plan, usually spanning five to six years, for financing major cost items that have a long useful life, such as buildings, land, streets, utility lines, and expensive equipment. The CIP document lists all the capital items scheduled for construction or acquisition during the next five or six years, the time when construction or acquisition is to occur, the amount expected to be spent during each year of the CIP, and the source of funding for each expenditure.

Preparation of a CIP involves five major steps. First, a list of proposed capital improvements is prepared on the basis of recommendations from the city council, staff, and citizen groups. The city's comprehensive plan will be the source of many CIP items, but whatever the source, each item included in the list should be supportive of the community goals expressed in the plan.

Second, cost estimates are developed for all proposed CIP items. In addition to stating the up-front cost of each item, these calculations usually include a description of savings that will result from its acquisition or construction,

as well as the impact the item would have on future revenues or operating costs.

Third, a determination is made of the city's ability to pay for the items included in the draft CIP, together with a description of the method by which each will be financed. Ability to pay will be determined by a financial analysis of past, current, and future revenue, expenditure, and debt patterns. Options for financing particular items include special assessments, state or federal grants, additional fees or taxes, current revenues (pay-as-you-go), reserve or surplus funds, general obligation or revenue bonds, and certificates of obligation. The objective of this step is to determine, for each year, the minimum costs the city will incur before any new capital expenditures can be financed.

Fourth, all proposed CIP items are organized by the staff for orderly presentation to the city council. Each is ranked in recommended priority order. Items that overlap or duplicate previously approved projects or that are inconsistent with the city's comprehensive plan are identified and perhaps downgraded. Finally, the tentative CIP is discussed at public hearings, thoroughly reviewed by the council, and then finally approved by formal council action.

Based on information contained in the CIP, a capital budget is prepared to show all capital expenditures in priority order, together with summaries of the financial activities planned for each year, including the amounts of bonds to be issued, amounts of operating funds required, and so forth.

The capital budgeting process normally takes place on a cyclical basis. Under a six-year CIP, year one is the current capital budget adopted by the city council at the same time it

approves the operating budget. Many times, the capital budget is included as a component of the operating budget. Years two through six, having been approved by the council when it adopted the CIP, remain in the record as expressing the council's intent to carry forward with the balance of the CIP.

At the conclusion of year one, the council approves another one-year capital budget and extends the CIP, with revisions, for another year. Thus, year two of the previous CIP becomes year one of the new six-year program, and the cycle begins anew.

Capital improvement programming offers several advantages. By scheduling ample time for construction or acquisitions, costly mistakes can be avoided, as is the case when streets have to be dug up repeatedly because they are not planned in relation to other facilities. Also, by working with a list of planned projects, sites can be purchased at lower cost, and by spacing out projects over several years, the city's tax and debt load can be stabilized, and balance can be maintained between debt service and current expenditures.

Financial Reporting

Financial reports prepared periodically throughout the fiscal year are an essential part of the control system necessary to permit the city council to determine whether funds are being expended in accordance with the budget and to identify discrepancies between anticipated and actual revenues. Financial reports fall into four general categories—internal budgetary reports, annual financial reports, annual audits, and local debt reports—each of which is briefly discussed next.

Internal Budgetary Reports

Internal budgetary reports are prepared on a monthly basis and are distributed to the city council and department heads. These reports illustrate the financial condition of the city as it unfolds from month to month and answer such questions as: Are city services being provided as planned? Are expenditures exceeding budgeted levels? Is the cash inflow at the expected level? By determining the answers to these and related questions on a regular basis, the council can identify problem areas and initiate corrective actions accordingly.

Annual Financial Report

The annual financial report is compiled at the conclusion of the fiscal year and shows, item by item, budgeted versus actual revenues and expenditures, together with other information that describes the city's year-end financial condition. The financial report should be prepared by an independent certified public accountant appointed by the city council and made available to the department heads, the news media, and other interested parties.

Annual Audit

Sections 103.001-103.004 of the Local Government Code require each city to have an annual audit of its financial records and accounts. The audit can be performed either by a certified public accountant or a qualified city employee, and must be made available for public inspection no later than 180 days after the close of the city's fiscal year.

The audit involves examination of three aspects of the city's financial operations: (1) internal controls; (2) statements, records, and

accounting transactions; and (3) compliance with statutory and budgetary requirements. Properly conducted, the audit provides a double check on the city's financial status, a method for communicating with the citizenry, and a bona fide statement of the city's financial condition, which will improve its ability to issue bonds.

Local Debt Report

Section 140.008 of the Local Government Code requires cities to annually compile and report various types of debt obligation information, including the amounts of principal and interest to pay outstanding debt obligations, the current credit rating given by any nationally recognized credit rating organization to debt obligations of the city, and any other information that the city considers relevant or necessary to explain the outstanding debt values. Subject to certain exceptions discussed below, the local debt report must be posted continuously on the city's website until the city posts the next year's report. The report must be made available to any person for inspection.

As an alternative to posting the report on the city's website, a city may provide all required debt information to the comptroller and have the comptroller post the information on the comptroller's official website. Further, a city with a population of less than 15,000 may provide the comptroller with its local debt report for inclusion on the comptroller's website. A city that already includes the required debt information in other reports that are posted to the city's website may provide a link to that information rather than replicating the data in the local debt report.

Investments

In 1995, the Texas Legislature enacted the Public Funds Investment Act, which requires the governing body to adopt a written investment policy. A city may contract with an independent investment advisor to provide investment and management services. Typically the city investment officer must attend one investment training session within twelve months of taking office and must attend eight hours of training once every two years thereafter. The treasurer and the chief financial officer (if the treasurer is not the chief financial officer) must also attend ten hours of training every two years. The Texas Municipal League offers comprehensive public funds investment training.

Financial Warning Signals

In recent years, increasing attention has been given to monitoring the financial health of cities. Although most of the chronic financial problems of cities tend to slowly snowball over an extended period of time, they usually result from a standard set of problems, including: (1) a decline in revenues or tax base; (2) an eroding capital plant; (3) a faltering local or regional economy; (4) growing debt burden; (5) accumulation of unfunded pension liabilities; (6) a sudden loss of substantial federal funds; (7) an increase in spending pressures; and/or (8) ineffective financial management practices.

Chapter Seven: Ordinances and Resolutions

The city council takes official action by two primary means: resolutions and ordinances. Both of these play important roles in their own respective ways, and they share certain similarities. But there are distinctions between the two, and it is good to know the differences.

The distinction between an ordinance and a resolution is in subject matter, not terminology. An ordinance cannot be changed into a resolution merely by calling it a resolution, nor may the requirements for enacting an ordinance be bypassed by simply passing a resolution. A resolution generally states a position or policy of a city. An ordinance is more formal and authoritative than a resolution. An ordinance is a local law that usually regulates persons or property and usually relates to a matter of a general and permanent nature.

Passage of an ordinance generally involves three steps, the first of which is the introduction of the proposed ordinance at a council meeting.

Next, the city clerk or city attorney either reads the entire ordinance or reads just the caption of the ordinance and allows the person proposing it to provide an explanation. There is no state law requiring that ordinances be read aloud in their entirety. In addition, there is no generally applicable state law that requires multiple readings of an ordinance. (Some home rule charters, however, do provide for more than one reading.) If the ordinance is short, the council may wish to

have it read in full for the benefit of any citizens present. If the ordinance is long and technical, the usual practice is to settle for a brief summary and general explanation of the purpose of the ordinance.

Third, the ordinance is debated by the council and either defeated, postponed, referred to a committee for further study, or approved. If the ordinance is approved, it is then signed by the mayor and attested to (certified) by the city secretary or city attorney.

Also, depending on city type and the subject matter of an ordinance, it may have to be published in a newspaper before becoming effective.

Because of the relatively cumbersome procedures involved in enacting an ordinance, it is important to know when an ordinance is required and when less formal kinds of council action will suffice. Though there are no absolute standards that apply, these three rules of law may help:

- 1) Any council enactment that regulates persons or property and imposes a fine for violations must be in the form of an ordinance. This requirement is based on the principle that there must be a printed law and citizens must have some notice that it is in effect before they can be subjected to a fine.
- 2) An enactment must always be in the form of an ordinance if the state law authorizing the particular action requires an ordinance. Examples include the creation of a planning and

zoning commission or setting the tax levy for the next fiscal year.

- 3) An ordinance is required to amend or repeal an existing ordinance.

Compatibility of Ordinances with State and Federal Laws

An ordinance, or portion thereof, is void if it conflicts with the U.S. Constitution, the Texas Constitution, or a federal or state law. Also, even though an ordinance might be valid at the time it was passed, if a law subsequently enacted by the state or federal legislature conflicts with the ordinance, the ordinance is void. Conversely, if an ordinance supplements and is in harmony with the law, the ordinance will be sustained.

An ordinance is invalid if a court determines that the state legislature intended to preempt the field with regard to the subject addressed in the ordinance. If the legislature has preempted the field, no ordinance except those specifically authorized by statute may be enacted in such field.

Examples of conflicts that have caused ordinances to be ruled invalid include:

- an ordinance prescribing a different penalty from that imposed by state law where the ordinance and the law dealt with the same type of offense;
- An ordinance restricting the hours of operation of liquor stores to fewer than those authorized under the state Alcoholic Beverage Code;
- an ordinance legalizing an activity or business that was prohibited by state law; and

- an ordinance in conflict with the Interstate Commerce Clause of the United States Constitution.

Validity of Ordinances

An ordinance that is arbitrary, oppressive, capricious, or fraudulent will be invalidated by the courts. The courts can inquire into the validity of ordinances by looking at whether the ordinance has a substantial relationship to the protection of the general health, safety, or welfare of the public. The courts usually will not substitute their judgment for that of the city council; but if an ordinance is not in compliance with lawful requirements, the courts may overturn it. An ordinance is considered valid if no lawsuit has been filed to invalidate the ordinance on or before the third anniversary of the effective date of the ordinance, unless the ordinance was invalid on the day it was enacted or it was preempted.

Form of the Ordinance

State law does not prescribe the form of an ordinance, other than to require that it contain an ordaining clause (Section 52.002 of the Local Government Code) and to require the publication, or sometimes posting of either the complete text or caption of every ordinance that establishes penalties for violations (Sections 52.011-52.013 of the Local Government Code). But a form for ordinances has evolved by custom and is now used by most cities.

Although the actual drafting of an ordinance is best left to the city attorney, councilmembers should be familiar with the basic form. This

includes:

- 1) The number of the ordinance. This information is good to have for indexing and ready reference.
- 2) The caption, which briefly describes the subject of the ordinance and the penalties provided for its violation. Although an ordinance is valid without a caption, this is a useful feature because it provides a simple way of determining what is included in the ordinance without reading the entire document. Also, if the ordinance does not have a caption, Section 52.011 of the Local Government Code requires that the ordinance be published in its entirety if it provides a penalty for violations. Conversely, a penal ordinance may be published by caption only if the caption states the penalty for violations.
- 3) A preamble, which is optional, may be included in cases in which the council wants the courts to understand the reasons the ordinance was passed, factual findings made by the council, or the legislative authority for the ordinance.
- 4) The ordaining clause, which is required by law, in most instances.
- 5) The body of the ordinance, which usually is broken down into sections according to subjects. This contains the command of law as ordained by the council.
- 6) The effective date of the ordinance which may, in some circumstances, be governed by state law or city charter (if adopted by a home rule city).
- 7) A severability clause which clarifies that the invalidity of some portions of the ordinance should not render the entire ordinance invalid.
- 8) The penalty clause, which fixes the penalty for violating the ordinance. Under state law, the maximum penalty the council may establish for violating an ordinance dealing with fire safety, zoning, or public health (except for dumping refuse) is a fine of \$2,000 per day for each day the ordinance is violated. The maximum penalty the council may establish for violating an ordinance governing the dumping of refuse is \$4,000 per day. For ordinances dealing with other violations, the maximum fine is \$500 per day. Cities do not have the power to punish violators by sending them to jail.
- 9) The final part of the ordinance is the statement that it was passed and approved, giving the date of passage, the signature of the mayor, and a space for the city clerk or secretary to sign and attest to the fact that the ordinance was actually adopted. Some cities also require the city attorney to approve the form of the ordinance. If required by state law or city charter, signatures must be present on the ordinance or the ordinance may be declared void.

The following ordinance illustrates these eight components:

Ordinance No. 125

CAPTION

AN ORDINANCE OF THE CITY OF ANYWHERE, TEXAS, ESTABLISHING WATER CONSERVATION REQUIREMENTS AND PROVIDING A PENALTY FOR VIOLATIONS.

PREAMBLE

WHEREAS, because of the conditions prevailing in the City of Anywhere, the general welfare requires that the water resources available to the City be put to the maximum beneficial use and that the waste or unreasonable use be prevented; and WHEREAS, lack of rain has resulted in a severe reduction in the available water supply to the City, and it is therefore deemed essential to the public welfare that the City Council adopt the water conservation plan hereafter set forth.

ORDAINING CLAUSE

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANYWHERE, TEXAS:

BODY

SECTION 1. AUTHORIZATION.

The City Manager or his designee is hereby authorized and directed to implement the applicable provisions of this Ordinance upon his determination that such implementation is necessary to protect the public welfare and safety.

SECTION 2. APPLICATION.

The provisions of this Ordinance shall apply to all persons, customers, and property served

with City of Anywhere water wherever situated. No customer of the City of Anywhere water system shall knowingly make, cause, use, or permit the use of water received from the City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this ordinance, or in an amount in excess of that use permitted by the conservation stage in effect pursuant to action taken by the City Manager or his designee in accordance with the provisions of this Ordinance.

SECTION 3. CONSERVATION REQUIREMENTS.

From May 1 to September 30 of each year and upon implementation by the City Manager and publication of notice, the following restrictions shall apply to all persons:

(a) Irrigation utilizing individual sprinklers or sprinkler systems of lawns, gardens, landscaped areas, trees, shrubs, and other plants is prohibited except on a designated day which shall be once every five days, and only then during the hours of 8:00 p.m. and 12:00 noon. Provided, however, irrigation of lawns, gardens, landscaped areas, trees, shrubs or other plants is permitted at anytime if: (i) a hand-held hose is used; (ii) a hand-held, faucet filled bucket of five (5) gallons or less is used; or (iii) a drip irrigation system is used.

(b) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment, the refilling or adding of water to swimming and/or wading pools and the use of water for irrigation of golf greens and tees is prohibited except on designated irrigation days between the hours of 8:00 p.m. and 12:00 noon.

(c) The washing or sprinkling of foundations is prohibited except on designated irrigation days between the hours of 8:00 p.m. and 12:00 midnight.

(d) The following uses of water are defined as "waste of water" and are absolutely

prohibited: (i) allowing water to run off into a gutter, ditch, or drain; (ii) failure to repair a controllable leak; and (iii) washing sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas except to alleviate immediate fire hazards.

SECTION 4. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and publication as required by law.

SECTION 5. SEVERABILITY

This Ordinance shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of the Ordinance shall not affect the validity or constitutionality of any other section, clause, provision or portion of this Ordinance.

SECTION 6. PENALTY

Any person, corporation or association violating any provision of this Ordinance shall be deemed guilty of an offense, and upon conviction shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00). The violation thereof shall be deemed a separate offense, and shall be punished accordingly. Provided, however, compliance may be further sought through injunctive relief in the District Court.

CONCLUSION

PASSED AND APPROVED this ____ day of _____, 20__

/s/ _____
Mayor

ATTEST:

/s/ _____
City Secretary/ Clerk

APPROVED AS TO FORM:

/s/ _____
City Attorney

Chapter Eight:

Conflicts of Interest

Mayors and councilmembers are expected to avoid involvements that put their own personal interests at cross purposes with those of the public. In most cases, good judgment is enough to keep city officials within the bounds of propriety. There are, however, state laws governing the behavior of city officials.

At least three situations can impair the ability of mayors or councilmembers to properly perform their duties. All three involve conflicts of interest in which a member of the city council is placed in the position of owing loyalty to the interests of the city on one hand, and to some other interest on the other.

The first situation occurs when a councilmember occupies two or more public offices at the same time. The second exists when the city council votes to take an action that will have a beneficial effect on a business or property in which a councilmember has a major interest. And the third exists in cases of nepotism, where hiring decisions are made on the basis of relationship. Each of these situations is described below.

