



AGENDA
ELGIN CITY COUNCIL
REGULAR MEETING
TUESDAY, SEPTEMBER 21, 2021
ELGIN PUBLIC LIBRARY ANNEX COUNCIL CHAMBERS
404 NORTH MAIN STREET
6:30 PM

Members of the public may watch the meeting at:

https://www.youtube.com/channel/UC3OGBV_loV0Nr3AqM1jTzA

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. PUBLIC HEARING

1. Public Hearing On The Proposed FY21-22 Annual Budget And Ad Valorem (Property) Tax Rate For The City Of Elgin

Documents:

[EXSUMMARY - BUDGET HEARING.PDF](#)

VI. PUBLIC COMMENT

Individuals may request to speak on items on the agenda, and items not on the agenda, by requesting to speak during the meeting and under "PUBLIC COMMENT" and will be required to fill out a "PUBLIC COMMENT FORM" and present it, along with any material, handouts or information for Council, to the City Secretary prior to commencement of the Council meeting. Speaker comments are limited to three (3) minutes.

No formal action can be taken by the City Council on items not posted on the agenda. Items requiring a Public Hearing will allow a member of the public an opportunity to speak during the Public Hearing and does not require submission of a "PUBLIC COMMENT FORM." Speakers must address their comments to the Mayor or Presiding Officer rather than to an individual Council Member or member of Staff. All speakers must limit their comments to the specific subject matter noted on the "PUBLIC COMMENT FORM" and refrain from personal attacks or derogatory comments directed at any Council Member, member of Staff, other individual or group.

VII. CITY MANAGERS REPORT

1. General Activity Report And/Or Project Update

Documents:

[EXSUMMARY - GENERAL ACTIVITY REPORT.PDF](#)

VIII. CONSENT AGENDA

The Consent Agenda includes non-controversial and routine items that are considered to be self-explanatory by the City Council and will be enacted with one motion, one second, and one vote. Any member of the City Council may pull any item from the Consent Agenda in order that the City Council discuss and act upon it individually as a part of the Regular Agenda.

1. City Council Regular Meeting Minutes - September 7, 2021

Documents:

[EX SUMMARY- SEPTEMBER 7, 2021 REGULAR MEETING MINUTES.PDF](#)
[9-07-21 CITY COUNCIL REGULAR MEETING MINUTES.PDF](#)

2. Consider Waiving The Open Container Ordinance On Main Street From Lexington Road To Brenham Street; And On 2nd Street, First Street, Depot Street, Central Avenue, Austin Street, Brenham Street From Main Street To Avenue C; And On Avenue C From Brenham Street To 2nd Street For Día De Los Muertos Celebration On Thursday, November 4, 2021 From 5pm To 10pm.

Documents:

[EXECUTIVE SUMMARY OPEN CONTAINER WAIVER REQUEST FOR DIADEMUERTOS21.PDF](#)

3. A RESOLUTION OF CITY OF ELGIN TEXAS, AUTHORIZING THE AWARD OF A PURCHASING AGREEMENT CONTRACT WITH WALLER COUNTY ASPHALT FOR ASPHALT COLD MIX D-ASPPM GRADE 4 HIGH PERFORMANCE

Documents:

[EXSUM ASPHALT PURCHASING AGREEMENT.PDF](#)
[RESOLUTION AWARDDING ASPHALT COLD MIX PURCHASE AGREEMENT.PDF](#)
[WALLER CO AGREEMENT.PDF](#)

4. A RESOLUTION TO ADOPT A WRITTEN INVESTMENT POLICY AND INVESTMENT STRATEGY REGARDING THE INVESTMENT OF CITY FUNDS TO BE EFFECTIVE OCTOBER 1, 2021

Documents:

[EX SUMMARY INVESTMENT POLICY.PDF](#)
[RES INVESTMENT POLICY.PDF](#)
[INVESTMENT POLICY 2021-22.PDF](#)

IX. NEW BUSINESS

1. (Second Reading And Final Action) AN ORDINANCE LEVYING AD VALOREM TAXES FOR MAINTENANCE AND OPERATION OF THE MUNICIPAL GOVERNMENT OF THE CITY OF ELGIN, TEXAS, FOR THE 2021-22 FISCAL YEAR; AND PROVIDING FOR THE INTEREST AND SINKING FUND FOR THE 2021 TAX YEAR.

Documents:

[EX SUMMARY- ADOPT 2021-22 TAX RATE.PDF](#)
[ORD TO ADOPT TAX RATE FOR 2021-22 ELGIN.PDF](#)

2. **(Second Reading And Final Action) AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE CITY OF ELGIN, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022, IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE OF THE STATE OF TEXAS AND THE ORDINANCES AND RULES OF THE CITY OF ELGIN, TEXAS; APPROPRIATING THE VARIOUS AMOUNTS THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.**

Documents:

[EX SUMMARY- BUDGET ADOPTION.PDF](#)
[ORDBUDGETFY2022.PDF](#)

3. **AN ORDINANCE AMENDING CHAPTER 42, SECTION 42 THROUGH 40, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, REGARDING MONTHLY WATER AND SEWER RATES PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.**

Documents:

[EX SUMMARY-WATER AND SEWER RATES.PDF](#)
[ORD AMENDING WATER AND WASTEWATER RATES.PDF](#)

4. **AN ORDINANCE TO ESTABLISH A COMPREHENSIVE SCHEDULE OF FEES AND CHARGES NECESSARY TO GENERATE FUNDING FOR GENERAL AND SPECIFIC OPERATIONS REQUIRED TO SATISFY SERVICE NEEDS OF THE CITY; TO AMEND ORDINANCE 2020-10-13-29 AND SUBSEQUENT AMENDMENTS TO THAT ORDINANCE; ESTABLISH CATEGORIES OF FEES AND CHARGES; REVISE EXISTING RATES; RECONFIRM EXISTING RATES; PROVIDE FOR A SAVINGS CLAUSE; REPEAL CONFLICTING ORDINANCES OR RESOLUTIONS; AND PROVIDE THAT THIS ORDINANCE SHALL BECOME EFFECTIVE AS STATED HEREIN.**

Documents:

[EX SUMMARY SCHEDULE OF FEES.PDF](#)
[ORD SCHEDULE OF FEES FY2021_22.PDF](#)

5. **A RESOLUTION OF THE CITY OF ELGIN, TEXAS ESTABLISHING OFFICIAL CITY OF ELGIN HOLIDAYS FOR THE PERIOD OF OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022; AND PROVIDING FOR RELATED MATTERS**

Documents:

[EX SUMMARY-OFFICIAL CITY HOLIDAYS.PDF](#)
[RESOLUTION OFFICIAL CITY HOLIDAYS.PDF](#)

6. **A RESOLUTION AUTHORIZING PROCEEDING WITH ISSUANCE OF CERTIFICATES OF OBLIGATIONS AND FURTHER DIRECTING THE PUBLICATION OF NOTICE OF INTENTION TO ISSUE CITY OF ELGIN, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2021A**

Documents:

[EXSUMMARY - 2021ACOS NOI.PDF](#)
[NOI RESOLUTION CO 2021A 9-21-2021.PDF](#)

- 7. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS SUPPORTING THE CITY OF ELGIN'S SUBMISSION OF AN EDA PUBLIC WORKS GRANT APPLICATION FOR TWO MILLION DOLLARS; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTATION; AND ESTABLISHING AN EFFECTIVE DATE.**

Documents:

[EXSUMMARY.PDF](#)
[COUNCIL RESOLUTION DRAFT.PDF](#)

- 8. RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS APPROVING A REAL ESTATE CONTRACT BETWEEN THE CITY OF THE ELGIN ECONOMIC DEVELOPMENT CORPORATION AND PARAVEL CAPITAL LLC AND AUTHORIZING THE MAYOR TO APPROVE THE CONTRACT**

Documents:

[EXSUMMARY PARAVAL CONTRACT.PDF](#)
[PARAVEL REAL ESTATE CONTRACT DRAFT RESOLUTION.PDF](#)

- 9. RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS APPROVING A REAL ESTATE CONTRACT BETWEEN THE CITY OF THE ELGIN ECONOMIC DEVELOPMENT CORPORATION AND TRINITY ELGIN PROPERTIES AND AUTHORIZING THE MAYOR TO APPROVE THE CONTRACT**

Documents:

[EXSUMMARY TRINITY ELGIN CONTRACT.PDF](#)
[RESOLUTION FOR TRINITY REAL ESTATE CONTRACT DRAFT.PDF](#)

- 10. RESOLUTION OF THE CITY OF ELGIN, TEXAS, APPOINTING REPRESENTATIVES TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS**

Documents:

[EX SUMMARY-CAPCOG.PDF](#)
[CAPCOG RESOLUTION.PDF](#)
[CAPCOG LETTER.PDF](#)

- 11. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH AMANDA CARTER OF ELGIN, TEXAS APPOINTING HER AS JUDGE OF THE CITY OF ELGIN MUNICIPAL COURT IN ACCORDANCE WITH THE CITY CHARTER; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS**

Documents:

[EXSUMMARY - JUDGE AGREEMENT.PDF](#)
[RESAUTHJUDGECONTRACT921.PDF](#)
[AMANDA CARTER SERVICES AGREEMENT.PDF](#)

- 12. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN EMPLOYMENT AGREEMENT WITH CHRIS NOBLE**

REGARDING HIS APPOINTMENT AS CHIEF OF THE CITY OF ELGIN POLICE DEPARTMENT; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS

Documents:

[EXSUMMARY - COP AGREEMENT.PDF](#)
[RESAUTCOPAGRMNT921.PDF](#)
[CHRIS NOBLE EMPLOYMENT AGREEMENT921.PDF](#)

X. EXECUTIVE SESSION

The City Council may announce that it will adjourn the public meeting at any time during the meeting and convene in Executive Session pursuant to Chapter 551 of the Texas Government Code to discuss any matter as specifically listed on the agenda and/or as permitted by Chapter 551 of the Texas Government Code.

XI. RECONVENE

The City Council will return to open session for possible discussion and action as a result of the Executive Session

XII. ANNOUNCEMENTS

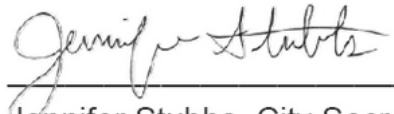
XIII. ADJOURNMENT

The City Council may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code. Action, if any, will be taken in open session.

Attendance By Other Elected or Appointed Officials: It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

Notice of Assistance at Public Meetings, the City of Elgin is committed to compliance with the Americans with Disabilities Act. Elgin City Hall and Council Chambers are wheelchair accessible and special marked parking is available. Persons with Disabilities who plan to attend this meeting and who may need assistance are requested to contact the City Secretary's Office at (512)229-3222. Please provide forty-eight hours notice when feasible.

I, Jennifer Stubbs, City Secretary for the City of Elgin, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before Friday, September 17, 2021, in accordance with Chapter 551 of the Texas Government Code.

A handwritten signature in cursive script, reading "Jennifer Stubbs". The signature is written in dark ink and is positioned above a horizontal line.

Jennifer Stubbs, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Public Hearing on the Proposed FY21-22 Annual Budget and Ad Valorem (Property) Tax Rate for the City of Elgin

DEPARTMENT: City Manager

PROPOSED ACTION:

No Council action proposed; This item is to allow for public comments on the proposed FY21-22 Annual Budget and Property Tax Rate prior to its consideration for adoption by the City Council.

BACKGROUND:

Discussed at previous meetings; This hearing was scheduled as part of the Budget Development Calendar and represents one of the final steps in the development of the FY21-22 Annual Budget.

The proposed *FY21-22 Annual Budget* is a zero-based, balanced, and appropriately conservative financial plan wherein all operating expenditures are supported by revenue generated during the fiscal year; and was developed through a comprehensive review of financing for all existing programs, operations, and services. The proposed budget does not include deficit spending and/or utilization of fund balance for operating expenses.

Although the City's budget continues to evolve and expand in other ways, Real Estate and/or Property (Ad Valorem) Taxes still provide the foundation for supporting the General Fund. This stable source of income provides assured funding each year for essential city services- public safety, public works, parks and recreation programming, library, mobility, asset maintenance, etc.

The proposed *FY21-22 Annual Budget* is predicated on a reduction of the current property tax rate to \$.589977/\$100 valuation.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { } not included in the current-year budget {X} N/A

RECOMMENDATION: N/A

ATTACHMENTS:

City Manager's Budget Message and Property Tax Rate Notice (*Council has already been provided copies of the Budget document, which is available for review by the public at City Hall or the Elgin Public Library or at elgin.tx.us*).

{ } Staff will be making a detailed presentation on this agenda item at the meeting.

{ } Staff will provide brief comments and answer questions on this item at the meeting.

{X} This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: General Activity Report and/or Project Update

DEPARTMENT: City Manager/Staff

PROPOSED ACTION:

No Council action proposed or requested; This item is to allow for general update and/or activities report relating to various on-going city projects or issues.

BACKGROUND:

This item is to provide opportunities for miscellaneous updates and comments by the staff; and general Q&A with the City Council relative to on-going projects and/or issues.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { } not included in the current-year budget {X}
N/A

RECOMMENDATION:

N/A

ATTACHMENTS:

None.

