THERE EXISTS A PUBLIC HEALTH EMERGENCY RELATED TO THE COVID-19 VIRUS THAT NECESSITATES A MEETING OF THE CITY COUNCIL TO TAKE PLACE VIA VIDEO CONFERENCE PURSUANT TO GOVERNMENT CODE CHAPTERS 551.127, AS MODIFIED BY EXECUTIVE ORDER OF THE GOVERNOR

Zoom Videoconference Link: https://www.zoomgov.com/j/1601995909
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Webinar ID: 160 199 5909

If you wish to address the City Council via telephone, please select *9 on your phone, this will place you in a queue for speaking. At the appropriate time, the City Secretary will call upon each individual separately. *6 will unmute your phone to allow you to speak.

I. OPEN MEETING
   A. Roll Call – Declaration of a Quorum.

II. CITIZENS and GUEST FORUM / PRESENTATIONS
    If you wish to address the City Council, select *9 on your phone; this will place you in a queue for speaking. At the appropriate time the City Secretary will call upon each individual separately. Select *6 to unmute your phone to speak. In accordance with the Open Meetings Act, Council may not discuss or take action on any item which has not been posted on the agenda.
    A. Citizens to be heard.
    B. Introduction of new employee, Daniel Fate, Network Specialist.
       Joanna Merrill, Director of Human Resources & Communications
    C. Recognition of Jarrett Lee for his promotion to Utility Technician.
       Joanna Merrill, Director of Human Resources & Communications
    D. Recognition of Employee of the Quarter to Melissa Castro, Environmental Compliance Manger.
       Joanna Merrill, Director of Human Resources & Communications
    E. Staff presentation to Council.
       Joanna Merrill, Director of Human Resources & Communications

III. CONSENT AGENDA
    All of the following items are considered to be routine by the City Council, there will be no separate discussion on these items and will be enacted with one motion. Items may be removed by any Council Member by making such request prior to a motion and vote.
A. Approval of the December 10, 2020 City Council and P&Z Joint Public Hearing meeting minutes. Pgs. 4-5
B. Approval of the December 16, 2020 Water, Wastewater, and Reuse System Workshop meeting minutes. Pg. 6
C. Approval of the December 17, 2020 Regular City Council meeting minutes. Pgs. 7-9
D. Approval of a Resolution amending the Planning and Zoning Commission Rules of Procedure. Christina Picioccio, City Secretary Pgs. 10-20

IV. CONSIDERATION/DISCUSSION ITEMS
A. Consideration and possible action regarding stormwater utilities incentives & exemptions. Kate Ploetzner, P.E., CFM, Kimley Horn Pgs. 21-52
B. Consideration and possible action on adopting the Citizens Code of Conduct Advisory Committee Charter and providing direction to staff on procedural schedule for selection of committee members. Snehal Patel, Council Member Pgs. 53-74
C. Consideration and possible action approving a Resolution allocating the Fiscal Year 2019-20 Governmental Fund Balances. Sarah Buckelew, CPA, Finance Director and ABIP, PC Pgs. 75-96
D. Discussion regarding Request for Proposals for a Standards of Cover and Utilization Study. Clayton Hoelscher, Procurement Manager Tim Moring, Police Chief Pgs. 97-124
E. Discussion regarding potential amendments to the Water Conservation Ordinance. Melissa Castro, Environmental Compliance Manager Pgs. 125-145

V. REPORTS FROM STAFF/COMMITTEES/COUNCIL
A. May 1, 2021 Election Calendar. Christina Picioccio, City Secretary Pg. 146

VI. CONVENE INTO EXECUTIVE SESSION
Pursuant to Section 551.101 of the Open Meetings Act, Texas Gov’t Code, a quorum of the governing body hereby convenes into closed session:
A. Sec. 551.071 (Consultation with Attorney) the City Council will meet in private consultation with legal counsel to seek the advice of its attorneys about pending or contemplated litigation, a settlement offer, and/or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Chapter 551 of the Government Code; to wit:
   1. To receive legal advice and to receive and deliberate an offer of settlement for claims made on behalf of a real property owner against the City’s operation of well K-2.
   2. Cause No. 2018-CI-00202; the City of Fair Oaks Ranch, Texas vs. Edward I. Hill, Robert E. Heckendorn, Craig M. Kuitjen, Roger Fuentes, Wesley A. Pieper, Esther W. Hicks, William A.
McDowell, Yolanda D. Ayala, PG Pfeiffer Ranches LLC, Maureen Pfeiffer Stevenson Family Trust.

VII. RECONVENE INTO OPEN SESSION
Discussion and possible action on items discussed in Executive Session.

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

Signature of Agenda Approval: [Signature]

I, Christina Piccioccio, City Secretary, certify that the above Notice of Meeting was posted on the outside bulletin board at the Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas, and on the city’s website www.fairoaksranchtx.org, both places being convenient and readily accessible to the general public at all times. As per Texas Government Code 551.045, said Notice was posted by 9:30 AM, January 4, 2021 and remained so posted continuously for at least 72 hours before said meeting was convened.

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

Roll Call – Declaration of a Quorum

Council Present: Mayor Manitzas and Mayor Pro Tem Elizondo

Council Members: Havard, Hartpence, Koerner, Patel and Maxton

P&Z Present: Chairperson Trapasso and Vice Chairperson Barnes


With both quorums present, the Special Joint Workshop was called to order at 6:30 PM.

II. CITIZENS and GUEST FORUM / PRESENTATIONS

A. There were no citizens to be heard.

III. PURPOSE OF THE JOINT PUBLIC HEARING

A. The City Council and the Planning and Zoning Commission conducted a joint public hearing to receive public testimony on the replat request for Front Gate Unit 12 Lots 299-300; and Front Gate Unit 4 Lots 371-373, 407 and 903-904 (RP No. 2020-01).

1. The Mayor provided opening comments and opened the Public Hearing at 6:35 PM.

2. Consultant, Lata Krishnarao, provided a presentation on the replat request.

3. Paul Schroeder, of Vickrey & Associates, Inc., provided a presentation regarding the project and replat request.

4. Citizen comments:

   David Vance, 8922 Bullride, stated that he is in favor of the replat.

   John Park, 28926 Front Gate, purchased one of the homes that was affected and returned a letter in support of the replat.

   Lauren Barbier spoke against the replat as a resident who was under the impression this space was going to be green space/pocket park with trees. A replat was not successful in 2016 that would have affected her property. Ms. Barbier asked for the green space to be placed in a future area of the development and for the City to enforce this if possible.

5. The Mayor closed the joint public hearing at 6:59 PM.

6. Council and P&Z asked questions of the consultant relating to the requested replat.

7. The Public Hearing was adjourned with no formal action.
III. ADJOURNMENT

Mayor Manitzas adjourned the meeting at 7:17 PM.

___________________________________________
Garry Manitzas, Mayor

ATTEST:

__________________________________________
Christina Picioccio, City Secretary
I. OPEN MEETING
   Council Present: Mayor Manitzas and Mayor Pro Tem Elizondo
   Council Members: Hartpence, Havard, Koerner, Patel, and Maxton.

   With a quorum present, the meeting was called to order at 9:10 AM.

II. CITIZENS and GUEST FORUM/PRESENTATIONS
A. There were no citizens to be heard.

III. PURPOSE OF SPECIAL CALLED MEETING
A. Water, Wastewater, and Reuse System Workshop.

   A workshop was held on the Water/Wastewater Capital Improvement Program (CIP).
   Presentations were led by Mike Persyn, P.E., Associate, Water Practice Leader of K Friese and Ron Emmons, P.E., City of Fair Oaks Ranch Public Works Director.

IV. ADJOURNMENT

   Mayor Manitzas adjourned the meeting at 11:34 AM.

___________________________________________
Garry Manitzas, Mayor

ATTEST:

_____________________________________________
Christina Picioccio, City Secretary
I. OPEN MEETING

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

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

II. CITIZENS and GUEST FORUM/PRESENTATIONS

A. Citizens to be heard.

The City Secretary read a letter into the record from each of the following residents (1-6):

1. Elaine Khanwilkar, in support of the proposal by Council Member Patel regarding the Citizens Code of Conduct Advisory Committee.

2. Stacy Gilfillan, in support of all three motions proposed by Council Member Patel.

3. Natalie Schun, in support of approval for all three proposed motions on the agenda proposed by Council Member Patel.

4. Christina Guerra, in favor of council approving all three motions related to the agenda item proposed by Council Member Patel.

5. Elizabeth Garretson, in favor of council approving the recommendations and motions proposed by Council Member Patel as she believes citizens are anxious to be involved in the process.

6. Susan Koppang, in support of an advisory committee to assist with the creation of a code of ethics and believes constituents should be directly involved in the creation.

7. Seth Mitchell spoke and noted he was thankful for the vaccines and the prospect of people meeting in person. He believes that outbursts are less likely if Council is able to be in the same space and is supportive of a citizens committee.

8. Debra Doyle asked to have her name corrected in the December 3, 2020 minutes. She also asked Council Member Havard to resign and for the Mayor to call for her resignation if she does not do so.

9. Christine Graham commended Ms. Patel’s thorough work on the charter and voiced her support of the committee charter.
III. CONSENT AGENDA

B. Approval of a replat request from SA Front Gate, LLC for Front Gate Unit 12 Lots 299-300; and Front Gate Unit 4 Lots 371-373, 407 and 903-904, generally located south of Dietz Elkhorn Road and west of Van Raub Elementary School, City of Fair Oaks Ranch, Texas (RP No. 2020-01).

C. Approval of a preliminary plat request from Elkhorn Ridge SA, LLC for Elkhorn Ridge Unit 6B proposing 22 single-family residential lots, generally located at the intersection of Dietz Elkhorn Road and Elkhorn Ridge, City of Fair Oaks Ranch, Texas.

D. Approval of a private donation of gift cards to the City of Fair Oaks Ranch Police Department.

Consent Item A was removed from the consent agenda as the request of Council Member Maxton.

MOTION: Made by Mayor Pro Tem Elizondo, seconded by Council Member Patel to approve the Consent Agenda items B, C & D.

VOTE: 7-0; Motion Passed.

IV. CONSIDERATION/DISCUSSION ITEMS

Consent Agenda Item A.

A. Approval of the December 3, 2020 Regular City Council meeting minutes.

Council Member Maxton asked for clarification of Item C and the motion that was approved. After a brief discussion, the Council agreed that the motion written into the minutes is accurate.

MOTION: Made by Council Member Koerner, seconded by Council Member Patel to approve the December 3, 2020 Regular City Council meeting minutes.

VOTE: 7-0; Motion Passed.

V. REPORTS FROM STAFF/COMMITTEES/COUNCIL

A. Sarah Buckelew, CPA, Finance Director, provided to Council a Presentation of the Quarterly Investment Report.

VI. CONSIDERATION/DISCUSSION ITEMS

A. Consideration and possible action on adopting the Citizens Code of Conduct Advisory Committee Charter and related procedural schedule, appointment process, and Council training.

MOTION: Made by Council Member Patel, seconded by Council Member Hartpence to adopt the City of Fair Oaks Ranch Citizens Code of Conduct Advisory Committee Charter.

MOTION: Made by Council Member Patel, seconded by Mayor Pro Tem Elizondo to table the item until the January 7, 2021 City Council Meeting.

Council Member Havard left the meeting during the discussion phase of this item (time unknown).

VOTE: 6-0; Motion Passed.
VI. CONVENE INTO EXECUTIVE SESSION

City Council did not convene into Executive Session regarding:

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

1. To receive legal advice and to receive and deliberate an offer of settlement for claims made on behalf of a real property owner against the City's operation of well K-2.


VII. RECONVENE INTO OPEN SESSION

N/A

VIII. ADJOURNMENT

Mayor Manitzas adjourned the meeting at 9:03 PM.

______________________________
Garry Manitzas, Mayor

ATTEST:

______________________________
Christina Picioccio, City Secretary
INTRODUCTION/BACKGROUND:
At the December 12, 2019 Planning and Zoning (P&Z) Commission meeting, the Commission reviewed the P&Z Rules of Procedure and planned to put forth to council recommendations for changes. This plan was postponed in light of the Council’s decision to evaluate the process for appointments/reappointments of terms for all boards and commissions.

Subsequent to these changes, the P&Z Commission met on October 8, 2020 and reconfirmed the earlier recommendations and put forth additional changes to align with the new board appointment process and timeline.

The Planning & Zoning Commission seeks Council approval of the following Rules of Procedure amendments (updates in bold and italics) – Full changes identified in Attachment A:

To realign with updated board appointment process:

2.0 Creation and Membership

2.1 Appointments/reappointments to the Planning and Zoning Commission shall be made annually based on the term expiration and expressed interest of members to continue to serve, or at such other times as may be authorized by State Law. Terms shall coincide with the city’s fiscal year (October 1 through September 30). Appointments to fill unexpired terms will be made on an as need basis.

3.0 Officers

3.1 The Commission shall select from among its members in their first meeting of the fiscal year following new appointments, a Chairperson and Vice-chairperson to serve for a period of one (1) year.

To clarify Commission role:

5.0 Powers and Duties of the Commission

5.1 The Planning and Zoning Commission has the following planning responsibilities:

- Make recommendations to the City Council on revisions to the City’s comprehensive plan.
• Make recommendations to the City Council on revisions to the subdivision and other land use and development regulations.

8.0 Agendas

Add: 8.4 *Commission Members can suggest agenda items (provided it falls within the scope of commission role and with sufficient notice for staff study).*

13.0 Addressing the Commission

Add: 13.8 *During Public Hearings, Commission Members may question speakers limited to specific statements made by the speaker.*

At the request of the P&Z Chairperson, Frank Trapasso, this item was brought back to P&Z at the December 10, 2020 meeting. Chairperson Trapasso initiated discussion to determine the interest of other members to expand the role of the P&Z. Consensus of the Commission determined this would take further study. City Manager Tobin Maples noted that staff would be happy to help research alternative ways the P&Z could assist the City. While this work is in progress staff was instructed to advance the amendments to the Rules of Procedure.

**POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:**
Provides an opportunity to enhance the P&Z Rules of Procedure.

**LONG-TERM FINANCIAL & BUDGETARY IMPACT:**
Not applicable

**LEGAL ANALYSIS:**
Approved as to form.

**RECOMMENDATION/PROPOSED MOTION:**
(Consent Agenda) I recommend approving a Resolution amending the Planning & Zoning Rules of Procedure.
A RESOLUTION

A RESOLUTION OF THE CITY OF FAIR OAKS RANCH AMENDING THE RULES OF PROCEDURE OF THE FAIR OAKS RANCH PLANNING AND ZONING COMMISSION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Fair Oaks Ranch City Council, under Resolution 2018-03, established a Planning and Zoning Commission as required by the City of Fair Oaks Ranch Charter Section 7.14 and Local Government Code, Chapter 211; and,

WHEREAS, on March 19, 2018 City Council adopted Resolution 2018-05 instituting Rules of Procedure of the Commission that provide an effective and efficient administration of the Planning and Zoning Commission duties; and,

WHEREAS, the City Council deems it is necessary to amend these Rules of Procedures as necessary.

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

Section 1. The Fair Oaks Ranch Planning and Zoning Commission Rules of Procedure shall be amended as set forth in the attached, as “Exhibit A”.

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

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

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

Section 5. This Resolution shall take effect immediately.

Section 6. The repeal or amendment of any Resolution or part of Resolutions effectuated by the enactment of this Resolution shall not be construed as abandoning any action now pending under by virtue of such Resolution or as discontinuing, abating, modifying, or altering any penalty accruing to accrue or as affecting any rights of the City of Fair Oaks Ranch under any section or provisions of any Resolutions in effect at the time of passage of this Resolution.
Section 7. The provisions of this Resolution shall be cumulative of all Resolutions not repealed by this Resolution and Resolutions governing or regulating the same subject matter as that covered herein.

PASSED, APPROVED and ADOPTED on this 7th day of January, 2021.

____________________________________________________
Garry Manitzas, Mayor

ATTEST:  APPROVED AS TO FORM:

___________________________________________   ____________________________________________________
Christina Picioccio, City Secretary  Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney
Planning & Zoning Rules of Procedure is hereby amended as follows:

[Deletions shown as strikethrough and additions shown as underscore]

CITY OF FAIR OAKS RANCH, TEXAS
PLANNING AND ZONING
COMMISSION RULES OF
PROCEDURE

1.0 Statement

It is hereby declared that appointment to the Planning and Zoning Commission is a distinct honor and the trust imposed in the appointee involves the corresponding obligation of the appointee to serve the community by regular attendance and participation in the proceedings of the body.

2.0 Creation and Membership

2.1 The Planning and Zoning Commission was established, under Ordinance 2018-03, and members serve at the will of the City Council. When necessary, appointments/reappointments to the Planning and Zoning Commission shall be made subsequent to the city election held annually on the uniform election date in May, annually based on the term expiration and expressed interest of members to continue to serve, or at such other times as may be authorized by State Law. Terms shall coincide with the city’s fiscal year (October 1 through September 30). Appointments to fill unexpired terms will be made on an as need basis.

2.2 The Commission shall consist of seven (7) regular members who will serve for terms of three (3) years, staggered. Members will be resident citizens, real property owners, and qualified voters of the City. Each member shall occupy a place on the Commission, such places being numbered 1 through 7. In order to provide a smooth start-up of the initial Planning and Zoning Commission, appointees will draw for Place Number (1-7) at the first Regular Business Meeting of the Planning and Zoning Commission. City Council will appoint subsequent members of the Planning and Zoning Commission by Place.

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2.3 Staff should develop orientation sessions at the beginning of new terms of office for new and other interested Commission members. If a seat becomes vacant and a new
Commission member(s) are appointed to complete unexpired terms, the new member(s) should also attend the orientation sessions.

2.4 Sitting City Council members are prohibited from serving on the Planning and Zoning Commission.

3.0 Officers

3.1 The Commission shall select from among its members in their first meeting in July, of the fiscal year following new appointments, a Chairperson and Vice-chairperson to serve for a period of one (1) year.

3.2 If a vacancy of either position exists, a majority of the remaining members who are present and voting shall appoint an existing Commission member to complete the unexpired term.

3.3 In the absence of both the Chairperson and Vice-chairperson, the Commission shall elect an Acting Chairperson.

4.0 Officers Duties

4.1 The Chairperson shall preside over all posted meetings and perform all duties as required by law; Chapter 211, Texas Local Government Code, and Chapter 551, Texas Government Code.

4.2 The Vice-chairperson shall assume all duties of the Chairperson in the absence of the Chairperson.

5.0 Powers and Duties of the Commission

5.1 The Planning and Zoning Commission has the following planning responsibilities:

- Make recommendations to the City Council on the adoption of revisions to the City's comprehensive plan; and
- Make recommendations to the City Council on the adoption of revisions to subdivision and other land use and development regulations; and
- Hold public hearings and provide a report on all zoning classifications and regulations; and
- Hold a minimum of two public hearings on any proposed development agreement entered into with a property owner pursuant to the authority granted to municipalities by Texas Local Government Code Chapter 212.172, as amended, and make recommendations to City Council on its approval.

5.2 The Commission shall perform all duties as prescribed by State statutes, City Charter, and the city's Unified Development Code and, all other duties as the City Council may direct.

6.0 Rules of Order

6.1 The Chairperson shall rule on all points of order.
6.2 The Commission may overrule the Chairperson on points of order by a two-thirds (2/3) vote of members present.

7.0 Quorum
7.1 A quorum shall consist of four (4) members.
7.2 No matters may be handled without the presence of a quorum.
7.3 All votes shall be by a majority of members present, except as otherwise stated in these rules of procedure or State law.

8.0 Agendas
8.1 Meeting agendas shall be prepared by the City Manager or his/her designee for each Planning and Zoning Commission meeting. There shall be attached to each agenda, a report of matters pending further action by the Commission. A copy of the agenda shall be posted at City Hall as required by law for a period of seventy-two (72) hours prior to the meeting.
8.2 All meetings shall follow, as closely as possible, the posted agenda.
8.3 Agendas may be amended by the Chairperson as to order of items, during the called meeting, but not as to content.
8.4 Commission Members can suggest agenda items (provided it falls with scope of commission and with sufficient notice for staff study).

9.0 Minutes of Meetings
9.1 Minutes, paper and voice recordings, of all regular and special meetings shall be kept by the Planning and Zoning Commission Secretary, designated by the City Manager, and are subject to amendment and ratification by the Commission at a regular meeting. The Planning and Zoning Commission Secretary is a member of city staff.
9.2 The minutes of the Commission's proceeding shall be "record minutes" showing the overall vote, or if absent or failing to vote, shall reflect that fact.
9.3 The Chairperson or Vice-chairperson, in the absence of the Chairperson, will sign minutes approved by the Commission.

10.0 Regular Meetings
10.1 The Commission shall meet on the second Thursday of each month at 6:30 pm in the Council Chambers of the Fair Oaks Ranch Municipal Complex or another location if properly posted as required by law for a period of seventy-two (72) hours. All meetings shall be open to the public, and the public is encouraged to attend.
10.2 Any Commission member missing three (3) consecutive regularly scheduled meetings without a valid excuse, provided to the Commission Chair, which includes illness, death in the family, scheduled family vacation, or emergency shall be subjected to dismissal from
the Commission.