Dual Office-Holding

Two or More Civil Offices

Mayors and councilmembers are prohibited from holding more than one public office at the same time if both are “offices of emolument.” An emolument is a benefit that is received as compensation for services and includes salaries, fees of office, or other

compensation—not including the reimbursement of actual expenses.

Therefore, a mayor or councilmember who receives a salary, fees for attending council meetings, or any other emoluments from the city, may not simultaneously serve as a district judge, state senator or representative, county clerk, or in any other local or state office of emolument. The only exceptions to this prohibition are found in Article XVI of the Texas Constitution, which allows certain state officers and employees to hold municipal offices of emolument and which permits a person holding an office of emolument to also serve as a justice of the peace, county commissioner, notary public, as an officer of a soil and water conservation district, or in other specific offices.

Incompatibility

Secondly, with respect to dual civil offices, mayors and councilmembers are prohibited from holding a second public office having duties and loyalties incompatible with those that must be performed as an officer of the city. This rule—which applies to all public offices, whether paid or unpaid—heeds the mandate that no person can serve two masters; full allegiance is required to one or the other.

The general rule regarding incompatible offices was reviewed in *Thomas v. Abernathy County Line I.S.D.*, in which the Texas Supreme Court held that the offices of city councilmember and school board member were incompatible

because if the same person could be a school trustee and a member of the city council or board of aldermen at the same time, school policies, in many important respects, would be subject to direction of the council or aldermen instead of the trustees.

The incompatibility doctrine also prohibits the council from appointing one of its own members to a public office or employing the member as a public employee. A mayor, for example, could not simultaneously serve as a police officer for the city.

Though it may be difficult at times to determine whether two offices or positions are incompatible, a misjudgment could be costly. The courts have held that when an individual who holds an office accepts and is sworn into a second office that conflicts with the first, the individual is deemed to have automatically resigned from the first office.

City Actions that Benefit Mayors and Councilmembers

City councils everywhere routinely make decisions on purchases, rezoning, utility extensions, road construction projects, and other matters that benefit various private interests. Because of the broad scope of the council's powers, it is reasonable to expect that some of its decisions will directly or indirectly impact the individual members of the council making such decisions.

Anticipating that potential conflicts of interest will inevitably arise at the local level, while acknowledging the practical impossibility of flatly prohibiting such conflicts, the Texas Legislature has enacted at least three statutory schemes that require the public disclosure of

conflicts between the public interest and a councilmember's private interests (Section 171.001 et seq., Section 176.001 et seq., Local Government Code; and Section 553.002 et seq., Government Code).

The purpose of chapter 171, the conflicts of interest statute, is to prevent councilmembers and other local officials from using their positions for hidden personal gain. The law requires the filing of an affidavit by any councilmember whose private financial interests—or those of relatives— would be affected by an action of the council. Whenever any contract, zoning decision, or other matter is pending before the council, each councilmember must take the following steps:

- (a) Examine the pending matter and determine whether the councilmember or a related person has a substantial interest in the business or property that would be beneficially affected by a decision of the city council on the matter.

A person has a substantial interest in a business entity if:

- 1) the person owns 10 percent or more of the voting stock or shares or of the fair market value of the business entity or owns \$15,000 or more of the fair market value of the business entity; or
- 2) funds received by the person from the business entity exceed 10 percent of the person's gross income for the previous year.

A person has a substantial interest in real property if the interest is an

equitable or legal ownership with a fair market value of \$2,500 or more.

Additionally, a substantial interest of a person related in the first degree by either affinity or consanguinity to the local public official is a “substantial interest” that the official must disclose.

(b) If the answer to (a) is “yes,” the councilmember must file an affidavit disclosing the nature of the interest in the matter and/or the nature of the substantial interest of a related person in such matter, if:

- 1) in the case of a substantial interest in a business entity, the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or
- 2) in the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

The affidavit must be filed with the official record keeper of the governmental entity.

(c) After the councilmember files a disclosure affidavit, he or she must abstain from participating in the discussion of the matter and abstain from voting on it. However, if a local public official is required to file the affidavit and does file the affidavit, that official is not required to abstain in the

matter if a majority of the governing body are also required to file and do file affidavits on the same official action.

Pursuant to this statute, the city can purchase goods or services from a business in which a councilmember has a substantial interest if the councilmember files a disclosure affidavit and then abstains from discussing and voting on the decision regarding the purchase.

The city council must take a separate vote on any budget item specifically dedicated to a contract with an entity in which a member of the governing body has a substantial interest, and the affected member must abstain from that separate vote. The member who has complied in abstaining in such vote may vote on a final budget only after the matter in which there was an interest has been resolved.

An officer who knowingly violates the affidavit or abstention requirement commits a Class A misdemeanor which is punishable by confinement in jail for up to one year and a fine up to \$4,000.

Local Government Code Chapter 176, a second conflicts disclosure statute, requires that mayors, councilmembers, and certain other executive city officers or agents file a “conflicts disclosure statement” with a city’s records administrator within seven days of becoming aware of any of the following situations:

- A city officer or the officer’s family member has an employment or business relationship that results in taxable income of more than \$2,500 with a person who has contracted with the city or with whom the city is considering doing business.

- A city officer or the officer's family member receives and accepts one or more gifts with an aggregate value of \$100 in the preceding 12 months from a person who conducts business or is being considered for business with the officer's city.
- A city officer has a family relationship with a person who conducts business or is being considered for business with the officer's city.

The chapter also requires a vendor who wishes to conduct business or be considered for business with a city to file a "conflict of interest questionnaire" if the vendor has a business relationship with the city and an employment or other relationship with an officer or officer's family member, gives a gift to either, or has a family relationship with a city officer.

An officer who knowingly fails to file the statement commits either a Class A, B, or C misdemeanor, depending on the amount of the contract.

A third conflicts disclosure statute, Chapter 553 of the Government Code, prevents councilmembers and other local officials from using their positions for hidden personal gain related to the city's purchase or condemnation of property in which the city official has a legal or equitable interest.

Whenever a city is deciding whether to purchase or condemn a piece of property, the individual officer should determine whether they have a legal or equitable interest in property that is to be purchased or condemned. If the individual does have a legal or equitable interest in property in such a situation, then the individual needs to file an affidavit within 10 days before the date on

which the property is to be acquired by purchase or condemnation. The affidavit is filed with the county clerk of the county in which the official resides as well as the county clerk of each county in which the property is located.

The affidavit must include: (1) the name of the public servant; (2) the public servant's office, public title, or job designation; (3) a full description of the property; (4) a full description of the nature, type, and amount of interest in the property, including the percentage of ownership interest; (5) the date the public servant acquired an interest in the property; (6) the following verification: "I swear that the information in this affidavit is personally known by me to be correct and contains the information required by Section 553.002, Government Code;" and (7) an acknowledgement of the same type required for recording a deed in the deed records of the county.

A public official who violates the affidavit requirement after having notice of the purchase or condemnation commits a Class A misdemeanor, which is punishable by up to one year in jail and a fine up to \$4,000.

Nepotism

"Nepotism" is the award of employment or appointment on the basis of kinship. The practice is contrary to sound public policy, which is why prohibitions against nepotism are common in all states, including Texas.

The Texas nepotism statute, chapter 573 of the Government Code, forbids the city council from hiring any person who is related to a councilmember within the second degree by affinity or within the third degree by

consanguinity. This prohibition does not apply to a city with a population of 200 or less, or to relatives who were continuously employed by the city for: (1) at least 30 days, if the councilmember is appointed; or (2) at least six months, if the councilmember is elected. When a person is allowed to continue employment with the city because the person has been continuously employed for the requisite period of time, the city council member who is related shall not participate in the deliberation or voting on matters concerning employment if such action applies only to the particular person and is not taken with respect to a bona fide class or category of employees.

The nepotism statute does not apply to unpaid positions.

Since “affinity” and “consanguinity” are the controlling factors in determining nepotism, both terms need to be clearly understood. Affinity is kinship by marriage, as between a husband and wife, or between the husband and the blood relatives of the wife (or vice versa).

Consanguinity is kinship by blood, as between a mother and child or sister and brother.

Two persons are related to each other by affinity if they are married to each other or the spouse of one of the persons is related by consanguinity to the other person. The following relatives of a public official would fall within the prohibited first or second degree of affinity.

Relatives related within the first degree of affinity include a public official’s husband, wife, father-in-law, mother-in-law, sons-in-law, daughters-in-law, stepsons, and stepdaughters.

Relatives related within the second degree of affinity include a public official’s sisters-in-law (brother’s spouse or spouse’s sister), brothers-in-law (sister’s spouse or spouse’s brother), spouse’s grandmothers, spouse’s grandfathers, spouse’s granddaughters, and spouse’s grandsons.

Termination of a marriage by divorce or the death of a spouse terminates relationships by affinity created by that marriage unless a child of that marriage is living, in which case the marriage is treated as continuing to exist as long as a child of the marriage is living.

Two persons are related to each other by consanguinity if one is a descendant of the other or if they share a common ancestor.

Purchasing

Government Code Section 2252.908 provides that, with certain exceptions: (1) a city is prohibited from entering into a contract with a business entity unless the business entity submits a disclosure of interested parties (i.e., discloses a person who has a controlling interest in the business or who actively participates in facilitating the contract for the business) if the contract: (a) requires an action or vote by the city council before the contract may be signed; or (b) the contract has a value of at least \$1 million or (c) is for services that would require a person to register as a lobbyist; (2) the disclosure must be on a form prescribed by the Texas Ethics Commission; and (3) a city must, not later than 30 days after receiving a disclosure, acknowledge receipt of the disclosure with the Texas Ethics Commission.

Chapter Nine:

Personal Liability of Councilmembers

A legal concept known as “governmental immunity” protects cities from being sued or held liable for various torts (a tort is a wrongful act resulting in injury to a person or property) and causes of action. But there are some exceptions to this general rule. For example, Chapter 101 of the Texas Civil Practice and Remedies Code (also known as the Texas Tort Claims Act) provides that a city may be liable for damages arising from the use of publicly-owned vehicles, premises defects, and injuries arising from conditions or use of property. Thus, a city (as an entity) is sometimes liable for limited damages resulting from the actions of city officials and employees.

But what about mayors and councilmembers? Mayors and councilmembers across the state daily make decisions that impact the lives and property of thousands of people. Can these city officials be held personally responsible for damages resulting from decisions they make (or refuse to make) in their official capacity as members of the city’s governing body?

In most instances, mayors and councilmembers will not face personal liability. Like the city itself, mayors and councilmembers are often protected by different types of immunity, the purpose of which is to allow them to make decisions in the public interest with confidence and without fear. However, immunity is not available in all instances. For that reason, it is important for mayors and councilmembers to have a basic understanding of the areas in which they face potential liability.

Liability Under State Law

We start by examining a civil tort suit, a common instance in which the issue of the personal liability of a mayor or councilmember may arise. Generally speaking, Texas courts have held that mayors and councilmembers are not personally liable when the suit arises from the performance of (1) discretionary acts (2) taken in good faith (3) within the scope of their authority. When a mayor or councilmember is protected in this way, it is commonly referred to as official immunity. A “discretionary act” involves personal judgment. The decision about where to place a traffic sign is one example of a discretionary act. An action taken in good faith is one that is taken without intent to do harm. Thus, councilmembers should ensure that discretionary actions are taken in good faith and pursuant to their authority as authorized by relevant state law, ordinances, or policies.

Again, generally speaking, mayors and councilmembers may be held personally liable for torts that arise from ministerial acts. A “ministerial act” is one performed as a matter of duty; an act which a mayor or councilmember must perform. Ministerial acts also include those performed in obedience to state law or federal laws which are so plain and explicit that nothing is left to discretion or judgment. For example, canvassing the results of a city election is a ministerial and non-discretionary duty. An improper ministerial act imperils a councilmember regardless of whether it is performed in good faith. A

ministerial act required by law, but that is not performed at all, could also lead to liability. In sum, a mayor or councilmember could potentially be individually liable for damages to individuals injured because of the failure to properly perform a ministerial duty or negligently failing to perform the duty at all. Personal liability of most city officials is capped at \$100,000 for actions brought in state court under the Texas Tort Claims Act.

In addition to personal civil liability, a mayor or councilmember fulfilling his or her duties for the city may be subject to criminal liability as the result of a violation of certain state laws. Some of the most common state laws under which a councilmember may face criminal liability include the Open Meetings Act, the Public Information Act, conflicts of interest and financial disclosure laws, purchasing laws, and nepotism laws. In addition, prohibitions found in the Texas Penal Code may be implicated as a result of serving as a mayor or councilmember, including laws dealing with bribery, gifts, honorariums, falsification of government documents, the misuse of information, abuse of official capacity, official oppression, forgery, and theft.

Finally, as an elected official, mayors and councilmembers may face both civil and criminal liability for failure to comply with certain state laws, such as those governing political contributions, political advertising, and campaign contributions.

Liability Under Federal Law

A mayor or councilmember may also face personal liability for violations of a person's rights under federal law. This usually occurs: (1) as the result of claims alleging violations of constitutional rights; or (2) in an employment

context (e.g., a claim brought under the Fair Labor Standards Act or the Family Medical Leave Act).

The law customarily used to take action against city officials for violations of constitutional rights or violations of federal law is Section 1983, Title 42, of the United States Code. It provides:

*Every person who, under color
any statute, ordinance,
regulation, custom, or usage, of
any State . . . subjects, or
causes to be subjected, any
citizen of the United States or
other person within the
jurisdiction thereof to the
deprivation of any rights,
privileges, or immunities
secured by the Constitution and
laws, shall be liable to the party
injured . . .*

Various types of policy decisions related to both city employees and citizens could render a mayor or councilmember liable under Section 1983. However, city officials are usually protected by qualified immunity. Similar to the official immunity defense under state law (described above), a mayor or councilmember may be protected by qualified immunity when sued under federal law. To be covered by qualified immunity, the official must show that the action taken: (1) was discretionary; (2) was within the official's authority to take; and (3) did not violate any clearly established statutory or constitutional right of which a reasonable person would have known.

It is rare that a mayor or councilmember is held personally liable under federal law for the decisions he or she makes as a member of the

governing body. Even so, city officials should make sure that they have a reasonable basis for decisions made, and that applicable state and federal law is reviewed before those decisions are made, especially when those decisions impact specific individuals.

In sum, liability questions are notoriously fact-sensitive. The advice of the city attorney should always be sought in regard to any specific liability question.

Chapter Ten:

Sources of Information

There is no comprehensive guide to everything there is to know about Texas cities, but there are many sources of information that can be helpful. Several are listed below.

Local Sources

Depending on the amount of time available, information on the finances, services, and other aspects of the city can be obtained by:

- Reading the city's code of ordinances;
- Reviewing the minutes of council meetings held during the past several months;
- Studying the current budget, the previous year's financial report, and other key financial documents;
- Visiting the various city departments to learn how the city conducts its day-to-day operations; and
- Conferring with past and present members of the council, the local newspaper editor, civic leaders, and others who have followed the city's affairs over the years.

Texas Municipal League

The Texas Municipal League is an association of cities that exists for one reason: to serve city officials. TML offers councilmembers and other city officials a broad range of services – including training seminars and conferences, technical assistance, legal advice, and many other services. The League office welcomes all inquiries from its member officials, no matter

how ordinary or unusual. The League is also willing to assist members of the press in understanding cities.