{ } Staff will be making a detailed presentation on this agenda item at the meeting.

{X} Staff will provide brief comments and answer questions on this item at the meeting.

{ } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: City Council Regular Meeting Minutes - September 7, 2021

DEPARTMENT: Administration

PROPOSED ACTION: Approval of the City Council Meeting Minutes- September 7, 2021

BACKGROUND: N/A

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☐ not included in the current-year budget ☒ N/A

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION: Approval of the City Council Meeting Minutes- September 7, 2021

ATTACHMENTS: Minutes

☐ Staff will be making a detailed presentation on this agenda item at the meeting.

☐ Staff will provide brief comments and answer questions on this item at the meeting.

☒ This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

MINUTES
ELGIN CITY COUNCIL REGULAR MEETING
ELGIN PUBLIC LIBRARY ANNEX CITY COUNCIL CHAMBERS
404 NORTH MAIN STREET
September 7, 2021

CALL TO ORDER

Mayor Ramirez called the meeting to order at 6:30 p.m.

ROLL CALL

Present: Ron Ramirez, Mayor
Sue Brashar, Mayor Pro Tem
Arthur Gibson III, Council Member
Jessica Bega, Council Member
Thomas Ibis, Council Member
Matthew Callahan, Council Member
Forest Dennis, Council Member
Susie Arreaga, Council Member
Skyler Maldonado, Council Member

Mayor Ramirez stated there was a quorum.

Staff: Thomas L. Mattis, City Manager
Mysty Nauck, Acting Chief Financial Officer
Pamela Sanders, HR Director
Amy Miller, Community Development Director
Chris Noble, Police Chief
Jennifer Stubbs, City Secretary
David Harrell, Development Services Director
Michael Gonzalez, Public Works Director

INVOCATION

Ms. Arreaga provided the invocation.

PLEDGE OF ALLEGIANCE

Mayor Ramirez led those in attendance in reciting the Pledge of Allegiance to the Flag of the United States of America and Pledge of Allegiance to the Texas Flag.

PUBLIC HEARING

1. Public Hearing On The Proposed FY21-22 Annual Budget And Ad Valorem (Property) Tax Rate For The City Of Elgin

No one wished to speak under the Public Hearing Item.

2. Public Hearing On An Ordinance Amending The Official Zoning Map Of The City Of Elgin, Texas Adopted In Chapter 46, Section 46-3, Revised Code Of Ordinances City Of Elgin, Texas, 2013 And Making This Amendment A Part Of Said Official Zoning Map To Wit: To Rezone Land From "R-2" Single Family And Duplex Dwelling District" To "C-2" General Commercial District Located At 301 S. Main St (AWAD ADDITION, LOT 2, ACRES 0.332), Being More Described In Exhibit "A"; And Providing For A Savings Clause And Repealing Conflicting Ordinances And Resolutions.

No one wished to speak under the Public Hearing Item.

PUBLIC COMMENT

Debra Wahrmond, 905 Marvins Cove, asked the Council to consider future funding of a property survey at the Elgin Old Latin Cemetery to establish correct boundaries.

CITY MANAGERS REPORT

1. Introduction Of New Cadets

Chief Noble recognized and thanked the following new cadets:

Sue Ellen Gonzales, Police.

Rielley DeCoux, Police.

Tametra Cook, Police.

Carlos Hernandez, Police.

2. Texas Department Of Agriculture Grant Contract 7220042 US Department Of Housing And Urban Development Section 3 Presentation

Ms. Miller presented on the Downtown Sidewalk Improvements Grant Project.

3. Review And Discussion Of Upcoming City Council Meeting Schedule

Mr. Mattis provided a list of the proposed upcoming council meetings: October 12, November 9, and December 7. Mayor Ramirez stated this is normally how the schedule falls and that the Council can call an additional meeting if needed.

4. Monthly Reports By Department

Mr. Mattis proved the Council the monthly reports.

5. General Activity Report And/Or Project Update

There were no updates under this item

CONSENT AGENDA

1. City Council Special Meeting Minutes – August 17, 2021

The item passed on the consent agenda.

2. City Council Worksession Minutes - August 24, 2021

The item passed on the consent agenda.

3. A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH TRC ENGINEERS INC. FOR PROFESSIONAL SERVICES AND CONTRACT ADMINISTRATION RELATED TO PROVIDING ENGINEERING SERVICES FOR THE WATER WELL #17 PROJECT, AND MAKING CERTAIN FINDINGS RELATED THERETO.

The item passed on the consent agenda.

4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS TO APPROVE A SERVICE AGREEMENT WITH BASTROP COUNTY TO PROVIDE DISPATCHING SERVICES TO THE ELGIN POLICE DEPARTMENT; AND TO AUTHORIZE THE MAYOR TO EXECUTE SAID AGREEMENT

The resolution was removed from the consent agenda and moved to new business.

Mayor Pro Tem Brashar made a motion to approve the consent agenda. Mr. Gibson III seconded the motion. All voted in favor. The motion carried.

NEW BUSINESS

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS TO APPROVE A SERVICE AGREEMENT WITH BASTROP COUNTY TO PROVIDE DISPATCHING SERVICES TO THE ELGIN POLICE DEPARTMENT; AND TO AUTHORIZE THE MAYOR TO EXECUTE SAID AGREEMENT

Mr. Mattis stated this is a 1-year service agreement for Bastrop County to provide emergency dispatch services for the Police Department. Mr. Dennis made a motion to approve the Resolution as discussed. Ms. Bega seconded the motion. All voted in favor. The motion carried.

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS PLACING A PROPOSAL ON THE SEPTEMBER 21, 2021 COUNCIL MEETING TO ADOPT A 2021 TAX YEAR PROPOSED PROPERTY TAX RATE THAT WILL EXCEED THE NO NEW REVENUE TAX RATE BUT DOES NOT EXCEED THE VOTER APPROVAL TAX RATE NOR THE DE MINIMIS RATE FOR THE CITY OF ELGIN, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; CALLING A PUBLIC HEARING ON THE PROPOSED PROPERTY TAX RATE TO BE HELD ON SEPTEMBER 21, 2021 AT 6:30 PM

Mr. Mattis stated the Council needs to vote tonight on a tax rate that does not exceed the voter approved tax rate. With the change in the city's debt rate, a City of Elgin Property owner whose property valuation did not change from 2021 to 2022 will see a reduction in city property taxes. Discussion followed. Mayor Pro Tem Brashar made a motion to approve the Resolution as discussed. Mr. Gibson III seconded the motion. The vote was: Mayor Pro Tem Brashar- yes, Mayor Ramirez- yes, Ms. Bega- yes, Mr. Gibson III - yes, Ms. Arreaga- yes, Mr. Maldonado- yes, Mr. Callahan- yes, Mr. Ibis- no, Mr. Dennis- yes. The motion carried.

3. AN ORDINANCE LEVYING AD VALOREM TAXES FOR MAINTENANCE AND OPERATION OF THE MUNICIPAL GOVERNMENT OF THE CITY OF ELGIN, TEXAS, FOR THE 2021-22 FISCAL YEAR; AND PROVIDING FOR THE INTEREST AND SINKING FUND FOR THE 2021 TAX YEAR.

Mr. Mattis stated this is the First Reading on the adoption of the tax rates. The goal is to provide the public multiple opportunities to comment on the tax rate in the budget. He stated there will be two readings for the tax rate and for the budget. Ms. Bega made a motion to approve the Resolution as discussed. Mayor Pro Tem Brashar seconded the motion. The vote was: Ms. Bega- yes, Mr. Gibson III - yes, Ms. Arreaga- yes, Mr. Maldonado- yes, Mr. Callahan- yes, Mr. Ibis- no, Mr. Dennis- yes, Mayor Pro Tem Brashar- yes, Mayor Ramirez- yes. The motion carried.

4. AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE CITY OF ELGIN, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022, IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE OF THE STATE OF TEXAS AND THE ORDINANCES AND RULES OF THE CITY OF ELGIN, TEXAS; APPROPRIATING THE VARIOUS AMOUNTS THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Mattis stated this is the appropriations ordinance and provided information regarding fee schedules and small errors in the Budget. Mr. Dennis made a motion to approve the Resolution as presented. Ms. Arreaga seconded the motion. The vote was: Mr. Dennis- yes, Mayor Pro Tem

Brashar- yes, Mayor Ramirez- yes, Ms. Bega- yes, Mr. Gibson III - yes, Ms. Arreaga- yes, Mr. Maldonado- yes, Mr. Callahan- yes, Mr. Ibis-no. The motion carried.

5. AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE TO C-2 GENERAL COMMERCIAL DISTRICT, THE PROPERTY BEING APPROXIMATELY 0.332 ACRES OF LAND AND BEING DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS

Mr. Mattis provided comments and answered questions of the Council. Mr. Maldonado made a motion to approve the Resolution as discussed. Ms. Bega seconded the motion. All voted in favor. The motion carried.

EXECUTIVE SESSION

The City Council may announce that it will adjourn the public meeting at any time during the meeting and convene in Executive Session pursuant to Chapter 551 of the Texas Government Code to discuss any matter as specifically listed on the agenda and/or as permitted by Chapter 551 of the Texas Government Code.

1. Adjourn Into Executive Session Pursuant To (1) Section §551.072 Deliberations About Real Property: To Receive A Staff Briefing And Deliberate The Purchase, Exchange, Lease, Or Value Of Certain Real Property Located At 114 Depot Street; And (2) Adjourn Into Executive Session Pursuant To Section §551.074 Personnel Matters: To Deliberate The Appointment, Employment, Evaluation, Reassignment, Or Duties Of A Public Officer Or Employee

Mayor Ramirez stated the Council was adjourned into Executive Session and that the Council would take a 5-minute break. The time was 7:21 p.m. Mayor Ramirez reconvened the meeting at 8:29 p.m. No action was taken.

ANNOUNCEMENTS

Mr. Mattis stated that over 100 people were vaccinated at the free clinic at the Fleming Center. The Clinic will continue every Thursday and Friday until October 22nd from 3:00 to 7:00 p.m.

ADJOURNMENT

Mayor Ramirez adjourned the meeting at 8:30 p.m.

Ron M. Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: CONSIDER WAIVING THE OPEN CONTAINER ORDINANCE ON MAIN STREET FROM LEXINGTON ROAD TO BRENHAM STREET; AND ON 2ND STREET, FIRST STREET, DEPOT STREET, CENTRAL AVENUE, AUSTIN STREET, BRENHAM STREET FROM MAIN STREET TO AVENUE C; AND ON AVENUE C FROM BRENHAM STREET TO 2ND STREET ON THURSDAY NOVEMBER 4, 2021 FROM 5PM TO 10PM FOR DIA DE LOS MUERTOS.

DEPARTMENT: Community Services

PROPOSED ACTION: Consider request to waive the Open Container ordinance for Dia De Los Muertos on Thursday November 4, from 5pm to 10pm.

BACKGROUND: Dia De Los Muertos will be recognized in downtown Elgin on Thursday November 4, 2021 from 5pm to 8pm with family altars located in local participating businesses, activities at the library and museum, music, food, and concluding with the movie Coco at the museum parking lot. Dia de los Muertos (Day of the Dead) has gained rapid popularity in the United States over the last several decades. It originated in Mexico and has roots in both Aztec traditions and Catholic holidays (All Saints Day, Nov 1 and All Souls Day, Nov 2). Death is part of the human experience and the festival celebrates the lives of our ancestors. Because it is believed the dead would be offended by grieving and sadness, the festivals are full of color, music, art, food, fragrance and laughter. It is a time to celebrate the enduring love of family, those here and those before us. Families clean and decorate the graves of loved ones. Altars (ofrendas) are built inside of homes and businesses.

BUDGET/FINANCIAL IMPACT:

Funding for this item was {X} included { } not included in the current-year budget {} N/A

RECOMMENDATION: Consider waiving the open container ordinance On Main Street From Lexington Road To Brenham Street; And On 2nd Street, First Street, Depot Street, Central Avenue, Austin Street, Brenham Street From Main Street To Avenue C; And On Avenue C From Brenham Street To 2nd Street On Thursday November 4, 2021 From 5pm To 10pm For Dia De Los Muertos.

ATTACHMENTS:

{ } Staff will be making a detailed presentation on this agenda item at the meeting.

{ } Staff will provide brief comments and answer questions on this item at the meeting.