10.3 Under special circumstances the Commission may reschedule the second Thursday regular meeting date and/or time subject to ratification by the City Council. The new date and/or time should be announced at a regularly scheduled meeting, and agendas posted accordingly.

10.4 All regular meetings shall, as closely as possible, follow the posted agenda. The agenda should include, but is not limited to the following:

A. Roll Call - Declaration of a Quorum
B. Open Meeting - Pledge of Allegiance
C. Consent Agenda
D. Discussion/Consideration Items
E. Request for P&Z commission topic needing information/research
F. Adjournment

10.5 Any consent agenda item may be removed by any member and brought up for individual consideration.

10.6 City Staff may make a recommendation on agenda items and may present findings or information as needed or as requested by the Commission.

11.0 Special Meetings

11.1 When needed, special meetings may be called by the Chairperson, at the request of two (2) or more members, or by a majority of the Commission at any previous meeting and, shall be scheduled by the City Manager.

11.2 Special meetings must be posted in accordance with the open meetings act.

12.0 Public Hearings

12.1 Conduct of public hearings will follow the general guidelines listed below and as outlined in Section 13:

A. Introduction of agenda item by the Chairperson;
B. Report by the City Manager or designee;
C. Ideally, a maximum thirty (30) minute presentation including rebuttal by the applicant;
D. Opening of public hearing by the Chairperson;
E. Comments from organized groups and individuals favoring the issue of the public hearing; individual comments should not exceed 5 minutes;
F. Comments from organized groups and individuals in opposition to the issue of the public hearing; individual comments should not exceed 5 minutes;
G. Rebuttal by the applicant;
H. Questioning by the Commissioners of the applicant and audience members who addressed the Commission. The time used to answer Commission questions
will not deduct from the thirty (30) minute allotment;

I. Close public hearing;
J. Commission query of Staff; and
K. Commission action pertaining to the issue of the public hearing

12.2 During a public hearing, speaker comments will be limited to 5 minutes unless additional minutes are allotted by the Chairperson to that person as a representative of a group.

12.3 All meetings shall be held in full compliance with the provision of state law, city ordinances and these rules of procedure.

13.0 Addressing the Commission

13.1 Persons desiring to address the Commission shall complete "Request to Speak" cards and submit the cards to the Secretary.

13.2 The Planning and Zoning Commission Secretary will sort the speaker cards by agenda item and deliver them to the Chairperson.

13.3 The Chairperson will refer to the speaker cards for individual agenda item comments, public hearing comments and comments on items not on the printed agenda.

13.4 Persons who note on a speaker card their desire to address the Commission will be called to the podium by the Chairperson at the appropriate time and will follow the guidelines below when addressing the Commission:

A. Approach the podium, state their name and address and whether or not they are representing a person or organization;
B. Speak so that all present in the room may hear clearly;
C. Address all statements and questions to the Chairperson;
D. Be courteous in language and deportment; and
E. Limit their comments to 5 minutes.

13.5 Persons addressing the Commission during a public hearing will follow the public hearing guidelines noted in Section 12.

13.6 The Chairperson will read into the record the names of persons who filled out a speaker card in support of or in opposition to an agenda item but did not wish to address the Commission.

13.7 The Chairperson may interrupt an individual to redirect or terminate remarks when they are not relevant to the matter before the Commission, or when the Chairperson determines the remarks to be out of order.

13.8 Commission Members may question speakers limited to questions on specific statements made by the speaker.
14.0 City Staff Responsibilities

14.1 The City Manager or designee shall be responsible for providing the Commission with the necessary professional, technical, and clerical services, among which, shall be the following:

A. Prepare and submit agenda, staff reports from various departments, and any special projects as directed by the Chairperson;
B. Administrative duties;
C. To the extent necessary, introduce and factually explain each item on the agenda;
D. Coordinate the services of all staff and other sources of public information for and on behalf of the Commission;
E. Keep a true copy of all Commission proceedings;
F. Have custody and maintain all Commission records;
G. Give and serve all notices required for public hearings; and
H. Attend to all official correspondence and communications to and of the Commission.

15.0 Written Request Required

15.1 Every proposal submitted for Commission action shall be made in writing. Where appropriate, application forms are provided by the City. The proposal shall be filed on said forms, shall be accompanied by all prescribed fees, and shall be complete in all respects before being accepted for filing by the City Manager or his/her designee.

16.0 Conflict of Interest Rules

16.1 Any member who concludes that he/she may have a conflict of interest on a matter before the Commission shall:

A. File an Affidavit of Interest stating the nature and extent of the conflict of interest in accordance with Local Government Code Chapter 171.004 with the Commission Secretary, if required by law.
B. Disclose that fact and abstain from further participation in (e.g., voting on or discussing) the matter at hand.

16.2 Any member who concludes that he/she may have a substantial interest in a business entity or in real property, as defined in Local Government Code Chapter 171.002, shall follow Section 16.1 above.

16.3 Any member found to have violated Sections 16.1 or 16.2 of these rules of procedures shall have their vote on the matter in question stricken from the record, and this fact shall be submitted to the City Council for further action.

16.4 If a Commission member owns property within 200 feet of a regular meeting agenda item and no conflict of interest exists, he/she may abstain from voting on that item except in the case of a tie.
17.0 Motions

17.1 A motion may be made by any member.

17.2 A motion to approve any matter before the Commission or to recommend approval of any request requiring City Council action shall require a majority favorable vote of the members present. Further, no request or application shall be continued under this rule beyond the next regular meeting. Failure of the Commission to secure a majority concurring vote to approve or recommend approval at said next regular meeting shall be recorded in the minutes as a denial of the proposal under this rule.

18.0 Miscellaneous

18.1 Abstaining from a vote is not allowed except as in accordance with Section 16.0 Conflict of Interest Rules.

18.2 All members of the Commission are encouraged to obtain as much factual information on all cases as possible, including inspection of affected properties, from the City Manager or his/her designee.

19.0 File Retention

19.1 All matters coming before the Commission shall be filed in the City's records. In accordance with the city's adopted records retention schedule, applicable original papers of requests and proposals shall be retained as a part of the permanent record.

20.0 Public Record

20.1 Official records and citizen requests filed for Commission action in regular or special meetings shall be on file in the Municipal Complex and by appointment, shall be open to public inspection during customary working hours.

21.0 Amendments

21.1 This document may be amended, in whole or in part, by a majority vote of City Council present at a scheduled City Council meeting.
AGENDA TOPIC: Consideration and possible action regarding Stormwater Utilities incentives and exemptions.

DATE: January 7, 2021

DEPARTMENT: Public Works Department

PRESENTED BY: Kate Ploetzner, P.E., CFM, Kimley-Horn

INTRODUCTION/BACKGROUND:

A Stormwater Utility is the programmed method that the City of Fair Oaks Ranch is considering to implement improvements to its existing drainage system. The City adopted a Master Drainage Plan in 2019 that identified 46 areas in the City with proposed improvements in the neighborhood of $10.4 million. The City signed a Professional Services Agreement with Kimley-Horn and Associates, Inc. to evaluate and understand the critical elements necessary to enact and create a stormwater utility in the state of Texas.

At the February 20, 2020 City Council meeting, Kimley-Horn presented three separate billing structures: Impervious-based, Rational Method-based, and Area-based. The Council agreed that the Impervious-based billing structure worked best for the City’s purposes with a Stormwater Utility.

At the May 21, 2020 City Council meeting, Kimley-Horn along with NewGen presented Cost of Service considerations as detailed from the Local Government Code Section 552.044 regarding several items that can be included in the cost of service, as applicable: land acquisition cost; drainage facilities capital cost; professional service fees; drainage facilities O&M; machinery and equipment costs; financing costs; amortized costs; and direct and indirect administrative costs. In addition to all of these variable elements, NewGen Strategies & Solutions presented an analysis for a five-year period of initial operation.

At the September 3, 2020 City Council meeting, Kimley-Horn along with NewGen re-presented Cost of Service elements again with a five-year plan. The discussion led into final element necessary regarding the existing impervious cover within the City so that an Equivalent Residential Unit (ERU) can be determined. The ERU is based on average impervious area single-family residential parcels throughout the City. A key element for the ERU is the overall Cost of Service for the Stormwater Utility. Several ERU options were examined and evaluated including: Single Tier, Four Tier, and a modified Four Tier with discounts. Ultimately, City Council desired additional information in order to make recommendations.

At the November 18, 2020 Special City Council Workshop, City staff, K Friese, Kimley-Horn, and New Gen all provided substantial data and items for discussion with Council. Priorities of the Stormwater CIP were discussed in detail with direction to fund the priority 1 projects in the proposed Stormwater Fee. An interactive model was developed to assess the impacts of various
inputs for funding sources. The model was able to demonstrate that the Stormwater Fee could fund the CIP, new operation costs, and existing system expenses.

There are a few more intangible elements that need City Council direction in order to move into finalizing a recommended fee structure. These all include a determination involving discretionary exemptions, whether or not incentives should be offered, and an understanding of how HOA’s are impacted by the fee. A final look at the fee using the single tier approach will be discussed.

The Council is encouraged to offer their thoughts on the results of the evaluation.

**POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:**

A Stormwater Utility is a means for a municipality to improve their existing stormwater drainage system. It provides a stable source of funds that make planning and managing a program far easier. It can adequately generate sufficient revenue to run a decent program. There are flexible elements of the proposed rate structure that can support any goal within any setting.

**LONG-TERM FINANCIAL & BUDGETARY IMPACT:**

N/A

**LEGAL ANALYSIS:**

N/A

**RECOMMENDATION/PROPOSED MOTION:**

Staff desires general feedback of the consultant’s Equivalent Residential Unit, Discretionary Exemptions, and Incentives evaluation for the Stormwater Utility from City Council.
High-Level Considerations

• The Stormwater Utility can serve as a means for the City to manage the stormwater system
• This presentation discusses structural options for potential implementation of the utility
• Any decision regarding the utility and possible fees will be made by City Council in the future
• Any new revenues to support the Stormwater Utility will affect residents and commercial customers
Progress Update

Council Discussion Determination to Move Forward with Impervious Area

Town Hall – Stormwater Utility 101

Determine Billing Method*

Determination of total impervious area (total ERUs) of billable parcels in the City

City’s Cost of Service and 5-year plan

Determine Fee Structure for 5-year plan

Finalize Fee Structure Schedule

Prepare Ordinance

Conduct Public Hearing

Ordinance Adoption

Implementation

*City is expected to bill for the Stormwater utility in-house
Today’s Presentation Overview

- Refresher on November 18th Council Workshop discussion
- Discuss the following:
  - Discretionary exemptions
  - Incentives
  - HOA Impacts
- Presenting fees based on guidance from November 18th Council Workshop
- *City and Council has the right to assess a different fee than what is presented.*
November 18\textsuperscript{th} Council Workshop Guidance:

1. Single Tier Single Family Billing

2. Stormwater Utility will Fund:
   - CIP Debt (Priority 1 Projects Only)
   - Program Support
   - Ongoing Maintenance
## Total Costs Estimated for the Next Five Years

<table>
<thead>
<tr>
<th></th>
<th>FY 2022</th>
<th>FY 2023</th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing O&amp;M</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Existing Personnel</td>
<td>$128,658</td>
<td>$133,012</td>
<td>$137,522</td>
<td>$142,193</td>
<td>$147,031</td>
</tr>
<tr>
<td>Total Existing Materials &amp; Supplies</td>
<td>$12,866</td>
<td>$13,301</td>
<td>$13,752</td>
<td>$14,219</td>
<td>$14,703</td>
</tr>
<tr>
<td><strong>New Program O&amp;M</strong></td>
<td>$269,802</td>
<td>$285,225</td>
<td>$301,345</td>
<td>$318,190</td>
<td>$327,321</td>
</tr>
<tr>
<td><strong>Transfers</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfer to Debt Service</td>
<td>$145,448</td>
<td>$145,448</td>
<td>$145,448</td>
<td>$145,448</td>
<td>$145,448</td>
</tr>
<tr>
<td>Transfer to Equipment Replacement Fund</td>
<td>$31,130</td>
<td>$30,991</td>
<td>$28,853</td>
<td>$30,916</td>
<td>$9,564</td>
</tr>
<tr>
<td><strong>Total Cost of Service</strong></td>
<td>$587,903</td>
<td>$607,978</td>
<td>$626,919</td>
<td>$650,965</td>
<td>$644,067</td>
</tr>
<tr>
<td>Increase ($)</td>
<td>$20,074</td>
<td>$18,942</td>
<td>$24,046</td>
<td>-$6,898</td>
<td></td>
</tr>
</tbody>
</table>
Who will Pay Fees for the Stormwater Utility?

• Properties in the City limits.
• Mandatory exempt properties include:
  • undeveloped properties;
  • properties that don’t drain to City system;
  • a subdivision lot until a Certificate of Occupancy has been issued; and
  • property owned by a state agency or institutions of higher learning.
• Discretionary exemptions can be given for the following property classifications:
  • Religious institutions;
  • City property; and
  • School district properties.
Total Impervious Area in the City

- Total Impervious Area in the City* = 30,505,188 s.f.

- Single-Family Properties
  - Total Impervious Area: 25,231,094 s.f.
  - Average Impervious Area per Property: 7,500 s.f.

- Non-Single-Family Properties
  - Total Impervious Area*: 5,274,094 s.f.
  *Excludes only mandatory exempt properties.
Billing Units in the City

- 1 Billing Unit = 7,500 s.f. of impervious area

<table>
<thead>
<tr>
<th>Billing Units</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family*</td>
<td>3,387</td>
</tr>
<tr>
<td>Non-Single Family</td>
<td></td>
</tr>
<tr>
<td>Non-Exempt Properties</td>
<td>574.3</td>
</tr>
<tr>
<td>Religious Institution Properties</td>
<td>48.8</td>
</tr>
<tr>
<td>School ISD Properties</td>
<td>44.2</td>
</tr>
<tr>
<td>City Properties</td>
<td>35.9</td>
</tr>
<tr>
<td><strong>TOTAL Non-Single Family</strong></td>
<td>703.2</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>4,090.2</td>
</tr>
</tbody>
</table>

** Assumes no discretionary exemptions are given. Therefore all City, School ISD and religious property are not exempt.
## Potential Revenue Projections

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Annual City Stormwater Need</th>
<th>Total Billing Units*</th>
<th>Monthly Fee per Billing Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2022</td>
<td>$655,460</td>
<td>4,090.2</td>
<td>$12.35</td>
</tr>
<tr>
<td>FY 2023</td>
<td>$675,534</td>
<td>4,090.2</td>
<td>$12.63</td>
</tr>
<tr>
<td>FY 2024</td>
<td>$694,476</td>
<td>4,090.2</td>
<td>$12.87</td>
</tr>
<tr>
<td>FY 2025</td>
<td>$718,522</td>
<td>4,090.2</td>
<td>$13.22</td>
</tr>
<tr>
<td>FY 2026</td>
<td>$711,624</td>
<td>4,090.2</td>
<td>$12.93</td>
</tr>
</tbody>
</table>

*Note: Options assume no discretionary exemptions are given and fee is collected for all eligible properties. Therefore all City, School ISD and religious property are not exempt.
Homeowners Association Impacts

- Private roads are non-exempt to the Stormwater Utility, unless they do not drain to a City Facility.
- This includes private roads located within HOAs.
- The next slides show monthly fee impacts to lots located within HOAs.
  - The monthly fee impacts are based on $13.22/month.
Homeowners Association
Impacts: The Arbors (Unit 1)

Impervious Area = 140,266 s.f.
= 18.7 Billing Units

Monthly Bill = $247/month
Homeowners Association Impacts:
The Crossing at Fair Oaks

Impervious Area = 7,156 s.f.
= 1.0 Billing Unit

Monthly Bill = $13/month
Homeowners Association Impacts: Elkhorn Ridge

Impervious Area = 200,148 s.f.
= 26.7 Billing Units

Monthly Bill = $353/month
Homeowners Association
Impacts: The Fountains

**Impervious Area** = 61,958 s.f.
= 8.3 Billing Units

**Monthly Bill** = $109/month
Homeowners Association Impacts: Front Gate at Fair Oaks

**Impervious Area** = 737,574 s.f.  
= 98.3 Billing Units  
**Monthly Bill** = $1,300/month
Homeowners Association Impacts: Raintree Woods and The Falls

Raintree Woods
Impervious Area = 720,753 s.f.
= 96.1 Billing Units
Monthly Bill = $1,270/month

The Falls
Impervious Area = 36,840 s.f.
= 4.9 Billing Units
Monthly Bill = $65/month
Homeowners Association Impacts: River Valley

Impervious Area = 127,669 s.f.

= 17.0 Billing Units

Monthly Bill = $225/month
Homeowners Association Impacts: Setterfeld Estates

Impervious Area = 369,440 s.f.

= 49.3 Billing Units

Monthly Bill = $ 651/month
Homeowners Association Impacts: Stone Creek Ranch

Impervious Area = 674,450 s.f.

= 89.9 Billing Units

Monthly Bill = $1,189/month
Discretionary Exemption Considerations

Non-Single Family Impervious Area in the City\(^1\)

- Non-Exempt Properties ($7,592/month\(^2\))
- Religious Institution Properties ($645/month\(^2\))
- School ISD Properties ($585/month\(^2\))
- City Properties ($475/month\(^2\))

\(^1\) Excludes Mandatory Exempt Properties
\(^2\) Assumes $13.22/month
Discretionary Exemption Impacts on Potential Revenue Projections

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Monthly Fee per Billing Unit</th>
<th>Monthly Fee per Billing Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>No Discretionary Exemptions Given</strong></td>
<td><strong>All Discretionary Exemptions Given</strong></td>
</tr>
<tr>
<td></td>
<td>Billing Units = 4,090.2</td>
<td>Billing Units = 3,961.3</td>
</tr>
<tr>
<td>FY 2022</td>
<td>$12.35</td>
<td>$12.75 (+$0.40)</td>
</tr>
<tr>
<td>FY 2023</td>
<td>$12.63</td>
<td>$13.03 (+$0.40)</td>
</tr>
<tr>
<td>FY 2024</td>
<td>$12.87</td>
<td>$13.28 (+$0.41)</td>
</tr>
<tr>
<td>FY 2025</td>
<td>$13.22</td>
<td>$13.63 (+$0.41)</td>
</tr>
<tr>
<td>FY 2026</td>
<td>$12.93</td>
<td>$13.33 (+$0.40)</td>
</tr>
</tbody>
</table>
Discretionary Exemptions: Council Feedback Requested

• Is there a desire to implement discretionary exemptions?
• If so, which property types?
• What type of 5 year exemption schedule does Council prefer?
  • Progressive Exemption Schedule
    • Example: 100% exempt FY 2022, then 25% reduction per year until 0% exemption FY 2026
  • Semi-progressive Exemption Schedule
    • Example: 50% exempt FY 2022 and 2023, then 0% exemption FY 2024-2026
  • Permanent Exemption
    • Example: 100% exempt FY 2022-2026
Potential Incentives / Credit Program

• A program established to reduce monthly fee for applicants that participate in activities that reduces the impact to the City’s stormwater utility system.

• Examples:
  • Rainwater Harvesting
  • Xeriscape
  • Rain gardens
  • Permanent water quality treatment controls

• What is the return to the City for offering incentives?
Potential Incentives: Items for Consideration

- Impact on potential revenue
- Percent fee reduction opportunity
- Staff time to manage program
- Incentive Program setup options
  - Monthly Fee Credit Application
  - One Time Grant Application
Incentive Programs by Others

**Fredericksburg**
- Up to 25% credit
- Options: Permanent BMPs, detention pond amenities, permanent detention, vegetated detention, riparian zone preservation
- Non-single Family Only

**San Antonio**
- Up to 30% credit
- Options: Reduction of Impervious Cover, LID Implementation (bioswales, bioretention, green roofs, wetlands, permeable pavement, rainwater harvestings, sand filters, vegetated filters).
- Non-single Family Only
- Low Participation (1-2%)

**Austin**
- Up to 70% credit
- Options: Rainwater tanks, rain gardens, detention and water quality ponds, retention/irrigation systems, green roofs
- Single Family and Non-Single Family
Potential Incentive Program: Council Feedback Requested

• Is there a desire to implement an incentive program?
• If so, what type of program? Fee Credit on monthly bill or grant application?
Market Survey of Texas
Stormwater Fees per Billing Unit
Texas Monthly Stormwater Fees per 1,000 s.f. of Impervious Area

- Boerne: $1.00
- San Antonio: $1.50
- Wichita Falls: $2.00
- Round Rock: $2.50
- Killeen: $2.00
- Fredericksburg: $2.50
## Schedule

<table>
<thead>
<tr>
<th>Tasks</th>
<th>Anticipated Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receive Council Guidance on 5-Year Fee Schedule</td>
<td>January 7, 2021</td>
</tr>
<tr>
<td>Ordinance Preparation</td>
<td>February 8, 2021</td>
</tr>
<tr>
<td>Ordinance Reading at Public Hearing</td>
<td>March 18, 2021</td>
</tr>
<tr>
<td>Fee Schedule Reading at Public Hearing</td>
<td>March 18, 2021</td>
</tr>
<tr>
<td>Ordinance Adoption at Public Hearing</td>
<td>April 1, 2021</td>
</tr>
<tr>
<td>Fee Schedule Adoption at Public Hearing</td>
<td>April 1, 2021</td>
</tr>
<tr>
<td>Utility Setup &amp; Implementation</td>
<td>April – September 2021</td>
</tr>
<tr>
<td>Billing Commences</td>
<td>October 1, 2021</td>
</tr>
</tbody>
</table>
INTRODUCTION:

As directed by Council on December 17, 2020, we present to you for your consideration and approval a revised charter for the Citizens Code of Conduct Advisory Committee (CCCAC or committee).