National Resources

American Planning Association, 1030 15th Street N.W., Suite 750 West, Washington, D.C. 20005, 202-872-0611. Major publications: *Planning*, *Journal of the APA*, and *Zoning Practice*. APA also publishes a number of guides to zoning, subdivision development, and other aspects of municipal planning. www.planning.org

American Public Works Association, 1200 Main Street, Suite 1400, Kansas City, Missouri 64105-2100, 816-472-6100. Monthly publication: *APWA Reporter*. APWA also publishes several public works-related manuals. www.apwa.net

American Society for Public Administration, 1730 Rhode Island Ave. NW, Suite 500, Washington, D.C. 20036, 202-393-7878. Bi-Monthly publication: *Public Administration Review* features articles for councilmembers interested in municipal administrative and organizational processes and theory. *Public Integrity*, published bimonthly, addresses ethical issues affecting government and society. ASPA's quarterly newspaper, *PA TIMES*, covers developments in the academic and professional field of public administration. www.aspanet.org

Government Finance Officers Association, 203 N. LaSalle St., Suite 2700, Chicago, Illinois 60601-1210, 312-977-9700. Major publications

include the weekly *GFOA Newsletter* and bimonthly *Government Finance Review*. GFOA also publishes a wealth of excellent operating manuals on the topics of budgeting, debt management, financial forecasting, and related items. www.gfoa.org

International Association of Chiefs of Police, 44 Canal Center Plaza, Suite 200, Alexandria, Virginia 22314, 703-836-6767. Major Publication: monthly *Police Chiefs Magazine*. www.theiacp.org

International Association of Fire Chiefs, 4795 Meadow Wood Lane, Suite 100, Chantilly, Virginia 20151, 703-273-0911. Major publication: *On Scene* newsletter. www.iafc.org

International City/County Management Association (ICMA), 777 North Capitol St. N.E., Suite 500, Washington, D.C. 20002-4201, 202-962-3680. Major publication: *Public Management*. Other publications: *LGR: Local Government Review* (biannual); *SmartBrief* (daily newsletter); and *Leadership Matters* (weekly newsletter). ICMA also publishes a series of manuals on different aspects of city government. www.icma.org

International Institute of Municipal Clerks, 8331 Utica Ave., Suite 200, Rancho Cucamonga, California 91730, 909-944-4162. Major Publications: *IIMC News Digest*, *Consent Agendas*, *IIMC Meeting Administration Handbook*, and *Language of Local Government*. IIMC provides training and information to city clerks and city secretaries. www.iimc.com

International Municipal Lawyers Association, 51 Monroe Street, Suite 404, Rockville, MD 20850 202-466-5424. Bimonthly publication:

Municipal Lawyer. IMLA also publishes a variety of documents of special interest to city attorneys. www.imla.org
International Public Management Association for Human Resources, 1617 Duke St., Alexandria, Virginia 22314, 703-549-7100. Major publications: *Public Personnel Management*, *HR News*, and *HR Bulletin*. IPMA-HR is a source of excellent information on productivity, employee performance appraisal, and other aspects of municipal personnel administration. www.ipma-hr.org

National Association of Towns and Townships, 1901 Pennsylvania Avenue, NW, Suite 700, Washington, D.C., 20006, 202-331-8500. Major Publication: *Weekly Updates*. NATaT offers technical assistance, educational services, and public policy support to local government officials from small communities. www.natat.org

National Civic League, 190 E. 9th Ave, Suite 200, Denver, Colorado 80203, 303-571-4343. Major Publication: *National Civic Review*. NCL serves as a resource for information on citizen participation in state and local government and provides guides, model charters, and laws on specific subjects. NCL also sponsors the All-America City Award. www.ncl.org

National League of Cities, 660 North Capitol St. NW, Washington, D.C. 20001, 1-877-827-2385. Major Publication: *Cities Speak Blog*. Additionally, the organization conducts two national conventions of city officials, the first of which focuses on city-related federal programs, while the second emphasizes methods of improving municipal operations. www.nlc.org

U.S. Conference of Mayors, 1620 I Street N.W., Washington, D.C. 20006, 202-293-7330. USCM provides current information on federal policy

developments of interest to cities over the
population of 30,000. www.usmayors.org



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: August 5, 2020

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Second and Final Reading: Consideration, discussion, and possible action on an Ordinance rezoning 24.78 acres of land more or less out of the Sumner Bacon Survey No. 62, and being located along Hill Lane, from Light Commercial (C-1) to Institutional Small (I-1). Applicant: Catholic Diocese of Austin. Owner: Catholic Diocese of Austin.

BACKGROUND/SUMMARY:

St. Joseph's Church has owned this property for many years and in the platting & development process to construct a new church there. Religious assembly use is allowed in any zoning district but they would like the zoning of their property to reflect their use and to have development standards that are suited to their project, such as landscaping requirements. The first reading of the ordinance was approved at the July 15, 2020, Council meeting.

The Planning Commission voted 5-0 to recommend approval at their July 8th meeting.

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Ordinance No. 577

Letter of Intent

Rezoning Map

Aerial Map

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve Ordinance No. 577 rezoning 24.78 acres of land more or less out of the Sumner Bacon Survey No. 62, and being located along Hill Lane, from Light Commercial (C-1) to Institutional Small (I-1).

PLANNING & ZONING COMMISSION: ☒ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE

ORDINANCE NO. 577

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING A PARCEL OF LAND FROM LIGHT COMMERCIAL (C-1) TO INSTITUTIONAL SMALL (I-1); MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

Whereas, the owner of the property described hereinafter (the "Property") has requested that the Property be rezoned;

Whereas, after giving ten days written notice to the owners of land within three hundred feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council;

Whereas, after publishing notice of the public at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment of Ordinance. City of Manor Code of Ordinances Chapter 14 Zoning Ordinance ("Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

Section 3. Rezoned Property. The Zoning Ordinance is hereby amended by changing the zoning district for the land and parcel of property described in Exhibit "A" (the "Property"), from the current zoning district Light Commercial (C-1) to zoning district Institutional Small (I-1). The Property is accordingly hereby rezoned to Institutional Small (I-1).

Section 4. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Texas Gov't. Code.

PASSED AND APPROVED FIRST READING on this the 15th day of July 2020.

PASSED AND APPROVED SECOND AND FINAL READING on this the 5th day of August 2020.

THE CITY OF MANOR, TEXAS

Dr. Larry Wallace Jr.,
Mayor

ATTEST:

Lluvia T. Almaraz,
City Secretary

EXHIBIT “A”

Property Address:
Hill Lane, Manor, TX 78653

Property Legal Description:

24.78 acres of land, more or less, out of the Sumner Bacon Survey No. 62, in Travis County, Texas, and being the same property conveyed to Phillip R. Pyndus, in a Substitute Trustee’s Deed dated February 4, 1992 recorded in Volume 11617, Page 746 of the Real Property Records of Travis County, Texas.

Metes and Bounds Description

Being all that certain 24.7839 acre tract or parcel of land situated in the Sumner Bacon Survey No. 62, Travis County, Texas and being out of and part of Tract Two of the T. M. Rector Estate, according to instrument recorded in Volume 52, Page 323, Cause No. 6096, Probate Minutes of Travis County, Texas, and being that same tract (call 24.78 acres) described in Substitute Trustee’s Deed to Phillip R. Pyndus and recorded in Volume 11617, Page 746, Travis County Real Property Records (TCRPR); said 24.7839 acre tract being more particularly described by metes and bounds as follows, to wit:

BEGINNING at an iron rod found marking the Southwest corner of that certain 24.8354 acre tract as described in Deed to MANOR INDEPENDENT SCHOOL DISTRICT recorded in Volume 12597, Page 1543, TCRPR, same being the Southeast corner hereof, and being further located in the existing North right-of-way line of Hill Lane (variable width);

THENCE, North 59°50’56” West, with the South line hereof and the said North right-of-way line of Hill Lane, a distance of 742.87 feet to an iron rod set marking the Southwest corner hereof, same being the Southeast corner of that certain 24.81 acre tract described in Deed to Winter Family Trust recorded in Volume 12372, Page 961, TCRPR;

THENCE, North 30°22’11” East, with the West line hereof and the East line of 24.81 acre tract, a distance of 1393.75 feet to an iron rod found marking the Northwest corner hereof, same being the Northeast corner of said 24.81 acre tract, and being further located in the South line of that certain tract conveyed to T.M. Runge by Deed recorded in Volume 2520, Page 479, TCRPR;

THENCE, South 68°56’35” East, with the North line hereof and the South line of said Runge Tract, a distance of 740.59 feet to an iron rod found for angle point;

THENCE, continue, South $68^{\circ}33'49''$ East, with the North line hereof and the South line of said Runge Tract, a distance of 12.18 feet to an iron rod found marking the Northeast corner hereof, same being the Northwest corner of said 24.8354 acre tract;

THENCE, South $30^{\circ}22'11''$ West, with the East line hereof and the West line of said 24.8354 acre tract, a distance of 1512.65 feet to the POINT OF BEGINNING and containing 24.7833 acres of land.

BASIS OF BEARINGS: Volume 12597, Pg. 1543, TCRPR.



Diocese of Austin

Facilities Planning Office

6225 Hwy. 290 East · Austin, TX 78723
(512) 949-2400 · Fax (512) 949-2520
www.austindiocese.org

6/11/20

City of Manor Planning and Zoning Board
105 E Eggleston
Manor, TX 78653

Re: Rezoning of Church Tract on Hill Ln.

The Catholic Diocese of Austin and St. Joseph Catholic Parish in Manor are relocating the parish from the current site on Old Hwy 20 to the new site on Hill Ln. As part of the development of the new site, the Diocese is requesting that the City of Manor rezone the site from "C-1-Light Commercial" to "I-Institutional". Although our proposed development of religious assembly and associated uses are permitted in both zoning districts, I-Institutional is more appropriate.

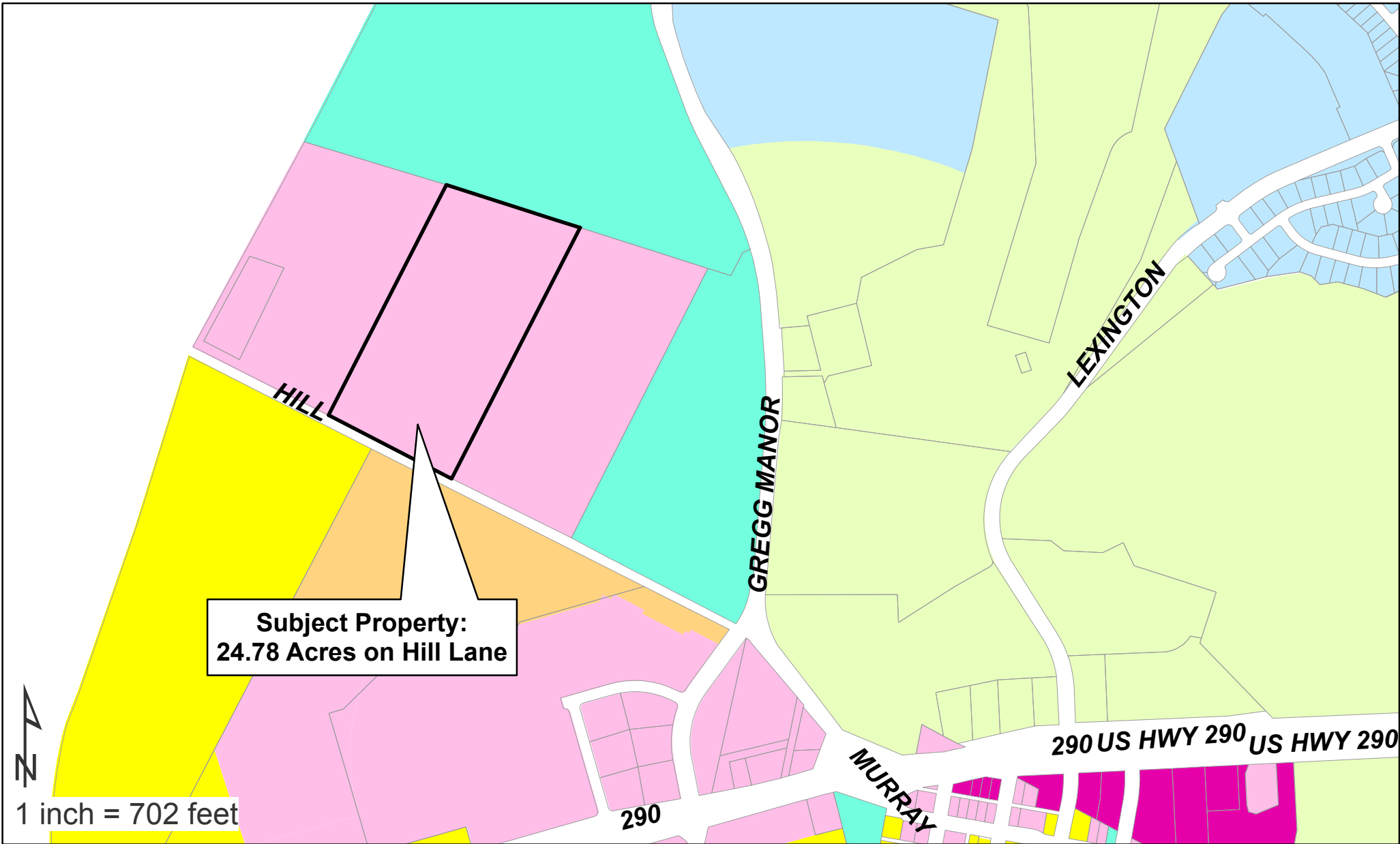
The "C-1" zoning is for retail, offices, shops and stores while the "I" zoning is for larger developments such as schools. The tracts to the north and to the east of the subject tract are currently developed as schools and zoned "I", while the tracts to the west and south are currently undeveloped. The "I" zoning continues the zoning of the developments moving west on the north side of Hill Ln.

If you have any questions regarding this matter please do not hesitate to contact me at 512.748.3170.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Baker".

Patrick Baker
Director of Facilities Planning



Proposed Rezoning: Institutional Small (I-1)

*Current Zoning District:
Light Commercial (C-1)*

Zone

Yellow SF-1 - Single Family

Orange SF-2 - Single Family

Light Blue MH-1 - Manufactured Housing

Dark Blue MH-2 - Manufactured Housing Park

Pink C-1 - Light Commercial

Magenta C-2 - Medium Commercial

Red DB - Downtown Business District

Light Red NB - Neighborhood Business

Purple IN-1 - Light Industrial

Dark Purple IN-2 - Heavy Industrial

Cyan I - Institutional

Light Green PUD - Planned Unit Development

Green A - Agricultural

Light Blue Manor ETJ





AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: August 5, 2020

PREPARED BY: Lluvia T. Almaraz, City Secretary

DEPARTMENT: Administration

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action to approve a Resolution calling the November 3, 2020, General Election; Authorization of an Election Calendar; and Authorization for the Mayor to sign the Notice of General Election.

BACKGROUND/SUMMARY:

The City of Manor will hold a General Election on November 3, 2020, for the following positions on the City Council: Council Member, Place 2; Council Member, Place 4; and Council Member, Place 6. An election calendar has been prepared for the November 3, 2020, General Election, which will be included in the Candidates Packets. Notice of General Election will address polling locations for both Early Voting and Election Day to the registered voters of the City of Manor, Texas.

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Resolution No. 2020-06

Election Calendar

Notice of General Election (Draft)

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve Resolution No. 2020-06 calling the November 3, 2020, General Election; Approve the Election Calendar; and Authorize the Mayor to sign the final Notice of General Election.

PLANNING & ZONING COMMISSION: ☐ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE

RESOLUTION NO. 2020-06

A RESOLUTION OF THE CITY OF MANOR, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020, FOR THE PURPOSE OF ELECTING THREE (3) COUNCIL MEMBERS OF THE CITY COUNCIL (PLACE NOS. 2, 4, AND 6); MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTIONS; PROVIDING FOR OTHER MATTERS RELATING TO THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Manor wishes to order a general election for the purpose of electing three (3) Council Members, by the qualified voters of the City of Manor; and

WHEREAS, the City Council wishes to proceed with the ordering of an election to be held on November 3, 2020; and

WHEREAS, the Texas Election Code is applicable to said election, and in order to comply with said Code, a resolution should be passed calling the election and establishing the procedures to be followed in said election, and designating the voting place for said election; and

WHEREAS, the City Council wishes to designate certain officials to conduct various aspects of election services for the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS THAT:

Section 1. General Election Ordered. A general election is hereby ordered to be held on November 3, 2020, for the purpose of electing three (3) Council Members: Council Member, Place 2; Council Member Place 4; and Council Member, Place 6; of the City of Manor, Texas.

Section 2. Joint Election Administration Contract. The City Secretary is hereby authorized to contract with Travis County for election administration services (the "Agreement"). The City Council further authorizes and agrees to conduct a joint election with other political subdivisions within Travis County, provided that such political subdivision holds an election on November 3, 2020 in all or part of the same territory as the City (the "Political Subdivisions"). Any joint election shall be conducted in accordance with state law, this Ordinance, the City Charter and the Agreement for Election Services with Travis County. In the event of a conflict between this Resolution and the Agreement, the Agreement shall control.

Section 3. Election Precincts and Election Day Polling Place. The election precincts shall be those established by the County. The polling locations shall be those designated by Travis County Elections Division.

Section 4. Election Officers. The Travis County Election Officer is appointed to serve as the City's Election Officer and Early Voting Clerk and shall coordinate, supervise, and conduct all aspects of administering voting for the City's joint elections. The Travis County Election Officer assumes the responsibility for recruiting election personnel and training thereof.