{X} This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF CITY OF ELGIN TEXAS, AUTHORIZING THE AWARD OF A PURCHASING AGREEMENT CONTRACT WITH WALLER COUNTY ASPHALT FOR ASPHALT COLD MIX D-ASPPM GRADE 4 HIGH PERFORMANCE

DEPARTMENT: Finance-Streets Department

PROPOSED ACTION: council Approval and award

BACKGROUND: The Street Department budget for orders of Cold Mix Asphalt to carryout various paving and repair work projects went over the \$25,000.00 threshold which requires City Council approval for purchases totaling \$25,000.00 or more. The Streets Department solicited RFP/Bids and received 1 response. Purchase Agreement will be 1 year in duration commencing October 1, 2021 with the option of two, one year extensions, not to exceed three years total.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☐ not included in the current-year budget ☒ N/A

Finance Approval:

Signature: _____

Date: _____

RECOMMENDATION:

ATTACHMENTS:

- ☐ Staff will be making a detailed presentation on this agenda item at the meeting.
- ☐ Staff will provide brief comments and answer questions on this item at the meeting.
- ☒ This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

RESOLUTION NO. _____

**A RESOLUTION OF CITY OF ELGIN TEXAS, AUTHORIZING
THE AWARD OF A PURCHASING AGREEMENT CONTRACT
WITH WALLER COUNTY ASPHALT FOR ASPHALT COLD MIX
D-ASPPM GRADE 4 HIGH PERFORMANCE.**

WHEREAS, the City of Elgin, Public Works Street Department, Fiscal Year 20/21 exceeded \$25,000.00 for road repair and maintenance materials;

WHEREAS, in order to comply with the Purchasing Policy and Procedures guidelines for budgetary items exceeding \$25,000.00 must utilize the Request For Proposal/Bid process;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Proposals (RFP) process for Asphalt Cold Mix D-ASPPM Grade 4 High Performance including delivery charges has been completed in accordance with the City of Elgin's Purchasing Policy;

WHEREAS, a total of 1 (ONE) proposal was received by the due date and reviewed and determined they met all criteria as most qualified and responsive;

NOW, THEREFORE, BE IT RESOLVED:

Section 1. Findings. The following recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Award: That Waller County Asphalt, be awarded a Purchasing Agreement Contract to provide Asphalt Cold Mix D-ASPPM Grade 4 High Performance Asphalt including delivery.

Section 3. Authorization: That the City Council of the City of Elgin authorizes the City Manager to execute the Purchase Agreement with Waller County Asphalt.

Section 4. Open Meetings. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 5. Effective Date. This Resolution shall take effect September 21, 2021.

PASSED AND ADOPTED this 21st day of September 2021.

Ron M. Ramirez, Mayor
City of Elgin, Texas

ATTEST:

Jennifer Stubbs, City Secretary

PURCHASING AGREEMENT BETWEEN
THE CITY OF ELGIN, TEXAS AND
WALLER COUNTY ASPHALT, INC

THIS PURCHASING AGREEMENT (this “Agreement”) is entered into as of OCTOBER 1, 2021, between the City of Elgin, Texas (the “City”), and Waller County Asphalt, INC. (the “Contractor”).

RECITALS

- A. After a competitive Request for Proposal/ bidding procurement process, the City entered into a Purchasing Agreement Contract dated October 1, 2021, for the Contractor to provide Asphalt Cold Mix D ASPPM Grade 4 High Performance Asphalt including delivery to the Public Works Streets Department or designated location for road repair and maintenance.
- B. All Terms and Conditions of the Request for Proposal (Exhibit A) are binding throughout the contract.
- C. The City and the Contractor desire to enter into this Agreement for the purpose of (i) acknowledging their cooperative contractual relationship under this Agreement, (ii) establishing the terms and conditions by which the Contractor may provide the City with street maintenance asphalt.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing introduction and recitals, which are incorporated herein by reference, the following mutual covenants and conditions, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Contractor hereby agree as follows:

- 1. **Term of Agreement.** This Agreement shall be effective as of the date first set forth above and shall remain in full force and effect until September 30, 2022, at which time the option to extend for two additional years in one-year increments, with the same terms and conditions but not to exceed three years total. First extension to commence will be October 1, 2022, and the second commencing on October 1, 2023, unless terminated by either party.
- 2. **Scope of Work.** Contractor shall provide approved materials and delivery services.
- 3. **Inspection/Acceptance.** All Materials and Services are subject to final inspection and acceptance by the city. Materials failing to conform to the requirements of this Agreement will be held at Contractor’s risk and may be returned to the Contractor. If so returned, all costs are the responsibility of the Contractor. Upon discovery of non-conforming Materials or Services, the City may elect to do any or all of the following by written notice to the Contractor: (i) waive the non-conformance; (ii) stop the work immediately; or (iii) bring Materials or Service into compliance and withhold the cost of same from any payments due to the Contractor.
- 4. **Compensation.** The City shall pay Contractor an amount not to exceed \$88.00 per ton materials, \$20.70 per ton delivery for a total of \$108.70 per ton.
- 5. **Payments.** The City shall pay the Contractor monthly, based upon acceptance and delivery of

Materials and/or Services performed and completed to date, and upon submission and approval of invoices. Each invoice shall contain: a purchase order number, amount of materials delivered, Additionally, invoices submitted without referencing the PO Number will be subject to rejection and may be returned.

Invoices to be mailed or emailed to:
City of Elgin- Accounts Payable
P.O. Box 591
Elgin, Tx. 78602

Email:
accountspayable@ci.elgin.tx.us

6. **Applicable Law/Venue.** This Agreement shall be governed by the laws of the State of Texas and a suit pertaining to this Agreement may be brought only in courts in Bastrop County, Texas.
7. **Indemnification/Insurance.** In any event, the Contractor shall indemnify and hold harmless the City and each council member, officer, employee or agent thereof (the City and any such person being herein called an "Indemnified Party"), for, from and against any and all losses, claims, damages, liabilities, costs and expenses (including, but not limited to, reasonable attorneys' fees, court costs and the costs of appellate proceedings) to which any such Indemnified Party may become subject, under any theory of liability whatsoever ("Claims") to the extent that such Claims (or actions in respect thereof) are caused by the negligent acts, recklessness or intentional misconduct of the Contractor, its officers, employees, agents, or any tier of subcontractor in connection with Contractor's work or services in the performance of this Agreement.
8. **Notices and Requests.** Any notice or other communication required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given if (i) delivered to the party at the address set forth below, (ii) deposited in the U.S. Mail, registered, or certified, return receipt requested, to the address set forth below or (iii) given to a recognized and reputable overnight delivery service, to the address set forth below:

If to the City
The City of Elgin-Attn: City Manager
P.O. Box 591
310 N. Main Street
Elgin, TX. 78621Attn: City Manager

If to Contractor:
Waller County Asphalt, Inc.
22010 Fairgrounds Rd
Hampstead, Tx. 77445

or at such other address, and to the attention of such other person or officer, as any party may designate in writing by notice duly given pursuant to this subsection. Notices shall be deemed received (i) when delivered to the party, (ii) three business days after being placed in the U.S. Mail, properly addressed, with sufficient postage or (iii) the following business day after being given to a recognized overnight delivery service, with the person giving the notice paying all required charges and instructing the delivery service to deliver on the following business day. If a

copy of a notice is also given to a party's counsel or other recipient, the provisions above governing the date on which a notice is deemed to have been received by a party shall mean and refer to the date on which the party, and not its counsel or other recipient to which a copy of the notice may be sent, is deemed to have received the notice.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first set forth above.

Waller County Asphalt, Inc.

City of Elgin

By: _____

By: _____

Print Name: _____

Print Name: _____

Date: _____

Date: _____

EXHIBIT A
REQUEST FOR PROPOSAL
WALLER COUNTY ASPHALT

**Request for Proposals
Asphalt Cold Mix D
ASPPM Grade 4 High Performance Asphalt to Include Delivery**

NOTICE TO BIDDERS

The City of Elgin, TX., is soliciting Sealed Request for Proposals/Bids for a one year purchasing agreement/contract to provide Asphalt Cold Mix D-ASPPM Grade 4 High Performance Asphalt to Include Delivery for various paving and repair work throughout the city. The contract will be based on a Fiscal Year basis starting October 1, 2021, and run through September 30, 2022, at which time the option to renew for two additional one-year extensions, provided both parties are in agreement may be entertained. Extensions will not exceed 3 years in totality. The city of Elgin is tax exempt.

Information regarding the bid process/procedures, questions regarding bid specifications or other questions are to be directed to Joe Parten, City of Elgin Street Department Superintendent 48 hours in advance of bid opening: jparten@ci.elgin.tx.us, phone: 512-229-3251. RFP in its entirety and any and all addendums will be found at the City of Elgin's website: [Elgin, TX | Official Website \(elgintx.com\)](http://Elgin, TX | Official Website (elgintx.com)) under Business Center/Bids/RFQ's.

Please submit 1 proposal to:
Joe Parten, City of Elgin, Street Department Superintendent
Mailing: P.O. Box 591
Physical: 1137 Swenson Blvd
Elgin, Tx 78621

Submission will be accepted until Wednesday, August 25, 2021 no later than 10:00 A.M. Any submission received after the due date and time will not be accepted. Sealed bids will be opened and read aloud at 1137 Swenson Blvd at 11:00 A.M.

The City of Elgin is an Affirmative Action/Equal Opportunity Employer. Section 3 Residents and Business Concerns, Minority Business Enterprises, Small Business Enterprises and Women Business Enterprises, and Labor Surplus Area firms are encouraged to submit proposals.
Servicios de traducción están disponibles por petición

**Request for Proposals
Asphalt Cold Mix D
ASPPM Grade 4 High Performance Asphalt to Include Delivery**

REQUEST FOR PROPOSAL SUBMISSION

Request for Proposals may be submitted in person, by mail or delivery service.

REJECTION OF REQUEST FOR PROPOSALS

The City reserves the right to reject any or all request for proposals, and all request for proposals submitted are subject to this reservation. Request for proposals may be rejected, among other reasons, for any of the following specific reasons:

- Request for proposals received after the time limit for receiving request for proposals as stated in the advertisement.
- Proposal containing any irregularities.
- Unbalanced value of any items.
- Reason for believing collusion exists among the Proposers.
- Reasonable grounds for believing that any Proposer is interested in more than one Proposal for the work contemplated.
- The Proposer being interested in any litigation against the City.
- The Proposer being in arrears on any existing contract or having defaulted on a previous contract.
- Lack of competency as revealed by a financial statement, experience and equipment, questionnaires, etc.

The city is not responsible for mail or delivery service. It is the Vendor's responsibility to ensure the proposal is delivered on time or risk non-compliance.

Please submit 1 proposal to:

Joe Parten, City of Elgin, Street Department Superintendent

Mailing: P.O. Box 591

Physical: 1137 Swenson Blvd

Elgin, Tx 78621

Proposals must be marked on the outside of the sealed packaging, "RFP ASPHALT & DELIVERY (COLD MIX)".

All required documents must be returned, and an original signature provided on the proposal to bidder's sheet (no stamps, signature must be in ink and written by hand). RFP's will not be accepted without a signature. Firms interested in this project shall submit one copy of the proposal and required documents listed throughout the RFP no later than Wednesday, August 25, 2021, by 10:00 A.M. to the address and contact person listed on this page.

Proposals will be rated based on the following criteria:

Pricing of requested service	90 %
Delivery Performance and Vendor History	10 %

REQUEST FOR PROPOSAL CONSIDERATION / TABULATION

RFP's will be opened and read aloud allowing for confirmation that all documentation and signatures are accounted for. After request for proposals are opened and publicly read, the request for proposals will be

tabulated for comparison on the basis of the request for proposal prices and quantities. Outcome of tabulation will not be released until after the award is adopted by City Council. Only firms who applied will be provided results, all other requests will go through the FOI procedures after award.

BRAND or EQUAL NAMES

If items for which request for proposals have been called for have been identified by a "brand name or equal" description, such identification is intended to be descriptive, but not restrictive, and is to indicate the quality and characteristics of products that will be satisfactory. Request for proposals offering "equal" products will be considered for award if such products are clearly identified in the request for proposals and are determined by the requesting Department to be equal in all material respects to the brand name products referenced. Unless the proposer clearly indicates in their request for proposal that they are offering an "equal product", their request for proposal shall be considered as offering a brand name product.

ASSIGNMENT OF REQUEST FOR PROPOSAL/CONTRACT

The successful proposer may not assign their rights and duties under an award without the written consent of the City Manager. Such consent shall not relieve the assignor of liability in event of default by their assignee.

CHANGES OR ALTERATIONS

No part of this request for proposal may be changed/alterd in any way. Vendors must submit written requests to change any specifications/conditions no later than the deadline for questions, 48 hours prior to bid opening. Changes made without submission of a written request to this request for proposal will result in disqualification.

COMPLETING INFORMATION

Proposer must fill in all information asked for in the blanks provided under each item. Failure to comply may result in rejection of the Request for Proposal at the City's option.

CONTRACT CLAUSE

All proposers understand and agree that the vendor's request for proposal response will become a legally binding contract upon acceptance in writing by the City. This contract may be superseded only if replaced with a more extensive contract that is agreed to by both parties.

DEFAULT

In case of default of the successful proposer, the City of Elgin may procure the articles from other sources and hold the proposer responsible for any excess cost occasioned thereby.

DELIVERY

The City reserves the right to demand bond or penalty to guarantee delivery by the date indicated. If an order is given and the Proposer fails to furnish the materials by the guaranteed date, the City reserves the right to cancel the order without liability on its part.

DELIVERY DATE

Delivery date is an important factor to the city and may be required to be a part of each request for proposal. The City of Elgin considers delivery time to be that period elapsing from the time the individual order is placed until that order or work thereunder is received by the city at the specified delivery location. The delivery date indicates a guaranteed delivery at location specified in the order placement. Failure of the proposer to meet guaranteed delivery dates or service performance could affect future City orders.