On December 3, 2020, the CCCAC was established and approved unanimously by Council at its regularly scheduled meeting. At the December 17, 2020 meeting, the Council considered a charter for CCCAC and overall expressed its commitment toward developing a robust code of conduct. In recognition of this commitment and following discussion, the Council directed Council Member Patel to coordinate with Council Members Koerner and Maxton as allowed under law, and to consider revisions to the charter. The consensus of the Council was to allow additional comments by council members to be submitted by December 18, 2020 to staff. The direction was for Council Member Patel with Council Members Koerner and Maxton to consider comments and revise the charter as appropriate, and present it for Council consideration at its regular January 7, 2021 meeting.

By December 18, 2020, comments were received from the Mayor as well as Council Members Koerner, Elizondo, and Havard. Staff compiled all the comments into one redline-strikeout document which is attached (Exhibit A). Council Member Maxton provided comments during a December 22, 2020 meeting held with staff and Council Members Patel, Koerner, and Maxton. Attached to Exhibit A are the written individual council comments submitted to staff.

At the December 22, 2020 meeting, Council Members Patel, Koerner, and Maxton met with assistant city manager over zoom to discuss the comments. After careful thought and deliberation to all comments received, they jointly prepared a revised draft charter for council consideration shown as attached.

There was consensus amongst the Council to keep the committee members to five members. The majority of the council also agreed with key objectives and purpose of the committee including the end goal being a code of conduct, as well as the application and interview process for committee member selection. Some key changes to the charter as presented on December 17, 2020 are:
• Role of Council Liaison is removed. The Mayor suggested recognizing that Council Member Patel be the “Sponsor of Record for this initiative (in effect, Chair of the Council Steering Committee)” or consider naming her as “Project Sponsor.”
• Committee will not be required to follow the Texas Open Meetings Act or Rules for Procedures for City Council Meetings including Robert’s Rules of Order. There will be opportunities for transparencies through periodic updates to the council on committee’s work in public meetings as well as an opportunity for public input once a final draft is completed.
• Purpose, background, and scope sections have been redrafted in consideration of comments received. Key definitions section is removed with some language regarding conduct moved to the scope section.
• The charter makes it clear the Code of Conduct that is within the committee’s purview shall be entirely separate from the city’s Code of Ethics and not in any way, conflict with or overlap with the provisions under the city’s Code of Ethics (to be drafted).
• The committee will not be a standing committee nor will its’ members term be up to two years or more. The terms of committee members will end once the scope of work regarding the code of conduct is met under the terms of the charter.
• Certain language relating to additional weight to be given to certain qualifications for member selection by Council is removed.

In addition, the following procedural schedule is provided for your consideration and approval:

Procedural Schedule for Committee Selection

a. Charter and process relating to application/interview process and selection scheduled for Council approval at January 7, 2021 meeting.
b. Applications submittal deadline by January 26, 2021, and an update by the City Secretary provided at the February 4, 2021 meeting.
c. Interviews to be scheduled and conducted in open meeting(s), and for Council to select committee members by majority vote no later than by March 4, 2021 Council meeting.

**POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:**
Many of our citizens have spoken. These actions including the creation of a citizens’ advisory committee to shape and frame Council deliberations and decisions will inspire public confidence and integrity in our actions. These actions will strengthen greater transparency and governmental accountability.

**LONG-TERM FINANCIAL & BUDGETARY IMPACT:**
There will be cost-savings through relying on experienced volunteer citizens as value-added resources. Future legal risk to the city will be reduced.

**LEGAL ANALYSIS:**
None undertaken by City Attorney except to form.
RECOMMENDATION/PROPOSED MOTIONS:

To accomplish the necessary approval and implementation process, the following two motions and actions are recommended:

1. I move to adopt the City of Fair Oaks Ranch Citizens Code of Conduct Advisory Committee Charter.
2. I move to direct staff to proceed with the procedural schedule for the selection of the members for the Citizens Code of Conduct Advisory Committee Charter as provided in the agenda item.
City of Fair Oaks Ranch
Citizens Code of Conduct Advisory Committee Charter

I. Purpose
   The Citizens Code of Conduct Advisory Committee (CCCAC or committee) will draft a
   proposed Code of Conduct document to define acceptable standards of behavior of its elected
   and appointed public officials. A robust and reasonable Code of Conduct drafted by a citizen-
   driven advisory committee, with citizen engagement and input, and approved by Council, will
   help build public confidence in its public officials and shape a civil and effective governance
   culture.

II. Background
   The Council recognizes that the highest standard of conduct applies to elected and appointed
   public officials, and the committee is tasked to assist the Council to shape and promote a
   culture of civil conduct, and integrity at the City of Fair Oaks Ranch that is aligned with the
   values of our community.

III. Scope of work
   The scope of work of the committee is to develop a proposed Code of Conduct document for
   Council consideration. The term, “conduct” refers to the manner in which a person behaves. A
   “code of conduct” is a set of rules that outlines what is and is not acceptable behavior for a
   particular organization, and consequences that attach when such rules are violated.

1. The Code of Conduct should include the following elements:
   a. A description of the City of Fair Oaks Ranch community values and principles, and
      linking them with standards and expectations of elected and appointed public officials’
      conduct during and outside of respective meetings.
   c. Appropriate sanctions for violations of the Code of Conduct policy.
   d. A process for Council to periodically solicit citizen feedback and input on Council’s
      performance with respect to the code of conduct.
   e. A process for Council to periodically update/reaffirm the Code of Conduct policy.
2. The proposed Code of Conduct will be crafted in general and reasonable terms, not specific
   to individual people, and that the Code of Conduct is not unduly restrictive, does not impact
   the ability to have healthy dialogue, and that enforcement provides proposed consequences
   that match the level of violation.
3. The proposed Code of Conduct document shall be separate from the City’s Code of Ethics
   under Article 1, Code of Ordinances, and shall not conflict with or overlap with the
   provisions of the City’s Code of Ethics. Note: The Code of Ethics is being developed by
   city staff separately and outside the scope of this committee.
4. Comments and suggestions by the public are highly valued and encouraged. Upon
   completion of the final draft of the proposed Code of Conduct document, and prior to
   submission to the Council, the document will be posted on the city’s website for review
   and comments by the public.
5. Committee will consider public comments and revise if necessary and submit a final proposed Code of Conduct document to the Council for their consideration and possible action.

6. **No later than six months following the first committee meeting**, the committee will advance a proposed Code of Conduct document for Council consideration at a Council meeting and as reviewed by city attorney.

7. Any change or modification to the scope of work, including any extensions of timelines, shall require prior Council approval.

8. Committee shall make periodic status reporting at regular council meeting to keep public and council informed on matters such as progress, schedule and resource needs.

9. Committee’s purpose and scope of work will be fulfilled upon adoption of the Code of Conduct ordinance by the Council.

IV. **Membership and Term**

1. Members of the committee shall consist of five residents of the City of Fair Oaks Ranch and will be appointed under the requirements of the Home Rule Charter Section 3.04(D).

2. There will be an application submittal requirement followed by an interview process for selecting candidates which will occur in an open meeting of the Council.

3. Members will be appointed by the Council with terms ending when the provisions under Section III are met.

4. Members serve at the pleasure of the Council.

V. **Qualifications**

1. City of Fair Oaks Ranch residents who are qualified voters over 18 years of age, and have resided within the city at least one year prior to the date of appointment.

2. Committee members will represent diverse backgrounds, perspectives and viewpoints, and experience and expertise, and as a whole, will promote respect and confidence in the Committee’s advice and recommendations.

3. Applicants should disclose any conflicts of interest that may prevent them from performing their function in the best interests of the city.

4. Members may not be a current city councilmember, or employed by the City of Fair Oaks Ranch and, shall not receive any salary or compensation for services to the committee.

5. Members that have familial relations within the third degree of affinity (marriage) or consanguinity (blood or adoption) with anyone presently serving on the Council are not eligible for serving on the committee.

6. Members with conviction of felony or crime of moral turpitude are ineligible to serve on the committee.

VI. **Roles and Responsibilities of the Committee Members**

1. Ethical behavior, excellent judgement, dignity and respect for others are required both inside and outside committee proceedings.

2. Members will be expected to take reasonable time and work to be an effective committee member. Members will be expected to read and study materials in advance of meetings, strive to attend all meetings, and participate fully in the meetings in a lawful, ethical, and justifiable manner. Members will listen to what others have to say and keep an open mind. Members are expected to contribute positively to the discussions, and consider the broadest
set of perspectives on issues, and as an advisory committee, make recommendations that can help to shape and influence Council policies that are tailored to the values and perspectives of the community.

3. The Chairperson will review and approve agendas for meetings in coordination with city staff, and committee members. The Chairperson will be the presiding officer and moderate the discussions of the meetings and ensure that meetings have full participation and are conducted respectfully, productively, and efficiently. The Chairperson will preserve order and decorum, preventing the impugning of any members’ motives or other personal comment not relevant to the orderly conduct of business. The Chairperson will strive for decisions to be adopted by consensus and where a formal vote is necessary in absence of consensus, the Chairperson will act as a tie-breaker.

4. The Vice Chairperson will assume Chairperson’s role when the Chairperson is unable to preside over meeting.

5. The committee may choose to assign other reasonable roles and responsibilities to facilitate meaningful dialogue and efficient running of the committee (i.e. time keeper).

6. Only the 5 appointed committee members will be voting members.

7. Members will respect and adhere to the council-manager structure of the City of Fair Oaks Ranch. In this structure, the Council determines the policies of the city with the advice, information, and analysis provided by the public, advisory committees, and its staff; and the city manager is responsible for the proper and efficient management of the day-to-day operations of the city, and reports to and receives policy direction from the whole of the Council.

8. An individual committee member may not act in an official capacity except through the action of the committee.

9. A majority of the voting members constitutes a quorum.

VII. Meetings

1. Meetings shall be conducted in person or online, as reasonably determined by the members of the committee and city staff.

2. At the first meeting, the committee will appoint its Chairperson and Vice Chairperson based on the consensus of the committee.

VIII. Committee Support - Non-voting

1. City staff will also be assigned by the city manager to provide information and support the committee in meeting its scope of work requirements, and that person will serve as a liaison between city staff and the committee. Additional staff include assisting the committee with drafting and distributing agendas, attending meetings and taking minutes to be approved by the committee and as signed by the Chairperson.

2. The city attorney will be available as a resource to respond to questions, to attend meetings, and for review of any documents as needed. Requests for attorney assistance will be coordinated through the Chairperson and assigned city staff.

3. A background packet developed by city staff and city attorney will be provided to the committee members prior to the first meeting.
City of Fair Oaks Ranch
Citizens Code of Conduct Advisory Committee Charter

I. Purpose
The Citizens Code of Conduct Advisory Committee (“CCCAC” or committee) recognizes that the highest standard of ethics and conduct applies to public officials, and the committee is tasked to assist the Council to shape and promote a culture of ethical conduct, civility, and integrity at the City of Fair Oaks Ranch that is aligned with the values of our community. The CCCAC and the Council will work together to ensure that public officials exercise their authority honestly and fairly, free from impropriety, threats, favoritism, and undue influence.

The purpose of the Citizens’ Code of Conduct Drafting Committee is to develop a draft code of conduct policy for Council consideration that includes the following elements:

1. A description of the City of Fair Oaks Ranch community values and principles, linking them with standards and expectations of Council Member conduct
2. An outline of a process, including roles and responsibilities, for reporting and investigating violations of the code of conduct policy
3. A list of remedies for violations of the code of conduct policy
4. A process for Council periodically soliciting citizen feedback and input on Council’s performance with respect to the code of conduct
5. A process for Council to periodically update / reaffirm the code of conduct policy (suggest annually and post-incident)

The Citizens Code of Conduct Advisory Committee will prepare a Code of Conduct document to define acceptable standards of behavior. The scope of work should include defining the core values of our community and constructing standards of behavior that support those core values. The scope should also encompass a set of processes for investigating and evaluating violations of those core values and guidance as to appropriate sanctions for violations. The scope of work should also include processes for council members to periodically affirm their adherence to these values and standards of performance. The scope may also include a plan for gathering citizen input on Council performance. The scope does not include placing this committee in a continuing role of monitoring or oversight as these types of duties are reserved for the City Council in the City Charter.

Desired End State: The COFO Council will have an approved code of conduct available as a reference to provide guidance on appropriate and inappropriate behavior of Council members. The document shall contain clear and concise language as well as legally recommended provisions to discipline Council members who violate the code of conduct. It should promote the timely and efficient conduct of Council business.

II. Background
On December 3, 2020, the City of Fair Oaks Ranch Council (“Council”) heard an agenda item for discussion and possible action on establishing a common set of values and conduct within the Council that fosters and builds public confidence, including but not limited to establishing a CCCAC. The

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Commented [CV2]: Mayor comment: Revise Purpose completely to read as follows.
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Commented [CV5]: Mayor comment: Section is inappropriate for this document and should be deleted in its entirety.
Commented [SRP6]: LK comment: To revise and shorten by adding sentence showing the council sees this as a priority. SRP – added sentence per discussion.
agenda item referenced the recent incident of inappropriate language being used by one council member against another on November 18, 2020 at a city council meeting, and invited dialogue and a path forward.

The Council is committed to developing a robust code of conduct and has unanimously approved the creation of a CCAC.

The COFO has enacted Council Rules of Procedure and a Code of Ethics. Recently an unfortunate incident occurred recently where it became evident a code of conduct would be useful in Council’s determination of what constitutes appropriate and inappropriate behaviors. In addition, violations of the enacted code of conduct need to be determined to allow for disciplinary action by the Council. In no way is the code of conduct intended to replace the Council Rules of Procedure and Code of Ethics. It is intended to provide a clear and concise framework to determine if a behavior has violated the code and associated consequences of the inappropriate behavior(s). Council also determined the citizen committee will consist of not more than five (5) members who geographically represent the COFO as well as are respected members of the community, not actively present on social media and not current litigants or admitted supporters of current lawsuits against the City. Prior experience in governance is preferred, either in business, a non-profit organization, or government position. Members must be able to provide a mature unemotional approach to the task at hand. Committee members cannot be employees of the jurisdiction. Members shall determine a Committee Chair and all members shall serve at the desire of City Council.

III. Key Definitions

As commonly understood, “ethics” refers to moral standards of right and wrong that prescribe what humans ought to do in terms of duties, principles, virtues, and values as established by legal, societal, and cultural frameworks. The term, “conduct” refers to the manner in which a person behaves within these ethical constraints. A “code of conduct” is a set of rules that outlines what is and is not acceptable behavior for a particular organization, and consequences that attach when such rules are not violated. Unless indicated otherwise, these definitions apply in the context of this document. Note: Aside from these definitions, there are statute/ordinance-specific definitions including definitions under Section 1.10.001 of the City of Fair Oaks Ranch Code of Ordinance as relating to “ethics law” and “ethical violation.”

IV. Scope of work

The committee’s scope of work will begin with drafting a proposed code of conduct for Council consideration.

Proposed Code of Conduct – A robust and reasonable code of conduct drafted by a citizen- driven advisory committee, with citizen engagement and input, and as fully vetted and approved by Council, will help build public confidence in its public officials and shape a civil and effective governance culture.

Scope of work to include but not limited to:

1. The committee will assign roles of responsibilities within the committee, including selecting the Chairperson and Vice Chairperson, and assigning any other roles.
2. The committee will prepare and post a schedule for its meetings and planned work that is readily available to the public.
3. The committee will review:
   i) Applicable statutory requirements related to ethics (such as conflicts of interest, nepotism, financial disclosures, gifts) as provided by city attorney and staff;
ii) City of Fair Oaks Home Rule Charter. Specific provisions include: Section 3.04(D) (appointment of citizen advisory committees); Section 3.06(E) (creating procedures); Section 3.09 (forfeiture of office); Section 3.10 (prohibitions); Section 3.11 (Council Investigations; Hearings; Process); Sections 7.01 (Conflicts of Interest Prohibitions); and Section 7.02 (General Prohibitions). Note that the Council has already adopted by ordinance procedural processes for Home Rule Charter violations including those under Sections 3.09. 3.10, 7.01, and 7.92.

iii) City of Fair Oaks Ranch Code of Ordinances, Article 1.10, relating to Ethics, including Article 1.10, Division 1, Rules of Procedures, and Division 3, Administrative Provisions.

iv) City Council Meeting Rules of Procedures, Resolution 2013-17 as amended, Part I (General Provisions) and Part IV (conduct of meetings).

v) Additional standard ethics provisions that appear in municipal codes of ethics/conduct such as improper economic benefit, unfair advancement of private interest, gifts, representation of private interests, conflicting outside employment, etc.

vi) Broad spectrum of codes of conduct from private and public sectors, including codes for public officials. The committee will determine the scope of the review undertaken as deemed reasonable and manageable but will include consideration of at least five codes of conduct from other local governments as applicable to public officials (elected or appointed officials). The committee will also consider at least 2 additional codes of conduct from institutions with a higher bar of conduct for those in leadership positions where violations would bring dishonor or disrepute upon its membership/public.

Note: A background packet developed by city staff in coordination with Council Liaison and city attorney will be provided to the committee members prior to the first meeting.

4) The committee will provide opportunity for meaningful public participation from citizens. Comments and suggestions by the public are highly valued and encouraged during those parts of a meeting designated for public participation. Individual councilmembers may also provide input through this process. The committee shall allow citizens to address the committee on agenda items and during a period of time set aside for citizen communications. The committee shall follow the City Council meeting procedures relating to citizen participation.

5) No later than six months following the first committee meeting, the committee will advance a proposed ordinance for Council consideration at a Council meeting (and as reviewed by city attorney), that is understandable, reasonable, implementable and enforceable, and one that reflects community standards. The proposed ordinance should include, at a minimum, a system of rules of ethics and conduct with robust compliance and enforcement mechanisms in place for detecting, investigating, and enforcing infractions. Provisions will be crafted equitably and reasonably such that misuse of these provisions for improper purposes is avoided.

6) The proposed ordinance relating to Code of Conduct shall be entirely separate from the Code of Ethics and not in any way, conflict with or overlap with the provisions under Code of Ethics.

7) Any change or modification to the scope of work, including any extensions of timelines, shall require prior Council approval.

Council Goals for the Committee:

- Any change or modification to the scope of work, including any extensions of timelines, shall require prior Council approval.
1. Determine a Chair for the committee who shall preside over committee meetings and ensure all input from members is discussed, and relevant information included in the desired document. The Chair and members will work closely with the City Attorney to ensure the document is legally sound.

2. The committee will develop clear and concise rules of decorum based on a reasonable person standard.

3. The code of conduct shall include clear guidance for the Mayor and Council on the conduct and communication of Council business. The document should state only two people per the Home Rule Charter are official spokesperson for the City (the Mayor and City Manager). All individual Council member communications via email or the variety of social media platforms, written materials, etc. should clearly state it is an opinion and does not represent the official position of the City or the Council.

4. The document should include responsibilities of individual Council members, e.g. show up on time for meetings, be prepared, do not use profanity, take turns to speak/don’t interrupt, do not insult, disparage or otherwise utilize uncivil behaviors, physical contact is forbidden, etc.

5. The document should include the process by which complaints or reports of inappropriate behavior are submitted to and considered by Council.

6. The document should contain a defined range of consequences for inappropriate behavior, e.g. lose speaking privileges for the remainder of the meeting.

7. An interim code of conduct document will be provided to Council for review, questions, and additional input prior to submission for Council final review and approval.

8. Committee members are expected to keep the document within the committee and shall not share contents or solicit additional comments from the public.

9. Members will not recommend changes to the Council Rules of Procedure or Code of Ethics as that is outside the purview of the committee.

V. Membership and Term
1) Members of the committee shall consist of five residents of the City of Fair Oaks Ranch and will be appointed under the requirements of the Home Rule Charter Section 3.04(D).

2) There will be an application submittal requirement followed by an interview process for selecting candidates which will occur in an open meeting of the Council.

3) Members will be appointed by the Council [with terms ending when Purpose is fulfilled].

