Village of Salado

REGULAR MEETING OF THE SALADO BOARD OF ALDERMEN

SPECIAL CALLED MEETING AGENDA AND WORKSHOP AGENDA AMENDED

6:30 P.M., THURSDAY, SEPTEMBER 24, 2015 MUNICIPAL BUILDING 301 NORTH STAGECOACH, SALADO, TX BOARD OF ALDERMEN CHAMBERS

I. *CALL TO ORDER*

1. Invocation/Moment of Silence

2. Pledge of Allegiance, Texas Pledge of Allegiance

("Honor the Texas flag: I pledge allegiance to thee, Texas, one state under God, one and indivisible.")

II. *CONSENT AGENDA*

3. Discussion and possible action on an exception to Ordinance 2007.03, Section 4B, to allow for possession and use of alcoholic beverages in Pace Park for the 54th Annual Gathering of the Scottish Clans and Highland Games event, subject to the alcohol being served by a TABC-licensed vendor.

III. *REGULAR SESSION*

3. Discussion and possible action on final changes to the proposed Fiscal Year 2015-2016 Budget, including but not limited to adding $50,000 to the Hotel/Motel Operational Fund from the Hotel/Motel Reserve Fund for Public Relations/Advertising and $5,400 for visitor restrooms.

4. Presentation, discussion, and possible action on:

   (A) Ordinance 2015.10, adopting the Fiscal Year 2015-2016 Annual Budget beginning on October 1, 2015 and ending September 30, 2016; and

   (B) Ratifying the ad valorem property tax revenue increase reflected in the adopted 2015-2016 Annual Budget – This budget will raise more total property taxes than last year's budget by $247,806.44

(78.69%) and of that amount, $5,970.65 is tax revenue to be raised from new property added to the tax roll this year.

5. Presentation, discussion, and possible action on Ordinance 2015.11, levying taxes and setting a property (ad valorem) tax rate; approving the fiscal year 2015-2016 ad valorem tax rate and levy of $0.3395 per one hundred dollars ($100) of assessed valuation of all taxable property within the corporate limits of the Village; providing for an exemption on residence homesteads; providing for exemptions for individuals who are disabled or 65 years of age or older.

6. Discuss and consider action on the following proposed agreements related to the Sanctuary Community development project:

    a. Donation Agreement between the Village of Salado and Billie Hanks Jr., and Salado Utility Company, Inc. for the donation of 6 acres of land and Water Quality Permit No. WQ0014898001;
    b. Wastewater Service Agreement between the Village of Salado and Sanctuary Development Company, LLC. for the funding and constructing of improvements to the Village's wastewater collection , pumping, treatment, and disposal system, and the terms and conditions for retail wastewater services to the proposed 297 acre development to be constructed by Sanctuary Development Co.; and
    c. Development Agreement between the Village of Salado and Sanctuary Development Company, LLC. for the terms and conditions of economic development incentives related to the proposed 297 acre development to be constructed by Sanctuary Development Co.

IV. ***WORKSHOP AGENDA***

7. Discussion on proposed Ordinance 2015.12, Wastewater Ordinance for customers of the Stagecoach Wastewater Treatment Plant

8. Discussion on a proposed policy for the management of Open Records Requests.

V. ***ADJOURN***

The Village of Salado reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 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).

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the Village Secretary's office at (254) 947-5060 for further assistance.

I hereby certify that a true and correct copy of this amended Notice of Meeting was posted in a public place at 10:00 a.m. on **Monday, September 21, 2015**.

Mary Ann Ray

Mary Ann Ray, Village Secretary

Removed from display: _____

BOARD OF ALDERMAN
AGENDA ITEM MEMORANDUM

DEPT/DIVISION REVIEW: Kim Foutz, Village Administrator

ITEM DESCRIPTION: Discussion and possible action on final changes to the proposed Fiscal Year 2015-2016 Budget.

STAFF RECOMMENDATION: Staff recommends approval.

ITEM SUMMARY AND ANALYSIS: At the budget hearing on September 15, 2015, the Board of Aldermen requested that staff move forward with the following issues at it relates to the proposed budget:

1) Add $50,000 from the Hotel/Motel Fund Balance to the Public Relations budget in the Hotel/Motel Fund;
2) Add $5,400 back into the Hotel/Motel Fund expenditures for lease and utility expenses for the public restroom on Main Street
3) Seek a recommendation from the Chamber of Commerce Board of Directors regarding staffing

At the September 18, 2015 Chamber Board of Director's meeting, the Board acted as follows:

1) Recommended adding $50,000 as indicated by the BOA. The proposed budget for Public Relations is now $77,995. A detailed recommendation for how the Public Relations budget should be used will be forwarded to the BOA at a future meeting.
2) Accepted adding $5,400 for the public restrooms. This expenditure has been added to the draft proposed budget.
3) The Board would like to wait on its recommendation regarding staffing pending hiring of the new Executive Director. They also recommended that the Village not proceed with hiring the vacated Public Relations position at this time, until a full evaluation can be made.

FISCAL IMPACT: The revised budget added expenditures of $5400 for public restrooms and $50,000 (now $77,995) for Public Relations. Total revenues are proposed for $221,200 and expenditures of $312,210 for a deficit budget of $91,010.

ATTACHMENTS:

- Revised Hotel/Motel budget

HOTEL / MOTEL FUND

ACCT #	ACCOUNT NAME	CURRENT BUDGET FY 14-15	FORECAST BUDGET FY 14-15	PROPOSED BUDGET FY 15-16
	INCOME			
4800	INTEREST INCOME	$500	$511	$500
4710	TROLLEY RENTAL	$100	$0	$100
4700	OTHER INCOME	$2,000	$691	$800
4902	UTILITY INCOME FROM CHAMBER	$1,800	$1,560	$1,800
4901	RENT INCOME FROM CHAMBER	$7,200	$6,780	$7,200
4909	SALADO SWIRL	$4,000	$3,442	$4,000
4903	Special Events - Other	$0	$900	$0
4904	CHOCOLATE FESTIVAL INCOME	$2,000	$0	$5,000
4905	BROCHURE INCOME	$6,300	$4,942	$6,300
4908	SALADO ON THE ROCKS	$6,000	$6,582	$6,500
4134	COUNTY HOTEL OCCUPANCY TAX	$0	$0	$9,000
4135	OCCUPANCY TAX	$215,000	$200,000	$180,000
	TOTAL INCOME	**$244,900**	**$225,407**	**$221,200**
	EXPENSE			
5000	**GENERAL EXPENSE**			
5100	SALARY	$90,879	$90,844	$92,025
5110	BENEFITS	$18,103	$11,856	$19,500
5121	PAYROLL TAXES	$1,758	$1,418	$1,850
5490-1	SPECIAL PROJECTS - PALS	$13,131	$3,250	$0
5490-2	WAYFINDING SIGNS - I-35 & MAIN	$11,007	$11,007	$5,000
5498	CONTINGENCY	$357	$0	$0
5495	VILLAGE ADMIN. FEE	$3,000	$3,000	$3,000
5416	INSURANCE	$925	$0	$950
5601	OFFICE EQUIPMENT	$3,000	$12	$1,500
5210	PRINTING	$12,000	$4,000	$15,000
5318	POSTAGE	$8,000	$2,300	$5,000
5215	JANITORIAL SERVICES	$2,000	$1,100	$1,200
5328	EQUIPMENT - R&M	$0	$1,273	$0
5328-1	TROLLEY MAINTENANCE	$300	$243	$1,000
5421	DUES AND SUBSCRIPTIONS	$2,040	$1,600	$1,090
5316	OFFICE SUPPLIES	$2,000	$2,900	$1,600
5211	TELEPHONE	$3,000	$2,962	$3,000
5440	VISITOR SERVICES	$10,000	$3,800	$4,400
5213	RENT	-	-	-
5213-1	RENT - VISITORS CENTER	$19,200	$26,400	$28,800
5213-2	**RENT/UTIL - PUBLIC RESTROOM**	**$0**	**$0**	**$5,400**
5214	UTILITIES	$3,500	$4,774	$4,100
5283	CONTRACT LABOR	$7,000	$3,697	$0
5436	TRAINING & TRAVEL	$9,000	$3,295	$4,600
	GENERAL TOTAL EXPENSE	**$220,200**	**$179,731**	**$199,015**
5450	**SPECIAL EVENTS EXPENSE**			
5450-1	SALADO SWIRL EVENT	$2,000	$1,319	$3,000
5450-3	CHOCOLATE FESTIVAL	$2,000	$0	$4,000
5450-2	SALADO ON THE ROCKS	$2,500	$4,199	$4,500

HOTEL / MOTEL FUND

5450-4	CONTRACTED EVENTS	$0	$0	$10,000
	SPECIAL EVENTS TOTAL EXPENSE	**$6,500**	**$5,518**	**$21,500**
ACCT #	**ACCOUNT NAME**	**CURRENT BUDGET FY 14-15**	**FORECAST BUDGET FY 14-15**	**PROPOSED BUDGET FY 15-16**
5216	**PROFESSIONAL FEES**			
5216-3	LEGAL FEES	$1,000	$0	$0
5216-5	ACCOUNTING FEES	$2,700	$8,072	$2,700
	PROFESSIONAL FEES TOTAL EXPENSE	**$3,700**	**$8,072**	**$2,700**
5402	**ADVERTISING**			
5402-1	PUBLIC RELATIONS	$55,000	$42,100	$77,995
5402-2	TRADE SHOWS	$4,000	$508	$3,000
5402-3	WEBSITE	$5,500	$568	$3,000
5402-4	MARKETING CONTINUITY	$0	$0	$5,000
	ADVERTISING TOTAL EXPENSE	**$64,500**	**$43,176**	**$88,995**
	TOTAL EXPENSES	**$294,900**	**$236,497**	**$312,210**
	NET INCREASE/DECREASE IN FUND	**($50,000)**	**($11,090)**	**($91,010)**

ACCOUNT NAME	CURRENT BUDGET FY 14-15	BASELINE FY 14-15 BUDGET	FORECAST BUDGET FY 14-15	PROPOSED BUDGET FY 15-16
SALARY	$90,879	$90,879	$90,844	$92,025
SALARY -FID FUND	$35,878	$35,878	$24,900	$33,025
TOTAL SALARY	**$126,757**	**$126,757**	**$115,744**	**$125,050**
BENEFITS	$18,103	$18,103	$11,856	$19,500
PAYROLL TAXES	$1,758	$1,758	$1,418	$1,850
	$146,618	**$146,618**	**$129,018**	**$146,400**

BOARD OF ALDERMAN
AGENDA ITEM MEMORANDUM

DEPT/DIVISION REVIEW: Kim Foutz, Village Administrator

ITEM DESCRIPTION: Presentation, discussion, and possible action on:

(A) Ordinance 2015.10, adopting the Fiscal Year 2015-2016 Annual Budget beginning on October 1, 2015 and ending September 30, 2016; and

(B) Ratifying the ad valorem property tax revenue increase reflected in the adopted 2015-2016 Annual Budget – This budget will raise more total property taxes than last year's budget by $247,806.44 (78.69%) and of that amount, $5,970.65 is tax revenue to be raised from new property added to the tax roll this year.