Whenever the Contractor encounters any difficulty which is delaying or threatens to delay timely performance (including actual or potential labor disputes), the Contractor shall immediately give notice thereof in writing to

A Corporation, chartered in the State of TEXAS, authorized to do business in the State of Texas.

A Partnership, composed of REID DAWSON & BRADFORD BRYANT

An Individual, operating under the name of: WALLER COUNTY ASPHALT, INC.

Respectfully Submitted,



Signature

REID DAWSON

Typed or Printed Name

VICE PRESIDENT

Position with Company

WALLER COUNTY ASPHALT, INC

Company Name

22010 FAIRGROUNDS RD

Street Address

HEMPSTEAD, TX 77445

City/State/Zip

979-826-7075

Phone

ATTACHMENT A
BID SUMMARY PRICING SHEET

VENDOR NAME: **WALLER COUNTY ASPHALT, INC.**

Variations from the aforementioned Specifications may be acceptable provided such differences are noted on the bid and are deemed to be advantageous to the City. Any substitutions from brand names mentioned must be proved to be equal and may be considered for award by the requesting department if so proven.

PRODUCT	COST PER TON MATERIALS	COST PER TON DELIVERY	TOTAL PER TON
Asphalt Cold Mix D- ASPPM Grade 4 High Performance Asphalt	\$88.00	\$20.70	\$108.70
<i>No additional charges of any kind will be allowed during the term of the contract if not noted in bid proposal. Any variations from detailed specifications must be noted. The City of Elgin reserves the right to increase and decrease the estimated quantities.</i>			

ATTACHMENT B
Vendor Information

Vendor/Individual Name: WALLER COUNTY ASPHALT, INC.

Vendor/Individual Mailing Address: 22010 FAIRGROUNDS RD
HEMPSTEAD, TX 77445

Vendor/Individual Remit Address: _____
(If different from above) _____

Contact Name: REID DAWSON

Phone Number: 979-826-7075 Fax Number: _____

Email: INFO@WCAASPHALT.COM Website: WWW.WCAASPHALT.COM

HUB Designation: Vendor is a HUB ☐ Vendor is NOT a HUB ☒

The City of Elgin actively notifies HUB vendors of quote or bid opportunities per the State of Texas Local Government Code Sec. 252.0215.

If HUB, please provide CMBL Vendor ID#

Please list which, if any, co-op organizations your company maintains an active contract:

We invite our vendors to enroll to receive ACH payments electronically, preferred method of payment. Please fill out below.

Bank Name: BBVA COMPASS

Routing Number: 113010547 Account Number: 6766860301

Authorized Vendor Signature: RED Date: 8/23/2021



CREDIT REFERENCES

Partners:

Bradford Bryant-President / CEO

Reid Dawson-Vice President / COO

Banking Information:

BBVA Compass- Account # 6766860301

Houston-Senior Vice President, Relationship Manager

Amy Reardon (Mobile) 713-302-3402

Amy.Reardon@bbva.com

Commercial Banking-25211 Grogan's Mill, Ste. 100, The Woodlands, Tx 77380

REFERENCES:

Cherry Crushed Concrete, Inc. / 6131 Selinsky / Houston, TX 77048

P: 713-987-0000

F: 713-987-0739

patty@cherrycompanies.com

First Materials & Technology, Inc. / PO Box 831 / Cameron, TX 76520

P: 254-697-3131

F: 254-697-3232

Jan.beerry@first-materials.com

Charter Chemical Solutions / 16010 Kempton Park / Spring, TX 77379

P: 281-758-8738

info@charterchemicalsolutions.com

22010 Fairground Road
Hempstead, TX 77445
(979)-826-7075

ATTACHMENT C

W-9

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. WALLER COUNTY ASPHALT, INC.	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. ☐ Individual/sole proprietor or single-member LLC ☒ Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) ► _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>
5 Address (number, street, and apt. or suite no.) See instructions. 22010 FAIRGROUNDS RD	Requester's name and address (optional)
6 City, state, and ZIP code HEMPSTEAD, TX 77445	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number	
or	
Employer identification number	
52	2407248

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here
Signature of U.S. person ► **R-D-**

Date ► **8/23/2021**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
 - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
 - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
 - Form 1099-S (proceeds from real estate transactions)
 - Form 1099-K (merchant card and third party network transactions)
 - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
 - Form 1099-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

ATTACHMENT D
Insurance Certificates

Please attach Insurance and Workers Comp Certificates



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/07/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Baty Worldwide 9575 Katy Freeway Suite # 450 Houston TX 77024		CONTACT NAME: Gay'l Bradley PHONE (A/C, No, Ext): (713) 468-0700 E-MAIL: gayl@batyins.com ADDRESS: (713) 936-2214	
INSURED Waller County Asphalt, Inc., DBA: Waller County Asphalt Waller County Construction, LLC.: Proline Materials, Inc. 22010 Fairground Rd. Hempstead TX 77445		INSURER(S) AFFORDING COVERAGE INSURER A: Charter Oak Fire Ins. Co. NAIC # 25615 INSURER B: Travelers Property Casualty Company of America 25674 INSURER C: Tokio Marine Specialty Ins. Co. 23850 INSURER D: INSURER E: INSURER F:	

COVERAGES

CERTIFICATE NUMBER: Master 21-22

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PROJECT ☐ LOC OTHER:		630-0S145149	04/01/2021	04/01/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS, COMPO AGG \$ 2,000,000
	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY		BAS-0S145186	04/01/2021	04/01/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	☒ UMBRELLA LIAB ☒ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☒ RETENTION \$ 10,000		CUP-0S145322	04/01/2021	04/01/2022	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐ N/A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
C	Pollution Liability		PPK2257365	03/15/2021	03/15/2022	Contractors Pollution \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

CANCELLATION

Insured's Copy

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
07/21/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Sterling Seacrest Partners, Inc P O Box 724137 Atlanta GA 31139		CONTACT NAME: Kyle Smith PHONE (A/C, No, Ext): (678) 424-6500 FAX (A/C, No): (678) 424-6501 E-MAIL ADDRESS: kyles@sspins.com	
INSURED Staff Source Employment P.O. Box 1084 Cartersville GA 30120		INSURER(S) AFFORDING COVERAGE INSURER A: Philadelphia Indemnity Insurance Company INSURER B: Hanover Insurance Company INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 18058 22292	

COVERAGES

CERTIFICATE NUMBER: 20-21

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WYD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	Y	PHPK1977806	05/11/2020	05/11/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☒ N	N/A	WHA-A840461-05	03/04/2020	03/04/2021
A	Professional Liability		PHPK1977806	05/11/2020	05/11/2021	Each Occurrence \$1,000,000 Aggregate Limit \$2,000,000 Deductible \$5,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Waller County Asphalt and TX Dot are additional insureds with regards to the General Liability policy by written contract. A Waiver of Subrogation is in place in favor of TX Dot.

CERTIFICATE HOLDER

CANCELLATION

Waller County Asphalt, Inc.
22010 Fairgrounds Rd.

Hempstead

TX 77445

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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ATTACHMENT E
CONFLICT OF INTEREST QUESTIONNAIRE

Please attach conflict of Interest Questionnaire

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

NONE

2 ☐ Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

NONE

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes

☒ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes

☒ No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7 
Signature of vendor doing business with the governmental entity

8/23/2021
Date

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed;

or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.

ATTACHMENT F
CERTIFICATE OF INTERESTED PARTIES
FORM 1295

To be provided at time of award.

Form 1295 (Certificate of Interested Parties attached) must be submitted through the Texas Ethics Commission's website, and a notarized original form as printed from the website to the City prior to approval of the contract. More information is found at the following link:

https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm.

Once bid evaluations take place by city staff, you will be notified that an award to your company is pending and that this form is mandatory. You will need to provide this form to the city before City Council approval can be considered.

You can fill out the form online, get a certificate number, and that number goes in the upper right box.

RFP AWARD AND PRICING

After your response to this RFP is submitted, the City will negotiate a final price which is then approved by City Council. Prior to City Council approval, if any market changes occur the responding vendor must notify the Purchasing department of this immediately. Once this Council approval occurs, pricing will be subject to the Market Verification terms listed above for price increases and decreases.

Winning vendor(s) agree to commit to a year contract with the City of Elgin to supply requested items. This contract will be renewable with or without price increases if mutually agreed upon by the Public Works/Purchasing Department and the vendor(s) for an additional two – one year renewal periods. After the award, vendors who have been awarded a contract and wish to propose adjusted pricing to the agreement due to changes in the market must do so through certified mail or via e-mail to the Purchasing Department. Documentation verifying the reason for the price increase must be sent as part of the request. Upon review of adjusted proposals, the City of Elgin may elect to dissolve the existing contract upon its expiration date or accept the vendor's proposal.

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Waller County Asphalt, Inc.
Hempstead, TX United States

Certificate Number:
2021-793476

Date Filed:
08/23/2021

Date Acknowledged:

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Elgin

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

Asphalt Cold Mix D
Road Materials

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO interested Party.



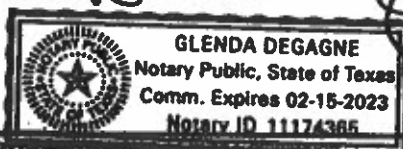
6 UNSWORN DECLARATION

My name is REID DAWSON and my date of birth is 10/15/1975

My address is 22010 FAIRGROUNDS RD HEMPSTEAD TX 77445 USA
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Waller County, State of Texas, on the 23 day of August, 2021
(city) (state) (month) (year)



Signature of interested agent of contracting business entity
(Signature)

City of Elgin

Owner: City of Elgin

Request for Proposal: FY 10/2021 – 09/2022

Asphalt Cold Mix D

Bid Opening

Bid TAB.

Bid Date: 08/25/2021

Bid Time: 11:00 AM

Name of Bidder	Signatures	Total Proposal
Waller County Asphalt	SIGNATURE ON BID	\$ 108, <u>70</u>



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: CONSIDER A RESOLUTION TO RENEW THE WRITTEN INVESTMENT POLICY AND INVESTMENT STRATEGY REGARDING THE INVESTMENT OF CITY FUNDS SEPTEMBER 21, 2021

DEPARTMENT: City Manager and Finance

PROPOSED ACTION: Consider Resolution for adoption

BACKGROUND:

The Public Funds Investment Act requires that the City consider revisions and adopt a written Investment Policy and Investment Strategy each year, even if no changes are contemplated. The Resolution proposed here, complies with terms and conditions of the Public Funds Investment Act pursuant to Section 2256.005 of the Texas Government Code.

The Delegation of Authority was changed from Assistant City Manager/CFO to Chief Financial Officer. All safeguards still apply as before.

BUDGET/FINANCIAL IMPACT:

Funding for this item was {} included {} not included in the current-year budget {X} N/A

Finance Approval:

Signature: Mysty Nauck Date: 9/13/2021

RECOMMENDATION: Recommended for adoption

ATTACHMENTS: Resolution including Exhibit A which is the same version that was approved by Council in October of 2020 including the above mentioned title change of delegated Investment Officer.

- { } Staff will be making a detailed presentation on this agenda item at the meeting.
- {x} Staff will provide brief comments and answer questions on this item at the meeting.
- { } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

RESOLUTION NO. _____

**A RESOLUTION TO ADOPT A WRITTEN INVESTMENT
POLICY AND INVESTMENT STRATEGY REGARDING
THE INVESTMENT OF CITY FUNDS TO BE EFFECTIVE
OCTOBER 1, 2021**

WHEREAS, pursuant to Section 2256.005, Texas Government Code (“the Act”) the City Council desires to adopt a written investment policy and investment strategy regarding the investment of City funds; and

WHEREAS, the City Council has reviewed the attached updated policy and has determined same to comply with the Act, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ELGIN, TEXAS,

That the updated Investment Policy and Strategy for the investment of City funds, attached hereto as Exhibit “A” and incorporated herein, is hereby approved, and adopted.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted, was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 21st day of September, 2021.

Ron M. Ramirez, Mayor City of Elgin, Texas

ATTEST:

Jennifer Stubbs, City Secretary

EXHIBIT A



CITY OF ELGIN, TEXAS

INVESTMENT POLICY AND INVESTMENT STRATEGY

Revision Adopted: September 21, 2021

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POLICY

It is the policy of the City of Elgin (City) after allowing for anticipated cash flow requirements in its bank accounts to meet daily needs and after giving due consideration to the safety and risk of investments, providing protection for both principal and liquidity, to invest public funds in a manner which will provide the highest investment return while conforming to all state and local statutes governing the investment of public funds. This Investment Policy is authorized by the City Council in accordance with Texas Government Code, Chapter 2256-Public Funds Investment, also cited as the Public Funds Investment Act (Act), to satisfy the statutory requirements to define, adopt, and review a written investment policy regarding the investment of its funds and funds under its control. **The City Council shall review and adopt by resolution, its investment strategies and policy not less than annually.**

This is required even if there are no changes within the policy. Such an investment must be written, emphasize safety, address investment management, and include types of authorized investments, maximum allowable stated maturity, maximum dollar-weighted average maturity, method to monitor the market price, and requirements for settlement of transactions. The resolution shall state that the policy has been reviewed and include record of changes made to either the investment policy or strategy.