4) Members may not be a current city councilmember, or employed by the City of Fair Oaks Ranch and, shall not receive any salary or compensation for services to the Committee.

5) Members that have familial relations within the third degree of affinity (marriage) or consanguinity (blood or adoption) with any presently serving on the Council are not eligible for serving on the committee.

6) Members serve at the pleasure of the Council.

7) Members with conviction of felony or crime of moral turpitude are ineligible to serve on the committee.

Appointment and term of committee member service: Members shall be approved by Council and serve as Council desires. All committee members will provide a short resume of qualifications which will be reviewed and made part of the official record prior to appointment. Members shall remain on the committee unless asked to leave by a majority vote of the Council or upon a member’s request.

Commented [CV16]: MH comments Revise Scope of Work as follows

Commented [CV17]: RE comment: revise as typed.

Commented [CV18]: Mayor comment: should be rewritten to reflect that the committee dissolves after completion of writing the Code of Conduct.

Deleted: for a term of two years

Deleted:

Commented [CV19]: Mayor Comment: Should also be eliminated or revised to reflect that the committee duty ends after completion and acceptance of the document

Deleted: Members shall remain on the Committee until their term ends or the term is renewed by the Council. Terms may be renewed for up to 2 more consecutive terms.
for voluntary retirement. The committee is expected to have a limited term not to exceed three months.

VI. Qualifications
1) City of Fair Oaks Ranch residents who are qualified voters over 18 years of age, and have resided within the city at least one year prior to the date of appointment.
2) Committee members will represent diverse backgrounds, perspectives and viewpoints, and experience and expertise, and as a whole, will promote respect and confidence in the Committee’s advice and recommendations.
3) Applicants should disclose any conflicts of interest that may prevent them from performing their function in the best interests of the city.
4) Experience including leadership positions in governmental, military, business, and professional organizations relating to governance as well as constructive engagement and meaningful participation in the democratic process involving Council matters will be given additional weight.

VII. Roles and Responsibilities of the Committee Members
1) Ethical behavior, excellent judgement, dignity and respect for others are required both inside and outside committee proceedings.
2) Members will be expected to take reasonable time and work to be an effective committee member. Members will be expected to read and study materials in advance of meetings, strive to attend all meetings, and participate fully in the meetings in a lawful, ethical, and justifiable manner. Members will listen to what others have to say and keep an open mind. Members are expected to contribute positively to the discussions, and consider the broadest set of perspectives on issues, and as an advisory committee, make recommendations that can help to shape and influence Council policies that are tailored to the values and perspectives of the community.
3) The Chairperson will review and approve agendas for meetings in coordination with city staff, Council Liaison, and committee members. The Chairperson will be the presiding officer and moderate the discussions of the meetings and ensure that meetings have full participation and are conducted respectfully, productively, and efficiently. The Chairperson will preserve order and decorum, preventing the impugning of any members’ motives or other personal comment not relevant to the orderly conduct of business. The Chairperson will strive for decisions to be adopted by consensus, and where a formal vote is necessary in absence of consensus, the Chairperson will act as a tie-breaker.
4) The Vice Chairperson will assume Chairperson’s role when the Chairperson is unable to preside over meeting.
5) The committee may choose to assign other reasonable roles and responsibilities to facilitate meaningful dialogue and efficient running of the committee (i.e. secretary, time keeper).
6) Only the 5 appointed committee members will be voting members.
7) Members will respect and adhere to the council-manager structure of the City of Fair Oaks Ranch. In this structure, the Council determines the policies of the city with the advice, information, and analysis provided by the public, advisory committees, and its staff; and the city manager is responsible for the proper and efficient management of the day to day operations of the city, and reports to and receives policy direction from the whole of the Council.
8) An individual committee member may not act in an official capacity except through the action of the committee.
9) A majority of the voting members constitutes a quorum.
VIII. Meetings

1) Meetings shall be conducted in person or online, as reasonably determined by the members of the committee, Council Liaison, and city staff.

2) At the first meeting, the Committee will appoint its Chairperson and Vice Chairperson based on the consensus of the committee. Preference for Chairperson should be given to persons with prior leadership positions in promoting good governance.

3) While advisory committees that are purely advisory in nature are not subject to the Texas Open Meeting Act (TOMA) requirements, the Council values open and transparent discussions, and meetings will be posted and held under TOMA requirements.

4) City of Fair Oaks Ranch’s City Council Meeting Rules of Procedures as relating to conduct under Part IV should be followed where applicable. Robert’s Rules of Order shall also apply for meetings’ rules of procedure unless the rules are inconsistent with this charter or any special rules of the Council.

IX. Committee Support - Non-voting

1) A Councilmember will be assigned by Council to act as a resource and answer any questions that the Committee may have. The Council Liaison will act as a liaison between the Council and the Committee where necessary. The Council Liaison may also provide meeting updates to the Council, as needed.

2) City staff will also be assigned by the city manager to provide information and support the Committee in meeting its scope of work requirements, and that person will serve as a liaison between city staff and the committee. Additional staff include assisting the committee with drafting and posting agendas, attending meetings and taking minutes to be approved by the committee and as signed by the Chairperson.

The city attorney will be available as a resource to respond to questions, to attend meetings, and for review of any documents as needed. Requests for attorney assistance will be coordinated through the Chairperson and assigned city staff and Council Liaison.

Special Notes not incorporated in this amended version:

RE: I suggest that it be recorded that Council Member Patel would be the Sponsor of Record for this initiative (in effect, Chair of the Council Steering Committee).

Mayor: Because of the lead role she has taken, we may want to consider formally naming Councilwoman Patel as the Project Sponsor. That is pretty typical of the projects I worked in my career. Project Sponsors do not sit in on work sessions of the project team, but they do play a role in getting the team ready for presentations to senior management (council in our case).
Citizens Code of Conduct Advisory Committee Charter

Suggested Revisions from Garry Manitzas

1. **Purpose**

The Citizens Code of Conduct Advisory Committee will prepare a Code of Conduct document to define acceptable standards of behavior. The scope of work should include defining the core values of our community and constructing standards of behavior that support those core values. The scope should also encompass a set of processes for investigating and evaluating violations of those core values and guidance as to appropriate sanctions for violations. The scope of work should also include processes for council members to periodically affirm their adherence to these values and standards of performance. The scope may also include a plan for gathering citizen input on Council performance. The scope does not include placing this committee in a continuing role of monitoring or oversight as these types of duties are reserved for the City Council in the City Charter.

2. **Background**

This section is inappropriate in the document and should be deleted in its entirety.

3. **Key Definitions**

This section is not a normal part of a chartering document. It could be deleted without harming the document, but, if there is a desire to leave it in, the “ethics” definition should focus on the legal issues that the council has previously determined are the primary subject of a Code of Ethics.

4. **Scope of Work**

As we discussed in the December 17th council meeting, the Code of Ethics is a separate piece of work and all commentary related to that work should be deleted from the committee’s work they are charged to do.

Sections 3)i) through 3)vii) should be deleted.

Any references to continuing work of the committee after the Code of Conduct is completed and accepted by Council, oversight functions, investigations, revisions to Council meeting rules of procedure should be deleted. These activities are not in scope for this committee and most of them are in conflict with the intended role of the council to carry out these functions as defined in our City Charter. The committee is a project team with a specified product to be delivered (Code of Conduct document). After delivery of that product, the committee ceases to exist. That is typical for a project team.

Comments regarding citizen input in section 4) are appropriate.

In section 5), I believe it is appropriate to indicate that there will be periodic reviews with City Council. Any project team normally reports back to their sponsoring organization during a project. There is no need for a Council Liaison since the entire council should be hearing updates and giving feedback periodically. Decisions about how to structure the combination of Code of Conduct, Code of Ethics, and Operational aspects of dealing with issues, belong to the council, not to this team. I would delete everying in 5) after”...prepare an outline
and initial recommendations.” I would add specific milestones at which the team should report progress back to council.

5. **Membership and Term**

Section V.3) should be rewritten to reflect that the committee dissolves after completion of writing the Code of Conduct. Section V.6) should also be eliminated or revised to reflect that the committee duty ends after completion and acceptance of the document.

6. **Qualifications**

Section VI 4) is much too prescriptive and should be deleted. This level of specificity will discourage participation. It also creates an image that you have candidates in mind already and are writing a qualification to support getting them on the committee.

7. **Roles and Responsibilities of Committee Members**

This section is generally pretty good and I don’t have many ideas for changing. References to Council Liaison should be removed.

8. **Meetings**

I would delete the second sentence in VIII 2). We should not be telling the committee how to pick their chair person.

I would delete sections 3) and 4). You want a committee like this to have very open dialogue and be able to argue out ideas. That is difficult to do when you are surrounded by members of the press, itinerant bloggers, residents with political agendas, etc. Unless we are legally required to follow TOMA, committee work sessions should be closed to the public and to council. There is plenty of opportunity for transparency if the committee is periodically reporting to council in public meetings.

9. **Committee Support – Non-voting**

Delete item 1) for reasons discussed in several places above.

Because of the lead role she has taken, we may want to consider formally naming Councilwoman Patel as the Project Sponsor. That is pretty typical of the projects I worked in my career. Project Sponsors do not sit in on work sessions of the project team, but they do play a role in getting the team ready for presentations to senior management (council in our case).
Code of Conduct Comments from Mayor Pro Tem Roy E. Elizondo

Purpose
Revise to read as follows:
The purpose of the Citizens’ Code of Conduct Drafting Committee is to develop a draft code of conduct policy for Council consideration that includes the following elements:
1. A description of the City of Fair Oaks Ranch community values and principles, linking them with standards and expectations of Council Member conduct
2. An outline of a process, including roles and responsibilities, for reporting and investigating violations of the code of conduct policy
3. A list of remedies for violations of the code of conduct policy
4. A process for Council periodically soliciting citizen feedback and input on Council’s performance with respect to the code of conduct policy
5. A process for Council to periodically update / reaffirm the code of conduct policy (suggest annually and post-incident)

Background
Since this would be a persistent living document, I do not feel this section is necessary. We should have had a code of conduct whether an incident or not.

Scope of Work
• Remove references to Code of Ethics as discussed at Council meeting of 12-17-2020; I suggest a parallel effort to drive this to timely completion
• Remove references to and provisions for committee responsibilities for “assessments” (i.e., investigative responsibilities) and “oversight” (i.e., enforcement responsibilities). This should be replaced with deliverables 2 – 5 listed in Purpose
• Leave the useful verbiage that provides insight on how the committee would develop the deliverables listed under the purpose

Membership & Term
Revise item 3 to indicate that the Committee and members’ terms are ended when Purpose is fulfilled.

Qualifications
No comments/changes

Roles & Responsibilities
No comments/changes

Meetings
Delete items 3 and 4. Insert a requirement for periodic status reporting at regular council meetings to keep public and council informed on matters such as:
• Progress
• Schedule
• Resource needs
• Needs for input or feedback from citizens or council on policy direction

Committee Support
Delete item 1. I believe the reporting process will address the need to keep council in the loop in lieu of a Liaison. I suggest that it be recorded that Council Member Patel would be the Sponsor of Record for this initiative (in effect, Chair of the Council Steering Committee).
CITY OF FAIR OAKS RANCH (COFO) COUNCIL CODE OF CONDUCT

COMMITTEE CHARTER

Background: The COFO has enacted Council Rules of Procedure and a Code of Ethics. Recently an unfortunate incident occurred recently where it became evident a code of conduct would be useful in Council’s determination of what constitutes appropriate and inappropriate behaviors. In addition, violations of the enacted code of conduct need to be determined to allow for disciplinary action by the Council. In no way is the code of conduct intended to replace the Council Rules of Procedure and Code of Ethics. It is intended to provide a clear and concise framework to determine if a behavior has violated the code and associated consequences of the inappropriate behavior(s). Council also determined the citizen committee will consist of not more than five (5) members who geographically represent the COFO as well as are respected members of the community, not actively present on social media and not current litigants or admitted supporters of current lawsuits against the City. Prior experience in governance is preferred, either in business, a non-profit organization, or government position. Members must be able to provide a mature unemotional approach to the task at hand. Committee members cannot be employees of the jurisdiction. Members shall determine a Committee Chair and all members shall serve at the desire of City Council.

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Council Goals for the Committee:
1. Determine a Chair for the committee who shall preside over committee meetings and ensure all input from members is discussed, and relevant information included in the desired document. The Chair and members will work closely with the City Attorney to ensure the document is legally sound.
2. The committee will develop clear and concise rules of decorum based on a reasonable person standard.
3. The code of conduct shall include clear guidance for the Mayor and Council on the conduct and communication of Council business. [The document should state only two people per the Home Rule Charter are official spokesperson for the City (the Mayor and City Manager). All individual Council member communications via email or the variety of social media platforms, written materials, etc. should clearly state it is an opinion and does not represent the official position of the City or the Council].
4. The document should include responsibilities of individual Council members, [e.g. show up on time for meetings, be prepared, do not use profanity, take turns to speak/don’t interrupt, do not insult, disparage or otherwise utilize uncivil behaviors, physical contact is forbidden, etc.].
5. The document should include the process by which complaints or reports of inappropriate behavior are submitted to and considered by Council.
6. The document should contain a defined range of consequences for inappropriate behavior, e.g. lose speaking privileges for the remainder of the meeting.
7. An interim code of conduct document will be provided to Council for review, questions, and additional input prior to submission for Council final review and approval.

8. Committee members are expected to keep the document within the committee and shall not share contents or solicit additional comments from the public.

9. Members will not recommend changes to the Council Rules of Procedure or Code of Ethics as that is outside the purview of the committee.

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I. Purpose
The Citizens Code of Conduct Advisory Committee (“CCCAC” or committee) recognizes that the highest standard of ethics and conduct applies to public officials, and the committee is tasked to assist the Council to shape and promote a culture of ethical conduct, civility, and integrity at the City of Fair Oaks Ranch that is aligned with the values of our community. The CCCAC and the Council will work together to ensure that public officials exercise their authority honestly and fairly, free from impropriety, threats, favoritism, and undue influence.

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The Council is committed to developing a robust code of conduct and has unanimously approved the creation of a CCAC.

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As commonly understood, “ethics” refers to moral standards of right and wrong that prescribe what humans ought to do in terms of duties, principles, virtues, and values as established by legal, societal, and cultural frameworks. The term, “conduct” refers to the manner in which a person behaves within these ethical constraints. A “code of conduct” is a set of rules that outlines what is and is not acceptable behavior for a particular organization, and consequences that attach when such rules are not violated. Unless indicated otherwise, these definitions apply in the context of this document. Note: Aside from these definitions, there are statute/ordinance-specific definitions including definitions under Section 1.10.001 of the City of Fair Oaks Ranch Code of Ordinance as relating to “ethics law” and “ethical violation.”

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Scope of work to include but not limited to:
The committee will assign roles of responsibilities within the committee, including selecting the Chairperson and Vice Chairperson, and assigning any other roles.

2) The committee will prepare and post a schedule for its meetings and planned work that is readily available to the public.

3) The committee will review:
   i) Applicable statutory requirements related to ethics (such as conflicts of interest, nepotism, financial disclosures, gifts) as provided by city attorney and staff.
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   iii) City of Fair Oaks Ranch Code of Ordinances, Article 1.10, relating to Ethics, including Article 1.10, Division 1, Rules of Procedures, and Division 3, Administrative Provisions.
   iv) City Council Meeting Rules of Procedures, Resolution 2013-17 as amended, Part I (General Provisions) and Part IV (conduct of meetings).
   v) Additional standard ethics provisions that appear in municipal codes of ethics/conduct such as improper economic benefit, unfair advancement of private interest, gifts, representation of private interests, conflicting outside employment, etc.
   vi) Broad spectrum of codes of conduct from private and public sectors, including codes for public officials. The committee will determine the scope of the review undertaken as deemed reasonable and manageable but will include consideration of at least five codes of conduct from other local governments as applicable to public officials (elected or appointed officials). The committee will also consider at least 2 additional codes of conduct from institutions with a higher bar of conduct for those in leadership positions where violations would bring dishonor or disrepute upon its membership/public.

   Note: A background packet developed by city staff in coordination with Council Liaison and city attorney will be provided to the committee members prior to the first meeting.

4) The committee will provide opportunity for meaningful public participation from citizens. Comments and suggestions by the public are highly valued and encouraged during those parts of a meeting designated for public participation. Individual councilmembers may also provide input through this process. The committee shall allow citizens to address the committee on agenda items and during a period of time set aside for citizen communications. The committee shall follow the City Council meeting procedures relating to citizen participation.

5) No later than six months following the first committee meeting, the committee will advance a proposed ordinance for Council consideration at a Council meeting (and as reviewed by city attorney), that is understandable, reasonable, implementable and enforceable, and one that reflects community standards. The proposed ordinance...
should include, at a minimum, a system of rules of ethics and conduct with robust compliance and enforcement mechanisms in place for detecting, investigating, and enforcing infractions. Provisions will be crafted equitably and reasonably such that misuse of these provisions for improper purposes is avoided.

6) The proposed ordinance relating to Code of Conduct shall be entirely separate from the Code of Ethics and not in any way, conflict with or overlap with the provisions under Code of Ethics.

7) Any change or modification to the scope of work, including any extensions of timelines, shall require prior Council approval.

V. Membership and Term
1) Members of the committee shall consist of five residents of the City of Fair Oaks Ranch and will be appointed under the requirements of the Home Rule Charter Section 3.04(D).
2) There will be an application submittal requirement followed by an interview process for selecting candidates which will occur in an open meeting of the Council.
3) Members will be appointed by the Council.
4) Members may not be a current city councilmember, or employed by the City of Fair Oaks Ranch and, shall not receive any salary or compensation for services to the Committee.
5) Members that have familial relations within the third degree of affinity (marriage) or consanguinity (blood or adoption) with any presently serving on the Council are not eligible for serving on the committee.
6) Members serve at the pleasure of the Council.
7) Members with conviction of felony or crime of moral turpitude are ineligible to serve on the committee.

VI. Qualifications
1) City of Fair Oaks Ranch residents who are qualified voters over 18 years of age, and have resided within the city at least one year prior to the date of appointment.
2) Committee members will represent diverse backgrounds, perspectives and viewpoints, and experience and expertise, and as a whole, will promote respect and confidence in the Committee’s advice and recommendations.
3) Applicants should disclose any conflicts of interest that may prevent them from performing their function in the best interests of the city.
4) Experience including leadership positions in governmental, military, business, and professional organizations relating to governance as well as constructive engagement and meaningful participation in the democratic process involving Council matters will be given additional weight.

VII. Roles and Responsibilities of the Committee Members
1) Ethical behavior, excellent judgement, dignity and respect for others are required both inside and outside committee proceedings.
2) Members will be expected to take reasonable time and work to be an effective committee member. Members will be expected to read and study materials in advance of meetings, strive to attend all meetings, and participate fully in the meetings in a lawful, ethical, and justifiable manner. Members will listen to what others have to say and keep an open mind. Members are expected to contribute positively to the discussions, and consider the broadest
set of perspectives on issues, and as an advisory committee, make recommendations that can help to shape and influence Council policies that are tailored to the values and perspectives of the community.

3) The Chairperson will review and approve agendas for meetings in coordination with city staff, Council Liaison, and committee members. The Chairperson will be the presiding officer and moderate the discussions of the meetings and ensure that meetings have full participation and are conducted respectfully, productively, and efficiently. The Chairperson will preserve order and decorum, preventing the impugning of any members’ motives or other personal comment not relevant to the orderly conduct of business. The Chairperson will strive for decisions to be adopted by consensus, and where a formal vote is necessary in absence of consensus, the Chairperson will act as a tie-breaker.

4) The Vice Chairperson will assume Chairperson’s role when the Chairperson is unable to preside over meeting.

5) The committee may choose to assign other reasonable roles and responsibilities to facilitate meaningful dialogue and efficient running of the committee (i.e. secretary, time keeper).

6) Only the 5 appointed committee members will be voting members.

7) Members will respect and adhere to the council-manager structure of the City of Fair Oaks Ranch. In this structure, the Council determines the policies of the city with the advice, information, and analysis provided by the public, advisory committees, and its staff; and the city manager is responsible for the proper and efficient management of the day to day operations of the city, and reports to and receives policy direction from the whole of the Council.

8) An individual committee member may not act in an official capacity except through the action of the committee.

9) A majority of the voting members constitutes a quorum.

VIII. Meetings

1) Meetings shall be conducted in person or online, as reasonably determined by the members of the committee, Council Liaison, and city staff.

2) At the first meeting, the Committee will appoint its Chairperson and Vice Chairperson based on the consensus of the committee. Preference for Chairperson should be given to persons with prior leadership positions with experience in promoting good governance.

3) While advisory committees that are purely advisory in nature are not subject to the Texas Open Meeting Act (TOMA) requirements, the Council values open and transparent discussions, and meetings will be posted and held under TOMA requirements.

4) City of Fair Oaks Ranch’s City Council Meeting Rules of Procedures as relating to conduct under Part IV should be followed where applicable. Robert’s Rules of Order shall also apply for meetings’ rules of procedure unless the rules are inconsistent with this charter or any special rules of the Council.