Section 5. Early Voting. That early voting, in said election, shall be designated by Travis County Elections Division in accordance with state law. Requests for applications for early voting ballots, by mail, should be mailed to Travis County Clerk Elections Division, P.O. Box 149325, Austin, Texas 78714-9325.

Section 6. Candidate Filing Period. In accordance with Section 143.007(c)(2) of the Texas Election Code, the filing period for an application for a place on the ballot, for this election, is declared to begin at 8:00 a.m. on Saturday, July 18, 2020, and will conclude at 5:00 p.m. on Monday, August 17, 2020. All candidates for the offices to be filled, in the election, to be held on November 3, 2020, shall file their application to become candidates, with the City Secretary at City Hall, 105 E. Eggleston Street, Manor, Texas, on any weekday that is not a City holiday between 8:00 a.m. and 5:00 p.m., and all of said applications shall be on a form as prescribed by the Election Code of the State of Texas.

Section 7. Drawing. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing conducted by the City Secretary, as provided by the Election Code. Such drawing will be held at 9:00 a.m. on Monday, August 24, 2020, at City Hall in the Council Chamber.

Section 8. Notice and Publication. This Resolution shall serve as the Order of Election (as required by Section 3.001 of the Code) for the General Election. A copy of the Resolution shall be posted on the bulletin board used for posting notices of the meetings of the City Council at least twenty-one (21) days before the election. Notice of General Election (as required by Section 4.001 of the Code) shall be published in the newspaper in accordance with state law. A copy of the Notice of General Election shall be posted on the bulletin board used for posting notices of the meetings of the City Council at least twenty-one (21) days before the election.

Section 9. Governing Law. The election shall be held in accordance with the Constitution of the State of Texas, the City Charter, and the Texas Election Code, and all resident, qualified voters of the City shall be eligible to vote at the election

Section 10. Necessary Actions. The Mayor and the City Secretary, in consultation with the City Attorney, are authorized and directed to take all actions necessary to comply with the provisions of the Texas Election Code, the City Charter, and the City Code in carrying out and conducting the election, whether or not expressly authorized by this Order.

Section 11. Election Results. The Travis County Elections Administrator shall conduct an unofficial tabulation of results after the closing of the polls on November 3, 2020. The official canvass, tabulations and declaration of the results of the election shall be conducted by the City Council at a regular meeting held in accordance with provisions of the Texas Election Code.

Section 12. Effective Date. That this resolution shall be effective immediately upon adoption.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, ON THIS THE 5th DAY OF AUGUST 2020.

CITY OF MANOR, TEXAS

Dr. Larry Wallace Jr.,
Mayor

ATTEST:

Lluvia T. Almaraz,
City Secretary

CITY OF MANOR
GENERAL ELECTION, NOVEMBER 3, 2020
CANDIDATES CALENDAR

<u>DATE</u>	<u>DAY</u>	<u>ACTION</u>
July 18, 2020	Saturday	First day for filing application for place on ballot; and First day for declaration of write-in candidacy
July 20, 2020	Monday	The City Secretary's Office will begin accepting applications at Manor City Hall (8:00 a.m. – 5:00 p.m.)
August 17, 2020	Monday	Last day to file for place on ballot (Must be received by 5:00 p.m.)
August 21, 2020	Friday	Last day for write-in candidate to declare candidacy (Must be received by 5:00 p.m.)
August 24, 2020	Monday	Drawing for place on ballot (9:00 a.m. – City Council Chambers)
August 24, 2020	Monday	Last day for candidate to withdraw and have name removed from ballot; Last day for write-in candidate to withdraw and have name removed from ballot; and Last day to declare candidate ineligible (Must be received by 5:00 p.m.)
October 5, 2020	Tuesday	Last day to register to vote
October 5, 2020	Monday	Due date for filing first report of campaign contributions and expenditures by opposed candidates – (Must be received by 5:00 p.m.)
*October 13, 2020 (Extended by Governor Abbott Order) October 19, 2020	Monday	FIRST DAY FOR EARLY VOTING BY PERSONAL APPEARANCE.
October 23, 2020	Friday	Last day to receive application by mail for a ballot to be voted by mail (Must be received by 5:00 p.m.)
October 26, 2020	Monday	Due date to file second report of campaign contributions and expenditures – (Must be received by 5:00 p.m.)
October 30, 2020	Friday	LAST DAY OF EARLY VOTING BY PERSONAL APPEARANCE
November 3, 2020	Tuesday	ELECTION DAY (7:00 a.m. – 7:00 p.m.) UNOFFICIAL TABULATION OF RESULTS <i>Last day to Receive Ballot by Mail by 7pm</i>
November 16, 2020	Monday	Called-Special City Council Meeting to Canvass the Returns of Election; Issue Certificates of Election; Administer Oaths of Office
January 15, 2021	Friday	Filing Semi-Annual Report of Contributions and Expenditures for Candidates and Officeholders. (Must be received by 5:00 p.m.)
July 15, 2021	Thursday	Filing Semi-Annual Report of Contributions and Expenditures for Candidates and Officeholders. (Must be received by 5:00 p.m.)



NOTICE OF GENERAL ELECTION

(AVISO DE ELECCIÓN GENERAL)

To the registered voters of the City of Manor, Texas:
(A los votantes registrados de la Ciudad de Manor, Tejas):

Notice is hereby given that the polling places listed on “Exhibit A” will be open from 7:00 a.m. to 7:00 p.m., on **Tuesday, November 3, 2020**, to the qualified voters of the City for the purpose of voting in a general election to elect Council Member - Place 2; Council Member – Place 4; and Council Member – Place 5.

*(Se da aviso por escrito que los lugares de votación que figuran en el “Exhibit A” estarán abiertos de 7:00 am a 7:00 pm, el **martes 3 de noviembre de 2020**, a los votantes calificados de la Ciudad con el propósito de votar en una elección general para elegir Consejal de la Ciudad – Puesto 2; Consejal de la Ciudad - Puesto 4; Y Consejal de la Ciudad – Puesto 6.)*

Early Voting by personal appearance shall be conducted jointly with other Travis County public entities beginning Tuesday, October 13, 2020 and ends Friday, October 30, 2020.

Early Voting Schedule (subject to change by Travis County Elections Division)

Date	Time
Tuesday through Saturday - October 13 - October 24, 2020	7:00 a.m. to 7:00 p.m.
Sunday - October 25, 2020	12:00 p.m. to 6:00 p.m.
Monday through Friday - October 26 – October 30, 2020	7:00 a.m. to 7:00 p.m.

(La votación anticipada por aparición personal se llevará a cabo conjuntamente con otras entidades públicas del condado de Travis a partir del martes 13 de octubre y terminará el viernes 30 de octubre de 2020.)

Horario de votación anticipada (Sujeto a cambios por la División de Elecciones del Condado de Travis)

Fecha	Hora
Martes a Sábado – 13 de octubre – 24 de octubre de 2020	7:00 a.m. a 7:00 p.m.
Domingo - 25 de octubre de 2020	12:00 p.m. a 6:00 p.m.
De lunes a viernes - 26 de octubre – 30 de octubre de 2020	7:00 a.m. a 7:00 p.m.

Please See "Exhibit B" for Travis County Early Polling Locations and "Exhibit C" for Travis County Early Mobile Voting Locations.

(Por favor vea el "Exhibit B" para las ubicaciones de votación temprana del Condado de Travis y el "Exhibit C" para las ubicaciones móvil de votación temprana del Condado de Travis.)

Applications for ballots by mail shall be mailed to:

(Las solicitudes para boletas de votación por correo se enviarán a:)

Elections Division
Travis County Clerk
P.O. Box 149325
Austin, TX 78714-9325

Applications for ballots by mail must be received no later than the close of business on October 23, 2020.
(Las solicitudes de boletas por correo deben ser recibidas a más tardar al cierre del día 23 de octubre de 2020.)

Issued this the 5th day of August 2020.

(Publicado el 5 de agosto de 2020)

Dr. Larry Wallace Jr., Mayor



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: August 5, 2020

PREPARED BY: Lluvia T. Almaraz, City Secretary

DEPARTMENT: Administration

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action to approve an Ordinance Calling the November 3, 2020, Special Election to be held on the adoption of amendments to the Charter of the City of Manor; Authorization for the Mayor to sign the Notice of Special Election.

BACKGROUND/SUMMARY:

The City of Manor will hold a Special Election on November 3, 2020, for the purpose of submitting to the qualified voters of the city propositions on whether the Charter of the City of Manor should be amended.

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Ordinance No. 578

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve Ordinance No. 578 calling the November 3, 2020, Special Election to be held on the adoption of amendments to the Charter of the City of Manor; and Authorize the Mayor to sign the final Notice of Special Election.

PLANNING & ZONING COMMISSION: ☐ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE

ORDINANCE _____

Style Definition: Normal

AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON THE ADOPTION OF AMENDMENTS TO THE CHARTER OF THE CITY OF MANOR; PROVIDING FOR THE ELECTION TO BE CONDUCTED IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN THE ORDINANCE CALLING THE 2020 GENERAL ELECTION; AND RELATED MATTERS.

Whereas, the Charter Review Commission studied and reviewed the City Charter of the City of Manor, and made recommendations for the amendment of the City Charter;

Whereas, the City Council desires to submit to the voters the charter amendments set forth herein; and

Whereas, the City Council is contracting with the Travis County Elections Officer to hold and conduct the election for the City (the "Election Agreement"), and such election may be held as a joint election;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

SECTION 1: A special election is ordered to be held in the city on Tuesday, November 3, 2020, for the purpose of submitting to the qualified voters of the city propositions on whether the Charter of the City of Manor should be amended. The special election shall be held and conducted by the Travis County Elections Officer, pursuant to a contract authorized by state law, and such election may be held as a joint election with Travis County and/or any other government jurisdiction contracting with Travis County therefore and located within the same territory as the City. The proposed amendments shall take effect upon their adoption and the entering of an order by the City Council declaring the amendments adopted. The proposed amendments affect only the Articles and sections listed below and submitted for amendment to read as follows (with proposed new language being underlined, bolded, and italicized and language proposed to be removed is struck through):

Article I

Incorporation, Form of Government and Powers of the City

Section 1.07. – Annexation and Disannexation.

The council may by ordinance unilaterally annex or disannex any land, property or territory upon its own initiative, upon a petition submitted by a majority of the voters residing within the territory being annexed or disannexed or upon petition by the owners of the property, as

authorized by applicable law. The procedure for the establishment, modification or extension of the city boundaries, including the annexation or disannexation of territory, may not be inconsistent with any applicable requirements and limitations established by state law; provided that absent procedures being established by state law the action may be taken by ordinance adopted after one public hearing is held at least ten but not more than 20 days after notice of such public hearing is published in a newspaper of general circulation in the city and posted on the City's website. Upon final passage of an ordinance, fixing, establishing or modifying the boundaries of the city or annexing or disannexing any property by any method prescribed herein, the boundaries of the city shall be so extended or modified as provided in such ordinance. Upon an ordinance annexing property into the city, the territory described in the ordinance shall become a part of the city, and the said land and its residents and future residents shall be bound by the acts, ordinances, codes, resolutions and regulations of the city.

A good and sufficient legal description of the land area being considered for annexation or disannexation, together with a map or plat prepared at the initiator's expense showing the location of such land area, shall be presented to the council at a public meeting prior to final action on such annexation or disannexation. Land disannexed from the city shall not be relieved from any unpaid lawful assessments or taxes levied by the city against the property while such land or property was a part of the city.

Article II. Boundaries of the City

Section 2.01. – Boundaries.

The boundaries and limits of the city shall, until changed in the manner herein provided, be the same as have heretofore been established and as exist on the date of the adoption of this charter. The boundaries and territorial limits of the city may from time to time by ordinance be fixed, decreased, modified or extended, and property may be annexed into the city or disannexed from the city, with or without the consent of any voter or of any landowner in the affected area, unless consent is required by applicable law.

Article III. The City Council

Section 3.01. - Governing Body.

(a) The governing body of the city shall be a city council composed of six council members and a mayor, each elected for four years pursuant to the transition schedule in subsection (c); ~~each elected for a term of two years~~. When used in this charter or any other city document "council person" or "council member" includes the mayor unless the context indicates otherwise.

(b) The mayor shall be elected from the city at large. The council members shall be elected from the city at large, by Place. Each seat on the council, except for the position of mayor, will be numbered, as Place 1 through Place 6. The council member occupying a particular seat will be identified by the Place number assigned to that council seat. ~~The mayor and the three council members occupying Places 1, 3, and 5 shall be elected in odd-numbered years and the three council members occupying Places 2, 4, and 6, shall be elected in even-numbered years. The candidate who receives the largest number of votes for a particular office shall be declared elected for that office.~~

(c) Beginning with the November 2021 general election, the council shall transition to four-year terms as provided in this subsection.

(1) The candidates elected to Places 2, 4, and 6 in the November 2020 general election shall serve two-year terms.

(2) For the November 2021 general election, the Mayor and Places 1, 3, and 5 will be elected for three-year terms.

(3) For the November 2022 general election, Places 2, 4, and 6 will be elected to four-year terms.

(4) For the November 2024 general election, the Mayor and Places 1, 3, and 5 will be elected for four-year terms.

(5) Thereafter, the candidates elected to the city council in the November general election will be elected to four-year terms.

Section 3.02. –Term Limitations.

(a) The mayor and council members shall be elected in the manner provided in Article V of this charter to serve for no more than three consecutive terms. A partially-served term shall count as a term for the purposes of this subsection. Terms served as council member shall be considered separately from those served as mayor. However, no person may serve more than six consecutive terms as mayor and council member. After completing three consecutive terms, a person may again run for office after one full year of not holding any appointed or elected position on the council. Non-consecutive terms shall not be limited. Terms served prior to the adoption of this charter shall not be considered for the purpose of term limitations.

[SECTION 3.05 IF BOTH PROPOSITION B AND D PASS]

Section 3.05. - Vacancies in Office.

~~(a)~~ The office of mayor or council member shall become vacant as provided in Section 3.10, or upon death, resignation, removal from office of the incumbent, or, for individuals

electd to office, failure to take the oath of office by the first regular city ~~majority~~ council meeting following the canvass of the election at which the individual receives a ~~plurality~~ **majority** vote, or, for individuals appointed to office, by the first meeting following the individual's appointment. ~~Any vacancy or vacancies, whether in the office of mayor or council member, may be filled by special election called for such purpose or by the majority of the remaining council members appointing a qualified person to fill the vacancy. All appointees to vacancies shall serve for the remainder of the unexpired term of the office so filled.~~

- (b) A vacancy for an unexpired term that exceeds twelve months, that occurs when two places on council have been filled by appointment, or that occurs in the office of mayor, shall be filled by special election called for such purpose. The date for a special election to fill a vacancy shall be the first uniform election date after the vacancy occurs and for which there is sufficient time to call and give notice of the election as required by law; provided that, if a vacancy occurs and no such election date falls within 120 days after the date of the vacancy, the council shall, without regard to the specified uniform election dates, order such election to be held on a Saturday within 120 days from the date of the vacancy. No special election will be required if the vacated office has a term of 120 days or less remaining as of the date of the first council meeting held after the date of the vacancy.
- (c) If a vacancy occurs for an unexpired term of twelve months or less for a position other than the mayor when there are less than two place on council filled by appointment, then the vacancy may be filled by either special election called for such purpose or by the majority of the remaining council members appointing a qualified person to fill the vacancy. Vacancies filled by appointment must be filled within forty-five days from the date the vacancy occurs.
- (d) All appointees or persons elected to vacancies as provided in this section shall serve for the remainder of the unexpired term of the office so filled.

[SECTION 3.05 IF PROPOSITION B PASSES AND PROPOSITION D FAILS]

Section 3.05. - Vacancies in Office.

~~(a)~~ The office of mayor or council member shall become vacant as provided in Section 3.10, or upon death, resignation, removal from office of the incumbent, or, for individuals elected to office, failure to take the oath of office by the first regular city council meeting following the canvass of the election at which the individual receives a ~~plurality~~ majority vote, or, for individuals appointed to office, by the first meeting following the individual's appointment. Any vacancy or vacancies, whether in the office of mayor or council member, may be filled by special election called for such purpose or by the majority of the remaining council members appointing a qualified person to fill the vacancy. All appointees to vacancies shall serve for the remainder of the unexpired term of the office so filled.