SCOPE

This policy applies to all funds or financial resources available for investment under the City's financial control and accounted for in the City of Elgin, Texas Annual Financial Report which includes all current funds and will include any new fund created by the City Council unless specifically exempt. These policies do not, however, govern funds that are managed under separate investment programs or trust agreements, such as retirement funds, pension funds, deferred compensation funds, and certain private donations that are maintained as required by Federal and State laws, other local policies, or donor stipulations. In addition to this Policy, bond funds (as defined by the Internal Revenue Service) shall be managed by their governing ordinances and all applicable State and Federal laws.

The City will consolidate cash balances from all applicable funds to maximize investment earnings. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles. Such earnings from investments will be used in a manner that best serves the public trust and interests of the City as deemed in the annual budget.

INVESTMENT OBJECTIVES

All investments shall be designed and managed in a manner responsive to the public trust and in compliance with all Federal, State, and other legal requirements, including but not limited to the Act. The City shall manage and invest its available resources with four objectives, listed in order of priority: Safety, Liquidity, Public Trust, and Yield.

Safety

Safety of principal and the City's assets is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To increase investment safety, the City strives to decrease or minimize credit and interest rate risk. Minimization of credit risk or the risk of loss due to the failure of a security issuer or guarantor shall be done by the City by limiting investments to safe types, pre-qualifying financial institutions and broker/dealers, and diversifying the portfolio in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

Minimization of interest rate risk or the decrease in market value of securities in the City's portfolio due to changes in interest rates shall be done by the City through strong cash flow projections so that market value losses are reduced and through investments in short-term securities.

Liquidity

The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements that might be reasonably anticipated. Liquidity shall be achieved by matching investment maturities with forecasted cash flow requirements and by investing in securities with active secondary markets. A portion of the portfolio will also be placed in short term investment pools and/or money market mutual funds, which offer daily liquidity and may be utilized as a competitive yield alternative to fixed maturity investments.

Public Trust

Investments shall be made with judgment and care, under circumstances, then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of capital as well as the probable income to be derived. All participants in the City's investment process shall seek to act responsibly as custodians of the public trust. Investment officials shall avoid any transaction that might impair public confidence in the City's ability to govern effectively.

Yield

The City's investment portfolio shall be designed with the objective of attaining a rate of return throughout budgetary and economic cycles, commensurate with the City's investment risk constraints and the cash flow characteristics of the portfolio. Return on investment is of secondary importance compared to the safety, liquidity and public trust objectives described above. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed.

STANDARDS OF CARE

Delegation of Authority

The Chief Financial Officer is the Investment Officer of the City and is responsible for investment decisions and activities. The Investment Officer may delegate day-to-day administrative duties to other persons authorized to perform investment activities for the City, or he/she may perform the duties him or herself. The City Manager will retain ultimate responsibility for investment decisions.

The Investment Officer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that the cost of a control should not exceed the benefits likely to be derived.

Training Requirements

The Investment Officer is required to attend at least one training session relating to the officer's responsibility under the Act within 12 months after assuming duties. Afterwards, the City shall provide ten hours of investment training not less than once in a two-year period that begins on the first day of the fiscal year and consists of two consecutive fiscal years after that date for the Investment Officer(s) and/or his/her delegate(s), through courses and seminars offered by an independent professional source (i.e. the *Government Finance Officers Association of Texas*, the *Government Treasurers Organization of Texas*, the *Texas Municipal League*, etc.) as approved by the City Council in order to insure the quality and capability of the City's investment personnel making investment decisions in compliance with the Act. The training must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with the Act.

The City shall also encourage those who may perform daily activities with the City investments to attend such training although they are not listed specifically as Investment Officers of the City.

Prudent Person Rule

As set forth in the Act, Investment Officers shall use the standard of prudence with the "Prudent Person Rule". "Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived (Public Funds Investment Act 2256.006(a))."

"In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

1. The investment of all funds, or funds under the entity's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and

2. Whether the investment decision was consistent with the written investment policy of the entity (Public Funds Investment Act 2256.006(b)).”

Investment officials acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibilities for an individual security’s credit risk or market price change, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

Ethics and Conflict of Interest

Investment Officers and other employees involved in the investment process shall refrain from personal business activities that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. According to the Act, a personal business relationship with a business exists if one of the following three (3) items applies:

1. The Investment Officer owns 10 percent or more of the voting stock or shares of the business organization or owns \$5,000 or more of the fair market value of the business organization.
2. Funds received by the Investment Officer from the business organization exceed 10 percent of the Investment Officer’s gross income for the previous year.
3. The Investment Officer has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the Investment Officer.

Investment Officer(s) must file a disclosure statement with the Texas Ethics Commission and the City Council if an officer has a personal business relationship with a business organization offering to engage in an investment transaction with the City or the Officer is related within the second degree by affinity or consanguinity, as determined under Chapter 573 of the Texas Government Code, to an individual seeking to transact investment business with the entity.

“No officer or employee of the City shall:

1. Have a financial interest, direct or indirect, in any contract with the city nor shall be financially interested, directly or indirectly, in the sale to the city of any land, or rights or interest in any land, materials, supplies or service. The “financial interest” contemplated under this article requires that the officer or employee receive an actual financial benefit from the transaction with the city. An actual financial benefit from the transaction shall not include:
 - A. An ownership in the entity transacting with the city where the ownership interest is less than one (1) percent of the entity.
 - B. Compensation or benefits as an employee, officer, or director of the

entity transacting business within the city where such compensation is not affected by the entity's transaction with the City.

2. Participate in a vote or decision on any matter in which the officer or employee has a direct or indirect financial interest or in which a relative of the officer or employee has a direct or indirect financial interest. It is expressly provided herein that an investment or ownership in a publicly held company in an amount less than three thousand, five hundred dollars (\$3,500.00) does not constitute a prohibited financial interest under this article."

AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

A qualified depository shall be selected through the City's banking services procurement process, which shall include solicitation of proposals as required under Chapter 105 of the Local Government Code. The centralization of depository services is designed to maximize investment capabilities while minimizing service costs. The selection of a depository shall be based on the financial institution offering the most favorable terms and conditions at the least possible cost, while adhering to guidelines and provisions within the request for proposal. In selecting a depository, the City shall consider the financial institution's credit characteristics, financial history, service capabilities, location within City limits or within ten (10) mile radii of the City limits, and costs for required services. The City's depository contract shall be for three years with an option to extend for an additional two years upon agreement of the depository and the City. Specialized services may be contracted for by the City with another financial institution or company if the depository cannot provide such service or charges more than the same service with little or no appreciable benefit.

AUTHORIZED AND SUITABLE INVESTMENTS

Investments described below are authorized by Chapter 2256, Texas Government Code as eligible securities for the City. City funds governed by this Policy may be invested in the following types of securities:

- 1.) Obligations of the United States or its agencies and instrumentalities with stated maturity not to exceed two years.
- 2.) Direct obligations of the State of Texas or its agencies with a stated maturity not to exceed two years.
- 3.) Other obligations, the principal of and interest on which are unconditionally guaranteed or insured by the State of Texas or the United States or its agencies and instrumentalities with stated maturity not to exceed two years.
- 4.) Obligations of states, agencies, counties, cities, and other political subdivisions of any state having been rated as to investment quality by a nationally recognized investment rating firm and having received a rating of not less than A or its equivalent along with a stated maturity not to exceed two years.

5.) Certificates of deposit issued by a depository institution that has its main office or a branch office in this state that are:

- (a) guaranteed or insured by the Federal Deposit Insurance Corporation, or its successor with a stated maturity not to exceed five years; or
- (b) secured by obligations that are described by (1) - (4) above, which are intended to include all direct federal agency or instrumentality issued mortgage backed securities that have a market value of not less than the principal amount of the certificates and a stated maturity not to exceed two years, but excluding those mortgage-backed securities described in Section 2256.009(b) of the Government Code; or
- (c) Secured in any other manner and amount provided by law for deposits of Participants with a stated maturity not to exceed five years.

6.) Certificates of Deposit or Share Certificates.

(a) A certificate of deposit or share certificate is an authorized investment under this subchapter if the certificate is issued by a depository institution that has its main office or a branch office in this state and is:

- (1) guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor;
- (2) secured by obligations that are described by Section 2256.009(a) of the Government Code, including mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates, but excluding those mortgage backed securities of the nature described by Section 2256.009(b) of the Government Code; or
- (3) secured in any other manner and amount provided by law for deposits of the investing entity.

(b) In addition to the authority to invest funds in certificates of deposit under Subsection (a), an investment in certificates of deposit made in accordance with the following conditions is an authorized investment.

- (1) the funds are invested by an investing entity through:
 - A) a broker that has its main office or a branch office in this state and is selected from a list adopted by the investing entity as required by Section 2256.025 of the Texas Government Code; or
 - B) a depository institution that has its main office or a branch office in this state and that is selected by the

- investing entity;
 - (2) the broker or the depository institution selected by the investing entity under Subdivision (1) arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the investing entity;
 - (3) the full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States; and
 - (4) the investing entity appoints a clearing broker-dealer registered with the Securities and Exchange Commission and operating pursuant to Securities and Exchange Commission Rule 15c3-3 (17 C.F.R. Section 240.15c3-3) as custodian for the investing entity with respect to the certificates of deposit issued for the account of the investing entity.
- 7.) Eligible Investment Pools as defined in Section 2256.016 of the Texas Government Code provided that:
- (a) investment in the pool has been authorized by the City Council;
 - (b) the pool shall have furnished the Investment Officer(s) an offering circular containing the information required by Section 2256.016(b) of the Texas Government Code;
 - (c) the pool shall furnish to the Investment Officer(s) investment transaction confirmations with respect to all investments made with it;
 - (d) the pool shall furnish to the Investment Officer(s) monthly reports that contain the information required by Section 2256.016(c) of the Texas Government Code;
 - (e) any pool that is created to function as a money market mutual fund must continuously maintain a stable net asset value of one dollar (\$1.00),
 - (f) the pool's investment philosophy and strategy are consistent with this Policy and the City's ongoing investment strategy; and
 - (g) the pool provides evidence of credit rating no lower than "AAA" or "AAA-m" by at least one nationally recognized credit rating service,
 - (h) An investment pool must make available an annual audited financial

statement.

- (i) If the investment pool operates an Internet website, the information required by section 2256.016(b), (c) (2), and (f) must be posted on the website.
 - (j) An investment pool in advertising investment rates must include either all levels of return based on breakpoints provided or state the lowest possible level of return based on the smallest level of funds invested if an investment pool offers fee breakpoints based on fund balances invested.
- 8.) Fully collateralized direct repurchase agreements having a defined termination date that is no later than 270 days from the delivery date, secured by direct obligations of the U.S. or its agencies and instrumentalities, pledged with a third party selected or approved by the political entity, and placed through a primary government securities dealer, and as otherwise defined by the Public Funds Investment Act. Each issuer of repurchase agreements must sign a copy of a Master Repurchase Agreement.

The City shall take all prudent measures that are consistent with this investment policy to liquidate any investment that does not have or is downgraded to less than the minimum rating stated herein. The investment officer(s) will monitor the rating of all investments held by the City, monthly. However, as stated in Section 2256.017, the City is not required to liquidate investments that were authorized investments at the time of purchase.

UNAUTHORIZED INVESTMENTS

The following investments are specifically prohibited by State Law:

- 1.) Obligations whose payment represents the coupon payment on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal.
- 2.) Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.
- 3.) Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years.
- 4.) Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

COLLATERALIZATION

Consistent with requirements of the Public Funds Collateral Act, the city requires that all bank deposits shall be federally insured or collateralized with eligible securities. This pledged collateral will have a market value equal to or no less than 100%

of the deposits plus accrued interest less an amount insured by the FDIC. Evidence of the pledged collateral must be provided to and reviewed by the Director of Finance and will be retained by the City of Elgin. Evidence of collateral is reviewed annually by the City's independent auditor in conjunction with the annual audit.

Financial institutions serving as City Depositories will be required to sign a Depository Agreement with the City and the City's safekeeping agent. The safekeeping portion of the Agreement shall define the City's rights to the collateral in case of default, bankruptcy, or closing, and shall establish a perfected security interest in compliance with Federal and State regulations, including:

- 1.) The Agreement must be in writing;
- 2.) The Agreement must be executed by the Depository and the City contemporaneously with the acquisition of the assets;
- 3.) The Agreement must be approved by the Depository's Board of Directors or loan committee, and a copy of the meeting minutes must be delivered to the City; and,
- 4.) The Agreement must be part of the Depository's "official record" continuously since its execution.

Repurchase agreements must also be secured in accordance with State Law. Each counter party to a repurchase transaction is required to sign a copy of **The Bond Market Association** Master Repurchase Agreement. An executed copy of the Agreement must be on file before the City will enter into any transactions with a counter party.