IX. Committee Support - Non-voting

1) A Councilmember will be assigned by Council to act as a resource and answer any questions that the Committee may have. The Council Liaison will act as a liaison between the Council and the Committee where necessary. The Council Liaison may also provide meeting updates to the Council, as needed.
2) City staff will also be assigned by the city manager to provide information and support the Committee in meeting its scope of work requirements, and that person will serve as a liaison between city staff and the committee. Additional duties include assisting the committee with drafting and posting agendas, attending meetings and taking minutes to be approved by the committee and as signed by the Chairperson.

3) The city attorney will be available as a resource to respond to questions, to attend meetings, and for review of any documents as needed. Requests for attorney assistance will be coordinated through the Chairperson and assigned city staff and Council Liaison.
INTRODUCTION/BACKGROUND:
Purpose of this presentation and resolution are to review projected year-end results, and obtain council action to close out fund balances in order to finalize our CAFR for the financial statement audit. In previous years, this process was achieved more informally during the year-end results presentation with verbal affirmation of the close out of fund balances. This resolution represents a change to formally document the affirmation of fund balance allocations.

The results of the final CAFR may differ slightly from the projections, however the current resolution is written to capture any Governmental Fund Balance not otherwise allocated to required GASB 54 designations to be closed out to unassigned fund balance until further Council action is taken.

This action is not necessary for the Enterprise fund, as fund balance (net investment in assets) is designated as either restricted or unrestricted, and this designation is not something that can be changed by Council or staff action.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:
Compliance with Governmental Accounting Standards, citizen transparency and best practices financial management.

LONGTERM FINANCIAL & BUDGETARY IMPACT:
See attached presentation

LEGAL ANALYSIS:
Resolution approved as to form by City Attorneys.

RECOMMENDATION/PROPOSED MOTION:
I move to approve a Resolution allocating portions of the Governmental Fund Balance.
Fiscal Year-End Preliminary Results Review

Fiscal Year 2019-20

City of Fair Oaks Ranch
December 17, 2020
General Fund

* Financial Statement Audit is currently on-going.
* All amounts reported are preliminary unaudited projections.
General Fund Highlights

- 98.9% of Ad Valorem Tax levy collected, 102% of budget collected ($112k more than budget).
- 155% of budgeted Sales Tax Revenue collected ($421k more than budget).
- Personnel savings of $395k due to staff vacancies and delay of hiring budgeted FTE's.
- Professional Services savings of $136k due to COVID-related cancellations in trainings, meetings, and events.
- $157k in Permit Revenue received in excess of budget.
- $75k in Franchise Fee revenue received in excess of budget due to lessened impact of SB 1152 on Telecom franchise fees.
### General Operations Year-to-Date Summary

**September 30, 2020**

**100% of Fiscal Year**

<table>
<thead>
<tr>
<th>Revenues:</th>
<th>Budget</th>
<th>Projection</th>
<th>Percent of Budget</th>
<th>Surplus / (Deficit)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taxes</td>
<td>6,277,653</td>
<td>6,811,107</td>
<td>108.5%</td>
<td>533,453</td>
<td>$421k surplus in Sales Tax and $112k surplus in Property Taxes collected.</td>
</tr>
<tr>
<td>Franchise Fees</td>
<td>529,700</td>
<td>605,103</td>
<td>114.2%</td>
<td>75,403</td>
<td>Primarily due to increase in Telecom Franchise fee revenue from lessened impact of SB 1152.</td>
</tr>
<tr>
<td>Interest</td>
<td>115,000</td>
<td>70,947</td>
<td>61.7%</td>
<td>(44,053)</td>
<td>Interest earnings lower than budget due to decrease in target Fed Funds Rate.</td>
</tr>
<tr>
<td>Permits</td>
<td>252,500</td>
<td>409,401</td>
<td>162.1%</td>
<td>156,901</td>
<td>Primarily due to an increase in New Residential permits of $78k, and New Commercial Permit for storage facility $51k.</td>
</tr>
<tr>
<td>Animal Control</td>
<td>3,400</td>
<td>1,240</td>
<td>36.5%</td>
<td>(2,160)</td>
<td>Fewer citations were issued during pandemic and court proceedings were temporarily suspended.</td>
</tr>
<tr>
<td>Fines &amp; Forfeitures</td>
<td>127,570</td>
<td>101,409</td>
<td>79.5%</td>
<td>(26,161)</td>
<td>Primarily due to Plan Review fee of storage facility $26k and other miscellaneous fees.</td>
</tr>
<tr>
<td>Fees &amp; Services</td>
<td>243,847</td>
<td>290,347</td>
<td>119.1%</td>
<td>156,901</td>
<td>Due to Insurance proceeds of totalled vehicles $128k plus Coronavirus Relief aid of $50,345</td>
</tr>
<tr>
<td>Miscellaneous Income</td>
<td>15,100</td>
<td>206,728</td>
<td>1369.1%</td>
<td>191,628</td>
<td>Supply chain issues resulted in some Equipment replacement purchases that were not able to be completed prior to year end.</td>
</tr>
<tr>
<td>Transfers</td>
<td>292,000</td>
<td>177,272</td>
<td>60.7%</td>
<td>(114,728)</td>
<td></td>
</tr>
</tbody>
</table>

**Total Available Resources**  7,856,770  8,673,554  110.40%  816,784  

<table>
<thead>
<tr>
<th>Expenditures:</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel</td>
<td>4,536,909</td>
<td>4,141,924</td>
<td>91.29%</td>
<td>394,985</td>
<td>Savings primarily due to budgeted new FTE’s not hired until later in the year due to COVID or hiring freezes, as well as turnover and staff vacancies.</td>
</tr>
<tr>
<td>Supplies, Maintenance &amp; Operations</td>
<td>655,858</td>
<td>745,746</td>
<td>113.71%</td>
<td>(89,888)</td>
<td>Unbudgeted COVID-related expenditures of $88,865.</td>
</tr>
<tr>
<td>Professional Services</td>
<td>984,806</td>
<td>848,581</td>
<td>86.17%</td>
<td>136,225</td>
<td>Savings due to decrease in Trainings/Meetings due to COVID, and decreased legal expenses.</td>
</tr>
<tr>
<td>Shared Services</td>
<td>327,617</td>
<td>280,317</td>
<td>85.56%</td>
<td>47,300</td>
<td>Primarily due to savings in General Liability Insurance.</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>351,696</td>
<td>312,344</td>
<td>88.81%</td>
<td>39,352</td>
<td>Due to savings in Public Safety of $150k from delay of vehicle purchase, off-set with Maintenance overage of $101k for Street Sweeper.</td>
</tr>
<tr>
<td>Transfers &amp; Non-Cash Adjustments</td>
<td>* 830,017</td>
<td>830,017</td>
<td>100.00%</td>
<td>-</td>
<td>Unbudgeted transfer of $20,125 to SAP Fund for overage of Comprehensive Plan &amp; UDC.</td>
</tr>
</tbody>
</table>

**Total Expenditures**  7,686,903  7,158,929  93.13%  527,974  

| Transfer to Operating Reserve | 160,597  | 160,597    | 100.00%           | -                 |                                                                                                     |
| Restricted Fund Balance       | 9,270    | 27,825     |                   | -                 |                                                                                                     |
| Non-spendable (prepaid expenses) | 29,360 | 29,360     |                   | -                 |                                                                                                     |
| Change in Unallocated Fund Balance | 1,296,843 | 1,296,843 |                   | -                 |                                                                                                     |

**Savings / (Use) of Fund Balance**  169,867  1,514,625  1,344,758

**Surplus / (Deficit)**  -  -  -

* Removed temporary transfer and use of fund balance of $600k for City Campus renovation costs. This project is scheduled to occur in Fiscal Year 2020-21, and is reflected in the Fiscal Year 2020-21 budget.
# Projected Grant Revenue Reimbursements

## Received FY 2019-20
- **Cares Act**
  - Reimbursements: $29,733
  - Payroll Tax Relief: $20,612
- **Total**: $50,345

## Expected FY 2020-21
- **FEMA**: $110,000
- **Cares Act - Kendall/Comal**: $148,665
- **Cares Act - Bexar**: $88,863
- **Total**: $347,528
# Personnel Savings Breakdown

<table>
<thead>
<tr>
<th>Department</th>
<th>Savings</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Administration</td>
<td>$ 68,059</td>
<td>Executive Administrative Asst vacant 10/1-present Position eliminated in lieu of hiring IT network specialist.</td>
</tr>
<tr>
<td>City Secretary</td>
<td>$ 9,730</td>
<td>Deputy City Secretary vacant 10/1 - 12/18</td>
</tr>
<tr>
<td>HR &amp; Communications</td>
<td>$ 18,855</td>
<td>HR/Comms Specialist vacant 10/1 - 2/5</td>
</tr>
<tr>
<td>Finance</td>
<td>$ 24,793</td>
<td>AP/Payroll Specialist vacant 10/1 - 8/10 (split w/ Ent. Fund)</td>
</tr>
<tr>
<td>Municipal Court</td>
<td>$ 4,867</td>
<td>Immaterial; unpaid leave</td>
</tr>
<tr>
<td>Public Safety &amp; Emergency</td>
<td>$200,758</td>
<td>Chief vacant 10/25 - 6/8, 1-2 Officer positions vacant throughout the year, Sgt position vacant since 1/17, Lt Position vacant from 6/8 -10/12</td>
</tr>
<tr>
<td>Maintenance</td>
<td>$ 22,107</td>
<td>Consistent turnover, 1-2 vacancies during the year</td>
</tr>
<tr>
<td>Building Codes &amp; Permits</td>
<td>$ 3,585</td>
<td>Immaterial; unpaid leave</td>
</tr>
</tbody>
</table>

$394,985
<table>
<thead>
<tr>
<th>Fund Balance</th>
<th>Actual 2018-19</th>
<th>Transfer from Gen Fund</th>
<th>Budgeted Spend</th>
<th>Projected Spend</th>
<th>Actual YTD Spend</th>
<th>Transfers 9/30/2020</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Financial Integrity</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stormwater Funding</td>
<td>120,000</td>
<td>-</td>
<td>120,000</td>
<td>107,271</td>
<td>107,271</td>
<td>50,000</td>
<td>62,279; Project in process; continuing into FY 20-21.</td>
</tr>
<tr>
<td>Revenue Projections</td>
<td>10,000</td>
<td></td>
<td>10,000</td>
<td>-</td>
<td>-</td>
<td>(10,000)</td>
<td>Cancelled.</td>
</tr>
<tr>
<td>Internal Controls Framework</td>
<td>35,000</td>
<td>20,000</td>
<td>55,000</td>
<td>52,500</td>
<td>52,500</td>
<td>(2,500)</td>
<td>Contract committed, project fieldwork complete; temp stop work order delivered.</td>
</tr>
<tr>
<td>Debt Review &amp; Policy Implementation</td>
<td>15,000</td>
<td></td>
<td>15,000</td>
<td>-</td>
<td>-</td>
<td>(15,000)</td>
<td>Project to be completed by staff.</td>
</tr>
<tr>
<td>Grants &amp; Utilities Reporting</td>
<td>10,000</td>
<td></td>
<td>10,000</td>
<td>-</td>
<td>-</td>
<td>10,000</td>
<td>Project continuing into FY 20-21.</td>
</tr>
<tr>
<td>Financial Mgmt Policy Review</td>
<td>15,000</td>
<td></td>
<td>15,000</td>
<td>-</td>
<td>-</td>
<td>(15,000)</td>
<td>Project to be completed by staff.</td>
</tr>
<tr>
<td>Stormwater Utility Cost Center</td>
<td>50,000</td>
<td></td>
<td>50,000</td>
<td>-</td>
<td>-</td>
<td>(50,000)</td>
<td>Budget rolled into Stormwater Funding SAP</td>
</tr>
<tr>
<td><strong>Responsible Growth Management</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comprehensive Plan &amp; UDC</td>
<td>50,000</td>
<td></td>
<td>50,000</td>
<td>70,125</td>
<td>70,125</td>
<td>(17,968)</td>
<td>32,754; Project in process; continuing into FY 20-21.</td>
</tr>
<tr>
<td>FM 3351 Owners Rep &amp; Project Mgr</td>
<td>75,000</td>
<td>75,000</td>
<td>75,000</td>
<td>7,345</td>
<td>7,345</td>
<td>(67,655)</td>
<td>Project funded by operational budget in FY 20-21.</td>
</tr>
<tr>
<td>Drainage Project &amp; Funding</td>
<td>50,000</td>
<td>50,000</td>
<td>50,000</td>
<td>47,503</td>
<td>47,503</td>
<td>(2,497)</td>
<td>Project funded by operational budget in FY 20-21.</td>
</tr>
<tr>
<td>MS4 Program</td>
<td>5,000</td>
<td></td>
<td>5,000</td>
<td>2,606</td>
<td>2,606</td>
<td>(2,394)</td>
<td>Completed</td>
</tr>
<tr>
<td><strong>Reliable &amp; Sustainable Infrastructure</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Long-term Road Cond Analysis</td>
<td>80,000</td>
<td>80,000</td>
<td>80,000</td>
<td>29,278</td>
<td>29,278</td>
<td>(17,968)</td>
<td>32,754; Project in process; continuing into FY 20-21.</td>
</tr>
<tr>
<td>City Hall Building Renovation</td>
<td>-</td>
<td>600,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City Campus Outbuilding Reno</td>
<td>461,729</td>
<td>-</td>
<td>450,000</td>
<td>8,500</td>
<td>8,500</td>
<td>453,229</td>
<td>Design contract committed.</td>
</tr>
<tr>
<td><strong>Public Health, Safety &amp; Welfare</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PS Command Structure Review</td>
<td>25,000</td>
<td></td>
<td>25,000</td>
<td>-</td>
<td>-</td>
<td>25,000</td>
<td>Uncommitted, deferred to FY 20-21.</td>
</tr>
<tr>
<td>Fire Services Program Review</td>
<td>25,000</td>
<td></td>
<td>25,000</td>
<td>-</td>
<td>-</td>
<td>25,000</td>
<td>Uncommitted, deferred to FY 20-21.</td>
</tr>
<tr>
<td>EMS Program Review</td>
<td>25,000</td>
<td></td>
<td>25,000</td>
<td>-</td>
<td>-</td>
<td>25,000</td>
<td>Uncommitted, deferred to FY 20-21.</td>
</tr>
<tr>
<td><strong>Operational Excellence</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Compensation &amp; Benefit Plan Study</td>
<td>50,000</td>
<td>50,000</td>
<td>50,000</td>
<td>45,000</td>
<td>45,000</td>
<td>5,000</td>
<td>Project in process; continuing into FY 20-21.</td>
</tr>
<tr>
<td>Employee Handbook</td>
<td>5,000</td>
<td></td>
<td>5,000</td>
<td>1,967</td>
<td>1,967</td>
<td>3,034</td>
<td>Project in process; continuing into FY 20-21.</td>
</tr>
<tr>
<td>HR Technology Upgrade</td>
<td>32,000</td>
<td>32,000</td>
<td>32,000</td>
<td>31,954</td>
<td>31,954</td>
<td>(46)</td>
<td>Project completed.</td>
</tr>
<tr>
<td>Development Training Program</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
<td>-</td>
<td>-</td>
<td>(5,000)</td>
<td>Not committed.</td>
</tr>
<tr>
<td>Communications &amp; Mktg Strategy</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
<td>-</td>
<td>-</td>
<td>(5,000)</td>
<td>Not committed.</td>
</tr>
<tr>
<td>Records Management</td>
<td>12,000</td>
<td></td>
<td>12,000</td>
<td>4,150</td>
<td>4,150</td>
<td>7,850</td>
<td>Project in process; continuing into FY 20-21.</td>
</tr>
<tr>
<td>IT Risk Analysis</td>
<td>50,000</td>
<td></td>
<td>50,000</td>
<td>32,229</td>
<td>32,229</td>
<td>148,414</td>
<td>166,185; Contract completed.</td>
</tr>
<tr>
<td>Infrastructure (Roads)</td>
<td>111,409 (740)</td>
<td>110,669</td>
<td>110,669</td>
<td>110,669</td>
<td>110,669</td>
<td></td>
<td>Roadwork from PY maintenance, completed this FY</td>
</tr>
<tr>
<td>Personal Property</td>
<td>22,600</td>
<td>-</td>
<td>22,600</td>
<td>4,264</td>
<td>4,264</td>
<td>245,000</td>
<td>263,336; New FTE furniture budgeted in PY and Civic Center Furniture &amp; Fixtures.</td>
</tr>
<tr>
<td>Unallocated Fund Balance</td>
<td>359,490 (13,735)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>(250,354)</td>
<td>95,401</td>
</tr>
<tr>
<td><strong>Total Fund Balance</strong></td>
<td>1,110,228</td>
<td>599,525</td>
<td>1,952,289</td>
<td>555,360</td>
<td>555,360</td>
<td>-</td>
<td>1,174,518</td>
</tr>
</tbody>
</table>
Year-End Governmental Funds Dashboard

**Non-Spendable** - Portion of Fund balance that is not in spendable form. Most common are prepaid expenses.

**Restricted** - Constrained for specific purposes by providers; such as grantors, bondholders, higher level of government, contract, or law.

**Committed** - Constrained to specific purposes by City Council through formal action. Only City Council action can commit or uncommit to this category.

**Assigned** - Portion of Fund Balance the City intends to use for specific purposes. This category is assigned by the City Manager. No formal action is needed to assign or unassign funds.

**Unassigned** - Remaining portion of Fund Balance that is not identified in one of the other categories.

### FYE 9/30/2020

<table>
<thead>
<tr>
<th>Non-spendable</th>
<th>FYE 9/30/2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court Technology</td>
<td>14,520</td>
</tr>
<tr>
<td>Court Security Building</td>
<td>57,330</td>
</tr>
<tr>
<td>Court Efficiency</td>
<td>439</td>
</tr>
<tr>
<td>Court Truancy Prevention</td>
<td>1,400</td>
</tr>
<tr>
<td>Court Jury Fund</td>
<td>28</td>
</tr>
<tr>
<td>Felony Forfeiture</td>
<td>10,774</td>
</tr>
<tr>
<td>Lease Training</td>
<td>11,820</td>
</tr>
<tr>
<td>PEG Fees</td>
<td>4,319</td>
</tr>
<tr>
<td>Debt Service</td>
<td>30,969</td>
</tr>
<tr>
<td>Encumbrances</td>
<td>17,016</td>
</tr>
<tr>
<td>Roadway Construction Bond Project</td>
<td>(0)</td>
</tr>
<tr>
<td><strong>Total Restricted</strong></td>
<td>148,614</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Committed</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 18-19</td>
</tr>
<tr>
<td>FY 19-20</td>
</tr>
<tr>
<td><strong>Change in Fund Balance</strong></td>
</tr>
</tbody>
</table>

| Unassigned pending Council Action | 1,296,843 |

<table>
<thead>
<tr>
<th>Assigned</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Projects</td>
</tr>
<tr>
<td>Equipment Replacement</td>
</tr>
<tr>
<td>Legal Reserve</td>
</tr>
<tr>
<td>Operating Reserve</td>
</tr>
<tr>
<td><strong>Unassigned</strong></td>
</tr>
</tbody>
</table>

Governmental Fund Balances | 7,232,280

**Net Asset Composition** | 9/30/2020
| Cash & Investments | 7,698,033 |
| Receivables | 593,187 |
| Payables | (814,120) |
| Deferred Revenues | (141,791) |
| Long-term liabilities | (103,030) |

**Governmental Fund Balance** | 7,232,280

**Unrestricted Balance Rollforward**

| FY 18-19 | 5,494,096 |
| FY 19-20 | 7,001,031 |
| **Change in Fund Balance** | 1,506,935 |

| Equip Fund-Savings | 5,330 |
| Operating Expense Savings | 160,597 |
| Capital Projects | 44,165 |
| **Unassigned pending Council Action** | 1,296,843 |
| **Total** | 1,506,935 |

**Operating Expense Reserve**

| FY 18-19 | 3,517,473 |
| FY 19-20 | 3,678,070 |

Balance represents 7.3 months of projected FY 2019-20 operating expense and 6.2 months of budgeted FY 2020-21 operating expense. Target is 10-12 months.
Council Decisions on Surplus
What staff needs:

- Decision on how to close out FY 2019-20.
  - Suggest closing the surplus out to unassigned balance at this time. Future use of the surplus would need to be brought to council for approval.

- Staff is looking for guidance (formal action not yet needed) on FY 2020-21 budget amendments to be brought forward with the levy roll.
Council Guidance
Regarding potential FY 2020-21 Budget Amendments

Projected 2019-20 Unallocated Fund Balance $1,266,108
Projected 2020-21 Grant Reimbursements $ 347,528
Projected 2020-21 Tax Levy Increase $ 312,595
Total Projected Unallocated for 2020-21 Budget $1,926,231

Recurring versus 1-time expenses

- Goal is to limit expense that will reoccur year over year to the amount of the tax levy increase, which indicates that the recurring expense can be supported by our current tax rate.