STAFF RECOMMENDATION: Staff recommends approval of Ordinance 2015.10 as presented.

ITEM SUMMARY AND ANALYSIS: At the budget public hearing on September 15, 2015, the Board of Aldermen directed staff to make several changes to the proposed Hotel Motel budget. These changes have been made as well as prior changes that were made as a result of budget workshops, public input, and updated information.

The proposed ad valorem tax rate is $0.3395. This proposed tax rate is comprised of an increase in the maintenance and operation rate to $0.1999 (previously $0.1810) and a new Interest and Sinking fund rate (I&S - debt service rate) of $0.1396. The proposed combined tax rate is below the rollback rate of $0.3396.

FISCAL IMPACT: The proposed FY 15-16 budget, including changes, is a deficit budget in the amount of $39,765 with total revenues being $10,984,959 and total expenditures being $11,024,724. Please see the attached summary sheet.

ATTACHMENTS:

- Budget Summary
- Ordinance 2015.10 Adopting the Annual Budget
- Final FY 2015-16 Budget is on Display in the Village Secretary's Office and on the Village Website

FY 2016 Proposed Annual Budget

Revenues/Other Sources	Adopted/ Amended Budget FY 2014-15	Proposed Budget FY 2015-16	% Increase/ Decrease
General Fund	$963,860	$1,057,500	9.72%
Hotel/Motel Tax Fund	$244,900	$221,200	-9.68%
Chamber Fiduciary Fund	$97,500	$107,310	10.06%
Park Fee Fund	$0	$10,000	-
Technology Fund	$0	$5,397	-
Security Fee Fund	$0	$4,073	-
Capital Outlay Fund	$50,000	$62,778	25.56%
LEOSE Fund	$4,325	$6,136	41.87%
Stagecoach Wastewater Treatment Plant Fund	$61,819	$53,860	-
Wastewater - Grant Fund	$0	$2,570,700	-
Wastewater - Capital Outlay Fund	$0	$6,654,300	-
Wastewater - Series 2015 Debt Service Fund	$0	$231,705	100.00%
Total Revenues / Other Sources	**$1,422,404**	**$10,984,959**	

Expenditures / Transfers	Adopted/ Amended Budget FY 2014-15	Proposed Budget FY 2015-16	% Increase/ Decrease
General Fund	$1,390,863	$1,056,954	-24.01%
Hotel/Motel Tax Fund	$294,900	$312,210	5.87%
Chamber Fiduciary Fund	$97,500	$107,310	10.06%
Park Fee Fund	$0	$0	-
Technology Fund	$0	$2,400	-
Security Fee Fund	$0	$0	-
Capital Outlay Fund	$0	$57,785	-
LEOSE Fund	$0	$2,500	9.00
Stagecoach Wastewater Treatment Plant Fund	$61,819	$53,860	-12.87%
Wastewater - Grant Fund	$0	$2,570,700	-
Wastewater - Capital Outlay Fund	$0	$6,629,300	-
Wastewater - Series 2015 Debt Service Fund	$0	$231,705	-
Total Expenditures / Transfers	**$1,845,082**	**$11,024,724**	

Ordinance No. 2015.10
Village of Salado
County of Bell
State of Texas
September 24, 2015

FY 2015-2016 BUDGET

AN ORDINANCE OF THE VILLAGE OF SALADO TO ADOPT THE 2015-2016 FISCAL YEAR BUDGET; DECLARING FINDINGS OF FACT; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE

WHEREAS, the Board of Aldermen of the Village of Salado recognize the need for a budget and to be in compliance with the Local Government Code §102.002 of The State of Texas directing municipalities to create a fiscal year budget; and

WHEREAS, the Village of Salado Board of Aldermen have diligently researched each line item of revenue and expense to prepare a budget felt to adequately guide the Village's finances for the fiscal year of 2015-2016; and

WHEREAS, the Board of Aldermen held a public hearing on the proposed fiscal year 2015-2016 budget on September 15, 2015 as required by law and after considering the comments of the public at such public hearing, the Board of Aldermen desire to adopt the budget for the fiscal year 2015-2016; and

NOW THEREFORE, be it ordained by the Board of Aldermen of the Village of Salado, County of Bell, State of Texas, that:

1. FINDINGS OF FACT

Part 1: The public hearing on the budget was held at 6:30 p.m. on September 15, 2015, in the Village of Salado Municipal Building.

Part 2: The budget for the Village of Salado for the fiscal year beginning October 1, 2015, and ending September 30, 2016, together with the changes and amendments adopted by the Board of Aldermen, is on file in the Office of the Village Secretary and posted on the Village's website.

Part 3: The budget for Fiscal Year 2015-16 is hereby adopted and approved, and is shown as Exhibit "A" attached hereto.

2. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

3. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.

4. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this the _____ day of _____ 2015, by a ___ (ayes) to ___ (nays) to ___ (abstentions) vote of the Board of Aldermen of the Village of Salado, Texas.

THE VILLAGE OF SALADO, TEXAS:

by: _____

Mayor Skip Blancett

ATTEST:

_____ Mary Ann Ray, Village Secretary

VILLAGE OF SALADO
NOTICE OF PUBLIC HEARING ON THE PROPOSED FISCAL YEAR 2015-2016 ANNUAL BUDGET

The Village of Salado will hold a public hearing on the proposed Fiscal Year 2015-2016 budget at 6:30 p.m. September 15, 2015, at City Hall, 301 N. Stagecoach, Salado, Texas 76571. You are urged to attend and express your view at this public hearing.

This budget will raise more revenue from property taxes than last year's budget by an amount of $247,806.44, which is a 78.69% increase. The property tax revenue to be raised from new property added to the tax roll this year is $5,970.65.

BOARD OF ALDERMAN
AGENDA ITEM MEMORANDUM

DEPT/DIVISION REVIEW: Kim Foutz, Village Administrator

ITEM DESCRIPTION: Presentation, discussion, and possible action on Ordinance 2015.11, levying taxes and setting a property (ad valorem) tax rate; approving the fiscal year 2015-2016 ad valorem tax rate and levy of $0.3395 per one hundred dollars ($100) of assessed valuation of all taxable property within the corporate limits of the Village; providing for an exemption on residence homesteads; providing for exemptions for individuals who are disabled or 65 years of age or older.

STAFF RECOMMENDATION: Staff recommends approval of Ordinance 2015.11 as presented.

ITEM SUMMARY AND ANALYSIS: The proposed total ad valorem tax rate is $0.3395. This proposed tax rate is comprised of an increase in the maintenance and operation rate to $0.1999 (previously adopted rate of $0.1810). The effective maintenance and operation tax rate is $0.1852. A new Interest and Sinking fund rate (I&S - debt service rate) is proposed for $0.1396. The proposed combined tax rate is below the rollback rate of $0.3396.

In accordance with state law, the Board of Aldermen performed the following:

- Published all required notices in the newspaper
- Posted all required notices on the Village website
- Set the public hearing dates and held two such public hearings for the proposed tax rate for tax year 2015 on September 10, 2015 and September 15, 2015
- Set and announced the date and time for adoption of the tax rate will be September 24, 2015
- Considered and adopted the Village Budget for the fiscal year beginning October 1, 2015, and ending September 30, 2016 on September 24, 2015 prior to adopting the tax rate and in accordance with Section 102.009 of the Texas Local Government Code;

FISCAL IMPACT: The proposed ad valorem tax rate is $0.3395 per $100 valuation.

ATTACHMENTS:

- Ordinance 2015.11 Setting the Ad Valorem Tax Rate
- Notices

Ordinance No. 2015.11
Village of Salado
County of Bell
State of Texas
September 24, 2015

Tax Rate & Levy Ordinance

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, SETTING A PROPERTY (AD VALOREM) TAX RATE; APPROVING THE FISCAL YEAR 2015-2016 AD VALOREM TAX RATE AND LEVY OF $0.3395 PER ONE HUNDRED DOLLARS ($100) OF ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE VILLAGE; PROVIDING FOR AN EXEMPTION ON RESIDENCE HOMESTEADS; PROVIDING FOR EXEMPTIONS FOR INDIVIDUALS WHO ARE DISABLED OR 65 YEARS OF AGE OR OLDER; PROVIDING FOR PENALTIES AND INTEREST; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALING CONFLICT; PROVIDING FOR PROPER NOTICE & MEETING; PROVIDING FOR ENGROSSMENT & ENROLLMENT; PROVIDING FOR NOTIFICATION TO ASSESSOR; AND PROVIDING FOR PUBLICATION & EFFECTIVE DATE.

WHEREAS, the Village of Salado, Texas is responsible for the maintenance and operational costs for all services and improvements within the corporate boundaries of the Village; and

WHEREAS, the Board of Aldermen set the public hearing dates and held two such public hearings for the proposed tax rate for tax year 2015 on September 10, 2015 and September 15, 2015; and

WHEREAS, The Board of Aldermen set and announced the date and time for adoption of the tax rate will be September 24, 2015; and

WHEREAS, The Board of Aldermen considered and adopted the Village Budget for the fiscal year beginning October 1, 2015, and ending September 30, 2016 on September 24, 2015; and

WHEREAS, pursuant to the Texas Constitution and Texas Property Tax Code, a general-law municipality such as Village of Salado has the authority to establish, enact and collect property taxes; and

WHEREAS, Texas Tax Code Section 26.05 requires that the Village adopt a tax rate for the current tax year and shall notify the assessor for the unit of the rate adopted; and

WHEREAS, the Board of Aldermen finds that a tax rate of $.3395 cents per one hundred dollars ($100) is reasonable and prudent at this point in time; and

WHEREAS, a budget appropriating revenues generated for the use and support of the municipal government of the Village of Salado has been approved and adopted by the Village of Salado Board of Aldermen as required by Section 102.009 of the Texas Local Government Code;

WHEREAS, pursuant to Chapter 51 of the Texas Local Government Code, and the Village's inherent police powers, the Village of Salado Board of Aldermen finds it to be reasonable and necessary to adopt regulations providing for conducting Village business.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Village of Salado, Texas:

Section 1. Findings of Fact

The above Findings of Fact shall be incorporated herein as Legislative findings of the Board of Aldermen.