1.) Allowable Collateral

a.) Demand Deposits

Eligible securities for Collateralization of deposits are limited to U.S. Treasuries or agencies, FDIC coverage, direct or unconditionally guaranteed obligations of the State of Texas; states, agencies, counties, cities, or political subdivisions of the State of Texas having been rated as investment grade (investment rating no less than "A" or its equivalent), with a remaining maturity of 10 years or less.

b.) Certificates of Deposit

Eligible securities for Collateralization of deposits are limited to U.S. Treasuries or agencies, FDIC coverage, direct or unconditionally guaranteed obligations of the State of Texas; states, agencies, counties, cities, or political subdivisions of the State of Texas having been rated as investment grade (investment rating no less than "A" or its equivalent), with a remaining maturity of 10 years or less.

c.) Repurchase Agreements

Collateral underlying repurchase agreements is limited to U.S. government

and agency obligations, which are eligible for wire transfer (i.e. book entry) to the City's designated safekeeping agent through the Federal Reserve System.

2.) Collateral Levels

Collateral is valued at current market price plus interest accrued through the date of valuation.

a.) Demand Deposits

The market value of collateral pledged for demand deposits will be in an amount equal to the largest total balance of the City's account, less the amount of coverage provided by FDIC. The securities comprising the pledge shall be valued at par or market, whichever is lower.

b.) Certificates of Deposits

The market value of collateral pledged for certificates of deposit must always be equal to or greater than the par value plus accrued interest, less the amount insured by the FDIC.

c.) Repurchase Agreements

The market value of collateral required to be pledged for repurchase agreements shall be at a percentage of the par value of the agreement plus accrued interest and shall be maintained at the following levels:

<u>Maturity</u>	<u>U.S. Treasury Securities</u>	<u>U.S. Agency</u>
1 year or less	101%	101%
1 year to 5 years	102%	102%
Over 5 years	103%	104%

Any collateral with a maturity of over 5 years must be approved by the Investment Officer(s) in writing before the transaction is initiated.

3.) Monitoring Collateral Adequacy

a.) Demand Deposits

The City requires monthly reports with market values of pledged securities from all financial institutions with which the City has bank deposits. The Investment Officer(s) will monitor adequacy of collateralization monthly.

b.) Certificates of Deposit

The City requires monthly reports with market values of pledged securities from all financial institutions with which the City has certificates of deposit. The Investment Officer(s) will monitor adequacy of collateralization monthly.

c.) Repurchase Agreements

Weekly monitoring by the Investment Officer(s) of all collateral underlying repurchase agreement is required. More frequent monitoring may be

necessary during periods of market volatility.

4.) Margin Calls

a.) Certificates of Deposit

If the collateral pledged for a certificate of deposit falls below the par value of the deposit, plus accrued interest less FDIC insurance, the Institution will be notified by the Investment Officer and will be required to pledge additional securities no later than the end of the next succeeding business day.

b.) Repurchase Agreements

If the value of the collateral underlying a repurchase agreement falls below the margin maintenance levels specified above, the City will make a margin call unless the repurchase agreement is scheduled to mature within five business days and the amount is deemed to be immaterial.

5.) Collateral Substitution

Collateralized certificates of deposit and repurchase agreements often require substitution of collateral. Any broker, dealer, or financial institution requesting substitution must contact the Investment Officer for approval and settlement. The substituted security's value will be calculated, and a substitution approved if its value is equal to or greater than the required security level. The Investment Officer(s), or a designee, must provide written notification of the decision to the bank or the safekeeping agent holding the security prior to any security release. Substitution is allowable for all transactions, but should be limited, if possible, to minimize potential administrative problems and transfer expense. The Investment Officer(s) may limit substitution and assess appropriate fees if substitution becomes excessive or abusive.

6.) Collateral Reductions

Should the collateral's market value exceed the required amount, any broker or financial institution may request approval from the Investment Officer(s) to reduce collateral. Collateral reductions may be permitted only if the City's records indicate that the collateral's market value exceeds the required amount.

SAFEKEEPING AND CUSTODY

The City shall contract with a bank or banks for the safekeeping of securities either owned by the City as part of its investment portfolio or as part of its depository and repurchase agreements. All collateral securing bank deposits must be held by third-party banking institution acceptable to and under contract with the City, or by the Federal Reserve Bank. The securities purchased under a repurchase agreement must be delivered to a third-party custodian with whom the City has established a safekeeping agreement.

All security transactions, including collateral for repurchase agreements considered by the City shall be conducted on a delivery-verses-payment (DVP) basis. By so doing, City funds are not released until the City has received, through the Safekeeping Agent, the securities purchased. The security shall be held in the name of the City or held on behalf of the City. The Safekeeping Agent's records shall assure the notation of the City's ownership of or explicit claim on the securities. The original copy of all safekeeping receipts shall be delivered to the City.

INVESTMENT PARAMETERS

Maximum and Weighted Average Maturity

To minimize risk of loss due to interest rate fluctuations, investment maturities will not exceed the anticipated cash flow requirement of the funds. The City of Elgin intends to match the holding periods of investment funds with liquidity needs of the City. The maximum final stated maturity of any investment shall not exceed five years. All long-term maturities will be intended to cover long-term liabilities. In addition, no less than ten percent (10%) of the funds in the portfolio will be liquid. The entire portfolio will have a weighted average maturity of one (1) year or less. This weighted average will be calculated using the stated final maturity dates of each security.

By Fund Groups

Maturity guidelines by fund are as follows:

- a.) Operating Funds - The weighted average days to maturity for the operating fund portfolio shall be 365 days or less and the maximum allowable maturity shall be two years.
- b.) Debt Service Funds - Debt Service Funds shall be invested to ensure adequate funding for each consecutive debt service payment. The Investment Officer shall invest in such a manner as not to exceed an "unfunded" debt service date with the maturity of any investment. Any unfunded debt service date is defined as a coupon or principal payment date that does not have cash or investment securities available to satisfy said payment.
- c.) Debt Service Reserve Funds - Market conditions, Bond Resolutions constraints and Arbitrage compliance will be considered when formulating Reserve Fund strategy. Maturity limitation shall generally not exceed the call provisions of the Bond Ordinance and shall not exceed the final maturity of the bond issue. All Debt Service Reserve Fund investment maturities shall not exceed five years.
- d.) Special Project, Special Purpose, and Capital Improvement Funds - The investment maturity of bond proceeds shall generally be limited to the anticipated cash flow requirements. City funds that are considered "bond proceeds" for arbitrage purposes will be invested using a more conservative

approach than the standard investment strategy when arbitrage rebate rules requiring refunding excess earnings. All earnings in excess of the allowable arbitrage earnings will be segregated and made available for any necessary payments to the U.S. Treasury.

INVESTMENT STRATEGY

The City of Elgin maintains one portfolio in which all funds under the City's control are pooled for investment purposes. To minimize risk of loss due to interest rate fluctuations, investment maturities will not exceed the anticipated cash flow requirements of the funds. Investment guidelines by fund-type are as follows:

1. General, Enterprise, or Operating-type Funds

Suitability – Any investment eligible in the Investment Policy is suitable for General, Enterprise, or Operating Funds.

Safety of Principal – All investments shall be of high quality with no perceived default risk. Market price fluctuations will occur. However, managing the weighted average days to maturity of each fund's portfolio to less than 365 days and restricting the maximum allowable maturity to two years will minimize the price volatility of the portfolio.

Marketability – Securities with active and efficient secondary markets are necessary in the event of an unanticipated cash flow requirement. Historical market "spreads" between the bid and offer prices of a security-type of less than a quarter of a percentage point will define an efficient secondary market.

Liquidity – General, Enterprise, or Operating-type Funds require the greatest short-term liquidity of any of the fund-types. Short-term investment pools and money market mutual funds will provide daily liquidity and may be utilized as a competitive yield alternative to fixed maturity investments.

Diversification – Investment maturities should be staggered throughout the budget cycle to provide cash flow based on the anticipated operating needs of ELGIN. Diversifying the appropriate maturity structure up to the two-year maximum will reduce interest rate risk.

Yield – Attaining a competitive market yield for comparable security-types and portfolio restrictions is the desired objective. The yield of an equally weighted, rolling six-month Treasury bill portfolio will be the minimum yield objective.

2. Debt Service Funds

Suitability – Any investment eligible in the Investment Policy is suitable for

the Debt Service Funds.

Safety of Principal – All investments shall be of high quality with no perceived default risk. Market price fluctuations will occur. However, by managing Debt Service Funds maturities to not exceed the debt service payment schedule the market risk of the overall portfolio will be minimized.

Marketability – Securities with active and efficient secondary markets are not necessary as the event of an unanticipated cash flow requirement is not probable.

Liquidity – Debt Service Funds have predictable payment schedules. Therefore, investment maturities should not exceed the anticipated cash flow requirements. Investment pools and money market mutual funds may provide a competitive yield alternative for short-term fixed maturity investments.

Diversification – Market conditions influence the attractiveness of fully extending maturity to the next “unfunded” payment date. Generally, if investment rates are anticipated to decrease over time, ELGIN is best served by locking in most investments. If the interest rates are potentially rising, then investing in shorter and larger amounts may provide advantage. At no time shall the debt service schedule be exceeded to bolster yield.

Yield – Attaining a competitive market yield for comparable security- types and portfolio restrictions is the desired objective. The yield of an equally weighted, rolling six-month Treasury bill portfolio shall be the minimum yield objective.

3. Debt Service Reserve Funds

Suitability – Any investment eligible in the Investment Policy is suitable for the Debt Service Reserve Funds. Bond resolution and loan documentation constraints and insurance company restrictions may create specific considerations in addition to the Investment Policy.

Safety of Principal – All investments shall be of high quality with no perceived default risk. Market price fluctuations will occur. However, by managing Debt Service Reserve Fund maturities to not exceed the call provisions of the borrowing will reduce the investment’s market risk if ELGIN’s debt is redeemed and the Reserve Fund liquidated. No stated final investment maturity shall exceed the shorter of the final maturity of the borrowing or five years. Annual market-to-market requirements or specific maturity and average life limitations within the borrowing’s documentation will influence the attractiveness of market risk and influence maturity

extension.

Marketability – Securities with less active and efficient secondary markets are acceptable for Debt Service Reserve Funds.

Liquidity – Debt Service Reserve Funds have no anticipated expenditures. The Funds are deposited to provide annual debt service payment protection to ELGIN's debt holders. The funds are "returned" to ELGIN at the final debt service payment. Market conditions and arbitrage regulation compliance determine the advantage of investment diversification and liquidity. Generally, if investment rates exceed the cost of borrowing, ELGIN is best served by locking in investment maturities and reducing liquidity. If the borrowing costs cannot be exceeded, then current market conditions will determine the attractiveness of locking in maturities or investing shorter and anticipated future increased yields.

Diversification – Market conditions and the arbitrage regulations influence the attractiveness of staggering the maturity of fixed rate investments for Debt Service Reserve Funds. At no time shall the final debt service payment date of the bond issue be exceeded in an attempt to bolster yield.

Yield – Achieving a positive spread to the applicable borrowing cost is the desired objective. Debt Service Reserve Fund portfolio management shall operate within the limits of the Investment Policy's risk constraints.

4. Special Project, Special Purpose or Capital Improvement Funds

Suitability – Any investment eligible in the Investment Policy is suitable for Capital Improvement Funds.

Safety of Principal – All investments will be of high quality with no perceived default risk. Market price fluctuations will occur. However, by managing Capital Improvement Funds to not exceed the anticipated expenditure schedule, the market risk of the overall portfolio will be minimized. No stated final investment maturity shall exceed the shorter of the anticipated expenditure schedule.

Marketability – Securities with active and efficient secondary markets are necessary in the event of an unanticipated cash flow requirement. Historical market "spreads" between the bid and offer prices of a security-type of less than a quarter of a percentage point will define an efficient secondary market.

Liquidity Most capital improvement programs have reasonably predictable draw down schedules. Therefore, investment maturities should generally follow the anticipated cash flow requirements. Investment pools and money market mutual funds will provide readily available funds generally equal to

one month's anticipated cash flow needs, or a competitive yield alternative for short-term fixed maturity investments.

Diversification – Market conditions and arbitrage regulations influence the attractiveness of staggering the maturity of fixed rate investments for bond proceeds. Generally, if investment rates exceed the applicable cost of borrowing, ELGIN is best served by locking in most investments. If the cost of borrowing cannot be exceeded, then current market conditions will determine the attractiveness of diversifying maturities or investing in shorter and larger amounts. At no time shall the anticipated expenditure schedule be exceeded to bolster yield.

Yield – Achieving a positive spread to the cost of borrowing is the objective within the limits of the Investment Policy's risk constraints. The yield of an equally weighted, rolling six-month Treasury bill portfolio will be the minimum yield objective for non-borrowed funds.

Investment transactions must be settled on delivery-versus-payment (DVP) basis, excepting investment pools and mutual funds.

REPORTING

Not less than quarterly, the Investment Officer shall prepare and submit to the City Council, a written, signed, investment report demonstrating a list of investment transactions for the preceding reporting period, in accordance with the Act. Reports will include the following:

- 1.) For each pooled fund group: a beginning book value and market value, book and market value additions and changes, and ending book and market value.
- 2.) The book value and market value of each investment at the beginning and end of the period by type of asset and fund type invested.
- 3.) The maturity date of each investment.
- 4.) Statement of compliance of the portfolios as it relates to the investment strategy.