(b) A vacancy shall be filled by special election called for such purpose. The date for a special election to fill a vacancy shall be the first uniform election date after the vacancy

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occurs and for which there is sufficient time to call and give notice of the election as required by law; provided that, if a vacancy occurs and no such election date falls within 120 days after the date of the vacancy, the council shall, without regard to the specified uniform election dates, order such election to be held on a Saturday within 120 days from the date of the vacancy. No special election will be required if the vacated office has a term of 120 days or less remaining as of the date of the first council meeting held after the date of the vacancy.

(c) All persons elected to vacancies as provided in this section shall serve for the remainder of the unexpired term of the office so filled.

Section 3.09 - Compensation.

~~The mayor shall not be paid and each other council member shall not be paid.~~ The mayor shall be paid one hundred fifty dollars and each council member shall be paid seventy-five dollars for each city council meeting attended each month, up to a maximum of two per month. ~~They~~ The mayor and council members shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties, as budgeted and duly authorized. No staff or assistant shall be provided for any member of the council.

Section 3.10. - Automatic Resignation.

The office of mayor or council member shall become vacant upon such member's announcement of candidacy or becoming a candidate in any general, special, or primary election, or any office of profit or trust under the laws of the State of Texas or the United States other than the office then held, at any time during the member's term, and when the unexpired term of the office then held exceeds one year and 30 days, [and] such announcement or such candidacy shall constitute an automatic resignation of the office then held. The city council may not appoint a person who vacates his or her place on council under this ~~sub~~section to fill the resulting vacancy.

Article IV. The Authority and the Limitations of Council

Section 4.01. - Mayor.

The mayor serves as the ceremonial head of the city, and shall preside at all meetings of the council and provide the leadership necessary to good government. He or she shall work with the council to obtain legislation in the public interest and with the city manager to ensure the same is enforced, and participate in the discussion and vote on all legislative and other matters coming before the council. The mayor shall have signatory authority for all legal contracts and commitments of the city, sign all ordinances and resolutions, work and coordinate with the city manager and the council, but may not bind or obligate the city in any way without prior authorization from the council and to the extent provided by state law in time of declared emergency, may ~~take command of the police and~~ govern the city by proclamation, ~~maintain order and enforce all laws;~~ provided that the mayor must immediately call for an emergency meeting

of the city council to consider the appropriate actions for the city during the emergency; and perform ceremonial duties.

Article V. Elections

Section 5.01. - Notice and Order for Elections.

City elections shall be ordered and notice thereof given as provided in the Texas Election Code. The council shall establish the procedures and order elections except as provided therein. If not otherwise provided for by state law, all elections shall be ordered at least 62 days prior to the date of election and notice shall be given by publication and posting on the City's website not more than 30 days and not less than 20 days immediately preceding the date of election. Notice of election shall be published in a newspaper published within the city, and if there be no such publication, notice shall be published in a newspaper of general circulation within the city.

Section 5.02. - General Elections.

~~(a)~~ Beginning with the general election to be held in 2016 and for each successive general election, the general city election shall be held annually on the uniform election date in November.

(b) Beginning in November 2021, the mayor and council members are elected by majority ~~plurality~~ vote.

~~(b). The terms of office for the members of the city council elected to Places 2, 4, and 6 in May 2014 shall be extended until their respective successors qualify for office following the November 2016 election. The terms of office for the mayor and the members of the city council elected to Places 1, 3, and 5 in May 2015 shall be extended until their respective successors qualify for office following the November 2017 election.~~

Section 5.08. - Voters and Voting.

Every registered voter who has been a resident of the city for the period of time required by state law ~~30 days or more~~ prior to the date of the election shall be entitled to vote in city elections. Early voting and the hours the polls are open shall be as established by state law, or absent state law providing therefor, as established by ordinance.

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Section 5.09. - Election Results.

The mayor and council members are elected by majority ~~plurality~~ vote. No measure shall be adopted except by a majority vote and a tie vote shall defeat the measure.

Section 5.11. Run-Off Election. If no candidate for an elective office receives a majority of the votes cast for that position in the regular or special election, a run-off election shall be held between the two (2) candidates who received the greatest number of votes. Such run-off election shall be held in accordance with State election laws on a Saturday within the period set by state law for holding runoff elections. The candidate receiving the highest number of votes cast for the office in the run-off election shall be declared elected.

Section 5.12.11. - Term of Office.

The mayor and each council member shall serve until his or her successor is elected or appointed and qualified to serve. The regular term of office of the mayor and the council members shall commence on the first regular council meeting following the canvass of the election at which they receive a majority plurality vote. The remaining term of a member of council elected at a special election shall commence on the first regular council meeting after the canvass of votes for the election at which they receive a majority plurality of the votes cast for the office.

Article VI. Initiative and Referendum

Section 6.03. - Referendum.

The people of the city shall have the power to require reconsideration by the council of any adopted ordinance regarding any issue that would be a proper subject for an initiative, ~~and if~~ **If** the council fails to repeal an ordinance so reconsidered, **the people shall have the power** to approve or reject the ordinance at an election. Such power does not extend to the budget; capital expenditures; levy of taxes; any bonds, certificates of obligation or any similar obligations; zoning; annexation; or any rates, fees and charges; provided that tax increases shall be subject to petition as provided by state law.

Section 6.10. - Procedure and Results of Election.

Not more than 30 and not less than 15 days prior to the special election, the city secretary shall cause the proposed or referred ordinance to be published in its entirety at least once in a newspaper of general circulation in the city **and posted on the city's website until the date of the election.**

The ballots used when voting upon such proposed and referred ordinances shall set forth the nature of the ordinance sufficiently to identify the ordinance and shall also set forth a proposition as provided in this charter. If a majority of the qualified voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances adopted by

the council. If conflicting ordinances are approved at the same election, the ordinance receiving the greatest number of affirmative votes shall prevail.

An ordinance adopted by initiative may not be repealed or amended at any time prior to the expiration of two years from the date of its adoption, except at an election held for such purpose or such amendment being approved by the council by not less than six affirmative votes.

If a majority of the qualified voters on a referred ordinance vote against the ordinance, it shall be considered repealed upon certification of the election results. If a majority of the qualified voters voting on a referred ordinance vote for the ordinance, it shall be upheld; in such event, [it] may not again be the subject of a petition within 12 months following the date of such election.

Article VII. Administrative Services

Section 7.08. - Public Works Department.

There ~~will shall~~ be established a public works department to administer, supervise and coordinate the construction and maintenance of the streets, parks, water/wastewater and thoroughfares, the drainage system, and all public property and equipment not the responsibility of another department. The department ~~willshall~~ have and be responsible for other duties, projects and works as provided by ordinance or assigned by the city manager. The director of public works ~~will shall~~ administer and manage the department. The director of such department is appointed and removed by the city manager.

Section 7.11. - Human Resources.

The office of Human Resources will be established. The city shall be an equal opportunity employer and the service of each officer and employee shall be "at will". The administration of human resources of the city shall be governed by written rules and regulations to be known as "Personnel Policies". The city manager or his or her designee shall prepare such policies and recommend their adoption to the council. Such policies shall not be inconsistent with this charter and will become effective when approved by the council by ordinance. All policies so adopted and not inconsistent with this charter shall have the force and effect of law.

Article VIII. Finance

Section 8.05. - Budget Process and Adoption.

The city manager is responsible for the timely preparation and presentation of the budget, and shall present his or her recommended or draft budget to the city council no later than 60 days

prior to October 1st of each year. In the absence of the truth-in-taxation calculations being provided in advance of the sixtieth day, the city manager shall provide a draft budget and a recommended budget not less than ten days following receipt from Travis County of the calculations, if after the sixtieth day before October first (1st). The proposed budget shall become a public document and record when presented to the council. From and after its receipt of the budget, the city council shall:

- (a) At the first council meeting for which timely notice may be given, cause to be posted in city hall and on the City's website a general summary of the proposed budget and a notice stating the time and places where copies of the budget are available for public inspection; of a public hearing on the budget; and such other public hearings as are required by state law.
- (b) After public hearing(s) the council may adopt the budget with or without amendment. The council may amend the proposed budget to add, increase, decrease or delete any programs or amounts, except expenditures required by law or for debt service; provided that no amendment shall increase the authorized expenditures to an amount greater than the total of estimated funds available from all sources.
- (c) The budget shall be finally adopted by ordinance not later than September 30th; provided that if the council takes no final action on or prior to such day, the budget as submitted by the city manager is deemed to have been finally adopted by the council.

Section 8.11. - Bonds and Financial Obligations.

The council may by ordinance authorize the issuance of any tax or revenue bonds, refunding bonds, certificates of obligation, warrants, notes, certificates of participation, tax anticipation notes or other evidence of indebtedness or obligation, for any permanent public improvement or any emergency, or any other public purpose not prohibited by law, subject only to the following limitations:

- (a) No general obligation bonds, other than refunding bonds, shall be issued except as approved by a majority vote at an election held for such purpose;
- (b) No indebtedness or obligation shall be issued except in compliance with the requirements of state law;
- (c) No form of indebtedness other than general obligation bonds approved by public vote may be issued without public notice and a public hearing being held in compliance with state law; the ~~published~~ notice, published in a newspaper of general circulation in the city and posted on the city's website, must clearly summarize the relevant statutory provisions providing for a petition and election, if any; and
- (d) The authorization for bonds authorized but not issued shall expire ten years after the date of authorization.

Article X. Planning and Development; Community Committees

Section 10.07. - ~~Planning and~~ Development ~~Services~~ Department.

The city council ~~will may~~ create by ordinance such department(s) as necessary to provide technical and administrative support in the areas of planning, growth management and land development, or the city manager may assign such duties to any other department or officer of the city. The director of such department is appointed and removed by the city manager.

The department of Development Services will be established. The director of planning will administer and manage the department and will have and be responsible for the duties, projects and works as provided by this charter, ordinance, or as assigned by the city manager. The director of such department is appointed and removed by the city manager

Section 10.10. Community Committees. The following community committees are hereby established. The City Council shall adopt an ordinance providing for the membership, qualifications, terms, duties, and other matters determined appropriate by the City Council regarding the committees.

- (a) Community Collaborative Committee. The community collaborative committee shall serve to promote communication between the City and the community on issues affecting the City as a whole. The community collaborative committee shall include representatives from the City's homeowners' associations, community non-profit associations, the school district, charter schools, and other members of the community as determined appropriate by the City Council.*
- (b) Economic Development Committee. The economic development committee will be made up of representatives from the City, the local business community, and other persons determined appropriate by the City Council. The economic development committee shall serve as a resource for marketing the City and promoting the economic development of the City.*
- (c) Public Safety Committee and Community Advisory Committee. The public safety committee shall serve to provide input on the programs and activities of the Police Department and other areas of public safety and to assist in bridging relationships between the community and local police, fire, EMS and to provide direction in matters of public safety. The committee will be made up of members of city council and city staff, and additional members of the community if determined appropriate by the City Council. The public safety committee shall recommend for appointment by the city council persons to serve on a community advisory committee. The community advisory committee shall receive input from the community on ideas, areas of concern, and complaints regarding public safety matters, and shall perform other functions established by the City Council by ordinance.*
- (d) Emergency Management Committee. The emergency management committee shall serve to coordinate and integrate activities and capabilities needed to mitigate against, prepare for, respond to, and recover from emergencies, declared disasters or hazards. The committee will be made up of members of city council and city staff, and additional members of the community if determined appropriate by the City Council.*

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Article XI. Public Utilities, Franchises and Contracts

Section 11.02. - Franchises.

The council shall have the power and authority to grant franchises for the use and occupancy of streets, avenues, alleys and any and all public property belonging to or under the control of the city. Except as specifically authorized and provided otherwise by state law, no individual, organization, entity, political subdivision, corporation, public utility or any provider of public service shall provide any service within the city requiring the use or occupancy of any street, public right-of-way or property without first being granted a franchise or permit to use such city facilities. The franchise ordinance or permit shall fully describe the terms of the agreement, and regardless of the title given, shall be subject to the terms of this Article. The terms of such agreements shall be explicit so as to protect the interests of the citizens and shall include but not be limited to the terms prescribed in this charter. No franchise ordinance or permit shall be passed except on two readings held after a public hearing for which ten days' notice is given in a newspaper of general circulation in the city and posted on the City's website, unless applicable state or federal law requires the issuance of the franchise or permit within a specific time period, in which case the franchise ordinance or permit will be approved in accordance with the procedures established by ordinance.

Article XII. Ethics and Conflicts

Section 12.01. - Ethics Commission.

The city council shall adopt, and periodically modify and amend, an ordinance providing an ethics policy and code of conduct applicable to the officers, employees, boards and commission members of the city. An ethics commission composed of a minimum of five qualified voters of the city shall be established to advise the council on the content and requirements of the ethics policies and ordinance and to hear and decide complaints filed pursuant to such policies and ordinance. The council shall receive applications from and interview persons interested in serving on the ethics commission. After concluding the interview process, each ~~Each~~ council member has the right to recommend appointment of qualified citizens to serve, subject to the approval by vote of the council. Should the council approve a seven member ethics commission, each council member shall appoint one member to the commission, subject to the approval by vote of the council. If a sufficient number of qualified voters do not apply to fill vacancies on the commission, the council may appoint up to two residents of the extraterritorial jurisdiction to serve on the ethics commission. The council may not appoint any person related to a member of the council within the first degree of consanguinity or affinity. The members of such commission are appointed, supervised and removed by the city council and shall meet upon a complaint or grievance being filed or at the request of the council or the city manager. The ethics commission has authority and power to investigate complaints; gather and hear evidence; issue and enforce subpoenas to compel the attendance of witnesses and collection and presentation of any evidence or documents; decide

ethics complaints based on the information and facts submitted; issue written opinions; issue verbal or written reprimands and to admonish; and in appropriate circumstances, to recommend to the city council and/or the city manager as appropriate more severe disciplinary action, including removal, termination, civil litigation or criminal charges. The ethics commission shall be advised by independent legal counsel nominated by the city attorney and appointed by the council.

Section 12.04. - Conflict of Interest.

No elected or appointed officer or employee of the city shall participate in the deliberation or decision on any issue, subject or matter before the council or any board or commission, if the officer or employee, or a family member related to the officer or employee within the first degree of consanguinity or affinity, has a personal financial or property interest, direct or indirect, in the issue, subject or matter that is different from that of the public at large. An interest arising from job duties, compensation or benefits payable by the city shall not constitute a personal financial interest.

Article XIII. General Provisions

Section 13.06. - Public Records.

All public records of every office, department, or agency of the city, that are not subject to a privilege against disclosure that is recognized by state or federal law are open to inspection by the public all reasonable times in accordance with state law and the policies and procedures established by the City that are consistent with state law; ~~provided that the following records shall not be considered public records for the purpose of this section:~~

- ~~(a) records that may be closed to the public pursuant to state law;~~
- ~~(b) records that are attorney-client privileged;~~
- ~~(c) records that regard a competitive bid or proposal that has not been finally awarded;~~
- ~~(d) records that regard the active negotiation of a contract or pending acquisition of property;~~
- ~~or~~
- ~~(e) records that include information that is protected by a right of privacy established by statute or constitution.~~

Section 13.07. - Succession.

If four or more positions on the city council become vacant at any time due to disaster or an event that results in the death or inability to serve of four or more members, the mayor, mayor pro-tem, majority of the surviving members of council, or if there be but one, any surviving member, may call a special election to fill the vacant positions. In such event, pending the election, if there are three surviving members of the city council they constitute a quorum. If there are not at least three surviving members the following officers of the city in the order listed

shall serve with the surviving members of the council on an interim basis as necessary to result in a four member quorum:

- (a) the chair of the planning and zoning commission;
- (b) the vice chair of the planning and zoning commission;
- (c) the city manager;
- (d) the chief of police;
- (e) the city secretary; ~~and~~
- (f) the finance director; and**
- ~~(g)~~ **(g)** the director of public works.

If such surviving officers not be sufficient in number to constitute a quorum, the remainder shall constitute a quorum until the officers elected at the special election take office.

Section 13.08. - Charter Review.

The council ~~will shall~~ review the charter every two years to determine if any amendment should be considered. The council ~~will shall~~ appoint a charter review commission, consisting of seven qualified voters of the city, at least every fifth year. The terms of each charter review commission ~~will shall~~ be six months and such commission ~~will shall~~ review, hold hearings upon and make recommendations for the amendment, if any, of this charter. Any resulting charter elections ~~will shall~~ be noticed and held in compliance with state law.