Section 2. Approval of 2015-2016 Tax Rate & Levy

That there be and is hereby levied and shall be assessed and collected for the fiscal year 2015-2016 on all taxable property, real, personal and mixed, situated within the city limits of the Village of Salado, Texas, and not exempt by the Constitution of the State and valid state laws, an *ad valorem* tax rate of $0.3395 cents on each One Hundred Dollars ($100.00) assessed value of taxable property, and shall be apportioned and distributed as follows:

For the purpose of defraying the current expenses and budget of the municipal government of the Village (maintenance and operation), a tax rate of 19.99 cents ($0.1999) on each One Hundred Dollars ($100.00) assessed value of taxable property;

For the payment of principal and interest on bonds and other debt of the City, a tax rate of 13.96 cents ($0.1396) on each One Hundred Dollars ($100.00) assessed value of taxable property;

TOTAL TAX RATE OF $0.3395

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THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED _____% AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A $100,000.00 HOME BY APPROXIMATELY $_____.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY ____% AND WILL RAISE TAXES FOR MAINTENANCE, OPERATIONS, AND DEBT SERVICE ON A $100,000.00 HOME BY APPROXIMATELY $_____

Section 3. Exemptions & Tax Freeze

The homestead exemptions and tax freeze previously ordained by the Board of Alderman remain in effect.

The Board of Aldermen, pursuant to Section 1-b, Article VIII of the Texas Constitution and Section 11.13(d) of the Texas Property Tax Code, has adopted an exemption on the residence homesteads of persons who are disabled or sixty-five (65) years of age or older. The person or entity performing the tax assessment and collection functions for the Village of Salado is authorized and instructed to implement the necessary procedures to exempt from taxation fifty thousand dollars ($50,000.00) of the appraised value of the residence homestead.

The Board of Aldermen has adopted an exemption amounting to twenty percent (20%) of the appraised value. The exemption is granted to owner-occupied single-family residential units within the Village. The person or entity performing the tax assessment and collection functions for the Village of Salado is authorized and instructed to implement the necessary procedures to exempt from taxation twenty percent (20%) of the appraised value as provided above.

The Board of Aldermen, pursuant to Section 1-b(h), Article VIII of the Texas Constitution and Section 11.261 of the Texas Property Tax Code, previously adopted an ad valorem tax freeze on the residence homesteads of persons who are disabled or 65 years of age or older. The person or entity performing the tax assessment and collection functions for the Village of Salado is authorized to implement the necessary procedures to freeze the ad valorem taxes on the residence homesteads of persons who are disabled or 65 years of age or older, as provided for in Section 1-b(h), Article VIII of the Texas Constitution and Section 11.261 of the Texas Property Tax Code.

Section 4. Notification of Tax Assessor

The Village Secretary shall hereby notify the Tax Assessor of the tax rate in accordance with State Law.

Section 5. Penalty & Interest

All taxes shall become a lien upon the property against which assessed and the Tax Assessor/Collector for the Village of Salado, Texas shall by virtue of the tax rolls, fix and establish a lien by levying upon such property, whether real or personal, for the payment of said taxes, penalty and interest, and the penalty and interest collected from such delinquent taxes shall be appropriated for the general fund of the Village of Salado, Texas.

Section 6. Severability

If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance of the application thereby shall remain in effect, it being the intent of the Board of Aldermen of the Village of Salado, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any portion or provision.

Section 7. Repealing Conflict

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of conflict with this Ordinance.

Section 8. Proper Notice & Meeting

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

Section 9. Engrossment & Enrollment

The Village Secretary of the Village is hereby directed to engross and enroll this Ordinance by copying the caption, publication clause, penalty clause, and effective date clause in the minutes of the Board of Aldermen and by filing this Ordinance in the ordinance records of the Village.

Section 10. Notification to Assessor

The Village Secretary of the Village is hereby directed to notify the tax assessor for the Village of the tax rate adopted.

Section 11. Publishing & Effective Date

This Ordinance shall become effective immediately upon approval. The Village Secretary is hereby directed to publish in the Official newspaper of the Village of Salado, the caption, and effective date clause of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

PASSED & APPROVED this, the 24TH day of September 2015 by the following Board of Aldermen for the Village of Salado record vote:

Mayor Pro-Tem Brown:	___ **(for)**	___ **(against)**	___ **(abstained)**	___ **(absent)**
Alderman Coachman:	___ **(for)**	___ **(against)**	___ **(abstained)**	___ **(absent)**
Alderman Dankert:	___ **(for)**	___ **(against)**	___ **(abstained)**	___ **(absent)**
Alderman McDougal:	___ **(for)**	___ **(against)**	___ **(abstained)**	___ **(absent)**
Alderman Williams :	___ **(for)**	___ **(against)**	___ **(abstained)**	___ **(absent)**

THE VILLAGE OF SALADO, TEXAS

_____
Skip Blancett, Mayor

ATTEST:

_____
Mary Ann Ray, Village Secretary

NOTICE OF 2015 TAX YEAR PROPOSED PROPERTY TAX RATE FOR VILLAGE OF SALADO AND NOTICE OF PUBLIC HEARINGS ON PROPOSED PROPERTY TAX RATE

A tax rate of $0.339500 per $100 valuation has been proposed by the governing body of VILLAGE OF SALADO. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

PROPOSED TAX RATE	$0.339500 per $100
PRECEDING YEAR'S TAX RATE	$0.181000 per $100
EFFECTIVE TAX RATE	$0.185200 per $100
ROLLBACK TAX RATE	$0.339600 per $100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for VILLAGE OF SALADO from the same properties in both the 2014 tax year and the 2015 tax year.

The rollback tax rate is the highest tax rate that VILLAGE OF SALADO may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

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

property tax amount = (rate) x (taxable value of your property) / 100

For assistance or detailed information about tax calculations, please contact:

Marvin Hahn
Tax Appraisal District of Bell County
411 East Central
254-939-5841
Marvin.hahn@bellcad.org

You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: 09/10/2015 at 6:30 p.m. at City Hall, 301 North Stagecoach Rd., Salado, TX 76571.
Second Hearing: 09/15/2015 at 6:30 p.m. at City Hall, 301 North Stagecoach Rd., Salado, TX 76571.

2015 Property Tax Rates in VILLAGE OF SALADO

This notice concerns 2015 property tax rates for VILLAGE OF SALADO. It presents information about three tax rates. Last year's tax rate is the actual rate the taxing unit used to determine property taxes last year. This year's *effective* tax rate would impose the same total taxes as last year if you compare properties taxed in both years. This year's *rollback* tax rate is the highest tax rate the taxing unit can set before taxpayers can start tax rollback procedures. In each case these rates are found by dividing the total amount of taxes by the tax base (the total value of taxable property) with adjustments as required by state law. The rates are given per $100 of property value.

Last year's tax rate:

Last year's operating taxes	$332,454
Last year's debt taxes	$0
Last year's total taxes	$332,454
Last year's tax base	$167,419,507
Last year's total tax rate	0.181000/$100

This year's effective tax rate:

Last year's adjusted taxes (after subtracting taxes on lost property)	$304,000
÷This year's adjusted tax base (after subtracting value of new property)	$164,114,979
=This year's effective tax rate	0.185200/$100

This year's rollback tax rate:

Last year's adjusted operating taxes (after subtracting taxes on lost property and adjusting for any transferred function, tax increment financing, state criminal justice mandate and/or enhanced indigent health care expenditures)	$303,998
÷This year's adjusted tax base	$164,114,979
=This year's effective operating rate	0.185200/$100
×1.08 = this year's maximum operating rate	0.200000/$100
+This year's debt rate	0.139600/$100
=This year's rollback rate	0.339600/$100

Statement of Increase/Decrease

If VILLAGE OF SALADO adopts a 2015 tax rate equal to the effective tax rate of 0.185200 per $100 of value, taxes would decrease compared to 2014 taxes by $ 2,310.

Schedule A: Unencumbered Fund Balances:

The following estimated balances will be left in the unit's property tax accounts at the end of the fiscal year. These balances are not encumbered by a corresponding debt obligation.

Type of Property Tax Fund	Balance
Maintenance & Operation Tax Fund	997,658
Interest & Sinking Fund	0

Schedule B: 2015 Debt Service:

The unit plans to pay the following amounts for long-term debts that are secured by property taxes. These amounts will be paid from property tax revenues (or additional sales tax revenues, if applicable).

Description of Debt	Principal or Contract Payment to be Paid from Property Taxes	Interest to be Paid from Property Taxes	Other Amounts to be Paid	Total Payment
Permanent Improvement Bonds, Series 2015	0	231,705	0	231,705

	Total required for 2015 debt service	$231,705
-	Amount (if any) paid from funds listed in Schedule A	$0
-	Amount (if any) paid from other resources	$0
-	Excess collections last year	$0
=	Total to be paid from taxes in 2015	$231,705
+	Amount added in anticipation that the unit will collect only 100.000000% of its taxes in 2015	$0
=	Total Debt Levy	$231,705

This notice contains a summary of actual effective and rollback tax rates' calculations. You can inspect a copy of the full calculations at 411 East Central, Belton, TX 76513.

Name of person preparing this notice: Marvin Hahn

Title: Chief Appraiser

Date prepared: July 22, 2015

BOARD OF ALDERMEN
AGENDA ITEM MEMORANDUM

DEPT/DIVISION REVIEW: Kim Foutz, Village Administrator

ITEM DESCRIPTION: Discussion on proposed Ordinance 2015.12, Wastewater Ordinance for customers of the Stagecoach Wastewater Treatment Plant.

STAFF RECOMMENDATION: For workshop discussion only.

ITEM SUMMARY AND ANALYSIS: The Village must set rates, fees, and policies and procedures for customers of the Stagecoach Wastewater Plant for the upcoming fiscal year.

Attached is a draft wastewater ordinance for the Stagecoach Wastewater Treatment Plant. This draft ordinance to establish policies and procedures for operating a Village-owned sewer plant, including establishing sewer rates, sewer connection fees, sewer deposit fees, interest penalties, reconnection charges, transfer fees, and returned check fees; and application, implementation, billing, and collections of established fees.

The Wastewater Committee briefly reviewed the draft ordinance at its meeting earlier this month. The Board of Aldermen held its first workshop on this item on September 15, 2015, and scheduled another workshop for September 24. The ordinance committee is scheduled to review the ordinance on September 22. Their comments and revisions will be presented at the September 24 workshop. Upon their review, a final draft will be sent to Legal Counsel for final review prior to adoption. This item scheduled for action at the October 1, 2015, meeting.

FISCAL IMPACT: As yet undetermined.