- Recurring expenses for Council consideration:
  - $9,750 Increase internet bandwidth from 50mb to 1GB in order to accommodate backup needs
  - $188,058 Organizational changes (all in Salary, taxes and Benefits)
  - 77,910 Street Maintenance Budget
  - $275,718 Total Recurring is less than the Levy Increase
Council Guidance
Regarding potential FY 2020-21 Budget Amendments

Projected 2019-20 Unallocated Fund Balance $1,266,108
Projected 2020-21 Grant Reimbursements $  347,528
Projected 2020-21 Tax Levy Increase $  312,595
Total Projected Unallocated for 2020-21 Budget $1,926,231

1-time expenses

$15,000 Increased Scope on Kimley Horn Stormwater Utility Contract due to workshop held

$8,179 Emergency HVAC repair and replacement at City Hall (already incurred)

$60,000 Increased Budget for Planning and General Engineering Consultant
$40k for Planning and $20k for Dietz Corridor Study (Approved by Council 9/17)

$25,000 City Council retreat facilitation

$20,000 Cost of keeping the portable for the remainder of the year

$8,000 AED needed at portable

$100,000 Drainage Repair at Rocking Horse Ln.

$5,000 Increased budget for COVID PPE during FY 2020-21

$16,000 Timeclocks for new HR System implementation
Council Guidance
Regarding potential FY 2020-21 Budget Amendments

Projected 2019-20 Unallocated Fund Balance $1,266,108
Projected 2020-21 Grant Reimbursements $347,528
Projected 2020-21 Tax Levy Increase $312,595
Total Projected Unallocated for 2020-21 Budget $1,926,231

Additional considerations that might occur throughout the year:

- Increase of General Fund Operating reserve
- Additional costs related to City Hall renovation and Civic Center
- Utilization of General Fund Surplus for Enterprise fund purposes
- Utilization of General Fund Surplus for Stormwater Utility or Drainage projects
Enterprise Fund
Enterprise Fund Highlights

Only 6 accounts overdue by over 90 days. Collection efforts being made.

Bad Debt was 0.01% of revenue (less than $1k) for the fiscal year.

Water revenue was $238k higher than budget due to increased consumption.

Water Impact Fee revenue was $330k higher than budget and Wastewater Impact Fee revenue was $222k higher than budget due to the increase in rates effective March 5, 2020, as well as the increase in development.

Legal Fees associated with water rights were $650k over budget.
## Combined Water and Wastewater
### September 30, 2020
100% of Fiscal Year

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>Projection</th>
<th>Percent of Budget</th>
<th>Budget v. Projection</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenues</strong></td>
<td>5,046,147</td>
<td>5,889,636</td>
<td>116.7%</td>
<td>843,489 (a)</td>
</tr>
<tr>
<td><strong>Operating Expenses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel</td>
<td>1,428,401</td>
<td>1,279,400</td>
<td>89.6%</td>
<td>149,001 (b)</td>
</tr>
<tr>
<td>Supplies, Maintenance &amp; Operations</td>
<td>2,439,815</td>
<td>2,287,792</td>
<td>93.8%</td>
<td>152,022 (c)</td>
</tr>
<tr>
<td>Services</td>
<td>96,943</td>
<td>749,653</td>
<td>773.3%</td>
<td>(652,710) (d)</td>
</tr>
<tr>
<td><strong>Total Operating Expenses</strong></td>
<td>3,965,159</td>
<td>4,316,845</td>
<td></td>
<td>(351,686)</td>
</tr>
<tr>
<td><strong>Operating Income</strong></td>
<td>1,080,989</td>
<td>1,572,791</td>
<td></td>
<td>491,803</td>
</tr>
<tr>
<td><strong>Capital Outlay</strong></td>
<td>1,518,184</td>
<td>592,213</td>
<td>39.0%</td>
<td>925,971 (e)</td>
</tr>
<tr>
<td><strong>Lease Interest Expense</strong></td>
<td>89,907</td>
<td>199,727</td>
<td>222.1%</td>
<td>(109,819) (f)</td>
</tr>
<tr>
<td><strong>Transfers &amp; Non-Cash</strong></td>
<td>(422,424)</td>
<td>313,318</td>
<td>-74.2%</td>
<td>(735,742) (g)</td>
</tr>
<tr>
<td><strong>Net Income/(Loss)</strong></td>
<td>(104,679)</td>
<td>467,533</td>
<td></td>
<td>572,212</td>
</tr>
</tbody>
</table>

(a) Total surplus is due mostly to Impact Fees and Water Consumption as shown below:

- $330,000 Water Impact Fees
- $238,031 Water Consumption
- $221,293 Wastewater Impact Fees
- $789,324

(b) Water personnel savings of $99k and Wastewater personnel savings of $50k.

(c) $43k savings in GBRA fees due to budgeting a flat 5% increase rather than individual rate changes, and $86k savings in sludge hauling due to utilizing drying beds and chemicals more frequently.

(d) Water rights legal fees were $650k over budget. Combined water rights fees for FY 2018-19 and 2019-20 totalled $773k (including documentation services).

(e) Capital Outlay was lower than budget due to multiple projects not progressing as follows:

- $482,318 Elevated Storage Tank
- $377,127 Creek Crossing West Waterline
- $66,854 WWTP Regional Study participation ended
- $926,299

(f) Siemens lease prepayment penalty on recapitalization of debt.

(g) The Capital Outlay not completed was not transferred to the Balance Sheet, offset with a savings in depreciation.
# Personnel Savings Breakdown

<table>
<thead>
<tr>
<th>Department</th>
<th>Savings</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Administration</td>
<td>$ 29,170</td>
<td>AP/Payroll Specialist vacant 10/1 - 8/10 and Engineering Mgr vacant 9/27 - 5/11 (split w/ GF)</td>
</tr>
<tr>
<td>Wastewater Administration</td>
<td>$ 30,099</td>
<td>AP/Payroll Specialist vacant 10/1 - 8/10 and Engineering Mgr vacant 9/27 - 5/11 (split w/ GF)</td>
</tr>
</tbody>
</table>

$149,001
### Water Utility Fund Summary
#### September 30, 2020
100% of Fiscal Year

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>Projection</th>
<th>Percent of Budget</th>
<th>Budget v. Projection</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Water Revenues</strong></td>
<td>3,971,147</td>
<td>4,550,076</td>
<td>114.6%</td>
<td>578,929</td>
</tr>
<tr>
<td>Primarily due to Impact Fees $330k and Water Consumption $238k.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Water Operating Expenses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel</td>
<td>783,911</td>
<td>684,639</td>
<td>87.3%</td>
<td>99,272</td>
</tr>
<tr>
<td>Savings due to turnover.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplies, Maintenance &amp; Operations</td>
<td>1,760,076</td>
<td>1,715,444</td>
<td>97.5%</td>
<td>44,633</td>
</tr>
<tr>
<td>GBRA fees lower than budgeted.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Services</td>
<td>66,138</td>
<td>720,775</td>
<td>1089.8%</td>
<td>(654,637)</td>
</tr>
<tr>
<td>Water rights fees $650k.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Water Operating Expenses</strong></td>
<td>2,610,126</td>
<td>3,120,857</td>
<td>(510,732)</td>
<td></td>
</tr>
<tr>
<td><strong>Operating Income</strong></td>
<td>1,361,021</td>
<td>1,429,219</td>
<td>68,198</td>
<td></td>
</tr>
<tr>
<td><strong>Capital Outlay</strong></td>
<td>1,200,117</td>
<td>366,326</td>
<td>30.5%</td>
<td>833,791</td>
</tr>
<tr>
<td>See Schedule Below</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Lease Interest Expense</strong></td>
<td>1,200,117</td>
<td>366,326</td>
<td>30.5%</td>
<td>833,791</td>
</tr>
<tr>
<td>Siemens lease prepayment penalty.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Transfers &amp; Non-Cash</strong></td>
<td>563,758</td>
<td>863,286</td>
<td>-150.5%</td>
<td>(1,412,044)</td>
</tr>
<tr>
<td>Budgeted capital not purchased, and re-allocation of Water CIP Fund Balance to Wastewater.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Net Income/(Loss)</strong></td>
<td>649,140</td>
<td>31,836</td>
<td>(602,304)</td>
<td></td>
</tr>
</tbody>
</table>

### Water Strategic Projects & CIP

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Budgeted</th>
<th>Projected</th>
<th>Surplus/Deficit</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elevated Storage Tank</td>
<td>628,528</td>
<td>146,210</td>
<td>482,318</td>
<td>Project in Process, continuing into FY 2020-21.</td>
</tr>
<tr>
<td>Project Development</td>
<td>50,000</td>
<td>43,460</td>
<td>6,540</td>
<td>Project complete.</td>
</tr>
<tr>
<td>Plant 2 HydroTank</td>
<td>45,000</td>
<td>57,575</td>
<td>(12,575)</td>
<td>Project in Process, continuing into FY 2020-21.</td>
</tr>
<tr>
<td>Creek Crossing West Waterline</td>
<td>400,000</td>
<td>22,873</td>
<td>377,127</td>
<td>Project in Process, continuing into FY 2020-21.</td>
</tr>
<tr>
<td>Impact Fee Analysis</td>
<td>37,500</td>
<td>30,076</td>
<td>7,424</td>
<td>Project complete. First invoice posted in FY.</td>
</tr>
<tr>
<td><strong>Total Budgeted</strong></td>
<td>1,161,028</td>
<td>300,194</td>
<td>860,834</td>
<td></td>
</tr>
</tbody>
</table>

### Water Operations

<table>
<thead>
<tr>
<th>Equipment Type</th>
<th>Budgeted</th>
<th>Projected</th>
<th>Surplus/Deficit</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Towable Manlift Trailer</td>
<td>15,000</td>
<td>-</td>
<td>15,000</td>
<td>Equipment was damaged and returned; balance rolling to FY 20-21.</td>
</tr>
<tr>
<td>Operational Capital Outlays</td>
<td>5,000</td>
<td>-</td>
<td>5,000</td>
<td>Repairs to Water Treatment Building, posted to Building Maintenance.</td>
</tr>
<tr>
<td>Pump for Well #9</td>
<td>-</td>
<td>21,347</td>
<td>(21,347)</td>
<td>Unexpected emergency purchases due to lightning strike.</td>
</tr>
<tr>
<td>Pump for Well #30</td>
<td>-</td>
<td>25,696</td>
<td>(25,696)</td>
<td>Unexpected emergency purchases due to lightning strike.</td>
</tr>
<tr>
<td>E-pump</td>
<td>19,089</td>
<td>19,089</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Total Capital Outlay</strong></td>
<td>39,089</td>
<td>66,132</td>
<td>(27,043)</td>
<td></td>
</tr>
</tbody>
</table>
## Wastewater Utility Fund Summary
### September 30, 2020
### 100% of Fiscal Year

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>Projection</th>
<th>Percent of Budget</th>
<th>Budget v. Projection</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Wastewater Revenues</strong></td>
<td>1,075,001</td>
<td>1,339,560</td>
<td>124.6%</td>
<td>264,560</td>
</tr>
<tr>
<td>Primarily due to Impact Fees higher than anticipated due to growth in the area and an increase in the Impact Fee Rate.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Wastewater Operating Expenses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel</td>
<td>644,490</td>
<td>594,761</td>
<td>92.3%</td>
<td>49,729</td>
</tr>
<tr>
<td>Due to vacancies.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplies, Maintenance &amp; Operations</td>
<td>679,738</td>
<td>572,349</td>
<td>84.2%</td>
<td>107,389</td>
</tr>
<tr>
<td>Sludge haul savings of $86k due to utilizing other methods.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Services</td>
<td>30,804</td>
<td>28,877</td>
<td>93.7%</td>
<td>1,927</td>
</tr>
<tr>
<td><strong>Total Wastewater Operating Expenses</strong></td>
<td>1,355,033</td>
<td>1,195,988</td>
<td>159,045</td>
<td></td>
</tr>
<tr>
<td><strong>Operating Income</strong></td>
<td>(280,032)</td>
<td>143,573</td>
<td></td>
<td>423,605</td>
</tr>
<tr>
<td><strong>Capital Outlay</strong></td>
<td>318,067</td>
<td>225,887</td>
<td>71.0%</td>
<td>92,180</td>
</tr>
<tr>
<td>See Schedule Below</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Lease Interest Expense</strong></td>
<td>14,385</td>
<td>31,956</td>
<td>222.1%</td>
<td>(17,571)</td>
</tr>
<tr>
<td>Siemens lease prepayment penalty</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Transfers &amp; Non-Cash</strong></td>
<td>178,156</td>
<td>(498,146)</td>
<td>-279.6%</td>
<td>676,302</td>
</tr>
<tr>
<td>Reallocation of Water CIP Fund Balance.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Net Income/(Loss)</strong></td>
<td>(790,640)</td>
<td>383,875</td>
<td>-279.6%</td>
<td>1,174,516</td>
</tr>
</tbody>
</table>

### Budgeted Projection Surplus / (Deficit) Status

<table>
<thead>
<tr>
<th>Project</th>
<th>Budgeted</th>
<th>Projection</th>
<th>Surplus / (Deficit)</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Wastewater CIP Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Development</td>
<td>50,000</td>
<td>43,460</td>
<td>6,540</td>
<td>Project Complete.</td>
</tr>
<tr>
<td>Impact Fee Study</td>
<td>37,500</td>
<td>30,076</td>
<td>7,424</td>
<td>Project complete. First invoice posted in PY.</td>
</tr>
<tr>
<td>Digester Planning</td>
<td>100,000</td>
<td>64,496</td>
<td>35,504</td>
<td>Design Contract Complete.</td>
</tr>
<tr>
<td>WWTP Regional Study</td>
<td>81,478</td>
<td>14,624</td>
<td>66,854</td>
<td>Participation ended.</td>
</tr>
<tr>
<td>Total</td>
<td>268,978</td>
<td>152,656</td>
<td>116,322</td>
<td></td>
</tr>
</tbody>
</table>

### Wastewater Operations

| Operational Capital Outlays   | 30,000   | 36,596     | (6,596)             | Change order increased amount |
| E-pump                        | 19,089   | 19,089     | -                   |                               |
| Pumps                         | -        | 17,547     | (17,547)            | Unexpected emergency purchase. |
| Total budgeted purchases      | 49,089   | 73,232     | (24,143)            |                               |
Operating Expense Reserve

FY 2019-20 Projected Operating Expense 4,516,572
FY 2020-21 Budgeted Operating Expense 4,303,641
Operating Expense Reserve 3,612,413

Balance represents 9.6 months of projected FY 2019-20 operating expense, and 10.1 months of budgeted FY 2020-21 operating expense.
Target is 12 months.
A RESOLUTION

OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS; ALLOCATING PORTIONS OF THE GOVERNMENTAL FUND BALANCE

WHEREAS, on August 18, 2011, the City Council of the City of the City of Fair Oaks Ranch, Texas (City Council) approved Resolution 2011-12 adopting the Governmental Accounting Standards Board’s Statement 54 (“GASB 54”); and,

WHEREAS, pursuant to GASB 54, nonspendable fund balance is the portion of fund balance that cannot be spent because it is either not in a spendable form or is legally/contractually required to be maintained intact; and,

WHEREAS, all of the City’s Governmental nonspendable fund balance have been allocated pursuant to GASB 54; and,

WHEREAS, pursuant to GASB 54, restricted Fund balances have constraints that are either externally imposed by creditors/grantors/contributors/laws or externally imposed by constitutional provisions; and,

WHEREAS, all of the City’s Governmental restricted fund balances have been allocated pursuant to GASB 54; and,

WHEREAS, pursuant to GASB 54, committed fund balance is the portion of the fund balance that is constrained to specific purposes by City council, and that only City Council can unconstrain; and,

WHEREAS, the City has no Governmental fund balances meeting the definition of “Committed” as defined by GASB 54; and,

WHEREAS, pursuant to GASB 54, assigned fund balances are the portion of total Governmental fund balance that the City (Council or authorized administrator) designates for specific purposes; and,

WHEREAS, after all other categories of Governmental Fund balances have been allocated, the annual financial report for fiscal year ending September 30, 2020, reports a projected remaining balance in the Governmental unassigned fund balance of $1,296,843; and,

WHEREAS, the final unassigned balance may differ after the financial audit is accepted by City Council; and,

WHEREAS, pursuant to GASB 54, City Council desires for any remaining unassigned balance after all other required allocations are made, to remain unassigned until further action is taken.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS that after all required fund balance allocations are made, any remaining unassigned Governmental Fund balance is to remain unassigned until further Council Action is taken.
PASSED, APPROVED, and ADOPTED on this 7th day of January, 2021.

Garry Manitzas, Mayor

ATTEST: APPROVED AS TO FORM:

Christina Picioccio, City Secretary  Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney
AGENDA TOPIC: Discussion regarding Request for Proposals (RFP) for a Standards of Cover and Utilization Study

DATE: January 7, 2021

DEPARTMENT: Public Safety

PRESENTED BY: Clayton Hoelscher, Procurement Manager and Tim Moring, Police Chief

INTRODUCTION/BACKGROUND:

$75,000 was approved in the FY 2020-21 budget for a Standards of Cover and Utilization Study for Police, Fire, and Emergency Medical Services (EMS). A Request for Proposals will be issued to competitively seek firms that provide these services. These studies will give the City a comprehensive assessment of current and future needs, as well as assist with developing a long-term strategy for continuity of services.

The Police Study will provide recommendations for an innovative and sustainable method of determining current and future police department staffing needs. Also, the study will provide a performance review of the current delivery of all Police Department services, as well as recommendations to ensure service delivery meets current best practices and community expectations. The study will review current demands, existing resources, gather information on community expectations and provide recommendations regarding three, five, ten-year and buildout projections based on community and police department goals and performance indicators.

The Fire and EMS Study will also provide recommendations for a method of determining current and future needs. Current demands for Fire and EMS will be reviewed including calls for service, day and time of calls, response times, and geographic distribution of incidents. The study will assess community risk and existing emergency service assets and infrastructure, as well as define baseline emergency response performance standards. The study will provide information on funding options and resources needed to obtain these services in the future, whether through a 3rd party or through the creation of a City Fire Department.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

- Meets Strategic Action Plan item 4.1 – Enhance & Ensure Continuity of Police Services
- Meets Strategic Action Plan item 4.2 – Develop a Long-Term Strategy for Continuity of Fire Services
- Meets Strategic Action Plan item 4.3 – Develop a Long-Term Strategy for Continuity of Emergency Medical Services
- Meets procurement guidelines.
LONG-TERM FINANCIAL & BUDGETARY IMPACT:
Funds were allocated in the FY2021/22 Budget in the amount of $75,000 to accomplish these Strategic Action Plan items.

LEGAL ANALYSIS:
None needed at this time.

RECOMMENDATION/PROPOSED MOTION:
The report is meant to update City Council on the status of this recommended project. Subsequent to the presentation, provide staff insight and general direction. No formal action is required.
City of Fair Oaks Ranch

REQUEST FOR PROPOSALS

STANDARDS OF COVER AND UTILIZATION STUDY

Consulting firms must submit one (1) original, five (5) copies and one (1) digital copy in PDF format labeled “Proposal for Standards of Cover and Utilization Study” to the City of Fair Oaks Ranch, Attention: Clayton Hoelscher 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas 78015, no later than 2:00 P.M. on February 1st, 2021.
Background

The City of Fair Oaks Ranch is located on the edge of the beautiful Texas Hill Country, 27 miles northwest of downtown San Antonio, Texas. It is home to an estimated 9,700 people, and it continues to grow as more people are drawn out by the lure of country living. The city spans over three separate counties, Bexar, Kendall and Comal, two independent school districts, Boerne ISD, and Comal ISD and covers an area of 7,861 acres.

The City of Fair Oaks Ranch had its beginnings as a working ranch when several parcels of land were acquired by oil man Ralph Fair, Sr. during the 1930’s. The ranch, which had a dairy and granary, was first a center for a racehorse operation. Later, Mr. Fair established a registered Hereford cattle operation. After the death of Mr. and Mrs. Fair, the remaining family decided to develop a 5,000-acre portion of the ranch as a residential community. In 1975, a homeowner’s association was formed and in 1988 the City was incorporated as a Type A General Law Municipality. Today, Fair Oaks Ranch is a Home Rule Charter City and operates under a Council-Manager form of government. A Mayor and six Council Members are elected by the citizens, and the City Manager is appointed by the Council.

Traditionally, Fair Oaks Ranch serves as a popular retirement destination for many with its golf courses, walking trails and quiet hometown atmosphere. However, proximity to the Alamo City, with its vast retail, professional, and medical offerings, paired with a unique Hill County lifestyle, support a growing commuter population. San Antonio is also home to Joint Base San Antonio, the largest joint base in the U.S. Department of Defense which adds to the economy and diversity of the entire metro area. Camp Stanley and Camp Bullis make up the vast majority of the City of Fair Oaks Ranch’s eastern border.