SECTION 2. Notice of the election shall be given and the election shall be held in compliance with the provisions of the Texas Election Code and Chapter 9, Texas Local Government Code, in all respects. The ballot propositions for the special election shall comply with the Tex. Elec. Code and be in the form provided by the City to the Travis County Elections Officer for use on the voting devices and ballots used by Travis County; provided that the official ballot shall be prepared in such a manner as will permit the voters to vote "For" or "Against" each proposition submitted, with the propositions to be expressed on the official ballot in a form substantially as follows:

CITY OF MANOR PROPOSITION A **Annexation**

Shall ~~Article I~~, Section 1.07; and ~~Article II~~, Section 2.01; of the City Charter be amended to require consent to annexation of land by the City as required by state law?

_____ YES _____ NO

CITY OF MANOR PROPOSITION B

City Council Four-Year Term of Office

Shall Section 3.01 of the City Charter be amended to increase the terms of office for the Mayor and City Council from two-year to four-year terms, and to provide for transition to four year terms, and ~~to amend shall~~ Sections 3.03, 3.05, 5.02, 5.09, and 5.11 be amended and Section 5.12 to be added to make the Charter consistent with state law for four-year terms by providing for election by majority vote, providing for runoff elections if no candidate is elected by majority vote, and providing for special elections to fill vacancies on council?

_____ Yes _____ No

**CITY OF MANOR PROPOSITION C
Term Limits**

Shall Section 3.02 of the City Charter be amended to clarify that partial terms of office count towards term limits?

_____ Yes _____ No

**CITY OF MANOR PROPOSITION D
Council Vacancy Filled by Appointment**

If four-year terms are adopted, shall Section 3.05 of the City Charter be amended to provide that the Council may fill ~~the vacancy~~ a vacancy that occurs when there are 12 months left on the term either by appointment or special election, unless there are already two places on Council that have been filled by appointment?

_____ Yes _____ No

**CITY OF MANOR PROPOSITION E
Council Compensation**

Shall Section 3.09 of the City Charter be amended to compensate the Mayor in the amount of \$150 per council meeting and each City Councilmember in the amount of \$75 per council meeting attended each month, up to a maximum of two?

_____ Yes _____ No

CITY OF MANOR PROPOSITION F
Automatic Resignation Upon Announcing for Office

Shall Section 3.10 of the City Charter be amended to provide that a Councilmember's announcement of candidacy for another office at any time during their term creates a vacancy in office?

_____ Yes _____ No

CITY OF MANOR PROPOSITION G
Powers of the Mavor

Shall Section 4.01 of the City Charter be amended to remove the authorization of the Mayor to "take command of the police" and "maintain order and enforce all law" during times of declared emergency?

_____ Yes _____ No

CITY OF MANOR PROPOSITION H
Posting of Notices on City Website

Shall Sections 1.07, 5.01, 6.10, 8.05, 8.11, and 11.02 of the City Charter be amended to require notices described in those sections be posted on the City's website as well as published in the newspaper?

_____ Yes _____ No

CITY OF MANOR PROPOSITION ~~H~~I
Residency Requirement for Voters

Shall Section 5.08 of the City Charter be amended to conform the residency requirements for voters to what is required by state law?

_____ Yes _____ No

CITY OF MANOR PROPOSITION ~~I~~J

Power of Referendum

Shall Section 6.03 of the City Charter be amended to clarify the section describing the power of referendum granted under the Charter?

_____ Yes _____ No

CITY OF MANOR PROPOSITION ~~JK~~
Public Works

Shall Section 7.08 of the City Charter be amended to add parks to the duties of the public works department and to state that the public works director is appointed and removed by the City Manager?

_____ Yes _____ No

CITY OF MANOR PROPOSITION ~~KL~~
Human Resources

Shall Section 7.11 of the City Charter be amended to establish the office of Human Resources?

_____ Yes _____ No

CITY OF MANOR PROPOSITION ~~LM~~
Development Services Department

Shall Section 10.07 of the City Charter be amended to establish the department of Development Services to be managed by a director of planning, to provide for the duties of the planning director, and state that the planning director is appointed and removed by the City Manager?

_____ Yes _____ No

CITY OF MANOR PROPOSITION ~~MN~~
Community Committees

Shall Section 10.10 be added to the City Charter to establish the community collaborative committee, the economic development committee, the public safety committee, and the emergency management committee and to provide for the makeup and duties of the committees?

_____ Yes _____ No

CITY OF MANOR PROPOSITION ~~NO~~
Franchise Authority

Shall Section 11.02 of the City Charter be amended to address preemption by state and federal law of the City’s franchise authority and procedures for granting a franchise?

_____ YES _____ NO

CITY OF MANOR PROPOSITION ~~OP~~
Ethics Commission

Shall Section 12.01 of the City Charter be amended to establish an application and interview process for appointing ethics commission members, to allow for appointment of up to two residents of the extraterritorial jurisdiction to the commission if there are not enough qualified applicants from the city limits, and to prohibit appointment of persons related within the first degree of affinity or consanguinity to the city council?

_____ YES _____ NO

CITY OF MANOR PROPOSITION ~~PQ~~
Conflict of Interest

Shall Section 12.04 of the City Charter be amended to prohibit elected or appointed officers or employees of the city from participating in decisions on matters if a family member related to the officer or employee within the first degree of consanguinity or affinity has a personal financial or property interest in the matter?

_____ YES _____ NO

CITY OF MANOR PROPOSITION ~~QR~~
Public Records

Shall Section 13.06 of the City Charter, which governs public records, be amended to confirm this section to state law?

_____ YES _____ NO

CITY OF MANOR PROPOSITION ~~RS~~
Succession

Shall Section 13.07 of the City Charter be amended to add the finance director to persons within the chain of succession?

_____ YES _____ NO

CITY OF MANOR PROPOSITION ~~ST~~
Charter Review Cycle – Change “Shall” to “Will”

Shall Section 13.08 of the City Charter, governing the frequency of City Charter reviews, be amended to change the word “shall” to “will” wherever it appears in this section?

_____ YES _____ NO

SECTION 3. The election precincts for the election shall be the election precincts established by Travis County, provided that each shall contain and include geographic area that is within the City and the election precincts are in accordance with the City Charter.

SECTION 4. Notice of the election shall be given by posting a notice containing a substantial copy of this ordinance on the bulletin board used for posting notice of meetings of the governing body at the City Hall not later than the twenty-first (21st) day before the election, provided that Exhibit A may be made available in the office of the City Secretary for review upon request, and by publishing said Notice of Election on the same day in each of two successive weeks, with the first such publication occurring before the fourteenth (14th) day before the date of the election. The notice that is posted, and the notice that is published in a newspaper of general circulation within the city, will be written in both English and Spanish.

SECTION 5. The elections shall be held and conducted by the Travis County Election Officer in compliance with state law, the City Charter, the Election Agreement, and the ~~ordinance~~resolution

calling the 2020 general election except where it clearly conflicts with this Ordinance; provided that Chapter 9, Texas Local Gov't Code shall apply to the special election. And, this Ordinance shall be in force and effect from and after its passage on the date shown below.

SECTION 6. The City Council finds and declares the adoption, passage and implementation of this ordinance is an emergency and necessary for the preservation and protection of the citizens.

SECTION 7. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED on this the _ day of _____ 2020.

Attest:

City of Manor, Texas

Lluvia Almaraz, City Secretary

Dr. Larry Wallace, Mayor



NOTICE OF SPECIAL ELECTION

(AVISO DE ELECCIÓN ESPECIAL)

To the registered voters of the City of Manor, Texas:
(A los votantes registrados de la Ciudad de Manor, Tejas):

Notice is hereby given that the polling places listed on "Exhibit A" will be open from 7:00 a.m. to 7:00 p.m., on **Tuesday, November 3, 2020**, to the qualified voters of the City for the purpose of voting in a special election to the adoption of amendments to the Charter of the City of Manor.

*(Se da aviso por escrito que los lugares de votación que figuran en el "Exhibit A" estarán abiertos de 7:00 am a 7:00 pm, el **martes 3 de noviembre de 2020**, a los votantes calificados de la Ciudad con el propósito de votar en una elección especial a la adopción de enmiendas a la Carta de la Ciudad de Manor)*

Early Voting by personal appearance shall be conducted jointly with other Travis County public entities beginning Tuesday, October 13, 2020 and ends Friday, October 30, 2020.

Early Voting Schedule (subject to change by Travis County Elections Division)

Date	Time
Tuesday through Saturday - October 13 - October 24, 2020	7:00 a.m. to 7:00 p.m.
Sunday - October 25, 2020	12:00 p.m. to 6:00 p.m.
Monday through Friday - October 26 - October 30, 2020	7:00 a.m. to 7:00 p.m.

(La votación anticipada por aparición personal se llevará a cabo conjuntamente con otras entidades públicas del condado de Travis a partir del martes 13 de octubre y terminará el viernes 30 de octubre de 2020.)

Horario de votación anticipada (Sujeto a cambios por la División de Elecciones del Condado de Travis)

Fecha	Hora
Martes a Sábado - 13 de octubre - 24 de octubre de 2020	7:00 a.m. a 7:00 p.m.
Domingo - 25 de octubre de 2020	12:00 p.m. a 6:00 p.m.
De lunes a viernes - 26 de octubre - 30 de octubre de 2020	7:00 a.m. a 7:00 p.m.

Please See "Exhibit B" for Travis County Early Polling Locations and "Exhibit C" for Travis County Early Mobile Voting Locations.

(Por favor vea el "Exhibit B" para las ubicaciones de votación temprana del Condado de Travis y el "Exhibit C" para las ubicaciones móvil de votación temprana del Condado de Travis.)

Applications for ballots by mail shall be mailed to:

(Las solicitudes para boletas de votación por correo se enviarán a:)

Elections Division
Travis County Clerk
P.O. Box 149325
Austin, TX 78714-9325

Applications for ballots by mail must be received no later than the close of business on October 23, 2020.
(Las solicitudes de boletas por correo deben ser recibidas a más tardar al cierre del día 23 de octubre de 2020.)

Issued this the 5th day of August 2020.

(Publicado el 5 de agosto de 2020)

Dr. Larry Wallace Jr., Mayor

ORDINANCE NO. 578

AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON THE ADOPTION OF AMENDMENTS TO THE CHARTER OF THE CITY OF MANOR; PROVIDING FOR THE ELECTION TO BE CONDUCTED IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN THE ORDINANCE CALLING THE 2020 GENERAL ELECTION; AND RELATED MATTERS.

Whereas, the Charter Review Commission studied and reviewed the City Charter of the City of Manor, and made recommendations for the amendment of the City Charter;

Whereas, the City Council desires to submit to the voters the charter amendments set forth herein; and

Whereas, the City Council is contracting with the Travis County Elections Officer to hold and conduct the election for the City (the "Election Agreement"), and such election may be held as a joint election;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

SECTION 1: A special election is ordered to be held in the city on Tuesday, November 3, 2020, for the purpose of submitting to the qualified voters of the city propositions on whether the Charter of the City of Manor should be amended. The special election shall be held and conducted by the Travis County Elections Officer, pursuant to a contract authorized by state law, and such election may be held as a joint election with Travis County and/or any other government jurisdiction contracting with Travis County therefore and located within the same territory as the City. The proposed amendments shall take effect upon their adoption and the entering of an order by the City Council declaring the amendments adopted. The proposed amendments affect only the Articles and sections listed below and submitted for amendment to read as follows (with proposed new language being underlined, bolded, and italicized and language proposed to be removed is struck through):

Article I Incorporation, Form of Government and Powers of the City

Section 1.07. – Annexation and Disannexation.

The council may by ordinance unilaterally annex or disannex any land, property or territory upon its own initiative, upon a petition submitted by a majority of the voters residing within the territory being annexed or disannexed or upon petition by the owners of the property, as authorized by applicable law. The procedure for the establishment, modification or extension of the city boundaries, including the annexation or disannexation of territory, may

not be inconsistent with any applicable requirements and limitations established by state law; provided that absent procedures being established by state law the action may be taken by ordinance adopted after one public hearing is held at least ten but not more than 20 days after notice of such public hearing is published in a newspaper of general circulation in the city and posted on the City's website. Upon final passage of an ordinance, fixing, establishing or modifying the boundaries of the city or annexing or disannexing any property by any method prescribed herein, the boundaries of the city shall be so extended or modified as provided in such ordinance. Upon an ordinance annexing property into the city, the territory described in the ordinance shall become a part of the city, and the said land and its residents and future residents shall be bound by the acts, ordinances, codes, resolutions and regulations of the city.

A good and sufficient legal description of the land area being considered for annexation or disannexation, together with a map or plat prepared at the initiator's expense showing the location of such land area, shall be presented to the council at a public meeting prior to final action on such annexation or disannexation. Land disannexed from the city shall not be relieved from any unpaid lawful assessments or taxes levied by the city against the property while such land or property was a part of the city.

Article II. Boundaries of the City

Section 2.01. – Boundaries.

The boundaries and limits of the city shall, until changed in the manner herein provided, be the same as have heretofore been established and as exist on the date of the adoption of this charter. The boundaries and territorial limits of the city may from time to time by ordinance be fixed, decreased, modified or extended, and property may be annexed into the city or disannexed from the city, with or without the consent of any voter or of any landowner in the affected area, unless consent is required by applicable law.

Article III. The City Council

Section 3.01. - Governing Body.

(a) The governing body of the city shall be a city council composed of six council members and a mayor, each elected for four years pursuant to the transition schedule in subsection (c). ~~each elected for a term of two years.~~ When used in this charter or any other city document "council person" or "council member" includes the mayor unless the context indicates otherwise.

(b) The mayor shall be elected from the city at large. The council members shall be elected from the city at large, by Place. Each seat on the council, except for the position of mayor, will be numbered, as Place 1 through Place 6. The council member occupying a particular seat will

be identified by the Place number assigned to that council seat. ~~The mayor and the three council members occupying Places 1, 3, and 5 shall be elected in odd numbered years and the three council members occupying Places 2, 4, and 6, shall be elected in even numbered years. The candidate who receives the largest number of votes for a particular office shall be declared elected for that office.~~

(c) Beginning with the November 2021 general election, the council shall transition to four-year terms as provided in this subsection.

(1) The candidates elected to Places 2, 4, and 6 in the November 2020 general election shall serve two-year terms.

(2) For the November 2021 general election, the Mayor and Places 1, 3, and 5 will be elected for three-year terms.

(3) For the November 2022 general election, Places 2, 4, and 6 will be elected to four-year terms.

(4) For the November 2024 general election, the Mayor and Places 1, 3, and 5 will be elected for four-year terms.

(5) Thereafter, the candidates elected to the city council in the November general election will be elected to four-year terms.

Section 3.02. –Term Limitations.

(a) The mayor and council members shall be elected in the manner provided in Article V of this charter to serve for no more than three consecutive terms. **A partially served term shall count as a term for the purposes of this subsection.** Terms served as council member shall be considered separately from those served as mayor. However, no person may serve more than six consecutive terms as mayor and council member. After completing three consecutive terms, a person may again run for office after one full year of not holding any appointed or elected position on the council. Non-consecutive terms shall not be limited. Terms served prior to the adoption of this charter shall not be considered for the purpose of term limitations.

[SECTION 3.05 IF BOTH PROPOSITION B AND D PASS]

Section 3.05. - Vacancies in Office.

~~(a)~~ The office of mayor or council member shall become vacant **as provided in Section 3.10,** or upon death, resignation, removal from office of the incumbent, or, for individuals elected to office, failure to take the oath of office by the first regular city council meeting following the canvass of the election at which the individual receives a plurality **majority** vote, or, for individuals appointed to office, by the first meeting following the individual's appointment. ~~Any vacancy or vacancies, whether in the office of mayor or council member, may be filled by special election called for such purpose or by the majority of the remaining council members appointing a qualified~~

~~person to fill the vacancy. All appointees to vacancies shall serve for the remainder of the unexpired term of the office so filled.~~

- (b) A vacancy for an unexpired term that exceeds twelve months, that occurs when two places on council have been filled by appointment, or that occurs in the office of mayor, shall be filled by special election called for such purpose. The date for a special election to fill a vacancy shall be the first uniform election date after the vacancy occurs and for which there is sufficient time to call and give notice of the election as required by law; provided that, if a vacancy occurs and no such election date falls within 120 days after the date of the vacancy, the council shall, without regard to the specified uniform election dates, order such election to be held on a Saturday within 120 days from the date of the vacancy. No special election will be required if the vacated office has a term of 120 days or less remaining as of the date of the first council meeting held after the date of the vacancy.
- (c) If a vacancy occurs for an unexpired term of twelve months or less for a position other than the mayor when there are less than two place on council filled by appointment, then the vacancy may be filled by either special election called for such purpose or by the majority of the remaining council members appointing a qualified person to fill the vacancy. Vacancies filled by appointment must be filled within forty-five days from the date the vacancy occurs.
- (d) All appointees or persons elected to vacancies as provided in this section shall serve for the remainder of the unexpired term of the office so filled.