ATTACHMENTS:

- Proposed Ordinance 2015.12

DRAFT

Ordinance No. 2015.12
Village of Salado
County of Bell
State of Texas
September 24, 2015

Wastewater

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS ESTABLISHING POLICIES, PROCEDURES, ADMINISTRATION, AND CHARGES FOR OPERATING A VILLAGE OWNED WASTEWATER TREATMENT PLANT AND SYSTEM; INCLUDING ESTABLISHING WASTEWATER SERVICE RATES, CONNECTION FEES, DEPOSIT FEES, INTEREST PENALTIES, RE-CONNECTION CHARGES, TRANSFER FEES, AND RETURNED CHECK FEES; ADOPTING GENERAL POLICIES AND PROCEDURES INCLUDING APPLICATION, IMPLEMENTATION, BILLING, AND COLLECTIONS OF ESTABLISHED FEES; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Aldermen seeks to provide for the efficient administration of a Village owned wastewater treatment plant located at ___ Main Street, locally known as the Stagecoach Plant; and

WHEREAS, the Board of Aldermen seeks to establish and fix rates, connection fees, deposit fees, interest penalties, reconnection charges, transfer fees, and returned check fees; and

WHEREAS, the Board of Aldermen find that a uniform application is necessary for the establishment of service connections; and

WHEREAS, the Board of Aldermen find it necessary to establish billing and collection policies and procedures; and

WHEREAS, pursuant to Chapter 402 of the Texas Local Government Code the Village of Salado (the "Village") is authorized to adopt and enforce all necessary rates, charges, fees, and other terms and conditions for providing Village wastewater facilities and services;

WHEREAS, the Board of Aldermen has carefully reviewed the policies and procedures established by this Ordinance; and

DRAFT

WHEREAS, the Board of Aldermen has received public input by and through a public meeting at which this Ordinance was adopted; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:

SECTION 1. The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. That this Ordinance shall become effective after its passage.

SECTION 3. This Ordinance, upon its enactment and effective date, shall repeal all conflicting provisions that may be contained in other Village ordinances or regulations. Except to the extent they apply to obligations and violations arising prior to the enactment of this Ordinance.

SECTION 5. All rights and remedies of the Village are expressly saved as to any and all violations of the provisions of any previous ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6. In the event that any one or more of the sections, provisions, clauses, or words of this Ordinance or the application thereof to any situation or circumstance shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other sections, provisions, clauses, or words of this Ordinance or the application thereof to any other situations or circumstance and it is intended that this Ordinance shall be severable and that it shall be construed and applied as if such invalid or unconstitutional section, provision, clause, or word had not been included herein.

SECTION 7. That the meeting at which this Ordinance was enacted was open to the public as required by the Texas Open Meetings Act, and that notice of the time, place, and subject matter of the meeting was given as required by the Texas Open Meeting Act.

PASSED AND APPROVED this, the 24th day of September 2015, by a vote of _____ (ayes) to _____ (nays) and _____ (abstentions) of the Board of Aldermen of the Village of Salado, Texas.

THE VILLAGE OF SALADO, TEXAS

by: _____

DRAFT

Skip Blancett, Mayor

ATTEST:

_____

Mary Ann Ray, Village Secretary

Exhibit A

SECTION 1. FINDINGS OF FACT

The Board of Aldermen hereby finds all of the above premises to be true and correct legislative and factual findings of the Village of Salado, and, so finding, the Board incorporates them into the body of this Ordinance as if copied in their entirety.

SECTION 2. PURPOSE

This Ordinance is adopted so that the Village of Salado may establish, bill, and collect rates and fees associated with wastewater services provided through the Village owned wastewater treatment plant located on Main Street. In addition, this Ordinance serves to establish policies and procedures for the effective administration of the before mentioned wastewater plant and system.

SECTION 3. DEFINITIONS

A. General

Words and phrases used in this Ordinance shall have the meanings set forth in this Section. Words and phrases that are not defined in this Ordinance, but are defined in other ordinances of the Village of Salado, shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only and shall not be used in the interpretation of this Ordinance.

B. Specific Definitions

1. "Board" means the Board of Aldermen (i.e., the governing body) of the Village of Salado, Texas.

2. "Connection" means each residential unit occupied by a separate family, including separate apartments located within a single building, and each business unit occupied by a separate business, including separate establishments within a single building.

3. "Policies and Procedures" shall mean this Ordinance and such rules and regulations as the Village may adopt pursuant to its statutory and constitutional authority, including but not limited to, Chapter 402 of the Local Government Code.

4. "System" shall mean and refer to the Village's wastewater system which includes an existing wastewater treatment plant, and any wastewater collection lines, lift

stations, grinders, and other improvements installed and accepted for ownership by the Village subsequent to the adoption of this ordinance. Existing collection system improvements are owned, maintained, and operated by private owners.

5. "Village Representative" shall mean any person authorized by the Mayor, Board of Aldermen, Village Administrator, the Village's designated wastewater engineer or operator, and/or another authorized representative or employee of the Village acting pursuant to the policies and procedures set forth in this Ordinance.

6. "Village" shall mean the Village of Salado, Texas.

SECTION 4. GENERAL

A. All Services Charged

At no time shall the Village render wastewater services without charge to any person, firm, corporation, organization, or entity.

B. Policies and Procedures

The Board and Village Administrator are authorized to promulgate policies and procedures necessary and convenient to the orderly and effective administration of this Ordinance, including the setting of fees and charges for Village services not provided for herein; provided however, no policies or procedures may contradict or negate the terms and conditions of this Ordinance.

C. Applicability

This ordinance is intended to apply only to existing and future customers of the Stagecoach Wastewater Treatment Plant. Alternative service rates, charges, tap fees, policies, and procedures will be adopted for a new, citywide wastewater system when constructed.

D. Other Utilities

Any person or entity that plans to install other utility lines or underground cables in the area of the Village's wastewater collection lines shall, in addition to any other legal requirements, file its construction plans and schedules with the Village and meet with a Village representative to review the engineering plans illustrating the location of Village lines.

SECTION 5. CONNECTION FEES AND OTHER CHARGES

A. Initiation of Service

1. Any person or entity desiring to make a connection to the Village's wastewater system shall pay the applicable deposit, connection fee, inspection fee, and/or other charges at the time the application for such connection is submitted.

2. No connection shall be made until such fees/charges are paid.

3. The Village may waive payment of connection fees on a nondiscriminatory basis, to the extent the Village obtains federal or state grant funding to cover the balance of such fees or such fees are waived through a grant authorized under Chapter 380 of the Local Government Code

4. In addition to the requirements of this Ordinance, new development or new service to existing structures not covered by Section 5.C below, must also comply with any Service Extension Policy established by the Village by Ordinance or by Rule.

B. Connection (Tap) Fees For <u>Existing Structures</u>

1. A connection (tap) fee of $_____ will be charged and collected by the Village for all sewer connections (taps) on any existing residential property and $ _____ on any existing commercial property that were constructed and occupied prior to the passage of this Ordinance, but do not have existing service.

2. A connection fee of $_____ for each wastewater connection, shall be charged and collected by the Village for all sewer taps on any residential development and $_____ for office, retail, or commercial property that: (1) has been constructed and occupied on or before the first effective date of this Ordinance and (2) accepts an offer from the Village to connect to the sewer system according to the following terms.

   a. The Village's offer will be made to the property owner or current occupant of existing structures adjacent to the existing sewer collection system, pursuant to a schedule established by the Village for the connection. A property owner or current occupant wishing to accept the offer must submit a completed sewer service application and pay the connection fee ($_____ residential and $_____ for office, retail, or commercial) as required by this Ordinance. The connection fee <u>does not</u> includes ~~the application fee as well as~~ <u>any of the following costs. Such costs will be borne by the property owner and owner will be responsible for design, installation, and maintenance of such systems</u>

to the point of entering the wastewater treatment plant.

i. tThe cost of the sewer collection line, and tap to the grinder pump lift station and the electrical service from the structure to the grinder pump lift station;

a.ii. however the property owner shall be responsible forfor the cost of construction and installation of the sewer line from existing service to the grinder pump station and decommissioning existing septic tanks.

3. Properties which were connected (tapped) to the existing wastewater system prior to the passage of this Ordinance, shall be exempt from connection (tap) fees to the extent that such connection remains viable.

C. Connection (Tap) Fees For New Development

1. New development adjacent to the existing sewer collection system, is required to connect to the system. A connection fee of $_____ per Living Unit Equivalent for each wastewater connection, shall be charged and collected by the Village for all sewer taps on any residential property and $_____ for office, retail, or commercial property.

a. The connection fee does not include any of the following costs. Such costs will be borne by the property owner and owner will be responsible for design, installation, and maintenance of such systems to the point of entering the wastewater treatment plant.

i. The cost of the sewer collection line, tap to the grinder pump lift station and the electrical service from the structure to the grinder pump lift station;

ii. for the cost of construction and installation of the sewer line from existing service to the grinder pump station and decommissioning existing septic tanks.

a. The connection fee includes the application fee as well as the cost of the sewer collection line and tap to the grinder pump lift station and the electrical service from the structure to the grinder pump lift station; however the property owner shall be responsible for construction and installation of the sewer line from existing service to the grinder pump station and decommissioning existing septic tanks.

D. Inspection Fees

1. The Village will charge a fee for each inspection of a wastewater connection that is made under Sections B(1), B(2), and C1 herein. The fee for the first inspection must be paid prior to the connection being installed. If an inspection is failed, a

fee of $____ will be assessed for any re-inspection required. The fee for any re-inspections must be paid to the Village at the time the inspection is requested or required. The inspection fee for a single family detached or duplex dwelling unit is $____ per connection; the inspection fee for each inspection of a wastewater connection for a commercial structure, including apartment complexes, is $____ per connection.

a. If the property is not accessible for inspection at the time an inspection is scheduled, the inspection will be deemed to have been failed, and the re-inspection fee will be assessed.

E. As-Builts: The property owner will provide as-builts immediately upon approval of the infrastructure.

SECTION 6. SECURITY DEPOSIT

A. General

Security deposits shall not be transferable to another party and shall be held by the Village to assure the prompt payment of all bills for wastewater services to the customer. At its option, the Village may apply all or any part of a customer's security deposit against any current or delinquent bill of the customer due and owing to the Village. Upon discontinuation of service, whether voluntary or involuntary, the deposit shall be applied against any and all amounts due and payable to the Village. Any portion of the deposit remaining after deduction of such charges shall be refunded to the customer. In no event shall the security deposit bear interest for the benefit of the customer.

B. Residential Service

A security deposit per residential wastewater connection shall be paid to the Village by each customer at the time of application and prior to the start of service in the amount of $ _____.

C. Office, Retail, or Commercial Service

A security deposit per office, retail, or commercial connection shall be paid to the Village by each customer at the time of application and prior to the start of service in the amount of $ _____.

SECTION 7. OTHER FEES & CHARGES

A. Transfer Fee

A customer who desires to transfer wastewater service from one serviceable address within the Village to another serviceable address, or from one customer name to another customer name, shall pay a transfer fee of $ _____ at the time of transfer.

B. Additional Charges

Any non-routine charges incurred by the Village in connection with any sewer tap or tap inspection shall be the responsibility of the applicant for such connection and shall be payable to the Village upon demand.