The City is home to two Elementary Schools and anticipates current growth trends will continue as younger families continue to move into the area. Boerne ISD is considered one of the fastest growing districts in the San Antonio region.

The City is currently seeking a consultant or consultant(s) to conduct a Standards of Cover and Utilization Study for Police, Fire and EMS Services. The City has its own Police Department (26 sworn officers) and contracts with third parties for Fire and EMS Services. The intention of this Request for Proposals is to hire one or multiple firms to conduct these studies. The final deliverables will be two studies: one solely for Police Services, and one for Fire and EMS Services.
Scope of Services

Police

The purpose of this study is to provide recommendations for an innovative and sustainable method of determining current and future police department staffing needs. Specifically, the City desires a performance review of the current delivery of all Police Department services, as well as recommendations to ensure service delivery meets current best practices and community expectations.

Departmental Objectives

- Reduce the crime rate (property, violent, narcotics, etc.)
- Improve traffic safety
- Provide training to ensure the department is highly qualified and positioned for sustainable success
- Develop data driven approaches to crime and traffic safety to enhance the efficient and effective delivery of police services
- Ensure response times are at industry standards or better for similar communities
- Remain one of the safest cities in Texas.

The Study will:

- Review current demands for law enforcement, including calls for service, day and time of calls, response times, investigative workload, staffing for special events and out of service impacts associated with intergovernmental transports (jail).
- Review Department resources and provide complete report of current resource utilization, i.e., what the Department is doing right, areas for improvement, and recommendations to ensure the Department is resourced in a manner that provides for a Safe Community.
- Provide recommendations on improvements to Department shifts, assignments, etc., which will maximize efficiency and effectiveness.
- Review current demands and utilization for 3rd party support staff to include dispatch, jail, and records.
- Review current demands for administrative staff.
- Review supervisory workloads and span of control and make recommendations for supervisor staffing within the Department.
- Review and describe best practices for police staffing and utilization in cities with populations between 10,000 and 15,000.
- Gather information on local community expectations regarding perceptions of safety, crime reduction strategies, and community safety.
- Recommend a methodology for the calculation of police staffing needs that can be updated and replicated by city and police department staff for short and long-term strategic planning resource budgeting.
- Provide recommendations regarding three, five, ten-year and buildout projections based on community and police department goals and performance indicators.
• Identify functions performed by the police department that could be performed more efficiently by other means and provide options to address.

Challenges

The department is undergoing transitions in a number of areas and the extent to which the department ignores, reacts to, or proactively manages the factors that are creating these transitions has the potential to shape its future.

- Leadership Transition: New Chief and Lieutenant
- Transition in community demographics
- Transition in size and scope of the department
- Transition in profile of criminals
- Transition in the type of policing performed
- Transition in the policing environment (public perception)

Addressing Challenges:

Need to focus attention on a number of areas, while building on current strengths that position the department for sustainable success.

- Service level expectations
- Strategic direction
- Organization
- Accountability
- Professional development & training
- Recruiting and retention
- Jurisdictional collaboration
- Technology
- Bias free policing
- Data-driven initiatives

Effectiveness & Efficiency

Identify areas to improve operation effectiveness and efficiency.

- Activity analysis
- Relationships between shifts/units, including rotation
- Promotional Requirements & Process
- Patrol Discipline
- Traffic Enforcement
- Canine
- Warrant Service
- Relationships with civilian staff
- Internal affairs
- Civilian volunteers
Fire and EMS

The purpose of this study is to develop standards of coverage and provide recommendations for an innovative and sustainable method of determining current and future fire and EMS staffing needs. Specifically, the City desires a performance review of the current delivery of Fire and EMS services, as well as recommendations to ensure service delivery meets current best practices and community expectations.

Objectives:

- Assess community Fire and EMS risk
- Assess existing emergency service assets and infrastructure (vertical and linear)
- Define baseline emergency response performance standards
- Determine apparatus and staffing patterns
- Evaluate workload and ideal unit utilization
- Develop service delivery performance measures
- Support strategic planning and policy development relative to resource procurement and allocation.

The Study will:

- Review current demands for Fire and EMS, including calls for service, day and time of calls, response times, and geographic distribution of incidents.
- Conduct a community risk assessment and critical task analysis for Fire and EMS incidents.
- Evaluate Fire and EMS resources, inclusive of stations, apparatus, water capacity, fire flow and resource distribution.
- Gather information on community expectations regarding fire safety, emergency medical services and code compliance life safety practices.
- Review and describe best practices for Fire and EMS staffing and utilization in cities with populations between 10,000 and 15,000.
- Determine and recommend coverage and resources needed in relationship to community risks and service delivery expectations.
- Review the current 3rd party service delivery model and provide recommendations regarding three, five, ten-year, and buildout projections based on community goals and performance indicators (service delivery expectations).
  - Review Fire and EMS 3rd party provider resources and provide complete report of current resource utilization, i.e., what the Department is doing right, areas for improvement, and recommendations to ensure the Department is resourced in a manner that provides for a Safe Community.
Challenges:

The City contracts for Fire and EMS services. The current Fire service contract expires on September 30, 2021 and the service provider has informed the City they will not seek a renewal. EMS services are also provided through a 3rd party contract. Demand for EMS services indicates slow response time and periods of no coverage within the City.

Addressing Challenges:

Need to focus attention on a number of areas, while building on current strengths that position the City for sustainable success.

- Establish service level expectations
- Develop options for funding Fire and EMS services
  - General Fund
  - Creation of an Emergency Service District (ESD)
  - Strategic direction
- Identify service providers
  - Contract with existing ESD
  - Contract with another Fire Department in the area
  - Create a FOR Fire Department
  - Others

Submission of Questions

Any questions should be submitted in writing to:

Clayton Hoelscher, Procurement Manager
City of Fair Oaks Ranch
choelscher@fairoaksranchtx.org

Addendums to the RFP

The City of Fair Oaks Ranch shall not be held responsible for any oral instructions related to the project. Any official changes to this RFP will be in the form of a written addendum, which will be published on the City website at http://tx-fairoaksranch2.civicplus.com/bids.aspx

Withdrawal of RFP

The City reserves the right to withdraw the RFP at any point. At any time prior to the specified solicitation due time and date, a firm may withdraw their Proposals by submitting a written request stating the reason for withdrawal.

General Information:

1) The City of Fair Oaks Ranch reserves the right to reject any or all proposals to waive any informality or irregularity in any proposal received, and to be the sole judge of the merits of the respective proposals received.
2) The consultant will be an integral member of the Project Team, consisting of City staff, elected officials, and a potential citizen volunteer committee which will be involved in the process.

RFP Schedule

The dates and times listed below are estimated and are subject to change without notice.

1. **January 20, 2021** – Deadline for written questions 12:00 PM (CST).
2. **January 25, 2021** – Questions and Responses will be posted to the City of Fair Oaks Ranch website (http://www.fairoaksranchtx.org/) by the close of business day.
3. **February 1, 2021** – one (1) original, five (5) copies and one (1) digital copy in PDF format of the Proposals due no later than 2:00 PM (CST).
4. **February 2021** – Consultant Presentation and Interview with the selection committee (if necessary).
5. **February 2021** – Regular City Council Meeting to Approve Consultant Selection and Professional Services agreement which will include the Scope of Services.

Submission Instructions

Proposals should be delivered or sent to 7286 Dietz Elkhorn, Fair Oaks Ranch, Tx 78015. All proposals should be addressed to Clayton Hoelscher, Procurement Manager. The City of Fair Oaks Ranch will receive sealed proposals until 2:00 P.M Central Standard Time on February 1, 2021 and then proposal amounts will be publicly opened and read. Any proposals received after that time and date will be returned unopened to the bidder. Proposals should contain one (1) original, five (5) copies, and one (1) digital copy in PDF format.
Instructions to Proposers

The proposals should include the information below, and shall follow the format below. Firms may submit a proposal for the Police Department Study, the Fire and EMS Study, or both.

- **Cover Letter/Executive Summary (One (1) page maximum)**

- **Tab 1 - Project Team (Ten (10) pages maximum):**
  - Resumes that describe the capabilities and experience of each team member, and include the team member’s name, title, education, licenses, certifications, professional associations, and brief overview of professional experience
  - Organizational chart identifying the key staff that will be assigned to this project, including subconsultants
  - Provide a summary of not more than one page detailing the unique qualifications of each sub-consultant

- **Tab 2 - Team Relevant Experience (Six (6) pages maximum):**
  - Include a summary of at least 3 projects within the last five years that are similar in nature
    - Identify the project owner, location, include contact name, title, current phone number, and e-mail address for each of the listed projects
    - Identify deliverable(s) provided to customer and what, if any changes, customers adopted
  - Demonstrate record of performance, including completion schedule and quality of work product

- **Tab 3 - Project Approach (Ten (10) pages maximum):**
  Describe your technical plan and timeline for accomplishing the scope of services, including at a minimum:
  - Submit a work plan for accomplishing the scope of services, including time estimates and identifying time needed for specific City personnel.
    - Include a timeline for completion
  - Include one or two samples of reports, correspondence, and other relevant information generated for other clients relevant to your proposal. This will not count towards the 10 page limit.
  - Detail how and when the following deliverables will occur:
    - Overview of current demand for services
    - Describing best practices for determining staffing and utilization in comparable Cities
    - Overview of community expectations for services
    - Staffing methodology that can be replicated, including recommendations for the next 5 – 10 years
• **Tab 4 – Price Proposal Form**

Include the total price to complete the project as described in the RFP. The price proposal should be filled out on the “Price Proposal Form” immediately following this Request for Proposal. Firms may submit for the Police Department Study, Fire and EMS Assessment Study, or both. The City reserves the right to award to no firms, or to one or multiple firms.

• **Certificate of Interested Parties (1295) Form** – A Certificate of Interested Parties Form must be submitted with the original proposal. The 1295 form and instructions for completion can be found at the following link: [https://www.ethics.state.tx.us/filinginfo/1295/](https://www.ethics.state.tx.us/filinginfo/1295/)

• **Evidence of Insurability as detailed in Exhibit A – Standard Professional Service Agreement**

**Evaluation Criteria**

All proposals received will be reviewed, evaluated, and ranked according to a numerical scoring system based on the responses to the criteria listed below. The City may elect to interview firms. Proposals for each scope of service will be evaluated as follows:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Maximum Points Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Team, Key Personnel and Relevant Experience</td>
<td>40 Points</td>
</tr>
<tr>
<td>Project Approach</td>
<td>40 Points</td>
</tr>
<tr>
<td>Price</td>
<td>20 Points</td>
</tr>
</tbody>
</table>

Questions regarding the project can be submitted to Clayton Hoelscher, via email to choelscher@fairoaksranchtx.org. Questions will be accepted until 12:00 P.M. (CST) on January 20, 2021. Responses will be posted to the City of Fair Oaks Ranch website by the close of business on January 25, 2021.

**Award and Negotiation**

The City reserves the right to reject any or all Proposals. The highest ranked Respondent(s) may be invited to enter into Contract negotiations with the City of Fair Oaks Ranch. If an agreement cannot be reached with the highest ranked Respondent(s), the City shall notify the Respondent and terminate negotiations. The second highest Respondent may be contacted for negotiations. The process may continue until successful negotiations are achieved. The City reserves the right to terminate negotiations with any and all Respondents should it be in the City’s best interest.
Insurance

All respondents must submit, with the RFP, proof of insurance coverage as stipulated in Exhibit A. Proof shall be by submission of copies of current policies or current Certificates of Insurance, including the effective dates of coverage. Any provisions outlined in Exhibit A will be required of the successful firm(s) only.

Anti-Collusion

In submitting an offer, Respondent certifies that they have not participated in nor have they been party to any collusion, price fixing or any other illegal or unethical agreements with any company, firm or person concerning the pricing offered.

No Prohibited Interest

Respondent acknowledges awareness of the state laws and applicable City Charter provisions regarding conflicts of interest and required disclosures. No officer, employee or agent of the City shall participate in the negotiation, selection, discussion, award or administration of a contract or procurement supported by public funds if: 1) that individual has a substantial interest in a person or entity, as defined by the City’s Charter, Code of Ordinances and/or Chapter 171 or 176 of the Texas Local Government Code, that is the subject of the contract or procurement; or 2) a conflict of interest, either real or apparent, would be involved, as defined therein.

Non-Resident Bidders/No Israel Boycott

Texas Government Code, Chapter 2252, Texas law prohibits city and governmental units from awarding contracts to a non-resident bidder/proposer unless the amount of such bid is lower than the lowest bid by a Texas resident by the amount a Texas resident would be required to underbid the non-resident bidder/proposer on a bid/proposal for goods and services in the non-resident bidder’s state. Texas Government Code, Chapter 2270 prohibits a governmental entity from entering into a contract with a company for goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract.

Equal Employment Opportunity

Respondent agrees that it will not discriminate in hiring, promotion, treatment, or other terms and conditions of employment based on race, sex, national origin, age, disability, or in any way violate Title VII of 1964 Civil Rights Act and amendments, except as permitted by said laws.

Anti-Lobbying Provision

During the period between RFP submission date and the contract award, respondents, including their agents and representatives, shall not directly discuss or promote their Proposal with any member of the City Council or City staff except in the course of City-sponsored inquiries, briefings, interviews, or presentations. Violation of this provision shall result in the rejection of the respondent's Proposal and disqualification from future consideration of similar RFP’s.
Jurisdiction

Contract(s) executed as part of this solicitation shall be subject to and governed under the laws of the State of Texas. Any and all obligations and payments are due and payable in Kendall County, Texas. The parties agree that venue for purposes of any and all lawsuits, cause of action, arbitration, and/or any other dispute(s) shall be in Kendall County, Texas.

Conflict of Interest

A statement indicating the respondent has no conflict of interest with the City, including any past or present employees or past or present elected officials of the City, must be submitted with the statement of qualifications. Chapter 176 of the Texas Local Government Code requires that any vendor or person considering doing business with a local government entity must disclose in the Questionnaire Form CIQ, the vendor or person’s affiliation or business relationship that might cause a conflict of interest with a local government entity. This questionnaire must be filed, by law, with the City Secretary not later than the 7th business day after the date the person becomes aware of facts that require the statement be filed. See Section 176.006, Local Government Code. A person commits an offense if the person violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor. For more information or to obtain the Questionnaire CIQ go to the Texas Ethics Commission web page at www.ethics.state.tx.us/forms/CIQ.pdf.

Confidential Information

Any information deemed to be confidential by the respondent should be clearly annotated on the pages where confidential information is contained. The City cannot guarantee that it will not be required to disclose all or part of any public record under Texas Public Information Act, since information deemed to be confidential by the respondent may not be confidential under Texas Law, or pursuant to a Court order.
Price Proposal Form

Please include the total price for each scope of service. Firms may submit proposals for one or both studies. Each price shall be for a not to exceed amount and shall include reimbursable expenses. The City reserves the right to negotiate proposed amounts with the selected firm(s).

1. Police Department Standards of Cover and Utilization Study

$______________________________________________________________

2. Fire and EMS Standards of Cover and Utilization Study

$______________________________________________________________

The individual signing this certifies that he/she is a legal agent of the Company, authorized to submit on behalf of the Company, and is legally responsible for the decisions as to the supporting documentation provided.

Company Name:                  ___________________________________________

Authorized Representative: ___________________________________________

Signature:                            ___________________________________________

Printed name:                      ___________________________________________

Title:                                   ___________________________________________

Date:                                   ___________________________________________
This Professional Services Agreement ("Agreement") is made and entered by and between the City of Fair Oaks Ranch, Texas, (the "City") a Texas municipality, and ____________ ("Professional").

Section 1. Duration. This Agreement shall become effective upon execution by the City and shall remain in effect until satisfactory completion of the Scope of Work unless terminated as provided for in this Agreement.

Section 2. Scope of Work.

(A) Professional shall perform the Services as more particularly described in the Scope of Work attached hereto as Exhibit “A”. The work as described in the Scope of Work constitutes the “Project”. Unless otherwise provided in the Scope of Work, the anticipated submittal of all Project deliverables is immediately upon completion of the Project.

(B) The Quality of Services provided under this Agreement shall be performed with the professional skill and care ordinarily provided by competent Professionals practicing in the same or similar locality and under the same or similar circumstances and professional license, and as expeditiously as is prudent considering the ordinary professional skill and care of a competent Professional holding the same professional license.

(C) The Professional shall perform its Services for the Project in compliance with all statutory, regulatory and contractual requirements now or hereafter in effect as may be applicable to the rights and obligations set forth in the Agreement.

(D) The Professional may rely upon the accuracy of reports and surveys provided to it by the City except when defects should have been apparent to a reasonably competent professional or when it has actual notice of any defects in the reports and surveys.

Section 3. Compensation.

(A) The Professional shall be paid in the manner as provided herein.
(B) **Billing Period:** The Professional may submit monthly, or less frequently, an invoice for payment based on the estimated completion of the described tasks and approved work schedule. Subject to Chapter 2251, Texas Government Code (the “Prompt Payment Act”), payment is due within thirty (30) days of the City’s receipt of the Professional’s invoice. Interest on overdue payments shall be calculated in accordance with the Prompt Payment Act.

(C) **Reimbursable Expenses:** Any and all reimbursable expenses related to the Project shall be included in the scope of services (Exhibit A). If these items are not specifically accounted for in Exhibit A they shall be considered subsidiary to the total contract amount.

**Section 4. Changes to the Project Work; Additional Work.**

(A) **Changes to Work:** Professional shall make such revisions to any work that has been completed as are necessary to correct any errors or omissions as may appear in such work. If the City finds it necessary to make changes to previously satisfactorily completed work or parts thereof, the Professional shall make such revisions if requested and as directed by the City and such services will be considered as additional work and paid for as specified under following paragraph.

(B) **Additional Work:** The City retains the right to make changes to the Scope of Work at any time by a written order. Work that is clearly not within the general description of the Scope of Work and does not otherwise constitute special services under this Agreement must be approved in writing by the City by supplemental agreement before the additional work is undertaken by the Professional. If the Professional is of the opinion that any work is beyond that contemplated in this Agreement and the Scope of Work governing the project and therefore constitutes additional work, the Professional shall promptly notify the City of that opinion, in writing. If the City agrees that such work does constitute additional work, then the City and the Professional shall execute a supplemental agreement for the additional work and the City shall compensate the Professional for the additional work on the basis of the rates contained in the Scope of Work. If the changes deduct from the extent of the Scope of Work, the contract sum shall be adjusted accordingly. All such changes shall be executed under the conditions of the original Agreement. Any work undertaken by Professional not previously approved as additional work shall be at risk of the Professional.

**Section 5. Time of Completion.**

The prompt completion of the services under the Scope of Work is critical to the City. Unnecessary delays in providing services under a Scope of Work shall be grounds for dismissal of the Professional and termination of this Agreement without any or further liability to the City other than a prorated payment for necessary, timely, and conforming work done by Professional prior to the time of termination. The Scope of Work shall provide, in either
calendar days or by providing a final date, a time of completion prior to which the Professional shall have completed all tasks and services described in the Scope of Work.

Section 6. Insurance.

Before commencing work under this Agreement, Professional shall obtain and maintain the liability insurance provided for in attached Exhibit B throughout the term of this Agreement and thereafter as required herein.

In addition to the insurance provided for in Exhibit B, Professional shall maintain the following limits and types of insurance:

Professional Liability Insurance: professional errors and omissions liability insurance with limits of liability not less than $1,000,000 per occurrence covering all work performed by the Professional, its employees, sub-contractors, or independent contractors. If this coverage can only be obtained on a “claims made” basis, the certificate of insurance must clearly state coverage is on a “claims made” basis and coverage must remain in effect for at least two years after final payment with the Professional continuing to furnish the City certificates of insurance.

Workers Compensation Insurance: The Professional shall carry and maintain during the term of this Agreement, workers compensation and employers liability insurance meeting the requirements of the State of Texas on all the Professional’s employees carrying out the work involved in this contract.

General Liability Insurance: The Professional shall carry and maintain during the term of this Agreement, general liability insurance on a per occurrence basis with limits of liability not less than $1,000,000 for each occurrence and for fire damage. For Bodily Injury and Property Damage, coverage shall be no less than $1,000,000. As a minimum, coverage for Premises, Operations, Products and Completed Operations shall be $2,000,000. This coverage shall protect the public or any person from injury or property damages sustained by reason of the Professional or its employees carrying out the work involved in this Agreement. The general aggregate shall be no less than $2,000,000.

Automobile Liability Insurance: Professional shall carry and maintain during the term of this Agreement, automobile liability insurance with either a combined limit of at least $1,000,000 per occurrence for bodily injury and property damage or split limits of at least $1,000,000 for bodily injury per person per occurrence and $1,000,000 for property damage per occurrence. Coverage shall include all owned, hired, and non-owned motor vehicles used in the performance of this contract by the Professional or its employees.
Subcontractor: In the case of any work sublet, the Professional shall require subcontractor and independent contractors working under the direction of either the Professional or a subcontractor to carry and maintain the same workers compensation and liability insurance required of the Professional.