[SECTION 3.05 IF PROPOSITION B PASSES AND PROPOSITION D FAILS]

Section 3.05. - Vacancies in Office.

- ~~(a) The office of mayor or council member shall become vacant as provided in Section 3.10, or upon death, resignation, removal from office of the incumbent, or, for individuals elected to office, failure to take the oath of office by the first regular city council meeting following the canvass of the election at which the individual receives a plurality majority vote, or, for individuals appointed to office, by the first meeting following the individual's appointment. Any vacancy or vacancies, whether in the office of mayor or council member, may be filled by special election called for such purpose or by the majority of the remaining council members appointing a qualified person to fill the vacancy. All appointees to vacancies shall serve for the remainder of the unexpired term of the office so filled.~~
- (b) A vacancy shall be filled by special election called for such purpose. The date for a special election to fill a vacancy shall be the first uniform election date after the vacancy occurs and for which there is sufficient time to call and give notice of the election as required by law; provided that, if a vacancy occurs and no such election date falls within 120 days after the date of the vacancy, the council shall, without regard to the specified uniform election dates, order such election to be held on a Saturday within 120 days from the date of the vacancy. No special election will be required if the vacated office has a term of 120 days or less remaining as of the date of the first council meeting held after the date of the vacancy.

- (c) All persons elected to vacancies as provided in this section shall serve for the remainder of the unexpired term of the office so filled.

Section 3.09 - Compensation.

~~The mayor shall not be paid and each other council member shall not be paid.~~ The mayor shall be paid one hundred fifty dollars and each council member shall be paid seventy-five dollars for each city council meeting attended each month, up to a maximum of two per month. ~~They~~ The mayor and council members shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties, as budgeted and duly authorized. No staff or assistant shall be provided for any member of the council.

Section 3.10. - Automatic Resignation.

The office of mayor or council member shall become vacant upon such member's announcement of candidacy or becoming a candidate in any general, special, or primary election, or any office of profit or trust under the laws of the State of Texas or the United States other than the office then held, at any time during the member's term, and ~~when the unexpired term of the office then held exceeds one year and 30 days, [and]~~ such announcement or such candidacy shall constitute an automatic resignation of the office then held. The city council may not appoint a person who vacates his or her place on council under this ~~subsection~~ to fill the resulting vacancy.

Article IV. The Authority and the Limitations of Council

Section 4.01. - Mayor.

The mayor serves as the ceremonial head of the city and shall preside at all meetings of the council and provide the leadership necessary to good government. He or she shall work with the council to obtain legislation in the public interest and with the city manager to ensure the same is enforced and participate in the discussion and vote on all legislative and other matters coming before the council. The mayor shall have signatory authority for all legal contracts and commitments of the city, sign all ordinances and resolutions, work and coordinate with the city manager and the council, but may not bind or obligate the city in any way without prior authorization from the council and to the extent provided by state law in time of declared emergency, may ~~take command of the police and~~ govern the city by proclamation, ~~maintain order and enforce all laws~~; provided that the mayor must immediately call for an emergency meeting of the city council to consider the appropriate actions for the city during the emergency; and perform ceremonial duties.

Article V. Elections

Section 5.01. - Notice and Order for Elections.

City elections shall be ordered and notice thereof given as provided in the Texas Election Code. The council shall establish the procedures and order elections except as provided

therein. If not otherwise provided for by state law, all elections shall be ordered at least 62 days prior to the date of election and notice shall be given by publication and posting on the City's website not more than 30 days and not less than 20 days immediately preceding the date of election. Notice of election shall be published in a newspaper published within the city, and if there be no such publication, notice shall be published in a newspaper of general circulation within the city.

Section 5.02. - General Elections.

(a). Beginning with the general election to be held in 2016 and for each successive general election, the general city election shall be held annually on the uniform election date in November.

(b) Beginning in November 2021, the mayor and council members are elected by majority ~~plurality~~ vote.

~~(b). The terms of office for the members of the city council elected to Places 2, 4, and 6 in May 2014 shall be extended until their respective successors qualify for office following the November 2016 election. The terms of office for the mayor and the members of the city council elected to Places 1, 3, and 5 in May 2015 shall be extended until their respective successors qualify for office following the November 2017 election.~~

Section 5.08. - Voters and Voting.

Every registered voter who has been a resident of the city for the period of time required by state law ~~30 days or more~~ prior to the date of the election shall be entitled to vote in city elections. Early voting and the hours the polls are open shall be as established by state law, or absent state law providing therefor, as established by ordinance.

Section 5.09. - Election Results.

The mayor and council members are elected by majority ~~plurality~~ vote. No measure shall be adopted except by a majority vote and a tie vote shall defeat the measure.

Section 5.11. Run-Off Election. If no candidate for an elective office receives a majority of the votes cast for that position in the regular or special election, a run-off election shall be held between the two (2) candidates who received the greatest number of votes. Such run-off election shall be held in accordance with State election laws on a Saturday within the period set by state law for holding runoff elections. The candidate receiving the highest number of votes cast for the office in the run-off election shall be declared elected.

Section 5.12.11. - Term of Office.

The mayor and each council member shall serve until his or her successor is elected or appointed and qualified to serve. The regular term of office of the mayor and the council members shall commence on the first regular council meeting following the canvass of the election at which they receive a majority plurality vote. The remaining term of a member of council elected at a special election shall commence on the first regular council meeting after the canvass of votes for the election at which they receive a majority plurality of the votes cast for the office.

Article VI. Initiative and Referendum

Section 6.03. - Referendum.

The people of the city shall have the power to require reconsideration by the council of any adopted ordinance regarding any issue that would be a proper subject for an initiative, ~~and if~~ ***the people shall have the power*** ~~if~~ ***the people shall have the power*** ~~to~~ ***to*** approve or reject the ordinance at an election. Such power does not extend to the budget; capital expenditures; levy of taxes; any bonds, certificates of obligation or any similar obligations; zoning; annexation; or any rates, fees and charges; provided that tax increases shall be subject to petition as provided by state law.

Section 6.10. - Procedure and Results of Election.

Not more than 30 and not less than 15 days prior to the special election, the city secretary shall cause the proposed or referred ordinance to be published in its entirety at least once in a newspaper of general circulation in the city ***and posted on the city's website until the date of the election.***

The ballots used when voting upon such proposed and referred ordinances shall set forth the nature of the ordinance sufficiently to identify the ordinance and shall also set forth a proposition as provided in this charter. If a majority of the qualified voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances adopted by the council. If conflicting ordinances are approved at the same election, the ordinance receiving the greatest number of affirmative votes shall prevail.

An ordinance adopted by initiative may not be repealed or amended at any time prior to the expiration of two years from the date of its adoption, except at an election held for such purpose or such amendment being approved by the council by not less than six affirmative votes.

If a majority of the qualified voters on a referred ordinance vote against the ordinance, it shall be considered repealed upon certification of the election results. If a majority of the qualified voters voting on a referred ordinance vote for the ordinance, it shall be upheld; in such event, [it] may not again be the subject of a petition within 12 months following the date of such election.

Article VII. Administrative Services

Section 7.08. - Public Works Department.

There ~~will shall~~ be established a public works department to administer, supervise and coordinate the construction and maintenance of the streets, parks, water/wastewater and thoroughfares, the drainage system, and all public property and equipment not the responsibility of another department. The department ~~will shall~~ have and be responsible for other duties, projects and works as provided by ordinance or assigned by the city manager. The director of public works ~~will shall~~ administer and manage the department. *The director of such department is appointed and removed by the city manager.*

Section 7.11. - Human Resources.

The office of Human Resources will be established. The city shall be an equal opportunity employer and the service of each officer and employee shall be "at will". The administration of human resources of the city shall be governed by written rules and regulations to be known as "Personnel Policies". The city manager or his or her designee shall prepare such policies and recommend their adoption to the council. Such policies shall not be inconsistent with this charter and will become effective when approved by the council by ordinance. All policies so adopted and not inconsistent with this charter shall have the force and effect of law.

Article VIII. Finance

Section 8.05. - Budget Process and Adoption.

The city manager is responsible for the timely preparation and presentation of the budget and shall present his or her recommended or draft budget to the city council no later than 60 days prior to October 1st of each year. In the absence of the truth-in-taxation calculations being provided in advance of the sixtieth day, the city manager shall provide a draft budget and a recommended budget not less than ten days following receipt from Travis County of the calculations, if after the sixtieth day before October first (1st). The proposed budget shall become a public document and record when presented to the council. From and after its receipt of the budget, the city council shall:

- (a) At the first council meeting for which timely notice may be given, cause to be posted in city hall and on the City's website a general summary of the proposed budget and a notice stating the time and places where copies of the budget are available for public inspection; of a public hearing on the budget; and such other public hearings as are required by state law.
- (b) After public hearing(s) the council may adopt the budget with or without amendment. The council may amend the proposed budget to add, increase, decrease or delete any programs or amounts, except expenditures required by law or for debt service; provided that no amendment shall increase the authorized expenditures to an amount greater than the total of estimated funds available from all sources.
- (c) The budget shall be finally adopted by ordinance not later than September 30th; provided that if the council takes no final action on or prior to such day, the budget as submitted by the city manager is deemed to have been finally adopted by the council.

Section 8.11. - Bonds and Financial Obligations.

The council may by ordinance authorize the issuance of any tax or revenue bonds, refunding bonds, certificates of obligation, warrants, notes, certificates of participation, tax anticipation notes or other evidence of indebtedness or obligation, for any permanent public improvement or any emergency, or any other public purpose not prohibited by law, subject only to the following limitations:

- (a) No general obligation bonds, other than refunding bonds, shall be issued except as approved by a majority vote at an election held for such purpose;
- (b) No indebtedness or obligation shall be issued except in compliance with the requirements of state law;
- (c) No form of indebtedness other than general obligation bonds approved by public vote may be issued without public notice and a public hearing being held in compliance with state law; the ~~published~~ notice, published in a newspaper of general circulation in the city and posted on the city's website, must clearly summarize the relevant statutory provisions providing for a petition and election, if any; and
- (d) The authorization for bonds authorized but not issued shall expire ten years after the date of authorization.

Article X. Planning and Development; Community Committees

Section 10.07. - ~~Planning and~~ Development Services Department.

~~The city council will may create by ordinance such department(s) as necessary to provide technical and administrative support in the areas of planning, growth management and land development, or the city manager may assign such duties to any other department or officer of the city. The director of such department is appointed and removed by the city manager.~~

The department of Development Services will be established. The director of planning will administer and manage the department and will have and be responsible for the duties, projects and works as provided by this charter, ordinance, or as assigned by the city manager. The director of such department is appointed and removed by the city manager

Section 10.10. Community Committees. The following community committees are hereby established. The City Council shall adopt an ordinance providing for the membership, qualifications, terms, duties, and other matters determined appropriate by the City Council regarding the committees.

- (a) Community Collaborative Committee. The community collaborative committee shall serve to promote communication between the City and the community on issues affecting the City as a whole. The community collaborative committee shall include representatives from the City's homeowners' associations, community non-profit associations, the school district, charter schools, and other members of the community as determined appropriate by the City Council.**
- (b) Economic Development Committee. The economic development committee will be made up of representatives from the City, the local business community, and other persons determined appropriate by the City Council. The economic development committee shall serve as a resource for marketing the City and promoting the economic development of the City.**
- (c) Public Safety Committee and Community Advisory Committee. The public safety committee shall serve to provide input on the programs and activities of the Police Department and other areas of public safety and to assist in bridging relationships between the community and local police, fire, EMS and to provide direction in matters of public safety. The committee will be made up of members of city council and city staff, and additional members of the community if determined appropriate by the City Council. The public safety committee shall recommend for appointment by the city council persons to serve on a community advisory committee. The community advisory committee shall receive input from the community on ideas, areas of concern, and complaints regarding public safety matters, and shall perform other functions established by the City Council by ordinance.**
- (d) Emergency Management Committee. The emergency management committee shall serve to coordinate and integrate activities and capabilities needed to mitigate against, prepare for, respond to, and recover from emergencies, declared disasters or hazards. The committee will be made up of members of city council and city staff, and additional members of the community if determined appropriate by the City Council.**

Article XI. Public Utilities, Franchises and Contracts

Section 11.02. - Franchises.

The council shall have the power and authority to grant franchises for the use and occupancy of streets, avenues, alleys and any and all public property belonging to or under the control of the city. Except as specifically authorized and provided otherwise by state law, no individual, organization, entity, political subdivision, corporation, public utility or any provider of public service shall provide any service within the city requiring the use or occupancy of any street, public right-of-way or property without first being granted a franchise or permit to use such city facilities. The franchise ordinance or permit shall fully describe the terms of the agreement, and regardless of the title given, shall be subject to the terms of this Article. The

terms of such agreements shall be explicit so as to protect the interests of the citizens and shall include but not be limited to the terms prescribed in this charter. No franchise ordinance or permit shall be passed except on two readings held after a public hearing for which ten days' notice is given in a newspaper of general circulation in the city and posted on the City's website, unless applicable state or federal law requires the issuance of the franchise or permit within a specific time period, in which case the franchise ordinance or permit will be approved in accordance with the procedures established by ordinance.

Article XII. Ethics and Conflicts

Section 12.01. - Ethics Commission.

The city council shall adopt, and periodically modify and amend, an ordinance providing an ethics policy and code of conduct applicable to the officers, employees, boards and commission members of the city. An ethics commission composed of a minimum of five qualified voters of the city shall be established to advise the council on the content and requirements of the ethics policies and ordinance and to hear and decide complaints filed pursuant to such policies and ordinance. The council shall receive applications from and interview persons interested in serving on the ethics commission. After concluding the interview process, each ~~Each~~ council member has the right to recommend appointment of qualified citizens to serve, subject to the approval by vote of the council. Should the council approve a seven member ethics commission, each council member shall appoint one member to the commission, subject to the approval by vote of the council. If a sufficient number of qualified voters do not apply to fill vacancies on the commission, the council may appoint up to two residents of the extraterritorial jurisdiction to serve on the ethics commission. The council may not appoint any person related to a member of the council within the first degree of consanguinity or affinity. The members of such commission are appointed, supervised and removed by the city council and shall meet upon a complaint or grievance being filed or at the request of the council or the city manager. The ethics commission has authority and power to investigate complaints; gather and hear evidence; issue and enforce subpoenas to compel the attendance of witnesses and collection and presentation of any evidence or documents; decide ethics complaints based on the information and facts submitted; issue written opinions; issue verbal or written reprimands and to admonish; and in appropriate circumstances, to recommend to the city council and/or the city manager as appropriate more severe disciplinary action, including removal, termination, civil litigation or criminal charges. The ethics commission shall be advised by independent legal counsel nominated by the city attorney and appointed by the council.

Section 12.04. - Conflict of Interest.

No elected or appointed officer or employee of the city shall participate in the deliberation or decision on any issue, subject or matter before the council or any board or commission, if the officer or employee, or a family member related to the officer or employee within the first degree of consanguinity or affinity, has a personal financial or property interest, direct or indirect, in the issue, subject or matter that is different from that of the public at large. An interest arising from job duties, compensation or benefits payable by the city shall not constitute a personal financial interest.

Article XIII. General Provisions

Section 13.06. - Public Records.

All public records of every office, department, or agency of the city, that are not subject to a privilege against disclosure that is recognized by state or federal law are open to inspection by the public all reasonable times *in accordance with state law and the policies and procedures established by the City that are consistent with state law.*; ~~provided that the following records shall not be considered public records for the purpose of this section:~~

- ~~(a) records that may be closed to the public pursuant to state law;~~
- ~~(b) records that are attorney-client privileged;~~
- ~~(c) records that regard a competitive bid or proposal that has not been finally awarded;~~
- ~~(d) records that regard the active negotiation of a contract or pending acquisition of property;~~
- ~~or~~
- ~~(e) records that include information that is protected by a right of privacy established by statute or constitution.~~

Section 13.07. - Succession.