SECTION 8. WASTEWATER SERVICE RATES

A. General

All rates established by the Village are considered base rates. Such rates may be revised from time to time as may be necessary for expenses of operation, maintenance, and replacement of the system.

B. Service Rates

The monthly wastewater rate for the collection, treatment, and disposal of wastewater within the Village limits shall apply as follows:

Class of Service / Connection	Monthly Services Rate
Residential, multi-family (per unit)	$47.00
Apartment (per unit)	$47.00
Light Retail (<=5,000 s.f.)	$47.00
Large Retail (>=5,001 s.f.)	$75.00
Restaurants and Food Service – (<=???s.f.)	$150.00
Restaurants and Food Service (>=??? s.f.)	$200.00
Winery / Brewery	$200.00
Hospitality ????	$500.00
Hospitality ????	
Church	
Industrial	Not accepted as a user

C. Additional Fees

In addition, the Village shall charge each customer any regulatory assessment required by the Texas Commission of Environmental Quality or other State mandated charges.

SECTION 9. APPLICATION, BILLING, & DELINQUENT ACCOUNTS

A. Application for Service

Any party desiring to receive wastewater service from the Village Wastewater System shall make an application for such service on forms provided by the Village. Forms may be amended from time to time by the Village Administrator. Each applicant shall pay an application fee of $ _____. All applications shall be made by the record owner or occupant of the property for which service is being requested. Proof of residency or authorization to initiate service shall be furnished to the Village upon request.

B. Billing

The Village shall bill each customer monthly for all wastewater services rendered in the preceding month. All bills shall be due on the due date as specified on the bill and shall become delinquent if not paid by said date. For accounting purposes only, and with Board approval, the Village may write off accounts receivable over ninety (90) days past due. This shall in no way relieve the past due customer of any liability of payment. The Village reserved the right to seek and utilize all means necessary in the collection of past due accounts.

C. Charges On Delinquent Accounts

A late charge of ten percent (10%) of the amount of the wastewater bill shall be added for each monthly billing date the delinquent amount, including delinquent fees and charges, remains unpaid. This fee shall be assessed on the following month's bill. Customers who have delinquent accounts at one location may be denied service at another location until al delinquent balances are paid in full.

D. Dishonored Checks

The Village reserves the right to charge a customer paying a bill with a dishonored check an amount established from time to time by the Village a returned check fee. Any customer who presents the Village with a dishonored check must make payment by cash, money order, cashier's check, or credit card. In the event an account has two (2) dishonored checks, the Village reserves the right to restrict check payments on the account and require other forms of payment.

E. Civil Suit

The Village reserves the right to institute suit for the collection of any amounts due and unpaid, together with interest thereon at the maximum legal rate, plus court costs and reasonable attorneys' fees.

SECTION 10. DISCHARGES TO SYSTEM

A. Dangerous Substances

No user shall introduce any "toxic substance "or "hazardous substance "or "hazardous waste, "as those terms are defined by applicable federal and state law (collectively, "Prohibited Substances") into the Village's Wastewater System without first receiving specific written approval from the Village. Any damages to the System or other costs to the Village caused by discharges to the Village Wastewater System of Prohibited Substances or of abnormally strong domestic sewage or other substances which are incompatible with the Village's Wastewater System, shall be borne exclusively by the discharger of such wastewaters and at no expense to the Village. Such costs for which the discharger is responsible include, but are not limited to, the costs of restoring wastewater treatment services, clean up and restoration of the environment, and sludge disposal. The Village reserves the right to terminate wastewater service at any time if the Village determines that such costs have not been, or will not be, paid in a timely manner. The requirements of this Subsection will apply unless and until the Village adopts a Pretreatment Ordinance or other special ordinance establishing requirements, prohibitions, and limits on wastewater discharges to the Village's Wastewater System.

B. Care and Use of the Grinder Pump

Care and Use of the Grinder Pump. No user shall cause to enter, whether publicly or privately owned, the grinder pump system any of the following: glass, metals, plastic objects, sanitary napkins/tampons, explosives, gasoline, egg shells, cigar butts, cigarette butts, diapers, socks, rags/cloth, toys, baby wipes, utensils, seafood shells, strong chemicals, flammable material, lubricating oil and/or grease, and kitchen grease.

Discharge of any of these items to the system shall be considered misuse. The cost for repair or replacement of the grinder pumps, or clearing of any of the lines that resulted from the discharge of prohibited material shall be borne by ~~assessed to~~ the occupant or owner of the property from which the discharge originated. ~~Repairs will be billed to the occupant or owner at cost plus twenty-five percent (25%).~~

SECTION 10. RELATION TO OTHER ORDINANCES

This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance. This Ordinance is specifically subordinate to any ordinance or regulations of the Village pertaining to building and construction safety or to pedestrian and traffic safety. Nothing

in this Ordinance shall be construed to impose a duty not required by the Open Meetings Act or to relieve the Village of complying with the Open Meetings Act.

SECTION 11. SEVERABILTY

It is hereby declared to be the intention of the Board of Aldermen that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance be severable; and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgement decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

BOARD OF ALDERMAN
AGENDA ITEM MEMORANDUM

DEPT/DIVISION REVIEW: Mary Ann Ray, Village Secretary

ITEM DESCRIPTION: Discussion on a proposed policy for the management of Open Records Requests.

STAFF RECOMMENDATION: n/a. This item is a workshop item only.

ITEM SUMMARY AND ANALYSIS: This item is a follow-up to a workshop item from September 15, 2015. A clearly written policy for the management of Open Records Requests is vital for the protection of the Village's interests as it satisfies requests for public information. Such a policy will prevent duplication of effort and records while ensuring that citizens and others who make requests receive the desired information in a timely manner and that the provisions of State Law are met.

For reference, please see the attached sample policies and related documents from another city.

FISCAL IMPACT: None.

ATTACHMENTS:

- Sample Resolution from Bryan, Texas
- City of Bryan, City Secretary Policies and Procedures Manual
- City Bryan costs-per-page policy for e-mail ORR responses
- Village of Salado Open Records Request Form

RESOLUTION NO. 3547

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, ADOPTING A POLICY FOR COSTS INCURRED TO RESPOND TO PUBLIC INFORMATION REQUESTS THAT REQUIRE LARGE AMOUNTS OF PERSONNEL TIME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Public Information Act (the Act) gives the public the right to request access to government information; and

WHEREAS, the Act authorizes the governmental body to charge and to require payment before complying with certain requests for production of public information or for copies of public information; and

WHEREAS, Section 552.275 of the Act authorizes the governmental body to establish a reasonable limit on the amount of time personnel are required to spend producing public information for inspection or copies to a requestor without receipt of payment for the time incurred; and

WHEREAS, the City desires to establish a time limit under this section to compensate for the costs incurred beyond the time limit that has been established;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRYAN:

SECTION I.

That the City Council hereby adopts the following policy:

COSTS INCURRED TO RESPOND TO PUBLIC INFORMATION REQUESTS THAT REQUIRE LARGE AMOUNTS OF PERSONNEL TIME

PURPOSE

To establish, under the provisions of Texas Government Code Section 552.275, a reasonable limit on the amount of time that personnel are required to spend producing public information for inspection or copies, to a requestor, without recovering the costs attributable to that personnel time. Section 552.275 (b) establishes that the time limit may not be less than 36 hours for a requestor during the 12-month period that corresponds to the fiscal year of the governmental body.

This policy does not replace or supersede other sections of the Act and does not preclude the City from charging labor for a request for copies or a request for inspection for which a charge is authorized under another section of the Public Information Act. The established limit applies to all requestors equally except as exempted by the Act.

DEFINITIONS

Public Information: Information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business of the City, made or received by the City in connection with the transaction of public business, except records that have been designated confidential by federal, state or other law.

Requestor: A person who submits a written request to inspect records, obtain copies of records, or both.

POLICY

The City establishes a reasonable limit of 36 hours per requestor during the 12-month period that corresponds with the City fiscal year on the amount of time that personnel of the City are required to spend producing public information for inspection by a requestor, or providing copies of public information to a requestor, without recovering costs attributable to that personnel time.

Each requestor who exceeds the 36 hour time limit in a fiscal year shall pay all costs attributable to cost of materials, personnel time, and overhead expenses necessary to comply with the request, even if the requestor intends to only inspect the documents.

This policy does not apply to requestors exempted by the Texas Government Code, Section 552.275.

ACCOUNTABILITY

The City Secretary Department will maintain and enforce the policy. It shall be the City Secretary's responsibility to enforce the policy equally to all requestors except as exempted by the Act, to provide detailed statements, and to maintain a record of the cumulative amount of time each requestor has accrued towards the established limit per fiscal year. The City Secretary is hereby expressly authorized to implement additional policies and procedures relative to the handling of requests for public information that are not inconsistent with the Public Information Act and this policy.

SECTION II

That this resolution shall become effective immediately upon adoption.

APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Bryan, Texas, on this 13th day of May, 2014.

ATTEST:

Mary Lynne Stratta, City Secretary

CITY OF BRYAN, TEXAS:

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

OPEN RECORDS REQUESTS

The following document is the current policy document in effect for City of Bryan staff. This document is scheduled to be incorporated into Human Resource's Policy Manual with the next update.

CITY OF BRYAN

The Good Life, Texas Style.

CHAPTER 12

Records & Public Information

RECORDS MANAGEMENT

The City of Bryan Records Management Plan provides an orderly approach to managing municipal records throughout the City. It is the intent of the Records Management Plan to meet the following objectives:

- The elimination of duplicate and/or superfluous records.
- The identification and protection of vital records and archival records.
- The rapid retrieval of information.
- The maximum use of space, equipment, personnel and other resources.
- The use of a Records Retention Manual to maintain important records for the appropriate periods of time.
- The timely transfer and/or destruction of inactive or unnecessary records.
- Economical, efficient and productive use of those records necessary for efficient day-to-day operations.
- The protection of the public trust.

The City Secretary is designated as the Records Management Officer of the City of Bryan with duties and responsibilities as indicated in the provisions of the Texas Local Government Records Act. All City departments are involved in the Records Management Program through a designated records coordinator and are required by law and City ordinance to follow the policies and guidelines specified under the plan.

The Records Management Plan and related forms are accessible via the U: drive or from the City Secretary's office.

THE PUBLIC INFORMATION ACT & OPEN RECORDS

Open Records Requests

All information collected, assembled or maintained by the City is subject to the Texas Public Information Act. The Act expressly provides that such information is public, unless it falls within one of the Act's exceptions. It is important to remember the City must either release the information, request an Attorney General decision, provide a written estimate of costs, or provide written notification of when the records will be provided, on or before the tenth business day (weekends and holidays excluded) after receiving the request. The Act also requires that readily available information that is clearly open to the public be provided to the requestor as soon as possible and not arbitrarily held for ten (10) days.