Qualifying Insurance: The insurance required by this Agreement shall be written by non-assessable insurance company licensed to do business in the State of Texas and currently rated "B+" or better by the A.M. Best Companies. All policies shall be written on a “per occurrence basis” and not a “claims made” form.

Evidence of such insurance shall be attached as Exhibit “B”.


(A) Subletting. The Professional shall not sublet or transfer any portion of the work under this Agreement or any Scope of Work issued pursuant to this Agreement unless specifically approved in writing by the City, which approval shall not be unreasonably withheld. Subcontractors shall comply with all provisions of this Agreement and the applicable Scope of Work. The approval or acquiescence of the City in the subletting of any work shall not relieve the Professional of any responsibility for work done by such subcontractor.

(B) Ownership of Documents. Upon completion or termination of this Agreement, all documents prepared by the Professional or furnished to the Professional by the City shall be delivered to and become the property of the City. All drawings, charts, calculations, plans, specifications and other data, including electronic files and raw data, prepared under or pursuant to this Agreement shall be made available, upon request, to the City without restriction or limitation on the further use of such materials PROVIDED, HOWEVER, THAT SUCH MATERIALS ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY THE CITY OR OTHERS. ANY REUSE WITHOUT PRIOR VERIFICATION OR ADAPTATION BY THE PROFESSIONAL FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE CITY’S SOLE RISK AND WITHOUT LIABILITY TO THE PROFESSIONAL. Where applicable, Professional shall retain all pre-existing proprietary rights in the materials provided to the City but shall grant to the City a non-exclusive, perpetual, royalty-free license to use such proprietary information solely for the purposes for which the information was provided. The Professional may, at Professional's expense, have copies made of the documents or any other data furnished to the City under or pursuant to this Agreement.

(C) Professional's Seal. To the extent that the Professional has a professional seal it shall be placed on all documents and data furnished by the Professional to the City. All work and services provided under this Agreement will be performed in a good and workmanlike fashion and shall conform to the accepted standards and practices of the Professional's industry.
plans, specifications and data provided by Professional shall be adequate and sufficient to enable those performing the actual work to perform the work as and within the time contemplated by the City and Professional. The City acknowledges that Professional has no control over the methods or means of work nor the costs of labor, materials or equipment. Unless otherwise agreed in writing, any estimates of costs by the Professional are for informational purposes only and are not guarantees.

(D) **Compliance with Laws.** The Professional shall comply with all federal, state and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts, administrative, or regulatory bodies in any matter affecting the performance of this Agreement, including, without limitation, worker's compensation laws, minimum and maximum salary and wage statutes and regulations, and licensing laws and regulations. When required, the Professional shall furnish the City with satisfactory proof of compliance.

(E) **Independent Contractor.** Professional acknowledges that Professional is an independent contractor of the City and is not an employee, agent, official or representative of the City. Professional shall not represent, either expressly or through implication, that Professional is an employee, agent, official or representative of the City. Income taxes, self-employment taxes, social security taxes and the like are the sole responsibility of the Professional.

(F) **Non-Collusion.** Professional represents and warrants that Professional has not given, made, promised or paid, nor offered to give, make, promise or pay any gift, bonus, commission, money or other consideration to any person as an inducement to or in order to obtain the work to be provided to the City under this Agreement. Professional further agrees that Professional shall not accept any gift, bonus, commission, money, or other consideration from any person (other than from the City pursuant to this Agreement) for any of the services performed by Professional under or related to this Agreement. If any such gift, bonus, commission, money, or other consideration is received by or offered to Professional, Professional shall immediately report that fact to the City and, at the sole option of the City, the City may elect to accept the consideration for itself or to take the value of such consideration as a credit against the compensation otherwise owing to Professional under or pursuant to this Agreement.

(G) **Force Majeure.** If the performance of any covenant or obligation to be performed hereunder by any party is delayed as a result of circumstances which are beyond the reasonable control of such party (which circumstances may include, without limitation, pending litigation, acts of God, war, acts of civil disobedience, fire or other casualty, shortage of materials, adverse weather conditions [such as, by way of illustration and not of limitation, severe rain storms or below freezing temperatures, or tornados] labor action, strikes or similar acts, moratoriums or regulations or actions by governmental authorities), the time for such
performance shall be extended by the amount of time of such delay, but no longer than the amount of time reasonably occasioned by the delay. The party claiming delay of performance as a result of any of the foregoing force majeure events shall deliver written notice of the commencement of any such delay resulting from such force majeure event not later than seven (7) days after the claiming party becomes aware of the same, and if the claiming party fails to so notify the other party of the occurrence of a force majeure event causing such delay and the other party shall not otherwise be aware of such force majeure event, the claiming party shall not be entitled to avail itself of the provisions for the extension of performance contained in this subsection.

(H) In the case of any conflicts between the terms of this Agreement and wording contained within the Scope of Services, this Agreement shall govern. The Scope of Services is intended to detail the technical scope of services, fee schedule, and contract time only and shall not dictate Agreement terms.

Section 8. Termination.

(A) This Agreement may be terminated:
   (1) By the mutual agreement and consent of both Professional and City;

   (2) By either party, upon the failure of the other party to fulfill its obligations as set forth in either this Agreement or a Scope of Work issued under this Agreement;

   (3) By the City, immediately upon notice in writing to the Professional, as consequence of the failure of Professional to perform the services contemplated by this Agreement in a timely or satisfactory manner;

   (4) By the City, at will and without cause upon not less than thirty (30) days written notice to the Professional.

(B) If the City terminates this Agreement pursuant to Section 5 or subsection 8(A)(2) or (3), above, the Professional shall not be entitled to any fees or reimbursable expenses other than the fees and reimbursable expenses then due and payable as of the time of termination and only then for those services that have been timely and adequately performed by the Professional considering the actual costs incurred by the Professional in performing work to date of termination, the value of the work that is nonetheless usable to the City, the cost to the City of employing another Professional to complete the work required and the time required to do so, and other factors that affect the value to the City of the work performed at time of termination. In the event of termination that is not the fault of the Professional, the Professional shall be compensated for all basic, special, and additional services actually performed prior to termination, together with any reimbursable expenses then due.
Section 9. **Indemnification.** Professional shall indemnify, defend and hold harmless the City of Fair Oaks Ranch, Texas and its officials, employees and agents (collectively referred to as “Indemnitees”) and each of them from and against all loss, costs, penalties, fines, damages, claims, expenses (including reasonable attorney’s fees) or liabilities (collectively referred to as “Liabilities”) by reason of any injury to or death of any person or damage to or destruction or loss of any property arising out of, resulting from, or in connection with (i) the performance or non-performance of Services contemplated by this Agreement but only to the extent caused by the negligent acts, errors or omissions, intentional torts, intellectual property infringement, or a failure to pay a sub-contractor or supplier committed by Professional or Professional’s agent, consultant under contract, or another entity over which Professional exercises control (whether active or passive) of Professional or its employees, agents or sub-contractors (collectively referred to as “Professional”) (ii) the failure of Professional to comply with any of the paragraphs herein or the failure of Professional to conform to statutes, ordinances, or other regulations or requirements of any governmental authority, federal, state or local, in connection with the performance of this Agreement. Professional expressly agrees to indemnify and hold harmless the Indemnitees, or any one of them, from and against all liabilities which may be asserted by an employee or former employee of Professional, or any of its sub-contractors, as provided above, for which Professional’s liability to such employee or former employee would otherwise be limited to payments under State Workers’ Compensation or similar laws. Nothing herein shall require Professional to indemnify, defend, or hold harmless any Indemnitee for the Indemnitee’s own negligence or willful misconduct. Any and all indemnity provided for in this Agreement shall survive the expiration of this Agreement and the discharge of all other obligations owed by the parties to each other hereunder and shall apply prospectively not only during the term of this Agreement but thereafter so long as any liability could be asserted in regard to any acts or omissions of Professional in performing Services under this Agreement.

For Professional Liability Claims, Professional shall be liable for reasonable defense costs incurred by Indemnitees but only after final adjudication and to the extent and percent that Professional or Professional’s agents are found negligent or otherwise at fault. As used in this Agreement, final adjudication includes any negotiated settlement and release of claims, without limitation as to when a negotiated settlement and release of claims occurs.

Section 10. **Notices.** Any notice required or desired to be given from one party to the other party to this Agreement shall be in writing and shall be given and shall be deemed to have been served and received (whether actually received or not) if (i) delivered in person to the address set forth below; (ii) deposited in an official depository under the regular care and
custody of the United States Postal Service located within the confines of the United States of America and sent by certified mail, return receipt requested, and addressed to such party at the address hereinafter specified; or (iii) delivered to such party by courier receipted delivery. Either party may designate another address within the confines of the continental United States of America for notice, but until written notice of such change is actually received by the other party, the last address of such party designated for notice shall remain such party’s address for notice.

Section 11. **No Assignment.** Neither party shall have the right to assign that party's interest in this Agreement without the prior written consent of the other party.

Section 12. **Severability.** If any term or provision of this Agreement is held to be illegal, invalid or unenforceable, the legality, validity or enforceability of the remaining terms or provisions of this Agreement shall not be affected thereby, and in lieu of each such illegal, invalid or unenforceable term or provision, there shall be added automatically to this Agreement a legal, valid or enforceable term or provision as similar as possible to the term or provision declared illegal, invalid or unenforceable.

Section 13. **Waiver.** Either City or the Professional shall have the right to waive any requirement contained in this Agreement that is intended for the waiving party’s benefit, but, except as otherwise provided herein, such waiver shall be effective only if in writing executed by the party for whose benefit such requirement is intended. No waiver of any breach or violation of any term of this Agreement shall be deemed or construed to constitute a waiver of any other breach or violation, whether concurrent or subsequent, and whether of the same or of a different type of breach or violation.

Section 14. **Governing Law; Venue.** This Agreement and all of the transactions contemplated herein shall be governed by and construed in accordance with the laws of the State of Texas. The provisions and obligations of this Agreement are performable in Kendall County, Texas such that exclusive venue for any action arising out of this Agreement shall be in Kendall County, Texas.

Section 15. **Paragraph Headings; Construction.** The paragraph headings contained in this Agreement are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof. Both parties have participated in the negotiation and preparation of this Agreement and this Agreement shall not be construed either more or less strongly against or for either party.

Section 16. **Binding Effect.** Except as limited herein, the terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, devisees, personal and legal representatives, successors and assigns.
Section 17. Gender. Within this Agreement, words of any gender shall be held and construed to include any other gender, and words in the singular number shall be held and construed to include the plural, unless the context otherwise requires.

Section 18. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument.

Section 19. Exhibits. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

Section 20. Entire Agreement. It is understood and agreed that this Agreement contains the entire agreement between the parties and supersedes any and all prior agreements, arrangements or understandings between the parties relating to the subject matter. No oral understandings, statements, promises or inducements contrary to the terms of this Agreement exist. This Agreement cannot be changed or terminated orally.

Section 21. Relationship of Parties. Nothing contained in this Agreement shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or of partnership or of joint venture or of any association whatsoever between the parties, it being expressly understood and agreed that no provision contained in this Agreement nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship of independent parties contracting with each other solely for the purpose of effecting the provisions of this Agreement.

Section 22. Right To Audit. City shall have the right to examine and audit the books and records of Professional with regards to the work described in Exhibit A, or any subsequent changes, at any reasonable time. Such books and records will be maintained in accordance with generally accepted principles of accounting and will be adequate to enable determination of: (1) the substantiation and accuracy of any payments required to be made under this Agreement; and (2) compliance with the provisions of this Agreement.

23. Dispute Resolution. In accordance with the provisions of Subchapter I, Chapter 271, Tex. Local Gov’t Code, the parties agree that, prior to instituting any lawsuit or other proceeding arising from a dispute under this agreement, the parties will first attempt to resolve the dispute by taking the following steps: (1) A written notice substantially describing the nature of the dispute shall be delivered by the dissatisfied party to the other party, which notice shall request a written response to be delivered to the dissatisfied party not less than 5 days after receipt of the notice of dispute. (2) If the response does not reasonably resolve the dispute, in the opinion of the dissatisfied party, the dissatisfied party shall give notice to that
effect to the other party whereupon each party shall appoint a person having authority over the activities of the respective parties who shall promptly meet, in person, in an effort to resolve the dispute. (3) If those persons cannot or do not resolve the dispute, then the parties shall each appoint a person from the highest tier of managerial responsibility within each respective party, who shall then promptly meet, in person, in an effort to resolve the dispute.

24. **Disclosure of Business Relationships/Affiliations; Conflict of Interest Questionnaire.** Professional represents that it is in compliance with the applicable filing and disclosure requirements of Chapter 176 of the Texas Local Government Code.

25. **Boycott Israel.** The City may not enter into a contract with a company for goods and services unless the contract contains a written verification from the company; (i) it does not Boycott Israel; and (ii) will not Boycott Israel during the term of the contract. (Texas government code chapter 2270) by entering this agreement, Professional verifies that it does not Boycott Israel, and agrees that during the term of the agreement will not Boycott Israel as that term is defined in the Texas Government Code Section 808.001, as amended.
EXECUTED, by the City on this the _____ day of ____________________, 2021.

CITY:
By:_________________________
Name: Tobin Maples, AICP
Title: City Manager

PROFESSIONAL:
By:_________________________
Name:_____________________
Title:_____________________

ADDRESS FOR NOTICE:

CITY
City of Fair Oaks Ranch
Attn: City Secretary
7286 Dietz Elkhorn
Fair Oaks Ranch, TX  78015

PROFESSIONAL
AGENDA TOPIC: Discussion regarding a potential amendments to the Water Conservation Ordinance.

DATE: January 7, 2021

DEPARTMENT: Public Works

PRESENTED BY: Melissa Castro, Environmental Projects Manager

INTRODUCTION/BACKGROUND:

In the state of Texas, water conservation has become an essential part in ensuring public water purveyors meet future water demand. It is important that water utilities focus on the efficiency of their supply operations while promoting water efficiency to their customers. This is accomplished by setting conservation goals; implementing best management practices; and engaging the community through public education. The purpose of this presentation is to openly discuss potential amendments to the City of Fair Oaks Ranch’s current water conservation ordinance while taking into consideration the future direction and goals of the water utility.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

The City’s water conservation ordinance, as well as potential amendments, strive to ensure that current and future residents of the City have a safe and adequate water supply for domestic use, sanitation and fire protection.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

Presentation / discussion item only.

LEGAL ANALYSIS:

Presentation / discussion item only.

RECOMMENDATION/PROPOSED MOTION:

Subsequent to the presentation, provide staff with insight and general direction. No formal action is required.
Table of Contents
I. Water Conservation Goals
II. Landscape Design and Installation
III. Landscape Watering Management
IV. Types of “Water Waste”
V. Leak Detection, Records, and Metering
VI. Schedule of Penalties
VII. Community Outreach and Education
Water Conservation Goals
Goal #1

The City’s target goal is to reach 140 gallons per capita per day (“GCPD”) by 2070 to correspond with the recommendation of the Water Conservation Implementation Task Force.

Last Reported Full Year – 2019: 185 GCPD
Current Year – Jan-Oct 2020: 171 GCPD

5-Year Goal (2025): 180 GCPD
10-Year Goal (2030): 175 GCPD
Goal #2

By 2031 – successfully implement at least ten (10) municipal water conservation BMPs recommended by the Texas Water Development Board.

- **BMP 2.1**: System Water Audit and Water Loss
- **BMP 2.2**: Water Conservation Pricing
- **BMP 2.3**: Prohibition on Wasting Water
- **BMP 2.7**: School Education
- **BMP 2.9**: Landscape Irrigation Conservation and Incentives
- **BMP 2.12**: Golf Course Conservation
- **BMP 2.15**: Conservation Coordinator
- **BMP 2.16**: Water Reuse
- **BMP 2.17**: Public Information
- **BMP 2.18**: Rainwater Harvesting
Allowed turfgrasses: Summer dormant, drought tolerant grasses (with a 4-inch base minimum of topsoil at installation)

All newly installed automatic irrigation systems must have the following water conservation features:

▪ rain sensors;
▪ sprinkler heads that emit large drops; and
▪ a design layout that limits overspray and wind dispersion

All newly installed in-ground irrigation systems are to be zonal irrigation systems and require a permit issued by the City’s Building Department.
Landscape Watering Management
Year-Round Watering Schedule

- Irrigation of landscaped areas with hose-end sprinklers, soaker hoses, or automatic irrigation systems shall be prohibited at all times between the hours of 10 a.m. and 8 p.m.

- Saturday and Sunday are non-watering days (with the above-mentioned methods)

- Irrigation of landscaped areas is permitted at ANY time, including weekends, by means of a handheld hose with a positive shutoff device, watering can or bucket (5 gallon maximum), or drip irrigation system.
Lawn / Landscape Watering Permits:

- Permit application shall be completed by the property owner and include documentation of landscape application or installation
- All permits are valid for thirty (30) days and shall be posted and readily visible from the street
- Permit Fee = $25
- Watering between 10 a.m. and 8 p.m. and on weekends is still prohibited during permitted timeframe
- Landscape watering permits are **NOT** currently issued during drought stages 1, 2, and 3

**Possible exception: Newly built residential homes and commercial establishments**
Types of “Water Waste”
Wasteful activities may include the following:

▪ Water waste during landscape irrigation – water run off onto streets and other paved surfaces

▪ Failure to repair a controllable leak

▪ Use of non-recirculation systems in all automatic car washing facilities and commercial laundry systems

▪ Use of non-recycling decorative water fountains
AquaHawk
Water management tool offered to FORU customers

30 Texas Admin Code §288.2 Requirements:

▪ Determining and controlling water loss through field inspections of distribution lines

▪ Record management system which allows for the classification of water sales and uses (residential and commercial)

▪ Procedure for universal metering of both customer and public uses of water, for meter testing and repair, and for periodic meter replacement

▪ +/- 5% Meter Accuracy Goal
Current Water Conservation Ordinance:
“Any person who violates a provision of this plan is guilty of a misdemeanor and, upon conviction, shall be punished by a fine per violation as provided in section 1.01.009 of this code. Each day that one or more of the provisions in this article is violated shall constitute a separate offense.”

Civil Penalty Option:
First Violation – Written Warning
Second Violation – $25 Civil Penalty
Third Violation – $50 Civil Penalty

Examples of provision violations include, but are not limited to:
Ongoing watering during non-designated day(s) / times
Ongoing event of “water waste”
Community Outreach and Education

** Please note that the following slide includes PROPOSED ideas and activities **
Quarterly mailouts of indoor and outdoor water conservation tips

Increase community awareness during high-demand summer season through city website and social media platforms

Encourage use of efficient appliances and fixtures

Publicize current incentives and events offered by partner entities such as Trinity Glen Rose Groundwater Conservation District
# ELECTION CALENDAR FOR MAY 1, 2021

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 13</td>
<td>First day to File Application for Candidacy</td>
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<tr>
<td></td>
<td>First day for Filing Declaration of Write-in Candidacy</td>
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<tr>
<td>February 4</td>
<td>City Council Orders General Election</td>
</tr>
<tr>
<td></td>
<td>Resolution Authorizing Joint Agreement &amp; Authorizing CM to Sign</td>
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<tr>
<td>February 12</td>
<td>Last Day for Filing Application for Candidacy</td>
</tr>
<tr>
<td>February 16</td>
<td>Last Day for a Write-in Candidate to Declare Candidacy</td>
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<tr>
<td>February 18</td>
<td>Draw for order of Names on the Ballot</td>
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<tr>
<td>February 18</td>
<td>General Election may be Cancelled if No Candidate is Opposed on Ballot</td>
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<tr>
<td>February 19</td>
<td>Last Day for a Ballot and Write-in Candidate to Withdraw from Election</td>
</tr>
<tr>
<td>April 1</td>
<td>Due Date for Filing First Report of Campaign Contributions and Expenditures by</td>
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<tr>
<td></td>
<td>Opposed Candidates (30th Day Before Election)</td>
</tr>
<tr>
<td>April 13</td>
<td>Publish Notice of Election in Boerne Star</td>
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<tr>
<td>April 19</td>
<td>First day for Early Voting in Person</td>
</tr>
<tr>
<td>April 23</td>
<td>Due Date for Filing Second Report of Campaign Contributions and Expenditures by</td>
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<tr>
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<td>Opposed Candidates (8th day before election)</td>
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<tr>
<td>April 27</td>
<td>Last day of Early Voting in Person</td>
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<tr>
<td>May 1</td>
<td>Election Day</td>
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<td>Post Unofficial Tabulation of Results</td>
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<tr>
<td>May 6</td>
<td>Special Council Meeting Required to Canvass Election</td>
</tr>
<tr>
<td></td>
<td>Issue Certificates of Election and Sign Statement of Elected Officer</td>
</tr>
<tr>
<td>May 6</td>
<td>Perform Oath of Office</td>
</tr>
<tr>
<td></td>
<td>Per Home Rule Charter - First Day Elected Officials May Assume Duties of Office</td>
</tr>
</tbody>
</table>

*Dates/process subject to change*

*Dec 28, 2020*