If four or more positions on the city council become vacant at any time due to disaster or an event that results in the death or inability to serve of four or more members, the mayor, mayor pro-tem, majority of the surviving members of council, or if there be but one, any surviving member, may call a special election to fill the vacant positions. In such event, pending the election, if there are three surviving members of the city council, they constitute a quorum. If there are not at least three surviving members, the following officers of the city in the order listed shall serve with the surviving members of the council on an interim basis as necessary to result in a four-member quorum:

- (a) the chair of the planning and zoning commission;
- (b) the vice chair of the planning and zoning commission;
- (c) the city manager;
- (d) the chief of police;
- (e) the city secretary; ~~and~~
- (f) the finance director; and*
- ~~(g)~~ *(g)* the director of public works.

If such surviving officers are not sufficient in number to constitute a quorum, the remainder shall constitute a quorum until the officers elected at the special election take office.

Section 13.08. - Charter Review.

The council will ~~shall~~ review the charter every two years to determine if any amendment should be considered. The council will ~~shall~~ appoint a charter review commission, consisting of seven qualified voters of the city, at least every fifth year. The terms of each charter review commission will ~~shall~~ be six months and such commission will ~~shall~~ review, hold hearings upon and make recommendations for the amendment, if any, of this charter. Any resulting charter elections will ~~shall~~ be noticed and held in compliance with state law.

SECTION 2. Notice of the election shall be given and the election shall be held in compliance with the provisions of the Texas Election Code and Chapter 9, Texas Local Government Code, in all respects. The ballot propositions for the special election shall comply with the Tex. Elec. Code and be in the form provided by the City to the Travis County Elections Officer for use on the voting devices and ballots used by Travis County; provided that the official ballot shall be prepared in such a manner as will permit the voters to vote “For” or “Against” each proposition submitted, with the propositions to be expressed on the official ballot in a form substantially as follows:

CITY OF MANOR PROPOSITION A Annexation

Shall Section 1.07 and Section 2.01 of the City Charter be amended to require consent to annexation of land by the City as required by state law?

_____ YES _____ NO

CITY OF MANOR PROPOSITION B City Council Four-Year Term of Office

Shall Section 3.01 of the City Charter be amended to increase the terms of office for the Mayor and City Council from two-year to four-year terms, and to provide for transition to four year terms, and shall Sections 3.05, 5.02, 5.09, and 5.11 be amended and Section 5.12 be added to make the Charter consistent with state law for four-year terms by providing for election by majority vote, providing for runoff elections if no candidate is elected by majority vote, and providing for special elections to fill vacancies on council?

_____ Yes _____ No

CITY OF MANOR PROPOSITION C
Term Limits

Shall Section 3.02 of the City Charter be amended to clarify that partial terms of office count towards term limits?

_____ Yes _____ No

CITY OF MANOR PROPOSITION D
Council Vacancy Filled by Appointment

If four-year terms are adopted, shall Section 3.05 of the City Charter be amended to provide that the Council may fill a vacancy that occurs when there are 12 months left on the term either by appointment or special election, unless there are already two places on Council that have been filled by appointment?

_____ Yes _____ No

CITY OF MANOR PROPOSITION E
Council Compensation

Shall Section 3.09 of the City Charter be amended to compensate the Mayor in the amount of \$150 per council meeting and each City Councilmember in the amount of \$75 per council meeting attended each month, up to a maximum of two?

_____ Yes _____ No

CITY OF MANOR PROPOSITION F
Automatic Resignation Upon Announcing for Office

Shall Section 3.10 of the City Charter be amended to provide that a Councilmember's announcement of candidacy for another office at any time during their term creates a vacancy in office?

_____ Yes _____ No

CITY OF MANOR PROPOSITION G
Powers of the Mayor

Shall Section 4.01 of the City Charter be amended to remove the authorization of the Mayor to “take command of the police” and “maintain order and enforce all law” during times of declared emergency?

_____ Yes _____ No

CITY OF MANOR PROPOSITION H
Posting of Notices on City Website

Shall Sections 1.07, 5.01, 6.10, 8.05, 8.11, and 11.02 of the City Charter be amended to require notices described in those sections be posted on the City’s website as well as published in the newspaper?

_____ Yes _____ No

CITY OF MANOR PROPOSITION I
Residency Requirement for Voters

Shall Section 5.08 of the City Charter be amended to conform the residency requirements for voters to what is required by state law?

_____ Yes _____ No

CITY OF MANOR PROPOSITION J
Power of Referendum

Shall Section 6.03 of the City Charter be amended to clarify the section describing the power of referendum granted under the Charter?

_____ Yes _____ No

CITY OF MANOR PROPOSITION K
Public Works

Shall Section 7.08 of the City Charter be amended to add parks to the duties of the public works department and to state that the public works director is appointed and removed by the City Manager?

_____ Yes _____ No

CITY OF MANOR PROPOSITION L
Human Resources

Shall Section 7.11 of the City Charter be amended to establish the office of Human Resources?

_____ Yes _____ No

CITY OF MANOR PROPOSITION M
Development Services Department

Shall Section 10.07 of the City Charter be amended to establish the department of Development Services to be managed by a director of planning, to provide for the duties of the planning director, and state that the planning director is appointed and removed by the City Manager?

_____ Yes _____ No

CITY OF MANOR PROPOSITION N
Community Committees

Shall Section 10.10 be added to the City Charter to establish the community collaborative committee, the economic development committee, the public safety committee, and the emergency management committee and to provide for the makeup and duties of the committees?

_____ Yes _____ No

CITY OF MANOR PROPOSITION O
Franchise Authority

Shall Section 11.02 of the City Charter be amended to address preemption by state and federal law of the City's franchise authority and procedures for granting a franchise?

_____ YES _____ NO

CITY OF MANOR PROPOSITION P
Ethics Commission

Shall Section 12.01 of the City Charter be amended to establish an application and interview process for appointing ethics commission members, to allow for appointment of up to two residents of the extraterritorial jurisdiction to the commission if there are not enough qualified applicants from the city limits, and to prohibit appointment of persons related within the first degree of affinity or consanguinity to the city council?

_____ YES _____ NO

CITY OF MANOR PROPOSITION Q
Conflict of Interest

Shall Section 12.04 of the City Charter be amended to prohibit elected or appointed officers or employees of the city from participating in decisions on matters if a family member related to the officer or employee within the first degree of consanguinity or affinity has a personal financial or property interest in the matter?

_____ YES _____ NO

CITY OF MANOR PROPOSITION R
Public Records

Shall Section 13.06 of the City Charter, which governs public records, be amended to confirm this section to state law?

_____ YES _____ NO

CITY OF MANOR PROPOSITION S
Succession

Shall Section 13.07 of the City Charter be amended to add the finance director to persons within the chain of succession?

_____ YES _____ NO

CITY OF MANOR PROPOSITION T
Charter Review Cycle – Change “Shall” to “Will”

Shall Section 13.08 of the City Charter, governing the frequency of City Charter reviews, be amended to change the word “shall” to “will” wherever it appears in this section?

_____ YES _____ NO

SECTION 3. The election precincts for the election shall be the election precincts established by Travis County, provided that each shall contain and include geographic area that is within the City and the election precincts are in accordance with the City Charter.

SECTION 4. Notice of the election shall be given by posting a notice containing a substantial copy of this ordinance on the bulletin board used for posting notice of meetings of the governing body at the City Hall not later than the twenty-first (21st) day before the election, provided that Exhibit A may be made available in the office of the City Secretary for review upon request, and by publishing said Notice of Election on the same day in each of two successive weeks, with the first such publication occurring before the fourteenth (14th) day before the date of the election. The notice that is posted, and the notice that is published in a newspaper of general circulation within the city, will be written in both English and Spanish.

SECTION 5. The elections shall be held and conducted by the Travis County Election Officer in compliance with state law, the City Charter, the Election Agreement, and the resolution calling the 2020 general election except where it clearly conflicts with this Ordinance; provided that Chapter 9, Texas Local Gov’t Code shall apply to the special election. And, this Ordinance shall be in force and effect from and after its passage on the date shown below.

SECTION 6. The City Council finds and declares the adoption, passage and implementation of this ordinance is an emergency and necessary for the preservation and protection of the citizens.

SECTION 7. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED on this the 5th day of August 2020.

THE CITY OF MANOR, TEXAS

Dr. Larry Wallace Jr.,
Mayor

ATTEST:

Lluvia T. Almaraz,
City Secretary

DRAFT



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: August 5, 2020

PREPARED BY: Thomas Bolt, City Manager

DEPARTMENT: Administration

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on establishing an emergency financial assistance rent/mortgage, utility, and small business grant program.

BACKGROUND/SUMMARY:

The funding source for this emergency financial assistance grant program is from the City of Manor's allotment of Coronavirus Relief Fund (CRF) from the Texas Department of Emergency Management (TDEM) under the CARES Act.

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Grant Program Guidelines

STAFF RECOMMENDATION:

It is City staff's recommendation that City Council approve the establishment of an Emergency Financial Assistance Rent/Mortgage, Utility and Small Business Grant Program funded only up to the the allotment provided to the City by the Coronavirus Relief Fund (CRF) from the Texas Department of Emergency Management (TDEM) under the CARES Act.

PLANNING & ZONING COMMISSION: ☐ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE

City of Manor, Texas
Emergency Utility Bill Relief Grant Program Guidelines
August 5, 2020

1. Program Objective

The Manor City Council has declared that the City's utility services are considered essential utility services to meet basic public health, sanitation, welfare, and public safety needs of its residents.

The Manor City Council has approved the implementation of the Emergency Utility Bill Relief Grant program which is intended to help City of Manor's inside-City residential utility customers to have uninterrupted access to utility services who are experiencing financial hardships due to COVID-19 pandemic and are unable to pay their utility bills.

2. Funding Source

The funding source for this emergency financial assistance program is from the City of Manor's allotment of Coronavirus Relief Fund (CRF) from the Texas Department of Emergency Management (TDEM) under the CARES Act.

3. Effective & Program End Date

The City's Emergency Utility Bill Relief Grant program is effective April 1, 2020 to June 30, 2020. The City Council, at its sole discretion, subject to funding availability may authorize to extend the program end date to any date prior to December 30, 2020.

4. Eligibility Requirements

City's utility customers to be eligible must meet **ALL** requirements identified below to qualify for financial assistance under the City's Emergency Utility Bill Relief Grant program:

- a. Applicant must be experiencing a financial hardship due COVID-19 pandemic.
- b. Applicant must be experiencing a financial hardship due to loss of job or reduction in income related to COVID-19.
- c. Applicant must be an inside-City residential customer with an active utility account (not account that has been closed).
- d. Applicant must be the primary individual under whose name the utility account is registered and established.
- e. Applicant's income must be at or above the federal income thresholds for low income.

5. Eligible Financial Assistance

Only the following items are eligible and authorized for the use of grant funds under the City's Emergency Utility Bill Relief Grant program.

- a. City of Manor's utility bill issued for utility services and billed for the following months:
 - i. April 2020 utility bill due May 15, 2020
 - ii. May 2020 utility bill due June 15, 2020
 - iii. June 2020 utility bill due July 15, 2020
- b. All utility services provided by and billed for by the City of Manor which may include utility services for water, wastewater, and solid waste.
- c. Monthly service charges for utility services.
- d. Late payment penalty.
- e. Service disconnection fee
- f. Does not cover account deposit or other service application or new initiation fees.

6. Financial Assistance for Utility Account Credit

The financial assistance to inside-City residential utility customers who have met the eligibility requirements and who have been approved under the City's Emergency Utility Bill Relief Grant program will be aided as follows:

- a. The customer's utility account will be applied a monetary credit for the customer's monthly utility bill issued for utility services billed for the following months and for which the payment due date is on:
 - i. April 2020 utility bill due May 15, 2020
 - ii. May 2020 utility bill due June 15, 2020
 - iii. June 2020 utility bill due July 15, 2020
- a. The monetary credit applied to the customer's utility account is not for past due utility account balance(s) outstanding prior to the program effective date of April 1, 2020.
- b. No refunds to utility customers receiving financial assistance under the City's Emergency Utility Bill Relief Grant program shall be allowed and authorized.
- c. Any unused account credit arising as a result of the customer, who has been approved to receive financial assistance under this program, having made a utility payment before the financial assistance approval, shall rollover to the next month.

7. Documentation Required

The City of Manor inside-City residential customer to be considered for financial assistance under the City's Emergency Utility Bill Relief Grant program shall provide the following:

- a. Completed Application (Exhibit B attached herewith) and whichever is applicable,
 - 1) Proof of income or pay reduction (latest pay stub), or
 - 2) Proof of approved unemployment claim, or
 - 3) Letter from employer confirming business closure, layoff, or reduction in pay due to COVID-19, and
 - 4) City of Manor Affidavit Form with justification boxes to be checked, signed and dated (Exhibit C attached herewith).

8. Outsourcing of Program Intake & Administrative Services

Due to the urgent and emergency nature and objective of the City's Emergency Utility Bill Relief Grant program, the City Manager and or their designee is hereby authorized to consider, negotiate and recommend for City Council's approval a contract with a professional organization and or a business entity for securing application intake and administration of the grant program on behalf of the City of Manor.

9. City Council Authorization

The above program guidelines and eligibility requirements for the City's Emergency Utility Bill Relief Grant were initially reviewed on August 5, 2020 and final approval by the Manor City Council will take place on August 19, 2020.

City of Manor, Texas
Emergency Utility Bill Relief Grant Program Guidelines

EXHIBIT A
Federal Annual Income Thresholds for Travis County by Household Size

	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Low Income	\$54,700	\$62,500	\$70,300	\$78,100	\$84,350	\$90,600	\$96,850	\$103,100

Source:

U.S. Department of Housing and Urban Development (HUD) income guidelines utilized for Section 8 program. This income threshold is based on 80% of FY 2020 MFI \$97,600 for Austin-Round Rock, TX MSA which includes Travis County, Texas.

City of Manor, Texas
Emergency Utility Bill Relief Grant Program Guidelines

EXHIBIT B
APPLICATION FORM

1. Today's Date: _____
2. Applicant's Name: _____
3. Name of Account Holder: _____
4. Utility Account Number: _____(8-digits, no dashes)
5. My Utility Account: ☐ Is Active ☐ Has Been Closed-out
6. Service Address: _____
7. Number of People in Household: _____
8. Contact Email Address: _____
9. Contact Phone Number: _____(10-digits, no dashes)
10. My Monthly Income: _____
11. My Spouse/Partner's Monthly Income: _____
12. Reason for Requesting Emergency
Financial Assistance: ☐ Experiencing Hardship Due to COVID-19
 ☐ Loss of Job Due to COVID-19
 ☐ Reduction in Income Due to Covid-19
 ☐ Other: Please Provide Explanation Below

13. Applicant's Signature: _____

City of Manor, Texas
Emergency Utility Bill Relief Grant Program Guidelines

EXHIBIT C
AFFIDAVIT

I, _____, presently residing at _____,
Manor, Texas 78653, County of Travis, Texas, do hereby solemnly swear that I and my family have been
experiencing financial hardships due to COVID-19 and I am unable to pay my City of Manor utility bill.

I further solemnly swear that I have provided the following documentation as proof for:

1. ☐ Loss of job
2. ☐ Loss of income
3. ☐ Unemployment claim filed
4. ☐ Unemployment claim approved
5. ☐ Employer's letter confirming business closure, layoff, or
reduction in pay due to COVID-19
6. ☐ Other: Explanation provided by me under item #11 on the attached
application

I am requesting financial assistance under the City's Emergency Utility Bill Relief Grant Program. I
hereby agree that should the information submitted by me to receive financial assistance under the
City's Emergency Utility Bill Relief Grant Program is found to be untrue or false, any monetary credit
applied to my City of Utility account will be immediately reversed and I will be responsible for all utility
account balance.

By signing this Affidavit, I hereby attest that I have read this Affidavit, that I fully understand and
acknowledge all claims and statements made by me in this Affidavit, and that all such claims and
statements made by me in this Affidavit are completely true and accurate.

Signature of Applicant & Date