All requests for information received by the City of Bryan, other than for Police Department records, Municipal Court records and routinely requested items such as ordinances, board minutes and copies of items processed and released by a department during the course of daily business, must be in writing and received by the City Secretary's Office. Requests should be mailed to P.O. Box 1000, Bryan, TX 77805, Attn: Office of the City Secretary, emailed to citysecretaryweb@bryantx.gov, faxed to 979-209-5003 or delivered in person to the City Secretary's Office. Any city employee who fails to forward a written request within twenty-four (24) hours of receipt could be subject to disciplinary action (for routinely released items, see below).

After receiving a request for information, the City Secretary's Office shall contact all departments that may have responsive information. An Open Records Response Form will accompany each request for information and should be completed by the department and returned to the City Secretary's Office whether or not there are responsive records. If legal review is necessary, it is the responsibility of the submitting department to provide the information to the Legal Department in a timely manner that will allow the above stated deadlines to be met. Departments submitting records to the Legal Department for legal review should notify the City Secretary's Office that the records have been submitted for legal review.

If a request is clearly a matter of public record, every attempt shall be made to provide the information within a reasonable amount of time. If there is a question as to whether the information is a matter of public record and should be released, the responder is to consult the Legal Department.

The Act provides an individual with a limited special right of access to information about himself. The situation may arise where the City can give information to a requestor without fear that it must then be released to the general public. This applies only if the sole reason for otherwise denying access to the general public is to protect the requestor's private interests. If there are other laws that make the information confidential or laws which do not relate to the requestor's privacy, the information cannot be released to the requestor. As in every case in which staff feels an exception applies and information may be withheld, a marked copy of the information should be provided to the Legal Department for a preliminary determination as to confidentiality.

Each office should keep a log of all items routinely requested and released during daily operations.

Categories of Public Information

Section 552.022 of the Public Information Act provides that "without limiting the amount or kind of information that is public information under this chapter, the following categories of information are public information and not excepted from required disclosure under this chapter unless they are expressly confidential under other law...." Section 552.022(a) then lists eighteen categories of information. Section 552.022(a) is not an exhaustive list of the types of information subject to the Public Information Act. Rather, it is a list of information that generally may be withheld only if it is expressly confidential under "other law". Thus, the Act's exceptions to disclosure generally do not apply to the categories of information contained in section 552.022.

1. A completed report, audit, evaluation, or investigation made of, for, or by the City;
2. The name, sex, ethnicity, salary, title, and date of employment of each employee and officer of the City;
3. Information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by the City, if the information is not otherwise made confidential by law;
4. The name of each official and the final voting record on all proceedings in the City;
5. All working papers, research material, and information used to estimate the need for or expenditure of public funds or taxes by the City, on completion of the estimate;
6. The name, place of business, and the name of the municipality to which local sales and use taxes are credited, if any, for the named person reporting or paying sales and use taxes under Chapter 151, Tax Code;
7. A description of the City's central and field organization, including:
   a. The established places at which the public may obtain information, submit information or requests, or obtain decisions;
   b. The employees from whom the public may obtain information, submit information or requests, or obtain decisions;
   c. In the case of a uniformed service, the members from whom the public may obtain information, submit information or requests, or obtain decisions;
   d. The methods by which the public may obtain information, submit information or requests, or obtain decisions.
8. A statement of the general course and method by which the City's functions are channeled and determined, including the nature and requirements of all formal and informal procedures;
9. A rule of procedure, a description of forms available or the places at which forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations;
10. A substantive rule of general applicability adopted by the City as authorized by law, and a statement of general policy or interpretation of general applicability formulated and adopted by the City;
11. Each amendment, revision, or repeal of information described by Subdivisions (7)-(10);
12. Final opinions, including concurring and dissenting opinions, and orders issued in the adjudication of cases, including those before the City's Boards and Commissions;
13. A policy statement or interpretation that has been adopted by the City;

14. Administrative staff manuals and instructions to staff that affect a member of the public;
15. Information regarded as open to the public under the City's policies;
16. Information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege;
17. Information that is also contained in a public court record; and
18. A settlement agreement to which the City is a party.

Categories of Public Information Excepted from Public Disclosure
(For a complete listing, see Chapter 552 of the Texas Government Code)

Sec 552.101 – Confidential Information
Information considered confidential by law, either constitutional, statutory, or by judicial decision.

Sec. 552.102 – Personnel Information
a) Information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Note, however, that all information in the personnel file of a City employee is to be made available to that employee or the employee's designated representative as public information is made available under the Act. (See Act for exceptions.)

Sec. 552.103 – Litigation or Settlement Negotiations Involving the State of Political Subdivision
a) Information: (1) relating to litigation of a civil or criminal nature or settlement negotiations, to which the state or a political subdivision is or may be a party to or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party; and (2) that the Attorney General or City Attorney has determined should be withheld from public inspection.
b) For purposes of this section, the City is considered to be a party to litigation of a criminal nature until the applicable statute of limitations has expired or until the defendant has exhausted all appellate and post-conviction remedies in state and federal court.
c) Information relating to litigation involving the City or an officer or employee of the City is excepted from disclosure under Subsection (a) only if the litigation is pending or reasonably anticipated on the date that the requestor applies to the officer for public information for access to or duplication of the information.

Sec. 552.104 – Information Related to Competition or Bidding
Information that, if released, would give advantage to a competitor or bidder.

Sec. 552.105 – Information Related to Location or Price of Property
Information relating to:
1) the location of real or personal property for a public purpose prior to public announcement of the project: or
2) appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property.

Sec. 552.106 – Certain Legislative Documents
A draft or working paper involved in the preparation of proposed legislation.

Sec 552.107 – Certain Legal Matters

Information:

1) that the Attorney General or the City Attorney is prohibited from disclosing because of a duty to the client under the Texas Rules of Civil Evidence, the Texas Rules of Criminal Evidence, or the Texas Disciplinary Rules of Professional Conduct; or
2) which a court by order has prohibited disclosure of.

Sec. 552.108 – Certain Law Enforcement and Prosecution Records

a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation or prosecution of crime.
b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution.
(See Act for more details on this Section.)

Sec. 552.109 – Certain Private Communications of an Elected Office Holder

Private correspondence or communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy.

Sec. 552.110 – Trade Secrets; Certain Commercial or Financial Information

A trade secret, or commercial or financial information obtained from a person and privileged or confidential by statute or judicial decision.

Sec. 552.111 – Agency Memoranda

An interagency or intra-agency memorandum or letter that would not be available by law to a party in litigation with the City.

Section 552.115 – Birth and Death Records

A birth or death record maintained by the Bureau of Vital Statistics of the Texas Department of Health or local registration official except that:

1) a birth record is public information and available to the public on and after the 75th anniversary of the date on which the record is filed with the Bureau of Vital Statistics or local registration official; and
2) A death record is public information and available to the public on and after the 25th anniversary of the date on which the record is filed with the Bureau of Vital Statistics or local registration official.
3) A general birth index or a general death index established or maintained by the Bureau of Vital Statistics or local registration official is public information and available to the public to the extent the index related to a birth record or death record that is public information.
4) A summary birth index or a summary death index prepared or maintained by the Bureau of Vital Statistics or local registration official is available to the public.

Section 552.116 – Audit Working Papers

An audit working paper of an audit of the state auditor or the auditor of a state agency, an institution of higher education as defined by Section 61.003, Education Code, a county, or a municipality is excepted from required public disclosure. If information in an audit working paper is also maintained in another record, that other record is not excepted from the requirements of Section 552.021 by this section. (See Act for more details.)

Section 552.117 – Certain Addresses, Telephone Numbers, Social Security Numbers and Personal Family Information

Information that relates to the home address, home telephone number or social security number, or that reveals whether the following person has family members:

1) a current or former official or employee of the City, who elects not to allow public access to such information as provided by Section 552.024 of the Act; or
2) a peace officer as defined by Article 2.12, Code of Criminal Procedure.

Section 552.119 – Photograph of Peace Officer or Certain Security Guards

a) A photograph that depicts a peace officer as defined by Article 2.12, Code of Criminal Procedure, the release of which would endanger the life or physical safety of the officer, unless:
    1) the officer is under indictment or charged with an offense by information;
    2) the officer is a party in a fire or police civil service hearing or a case in arbitration; or
    3) the photograph is introduced as evidence in a judicial proceeding.
b) A photograph exempt from disclosure under Subsection (a) may be made public only if the peace officer gives written consent to the disclosure.

Section 552.131 – Information Relating to Economic Development Negotiations

a) Economic development negotiations involving a governmental body and a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and the information relates to:
    1) a trade secret of the business prospect; or
    2) commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.
b) Unless and until an agreement is made with the business prospect, information about a financial or other incentive being offered to the business prospect by the governmental body or by another person is excepted.

Section 552.133 – Public Power Utility Competitive Matters

a) In this section:
    1) "Public power utility" means an entity providing electric or gas utility services that is subject to the provisions of this chapter;
    2) "Public power utility government body" means the board of trustees or other applicable governing body, including a city council, of a public power utility;
    3) "Competitive matter" means a utility-related matter that the public power utility governing body in good faith determines by a vote under this section is related to the public power utility's competitive activity, including commercial information, and would, if disclosed, give advantage to competitors or prospective competitors but may not be deemed to include the following categories of information:
        A. information relating to the provision of distribution access service, including the terms and conditions of the service and the rates charged for the service, but not including information concerning utility-related services or products that are competitive;
        B. information relating to the provision of transmission service that is required to be filed with the Public Utility Commission of Texas, subject

to any confidentiality provided for under the rules of the commission;

C. information for the distribution system pertaining to reliability and continuity of service, to the extent no security-sensitive, that relates to emergency management, identification of critical loads such as hospitals and police, records of interruption, and distribution feeder standards;

D. any substantive rule of general applicability regarding service offerings, service regulation, customer protections, or customer service adopted by the public power utility as authorized by law;

E. aggregate information reflecting receipts or expenditures of funds of the public power utility, of the type that would be included in audited financial statements;

F. information relating to equal employment opportunities for minority groups, as filed with local, state, or federal agencies;

G. information relating to the public power utility's performance in contracting with minority business entities;

H. information relating to nuclear decommissioning trust agreements, of the type required to be included in financial statements;

I. information relating to the amount and timing of any transfer to an owning city's general fund;

J. information relating to environmental compliance as required to be filed with any local, state, or national environmental authority, subject to any confidentiality provided under the rules of those authorities;

K. names of public officers of the public power utility and the voting records of those officers for all matters other than those within the scope of a competitive resolution provide for by this section;

L. a description of the public power utility's central and field organization, including the established places at which the public may obtain information, submit information and requests, or obtain decisions and the identification of employees from whom the public may obtain information, submit information or requests, or obtain decision; or

M. information identifying the general course and method by which the public power utility's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures.

b) Information or records are excepted from the requirements of Section 552.021 if the information or records are reasonably related to a competitive matter. Excepted information or records include the text of any resolution of the public power utility governing body determining which issues, activities, or matters constitute competitive matters. Information or records of a municipally owned utility that are reasonably related to a competitive matter are not subject to disclosure under this chapter, whether or not, under the Utilities Code, the municipally owned utility has adopted customer choice or serves in a multiply certificated service area. This section does not limit the right of a public power utility governing body to withhold from disclosure information deemed to be within the scope of any other exception provided for in this chapter, subject to the provisions of this chapter.

c) In connection with any request for an opinion of the Attorney General under Section 552.301 with respect to information alleged to fall under this exception, in rendering a written opinion under Section 552.306 the Attorney General shall find the requested

information to be outside the scope of this exception only if the Attorney General determines, based on the information provided in connection with the request:

1) that the public power utility governing body has failed to act in good faith in making the determination that the issue, matter, or activity in question is a competitive matter; or
2) that the information or records sought to be withheld are not reasonably related to a competitive matter.