Detailed and summary reports will be prepared and presented to the City Council and Mayor not less than quarterly. Reports will comply with the applicable Section of the PFIA at a minimum.

Quarterly reports will be formally reviewed at least annually by an independent auditor and reported to the City Council once the City invests in items other than money market mutual funds, investment pools, or accounts offered by its depository bank in the form of CD's or money market accounts.

MONITORING OF THE MARKET VALUE OF INVESTMENTS AND COLLATERAL

The Investment Officer shall determine the market value of each investment and of all Collateral pledged to secure deposits of City funds at least quarterly and at a time as close as practicable to the closing of the reporting period for the investments. Such values shall be included on the investment report. The following methods shall be used:

- 1) Certificates of deposit shall be valued at their face value plus any accrued but unpaid interest.
- 2) Shares in money market mutual funds and investment pools shall be valued at par plus any accrued but unpaid interest.
- 3) Other investment securities with a remaining maturity of one year or less may be valued in any of the following ways:
 - a. the lower of two bids obtained from securities broker/dealers for such security;
 - b. the average of the bid and asked prices for such investment security as published in The Wall Street Journal or The New York Times;
 - c. The bid price published by any nationally recognized security pricing service; or the market value quoted by the seller of the security or the owner of such Collateral.
- 4) Other investment securities with a remaining maturity of greater than one year shall be valued at the lower of two bids obtained from securities broker/dealers for such security, unless two bids are not available, in which case the securities may be valued in any manner provided in this section.

INTERNAL CONTROLS

Investment Officer(s) shall establish a system of internal controls, which shall be designed to prevent losses of public funds arising from fraud, employee error, unanticipated changes in financial markets, or imprudent actions by employees. Pertinent controls include custodian safekeeping receipts records management, documentation of investment bidding activities, written confirmations of oral transactions, reconciliation records, training requirement documentation, and compliance with investment policies. Where practical, the City should emphasize control of collusion, separation of duties, clear delegation of duties, accurate and timely reports, and staying informed about market conditions, changes, and trends. In conjunction with the City's annual financial audit, the independent external auditor will assure compliance with the management controls on investments and adherence to investment policies.

PERFORMANCE STANDARDS

The investment portfolio shall be designed with the objective of ensuring the safety of the City's assets and minimizing interest rate risk. In addition, it will remain

sufficiently liquid to meet cash flow needs, while protecting the interests of the public, all while obtaining a rate of return throughout budgetary and economic cycles.

The City's overall investment strategy is conservative. Given this strategy, the basis used by the Treasury to determine whether market yields are being achieved shall be the six-month U.S. Treasury bill.

INVESTMENT POLICY ADOPTION

The City's investment policy, which includes strategies for each fund, shall be adopted by resolution of the City Council. The policy shall be reviewed annually, and any modifications thereto must be approved by the City Council. This adoption by resolution is required even if there are no changes within the policy.

APPENDIX “A”

I hereby certify that I have personally read and understand the investment policy and master repurchase agreement (if applicable), conditions of the City of Elgin, Texas. I further acknowledge that reasonable procedures and controls designed to fulfill those objectives and conditions have been implemented. Therefore, this firm will preclude investment transactions between itself and the City of Elgin that are not authorized by the City’s investment policy, except to the extent that this authorization is dependent on an analysis of the makeup the City’s entire portfolio or requires an interpretation of subjective investment standards, thus protecting the City’s credit or market risk.

All sales personnel of this firm dealing with the City of Elgin’s account(s) have been informed and will be routinely informed of the City’s investment horizons, limitations, strategy, and risk constraints, whenever we are so informed by the City.

This firm pledges due diligence in informing the City of foreseeable risks associated with financial transactions connected to this firm.

I further acknowledge that no investment transaction shall occur between this firm and the City, until the City of Elgin receives this consent form, completed by the firm’s qualified representative.

FIRM

SIGNATURE OF QUALIFIED FIRM REPRESENTATIVE

PRIMARY REPRESENTATIVE: NAME/TITLE
(Please print)

DATE

GLOSSARY

AGENCIES: Federal agency securities.

ASKED: The price at which securities are offered.

BANKERS' ACCEPTANCE (BA): A draft or bill or exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer.

BID: The price offered by a buyer of securities. (When you are selling securities, you ask for a bid.) See Offer.

BROKER: A broker brings buyers and sellers together for a commission.

CERTIFICATE OF DEPOSIT (CD): A time deposit with a specified maturity evidenced by a certificate. Large-denomination CD's are typically negotiable.

COLLATERAL: Securities, evidence of deposit or other property that a borrower pledges to secure repayment of a loan. Also refer to securities pledged by a bank to secure deposits of public moneys.

COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR): The official Annual report for the City of Elgin. It includes five combined statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting schedules necessary to demonstrate compliance with finance-related legal and contractual provisions, extensive introductory material, and a detailed Statistical Section.

COUPON: (a) The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. (b) A certificate attached to a bond evidencing interest due on a payment date.

DEALER: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

DEBENTURE: A bond secured only by the general credit of the issuer.

DELIVERY-VERSES- PAYMENT (DVP): There are two methods of delivery of securities: delivery-verses-payment and delivery-verses-receipt. Delivery-verses- payment is delivery of securities with an exchange of money for the securities. Delivery-versus-receipt is delivery of securities with an exchange of a signed receipt for the securities.

DISCOUNT: The difference between the cost price of a security and its maturity when quoted at lower than face value. A security selling below offering price shortly after sale also is considered to be at a discount.

DISCOUNT SECURITIES: Non-interest bearing money market instruments that are issued at a discount and redeemed at maturity for full face value, e.g. U.S. Treasury Bills.

DIVERSIFICATION: Dividing investment funds among a variety of securities offering independent returns.

FEDERAL CREDIT AGENCIES: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): A federal agency that insures bank deposits, currently up to \$250,000 per deposit.

FEDERAL FUNDS RATE: The rate of interest at which Fed Funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

FEDERAL HOME LOAN BANKS (FHLB): The institutions that regulate and lend to savings and loan associations. The Federal Home Loan Banks play a role analogous to that played by the Federal Reserve Banks with member commercial banks.

FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA): FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable rate mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

FEDERAL OPEN MARKET COMMITTEE (FOMC): Consists of seven members of the Federal Reserve Bank Board and five of the twelve Federal Reserve Bank Presidents. The President of the New York Federal Reserve Bank is a permanent member, while the other Presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of Government Securities in the open market as a means of influencing the volume of bank credit and money.

FEDERAL RESERVE SYSTEM: The central bank of the United States created by Congress and consisting of a seven-member Board of Governors in Washington, DC regional banks and about 5,700 commercial banks that are members of the system.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA or Ginnie Mae): Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA, or FMHM mortgages. The term “pass-through” is often used to describe “Ginnie Mae”.

LIQUIDITY: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and a reasonable trade size can be done at the quoted prices.

LOCAL GOVERNMENT INVESTMENT POOL (LGIP): The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

MARKET VALUE: The price at which a security is trading and could presumably be purchased or sold.

MASTER REPURCHASE AGREEMENT: A written contract covering all future transactions between the parties to repurchase – reverse repurchase agreements that establishes each party’s rights in the transactions. A master agreement will often specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower.

MONEY MARKET: The date upon which the principal or stated value of an investment becomes due and payable.

OFFER: The price asked by a seller of securities. (When you are buying securities, you ask for an offer.) See Asked and Bid.

OPEN MARKET OPERATIONS: Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve’s most important and most flexible monetary policy tool.

PORTFOLIO: Collection of securities held by an investor.

PRIMARY DEALER: A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC)-registered securities broker-dealers, banks, and a few unregulated firms.

PRUDENT PERSON RULE: An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the custody state—the so-called legal list. In other states the trustee may invest in security if it is one that would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

QUALIFIED PUBLIC DEPOSITORIES: A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits.

RATE OF RETURN: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized-yield-to-maturity on a bond or the current income return.

REPURCHASE AGREEMENT (RP OR REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security “buyer” in effect lends the “seller” money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use RFPs extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money that is, increasing bank reserves.

SAFEKEEPING: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank’s vaults for protection.

SECONDARY MARKET: A market made for the purchase and sale of outstanding issues following the initial distribution.

SECURITIES AND EXCHANGE COMMISSION: Agency created by Congress to protect investors in securities transactions by administering securities legislation.

SEC RULE 15C3-1: See Uniform Net Capital Rule.

TREASURY BILLS: A non-interest-bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

TREASURY NOTES: A non-interest-bearing security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

UNIFORM NET CAPITAL RULE: Securities and Exchange Commission requirement that member firms, as well as nonmember broker-dealers in securities, maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called net capital rule and net capital ratio. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

YIELD: The rate of annual income returns on an investment, expressed as a percentage. (a) **Income Yield** is obtained by dividing the current dollar income by the current market price for the security. (b) **Net Yield to Yield to Maturity** is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: (Second Reading And Final Action) AN ORDINANCE LEVYING AD VALOREM TAXES FOR MAINTENANCE AND OPERATION OF THE MUNICIPAL GOVERNMENT OF THE CITY OF ELGIN, TEXAS, FOR THE 2021-22 FISCAL YEAR; AND PROVIDING FOR THE INTEREST AND SINKING FUND FOR THE 2021 TAX YEAR.

DEPARTMENT: City Manager/Finance

PROPOSED ACTION:

Approval under Second Reading FY2021-22

BACKGROUND:

The final step in approving at least a funding plan for general fund expenses plus annual debt payments (interest and principal) on outstanding bonds, notes or other borrowing instruments, is adoption of an Ordinance to set the annual tax rate. State law requires that local governments considering a tax rate that would increase tax revenues above that collected in the previous year (No New Revenue Rate -NNR), must hold a public hearing prior to adoption of such tax rates, to give the public an opportunity to comment on the tax rates proposed to be adopted by the Council. Further, a vote to adopt the tax rates must be held no later than seven days after the final public hearing. The first public hearing was held regarding proposed tax rates on September 7, 2021 and the second and final hearing will be held on September 21, 2021. The Ordinance, a copy of which follows this executive summary sets forth the proposed tax rates as well as provides authority for their collection.

BUDGET/FINANCIAL IMPACT:

Funding for this item was {} included {} not included in the current-year budget {X} N/A

RECOMMENDATION: Approval under Second Reading FY2021-22; and related direction to staff as may be deemed appropriate by Council.

ATTACHMENTS: Ordinance

{} Staff will be making a detailed presentation on this agenda item at the meeting.

{} Staff will provide brief comments and answer questions on this item at the meeting.

{X} This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

ORDINANCE NO _____

**AN ORDINANCE LEVYING AD VALOREM TAXES FOR
MAINTENANCE AND OPERATION OF THE MUNICIPAL
GOVERNMENT OF THE CITY OF ELGIN, TEXAS, FOR THE
2021-22 FISCAL YEAR; AND PROVIDING FOR THE INTEREST
AND SINKING FUND FOR THE 2021 TAX YEAR.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN,
TEXAS.**

Section 1. That there is hereby levied and there shall be collected for the **maintenance and operation** of the municipal government of the City of Elgin, Texas for the 2021-22 Fiscal Year upon all property, real, personal, and mixed, within the corporate limits of said City subject to taxation, a tax of **\$0.404063** cents on each One Hundred Dollars (\$100) valuation on property.

DESPITE THE FACT THAT THIS IS A REDUCTION IN THE TAX RATE FROM LAST YEAR, THIS TAX RATE WILL RAISE MORE TAXES FOR **MAINTENANCE AND OPERATIONS** THAN LAST YEAR'S TAX RATE BY VIRTUE OF THE ADDITION OF NEW PROPERTY AND INCREASES IN ASSESSED VALUE OF CERTAIN PROPERTIES.

Section 2. That there is hereby levied and there shall be collected for the City of Elgin, Texas to provide for **Interest and Sinking Funds** for the 2021-2022 Fiscal Year upon all property, real, personal, and mixed, within the corporate limits of said City subject to taxation, a tax of **\$0.185914** cents on each One Hundred Dollars (\$100) valuation on property.

SUMMARY

1. Maintenance and operations of the general government (General Fund),	\$0.404063
2. Interest and Sinking fund (Debt Rate)	<u>\$0.185914</u>
Total Tax per \$100 of valuation	\$0.589977

That the City Secretary shall ensure that the City's home page of its internet website shall include the following statement: "THE CITY OF ELGIN ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEARS EQUIVALENT TAX RATE."

Section 3. That all monies collected under this Ordinance for the specific items herein named, be and the same hereby appropriated and set apart for the specific purposes indicated in each item and the Assessor/Collector of Taxes, and the Director of Finance shall keep these accounts so as to readily and distinctly show the amount collected, the amount expended and the amount on hand at any time belonging to such funds. All

receipts for the City not specifically apportioned are hereby made payable to the General fund.

Taxes levied under this Ordinance shall be due October 1, 2021, and if not paid on or before January 31, 2022, shall immediately become delinquent.