Section 552.136 – Confidentiality of Credit Card, Debit Card, Charge Card and Access Device Numbers

Credit cards, debit cards, charge cards and access device numbers collected or assembled by a governmental body are confidential.

Section 552.137 – Confidentiality of Certain Email Addresses

An email address of a member of the public that is provided for the purpose of communicating electronically with a governmental body is confidential and not subject to disclosure under the Act.

Section 773.091 – Texas Health and Safety Code – Bryan Ambulance Service Records

b) Patient records are confidential and privileged and shall not be released unless the patient signs and presents an original written consent authorizing such release.

Section 143.089 – Texas Local Government Code – Certain Disciplinary Files of Police Officers and/or Firefighters

Prohibits the release of certain disciplinary files of police officers and/or firefighters.

Note: This is not a complete list of possible exceptions. For more detailed information please see the complete text of the Public Information Act by accessing the Attorney General of Texas' website at: www.oag.state.tx.us

Open Records Procedures Checklist for Non-Routine Requests (Office of the City Secretary)

1. The employee should supply the requestor with a "Request for Information" Form ("Request"), which is available on the intranet under the City Secretary tab, Open Records. The form is also available on the City's web page. The employee should ask the requestor to submit a completed form to the City Secretary's Office for processing, unless specifically asking for Police, Municipal Court, or personnel records routinely released during the daily operations of a department. The employee must not complete the form for the requestor unless they are physically incapable of doing so.

   The employee MUST NOT ask the requestor why the information is being requested or for what purpose it is to be used.

If the requestor refuses to fill out a request form or provide another form of written request, the employee must continue to process the request; however, the employee should inform the requestor that, pursuant to Section 552.301 of the Texas Public Information Act, the ten (10) business day deadline for writing to the Attorney General prior to a denial does not begin to run until the City receives a written request for information. If the requestor still refuses to provide a written request, the employee should then fill out a request, documenting that a staff member, not the requestor, completed the form. This action provides a record of the requestor's refusal to submit a written request and documents the information being requested.

2. The employee should read the request back to the requestor before they leave the office. If the request is illegible or too vague, the employee may ask the requestor to clarify their request so that it is clearly understood what information is being sought.

3. If the requested information is clearly public information pursuant to the guidelines, the employee is to collect the copying cost and release the information. However, if the cost of copies will exceed $40.00, or if labor is charged due to the request exceeding 50 pages, the City is required by law to submit a cost estimate to the requestor. The requestor has ten (10) business days from the date of the cost estimate to either accept the charges or modify the request. The request is considered automatically withdrawn if the requestor fails to respond prior to the due date. The City Secretary's Office is responsible for preparing all cost estimates.

4. If some of the requested information is public information and some of the information may be confidential, all information must be submitted to the City Attorney's Office for a determination as to whether the City will ask for a ruling from the Attorney General. Certain information may be withheld without the City Attorney's determination. City and personal credit card numbers, social security numbers, driver's license numbers, personal email addresses and certain personal information about an employee that the employee has elected to withhold from the public should be redacted (blacked-out) by each department prior to the release of information to the requestor. It is up to each department to ensure the redacted information cannot be read (from the front and the back of the page). Black china markers work extremely well for this task.

   If information specific to an individual employee is requested, the Human Resources Department must be contacted to determine if that employee has elected to withhold certain personal information. All non-confidential information will be submitted to the requestor, along with a copy of any letters sent to the Attorney General's Office in response to the request. If an Attorney General ruling is requested, the City Attorney's Office and the requestor will be notified of the decision. Any information that must be released to the requestor as a result of the Attorney General's decision will be provided by the City Attorney's Office.

5. If requested information is clearly confidential, the person accepting the request must not refuse to allow the requestor to fill out the information form and must not summarily dismiss the requestor. The person accepting the request must take the request and inform the requestor that it will be forwarded to the City Attorney for a preliminary determination as to confidentiality. The City Attorney may ask for a ruling from the

Attorney General's office within ten (10) business days of receiving the request. The Attorney General's Office will notify the City Attorney and the requestor of its decision in writing. Any information that must be released to the requestor as a result of the Attorney General's decision will be sent by the City Attorney's Office.

Open Records Procedures Checklist for Routine Requests (All City Offices)

Each department should maintain a log to document records that are routinely released. This log also provides a means to document the amount charged and collected for these routine records. Some examples of records that would be released under this method include minutes of meetings, permits relative to the requestor's own property, ordinances, resolutions, budgets, contracts, etc.

If a request for public information is expected to involve more than one department, exceed $40.00 in costs, or possibly contain some confidential information, the requestor must complete the request form, which should be immediately submitted to the City Secretary's Office for processing.

CHARGES FOR OPEN RECORDS

Service Rendered			***Charge***
Copy charges:			
(1)	Standard-size paper copy (each side)		$ .10 per page
(2)	Non-standard size paper copy		
	(a)	Diskette	$1.00 each
	(b)	Magnetic tape	Actual cost
	(c)	Data cartridge	Actual cost
	(d)	Tape cartridge	Actual cost
	(e)	Rewritable CD (CD-RW)	$1.00 each
	(f)	Non-rewritable CD (CD-r)	$1.00 each
	(g)	Digital video disc (DVD)	$3.00 each
	(h)	JAZ drive	Actual cost
	(i)	Other electronic media	Actual cost
	(j)	VHS video cassette	$1.00 each
	(k)	Audio cassette	$1.00 each
	(l)	Oversize paper copy (11x17, greenbar, bluebar, not including maps & photographs using speciality paper)	$ .50 each
	(m)	Speciality paper (Mylar, blueprint, map, photographic)	Actual cost

Labor charges for Programming:		
*	For programming personnel	$28.50 per hour
*	For non-programming personnel	$15.00 per hour
*	Overhead charge	20% of total labor charge

Microfiche or Microfilm Charges:	
Paper copy	$ .10 per page
Fiche or film copy	Actual cost

Remote Document Retrieval Charge:	Actual cost
Computer Resource Charges (execution only, no print-out time):	
(a) Mainframe	$10.00 per CPU minute
(b) Midsize	$ 1.50 per CPU minute
(c) Client Server	$ 2.20 per clock hour
(d) PC or LAN	$ 1.00 per clock hour
Miscellaneous Supplies:	Actual cost
Postal & Shipping Charges:	Actual cost
Sales Tax:	No sales tax shall be applied To copies of public information

* Only charge if 50+ pages or if not readily available information.

Note: Employees are not to accept computer disks or CD's from requestors as this could subject the city's computer system to viruses. Requestors wishing to obtain records on one of these mediums must pay the cost for the City to provide the diskette or CD.

THIS IS NOT AN EXHAUSTIVE LISTING OF CHARGES. A complete listing is available at the City Secretary's intranet site, along with available forms.

PERSONNEL FILES & EMPLOYEE RECORDS

The Human Resources Director shall maintain the City's official personnel files and records for all City employees, both active and inactive, in accordance with the City's records management program and applicable state and federal laws, including the Texas Public Information Act.

Access to such records and information will be limited to designated persons. Use of records for improper or unauthorized purposes will result in disciplinary action, up to and including termination.

Collection, Retention and Use of Personnel Information

The City will use only legal and ethical methods to collect information about or from a job applicant or employee. The City reserves the right to use polygraph or other verification equipment and/or method under legally permissible circumstances.

The City will follow applicable requirements of equal employment opportunity laws with regard to collection of information about race, gender, national origin, religion, disability, etc. With these laws in mind, the City will gather such information about job applicants or employees as deemed necessary by the Human Resources Director. The following basic principles apply to collection and retention of personnel information:

- The Human Resources Department will maintain a complete file on each employee. This file will contain pertinent employment information as deemed necessary and will be considered as the official personnel file.
- Each department manager/director may maintain a limited "departmental" file on employees under his management. Information in this file will be considered necessary to properly administer and supervise employees within their work unit. This information may include, but is not limited to, performance evaluations, attendance records, notes, memos, letters, disciplinary actions and other information relating to the employee's job training, development and performance.
- Certain personal payroll data is maintained separately from the personnel file and departmental file, although each may contain information about an employee's attendance and salary record.
- The City will not collect or retain the following information in any personnel files and/or employee records, except as may be needed for matters relating to benefits administration or a required business need to know:
    - Names, birthdates, and other personal information of employee's family members.
    - Lists of hobbies, memberships in non-business related organizations, and outside activities.
    - Marriage certificates, birth certificates, divorce decrees or other personal documents.
    - Information on an employee's credit worthiness, financial standing or like information.
    - Medical information (NOTE: any medical information retained for a legitimate business purpose will be retained in a separate file as per federal legislation.)

Access to Personnel Files and Records

Under normal circumstances, the employee has a right to access his personnel file. The City will limit the internal availability of personnel information to those managers and officials with a specific need to know (ie., an employee's manager, City Attorneys, City Manager, etc.). The City may refuse to release any information, except under the Texas Public Information Act, to outside sources without the employee's written consent. Exceptions are limited to simple employment verification and legal requirements as may be necessary.

An employee who wishes to view his personnel file should notify the Human Resources Department to schedule an appointment. An employee may review the file, take notes or request copies of documents (at employee's expense). No employee is allowed to remove any document from the file. An employee has the right to correct or request deletion of inaccurate information. Such request must be made in writing. Approval for correction or deletion of any material is at the discretion of the Human Resources Director. In cases of disagreement with information retained in the file, the employee may submit a written statement of disagreement to be added to the file.

Personnel Information Changes

To meet the reporting requirements of the State and Federal government and to properly conduct business, it is important that the City maintain current and accurate records regarding employees' personal information. Employees should notify the Human Resources Department immediately whenever changes occur in their address, telephone number and emergency contact information. Changes in marital status, dependent and beneficiary information should be reported immediately to the Risk Management Department.

Disclosure of Employee Information

All requests for information on applicants and employees (active or inactive) will be handled centrally by the Human Resources Department. This includes requests for verification of employment and requests for references for current or former employees.

In accordance with State law, all information contained in City employee personnel files is public with the exception of information that, by law, constitutes a clearly unwarranted invasion of personal privacy or falls under a specific statutory authorization of confidentiality. Examples of information that are a matter of public record and, upon official request, must be released for public inspection are: name, sex, ethnicity, age, dates of employment, position title, salary, and the department to which the employee is currently assigned.

Letters of Recommendation

The City does not encourage letters of recommendation for current, retired, or terminated employees, however, should a department manager make the decision to provide one, such letter must be approved in advance by the Human Resources Director and/or the City Attorney's office, if the manager is writing the letter in their official capacity with the City and/or on City letterhead. A copy of the letter shall become a portion of the employee's personnel file.

Civil Service Fire & Police Personnel

Information, files and records of civil service Fire and Police personnel shall be collected, retained, released and/or distributed in accordance with Chapter 143 of the Texas Local Government Code, Texas Open Records Act, and other applicable local, state, and federal laws.

MEDICAL INFORMATION

Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. Medical information pertaining to employment and conditions of employment (fit for duty exams, promotional medical exams, etc.) are retained in Human Resources. Medical information pertaining to the employee's insurance coverage (medical, long-term disability, workers' comp, etc.) is retained in Risk Management.

It is important that employees understand that the records are confidential, but that the confidentiality may be waived when the employee provides medical information to his supervisor, Risk Management, and Human Resources. When an employee provides information to his supervisor, the supervisor is expected to share the information only on an "as needed" basis to other members of management.

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their co-workers' medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a co-worker's privacy or breach of confidence.

PRIVACY & CONFIDENTIALITY OF CUSTOMER INFORMATION

The objective of this policy is to establish fair information principles for the City of Bryan in carrying out its responsibility to respect the privacy and confidentiality of its customers.

Use & Disclosure

The City uses and discloses identifiable information (such as social security numbers, addresses, telephone numbers, etc.) about customers in defined and responsible ways to carry out its operations. This section describes how identifiable information about customers may be used and disclosed.

- Records may be disclosed to affiliates or contractors hired by the City of Bryan to assist in carrying out operations, such as service, billing, and management functions to include legal, audit and collections.
- Customer information may be disclosed to and shared with commercial and consumer credit reporting agencies for credit related activities (e.g., the reporting of delinquent or bad debt).
- Records may be disclosed to government regulators and other government agencies when authorized by law.
- Records may also be compiled in aggregate form for the City of Bryan management activities.
- Records may be disclosed when required by law, such as in response to a search warrant, subpoena, or court order. The City may use and disclose records for investigations into employee misconduct or for law enforcement investigations. Disclosures may also be made when appropriate to protect the City's legal rights or during emergencies if physical safety is believed to be at risk. These events are unlikely, but they are possible. The City of Bryan will take reasonable steps to limit the scope and consequences of any of these disclosures.
- Records may be shared with other municipalities and utilities under shared service agreements or to meet operational requirements.
- Records about a customer may be disclosed at the request of or with the permission of the customer.
- Customer information may be shared with affiliates and partners of the City that offer products and services to customers.
- The City of Bryan does not sell, rent, loan, exchange, or otherwise release mailing lists or telephone lists of customers. The City does not disclose any information about a customer to non-affiliated third parties without the prior, written consent of the customer.

Disposal of Customer Information

Documents that meet retention guidelines, such as Customer Applications, will be stored within the City of Bryan prior to their destruction. Any documents that do not meet the criteria for retention will be shredded or otherwise destroyed by City personnel in a timely manner.

Responsibility

Any employee, contractor, or agent of the City who fails to comply with this policy may be subject to disciplinary action up to and including termination of employment or services, and may be subject to further legal action.

REQUEST FOR INFORMATION

ALL REQUESTS MUST BE IN WRITING AND DIRECTED TO THE CITY SECRETARY, P.O. BOX 1000, BRYAN, TEXAS 77805
Phone: 979-209-5163 // Fax: 979-209-5003 // citysecretaryweb@bryantx.gov

(PLEASE TYPE OR PRINT)

Requestor's Name:_____

Mailing Address:_____

City, State, Zip:_____

Telephone and/or Fax:_____

Signature:_____ Date:_____

Pursuant to the Public Information Act, Texas Government Code, Section 552, I hereby request the following information currently existing in the records of the City of Bryan, Texas:

List information as specifically as possible, including name, dates and case numbers, if known. Attach a separate sheet to this form if necessary.

_____

_____

_____

(Check one) a._____I request copies (charged per OAG guidelines)

b._____I request only to view at City Hall

c._____Other (please explain in detail)

_____

In making this request I understand that the City is under no obligation to create a document to satisfy my request or to comply with a standing request for information. I further understand that the information will be released only in accordance with the Public Information Act, which may require a determination as to confidentiality by the Texas Attorney General prior to a release. I further understand that the City has ten (10) business days in which to request such a determination.

CITY USE ONLY

Date received:_____Employee receiving information:_____

Date forwarded to Legal, if applicable:_____Date released:_____

Employee releasing information:_____

Miscellaneous comments/instructions from Legal and/or City Secretary:_____

_____

In the public interest, the City of Bryan does not charge the media for requests totaling less than $40.00. In addition, charges are not assessed for requests totaling less than 10 pages as it is more costly to the city to process requests costing less than $1.00.

COSTS PER PAGE FOR DOCUMENTS REQUIRED TO BE SCANNED IN ORDER TO PROVIDE BY E-MAIL WHEN REQUESTED

PURPOSE

To establish a policy that permits small numbers of responsive documents that are either not available in electronic form or which require printing for manual redaction to be scanned and sent to requestors via e-mail upon request without charge.

This policy does not replace or supersede other sections of the Act and does not preclude the City from charging labor for a request for copies or a request for inspection for which a charge is authorized under another section of the Public Information Act. The established limit applies to all requestors equally except as exempted by the Act.

DEFINITIONS

Public Information: Information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business of the City, made or received by the City in connection with the transaction of public business, except records that have been designated confidential by federal, state or other law.

Requestor: A person who submits a written request to inspect records, obtain copies of records, or both.

Scan: The conversion of a physical document into electronic data through a device used for that purpose.

POLICY

The City Secretary, pursuant to Resolution 3547, hereby establishes a policy that ten (10) pages of physical documents which do not exist in electronic form or which require manual redaction, and which have been requested for delivery via e-mail, shall be provided to the Requestor for free, per request. Request responses of more than ten pages of physical documents will not be scanned for delivery via e-mail, with a limit of 100 "free" scanned pages per month per requestor. This policy does not apply to documents that are already in electronic form at the time of the request, or to requestors exempted by the Texas Government Code, Section 552.275.

ACCOUNTABILITY

The City Secretary's Department will maintain and enforce the policy. It shall be the City Secretary's responsibility to enforce the policy equally to all requestors except as exempted by the Act.

July 17, 2014
Date

Mary Lynne Stratta
Bryan City Secretary

OPEN RECORDS REQUEST FORM

Village of Salado

From:

Fax: 254-947-5061

Name: _____

Address (city, state, zip): _____

Telephone No. ( ) _____ Fax No. ( ) _____

TO: Custodian of Records of the Village of Salado

Date Requested: _____

Your request will be filled within 10 business days unless an opinion from the Attorney General is needed.

Pursuant to Government Code, Section 551.001, I am requesting public records, specifically:

_____

_____

_____ **MADE AVAILABLE TO ME FOR EXAMINATION ONLY.** I understand that if the documents are not readily available, the custodian may schedule a date and hour within a reasonable time for my examination of the documents. I understand that I must complete my examination within ten days of the date the records are made available to me.

_____ **PHOTOCOPIED** for my use where the information sought is in the form of paper (see reverse side for charges).

_____ **DUPLICATED** for my use where the information sought is in the form of audiotapes, videotapes, computer tapes, or other similar recording systems (see reverse for charges).

_____ **MAILED** to me at the address indicated above (see reverse for charges).

_____ **FAXED** to me at the number indicated above (see reverse for charges).

_____ **PICKED UP** by me or my representative at the Village office, 301 N. Stagecoach Rd., Salado, TX. 76571.

Date Reviewed: _____
Date Completed: _____
Date Completed: _____
Date Mailed: _____
Date Faxed: _____
Date Picked Up: _____
See reverse for information about fee and charges.

I agree to pay the costs of photocopying, duplication, the labor costs involved in retrieving information that is not readily available, and the cost of mailing or faxing. In the event the estimated labor costs exceed $6.00, I agree to pay the estimated labor costs prior to retrieval of the information.

I understand that the Village of Salado may withhold information which is not considered public information under the Texas Open Records Act. I also understand that the Village of Salado is required to release only those documents that exist, in their current state, and that the Village is not required to compile or create specific information or formats for my use.

_____ Signature Required

Revised 07.30.2015

To be completed by Village official only:

Charges Per Item	Number	Total
Standard paper copy	_____ @ $.10/per side of page	$ _____
Oversized paper copy (i.e. legal size)	_____ @ $.50/per side of page	$ _____
Non-standard size copy:		
Diskette	_____ @ $1.00/each	$ _____
CD	_____ @ $7.00/each	$ _____
Fax Charges:		
Local call	_____ @ $ .10/page	$ _____
Long Distance call	_____ @ $1.00/page	$ _____
Personnel Charges:		
_____	@ $15.00/hour	$ _____

(Applied only when the request is 51 or more pages long or when acquisition requires retrieval from a different location.)

Postage/Shipping Charges:	Actual Cost	$ _____
Other costs (explain): _____		$ _____
	TOTAL DUE:	**$** _____

Among other obligations, the Village government is required to:

- Inform requestor if the information cannot be provided promptly and set a date and time to provide it within a reasonable time;
- Request a ruling from the office of the Attorney General regarding any information the governmental body wishes to withhold, and send a copy of the request for ruling, or a redacted copy, to the requestor;
- Make a good faith attempt to inform third parties when their proprietary information is being requested from the governmental body;

The Requestor may:

1. Keep all appointments to inspect records and to pick up copies. Failure to keep appointments may result in losing the opportunity to inspect the information at the time requested;
2. Cost of Records –
   A. You must respond to any written estimate of charges within 10 days of the date the governmental body sent it or the request is considered to be automatically withdrawn;
   B. If estimated costs exceed $100.00 (or $50.00 if a governmental body has fewer then 16 full time employees) the governmental body may require a bond, prepayment or deposit;
   C. You may ask the governmental body to determine whether providing the information primarily benefits the general public, resulting in a waiver or reduction of charges;
   D. Make timely payment for all mutually agreed charges. A governmental body can demand payment of overdue balances exceeding $100.00, or obtain a security deposit, before processing additional requests from you.

If you would like more information on the Public Information Act, you can go on-line to www.oag.state.tx.us.

This fully executed copy is your receipt.