Section 4. All taxes shall become a lien upon the property against which assessed, and the tax assessor and collector for the City of Elgin is hereby authorized and empowered to enforce the collection of such taxes according to the Constitution and laws of the State of Texas and Ordinances of the City of Elgin shall, by virtue of the tax rolls, fix and establish a lien by levying upon such property, whether real or personal, for the payment of said taxes, penalty and interest, and the interest and penalty collected from such delinquent taxes shall be appropriated to the General Fund of the City of Elgin. All delinquent taxes shall bear interest from date of delinquency at the rate prescribed by state law.

Section 5. That this ordinance shall take effect and be in force from October 1, 2021.

PASSED AND APPROVED ON THIS ____TH DAY OF SEPTEMBER 2021.

APPROVED:

MAYOR: Ron M Ramirez

ATTEST:

CITY SECRETARY: Jennifer Stubbs

APPROVED AS TO FORM:

CITY ATTORNEY: Charlie Crossfield



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: (Second Reading And Final Action) AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE CITY OF ELGIN, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022, IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE OF THE STATE OF TEXAS AND THE ORDINANCES AND RULES OF THE CITY OF ELGIN, TEXAS; APPROPRIATING THE VARIOUS AMOUNTS THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

DEPARTMENT: City Manager

PROPOSED ACTION:

Approval under Second Reading FY2021-22 Annual Operating Budget for the City of Elgin.

BACKGROUND:

Discussed at previous meetings; The proposed *FY21-22 Annual Budget* is a zero-based, balanced, and appropriately conservative financial plan wherein all operating expenditures are supported by revenue generated during the fiscal year; and was developed through a comprehensive review of financing for all existing programs, operations, and services. The proposed budget does not include deficit spending and/or utilization of fund balance for operating expenses.

Although the City's budget continues to evolve and expand in other ways, Real Estate and/or Property (Ad Valorem) Taxes still provide the foundation for supporting the General Fund. This stable source of income provides assured funding each year for essential city services- public safety, public works, parks and recreation programming, library, mobility, asset maintenance, etc

BUDGET/FINANCIAL IMPACT:

Funding for this item was {} included {} not included in the current-year budget {X} N/A

RECOMMENDATION: Approval under Second Reading FY2021-22 Annual Operating Budget for the City of Elgin; and related direction to staff as may be deemed appropriate by Council.

ATTACHMENTS: City Manager's Budget Message and Property Tax Rate Notice (Council has already been provided copies of the Budget document, which is available for review by the public at City Hall or the Elgin Public Library or at elgin.tx.us).

{} Staff will be making a detailed presentation on this agenda item at the meeting.

{} Staff will provide brief comments and answer questions on this item at the meeting.

{X} This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE CITY OF ELGIN, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022, IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE OF THE STATE OF TEXAS AND THE ORDINANCES AND RULES OF THE CITY OF ELGIN, TEXAS; APPROPRIATING THE VARIOUS AMOUNTS THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Manager of the City of Elgin has submitted to the City Council, a proposed budget of revenues and expenditures of the City of Elgin; and,

WHEREAS, the City Council has received said proposed budget, a copy which has been filed with the City Secretary of the City of Elgin; and,

WHEREAS, proper and timely notice that public hearings on such budget would be held on September 7, 2021 and September 21, 2021 was given and made in accordance with the law and within the time limits set forth by law; and

WHEREAS, such public hearings were held in accordance with applicable law, prior to final adoption of this Ordinance.

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

Section 1 The proposed budget of revenue and expenses for conducting the affairs of the City of Elgin, providing a financial plan for the ensuing fiscal year beginning October 1, 2021, and ending September 30, 2022, as submitted to the City Council by the City Manager of said City, and which budget is attached hereto as Exhibit "A", and the same is in all things adopted and approved as the budget of all current expenditures/expenses as well as fixed charges against said City for the fiscal year beginning October 1, 2021, and ending September, 30, 2022.

Section 2 The included in the attached budget are hereby appropriated from the prospective funds for the payment of expenditures on behalf of the city government as established in the approved budget document for the fiscal year ending September 30, 2022.

Section 3 In accordance with § 102.008(1), Local Government Code, The Director of Finance is directed to file with the City Secretary a true copy of the final budget as adopted by the City Council, and the City Secretary is directed to certify as a true copy said budget and file it with this Ordinance in the official records of the City.

Section 4 In accordance with § 102.008(2), Local Government Code, The Director of Finance is directed to act to ensure that a copy of the budget is posted on the City's website.

Section 5 All ordinances or parts of ordinances in conflict with this Ordinance are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency

between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

Section 6 The provisions of this Ordinance are severable, and if any court of competent jurisdiction enters a final order which holds that any section, subsection, sentence, clause, phrase, or other portion of this Ordinance is invalid, illegal, or otherwise unenforceable, then any such portion shall be deemed a separate, distinct and independent provision, and any such ruling shall not affect any other provision of this Ordinance which are not specifically designated as being illegal, invalid or unenforceable, and that all said remaining provisions shall continue in full force and effect.

Section 7 The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 8 This Ordinance shall be and remain in full force and effective on October 1, 2021, in accordance with state law.

PASSED AND ADOPTED ON FIRST READING this 7th day of September, 2021

PASSED AND ADOPTED ON SECOND READING this ____th day of September, 2021

RON M. RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE AMENDING CHAPTER 42, SECTION 42 THROUGH 40, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, REGARDING MONTHLY WATER AND SEWER RATES PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS

DEPARTMENT: City Council

PROPOSED ACTION: Approval of the Ordinance

BACKGROUND: The Code of Ordinances currently states, “Monthly water rates for use of city water shall be established as follows: on file in the city secretary's office.” This amendment to the ordinance will clarify water and sewer rates made available online and allow for better transparency to the general public.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☐ not included in the current-year budget ☒ N/A

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION: Approval of the Ordinance

ATTACHMENTS: Ordinance

- ☐ Staff will be making a detailed presentation on this agenda item at the meeting.
- ☒ Staff will provide brief comments and answer questions on this item at the meeting.
- ☐ This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

ORDINANCE NO.

**AN ORDINANCE AMENDING CHAPTER 42, SECTION 42 THROUGH 40,
CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, REGARDING
MONTHLY WATER AND SEWER RATES PROVIDING FOR A SAVINGS
CLAUSE AND REPEALING CONFLICTING ORDINANCES AND
RESOLUTIONS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN,
TEXAS:**

That Chapter 42, Section 42-40, Monthly water rates, Code of Ordinances, City of Elgin, Texas,
is hereby amended to read as follows:

Sec. 42-40. – Water & Sewer Rates

(1) Monthly service charge- Inside the City Limits. Except as provided below, in addition to the foregoing volume rates, each customer inside the city limits shall also pay a monthly water & sewer service charge pursuant to the following schedule:

METER SIZE	<u>WATER RATE</u>
------------	-------------------

3/4"	\$45.00
1"	\$66.50
1 1/2"	\$100.25
2"	\$141.00
3"	\$236.00
4"	\$367.00
6"	\$485.00

TIER CONSUMPTION

BASE UP TO 2,000 GAL

2,000 - 4,000	\$4.01
4,001 - 8,000	\$4.07
8,001 - 12,000	\$4.26
12,000 AND UP	\$4.44

<u>SEWER</u>	<u>CONSUMPTION</u>	
\$35.00	BASE UP TO 2,000 GAL	
	2,000 AND UP	\$4.01

(2) *Monthly service charge- Outside the City Limits.* Except as provided below, in addition to the foregoing volume rates, each customer outside the city limits shall also pay a monthly water service charge only pursuant to the following schedule:

3/4"	\$ 65.00
1"	\$ 97.25
1 1/2 "	\$147.88
2"	\$216.50
3"	\$351.50
4"	\$548.00

<u>TIER CONSUMPTION</u>	
2,000 - 4,000	\$6.02
4,001 - 8,000	\$6.11
8,001 - 12,000	\$6.39
12000 AND UP	\$6.66

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ, PASSED and **ADOPTED** this 21st day of September 2021.

RON M. RAMIREZ, MAYOR

ATTEST:

JENNIFER STUBBS, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE TO ESTABLISH A COMPREHENSIVE SCHEDULE OF FEES AND CHARGES NECESSARY TO GENERATE FUNDING FOR GENERAL AND SPECIFIC OPERATIONS REQUIRED TO SATISFY SERVICE NEEDS OF THE CITY; TO AMEND ORDINANCE 2020-10-13-29 AND SUBSEQUENT AMENDMENTS TO THAT ORDINANCE; ESTABLISH CATEGORIES OF FEES AND CHARGES; REVISE EXISTING RATES; RECONFIRM EXISTING RATES; PROVIDE FOR A SAVINGS CLAUSE; REPEAL CONFLICTING ORDINANCES OR RESOLUTIONS; AND PROVIDE THAT THIS ORDINANCE SHALL BECOME EFFECTIVE AS STATED HEREIN.

DEPARTMENT: City Manager and Finance

PROPOSED ACTION: Consider Ordinance for adoption

BACKGROUND: For ease of administration and analysis of the range of fees that have been established, it was recommended that the City Council adopt a comprehensive Fee Schedule that became an Appendix to the Annual Operating Budget for the City.

The Ordinance proposed here will accomplish the same objective by specifying all fees and charges listed in EXHIBIT A, that will be effective and valid beginning October 1, 2021 through September 30, 2022. During preparation of the following year's budget, a review of current fees will be made to determine what adjustments if any need to be made to the Schedule. These will then be considered and adopted in the next year's Budget. This Schedule will also serve as the reference in the Code of Ordinances where it states that fees are "on file in the City Secretary's office".

BUDGET/FINANCIAL IMPACT:

Funding for this item was {} included {} not included in the current-year budget {X} N/A

Finance Approval:

Signature: Mysty Nauck Date: 9/13/2021

RECOMMENDATION: Recommended for adoption

ATTACHMENTS: Ordinance adopting the fee Schedule for FY 2021-22.

- ☐ Staff will be making a detailed presentation on this agenda item at the meeting.
- ☒ Staff will provide brief comments and answer questions on this item at the meeting.
- ☐ This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

ORDINANCE NO:

AN ORDINANCE TO UPDATE THE COMPREHENSIVE SCHEDULE OF FEES AND CHARGES NECESSARY TO GENERATE FUNDING FOR GENERAL AND SPECIFIC OPERATIONS REQUIRED TO SATISFY SERVICE NEEDS OF THE CITY; TO AMEND ORDINANCE 2020-10-13-29 AND SUBSEQUENT AMENDMENTS TO THAT ORDINANCE; ESTABLISH NEW CATEGORIES OF FEES AND CHARGES; REVISE EXISTING RATES; RECONFIRM EXISTING RATES; PROVIDE FOR A SAVINGS CLAUSE; REPEAL CONFLICTING ORDINANCES OR RESOLUTIONS; AND PROVIDE THAT THIS ORDINANCE SHALL BECOME EFFECTIVE AS STATED HEREIN.

WHEREAS, the City Council adopted Ordinance 2020-10-13-29 on September 13, 2020 that adopted an Ordinances codifying among other things a series of fees and charges that were authorized to be collected for services rendered by the City; and

WHEREAS, the City Council has from time to time revised fees and charges based on need for additional funding to cover increased costs of services funded by said fees; and

WHEREAS, a single comprehensive schedule of fees and charges facilitates administration of the multiplicity of fees collected by various departments in the City and provides a simpler and less complicated means of reviewing and adjusting rates as needed from time to time;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ELGIN, TEXAS that

SECTION 1. All fees and charges listed in "EXHIBIT A" attached hereto and incorporated herein for all purposes are hereby adopted.

SECTION 2. All fees and charges listed in "EXHIBIT A" shall be effective and valid beginning October 1, 2021, through September 30, 2022.

SECTION 3. All fees authorized by the Code of Ordinances and referenced as "on file in the City Secretary's office" are shown in EXHIBIT A as incorporated herein.

SECTION 4. All ordinances, parts of ordinances or resolutions in conflict herewith are expressly repealed.

SECTION 5. The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.

SECTION 6. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted, was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject

matter hereof was discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and the Act.

READ AND APPROVED ON THIS THE 21ST DAY OF SEPTEMBER 2021.

BY:

Ron M Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary

EXHIBIT A

ORDINANCE NO.

**FEE SCHEDULE
CITY OF ELGIN**

**FISCAL YEAR
2021-22**

Ending September 30th, 2022

EXHIBIT A - CITY OF ELGIN SCHEDULE OF FEES

Sect.	Category	Effective Date
A	General Administration	On and after 10/1/2021
A.1	ROW Abandonment	County Fee + \$15.00 Admin. + \$4.00 each add'l page
A.2	Street / Alley Closing or	County Fee + \$15.00 Admin. + \$4.00 each add'l page
A.3	Public Info. Requests - Copying fees	See: TX Admin Code
A.4	Copy/Fax Fee's Non Pub Info Request	
A.4.1	10 Pages or less -	10¢ each
A.4.2	11-20 Pages -	\$2.50 + 10¢ each
A.4.3	>21 pages-	\$5.00 + 10¢ each
A.4.4	Two Sided Copies -	20¢ each
A.4.5	Postage and Shipping	Actual Costs
A.4.6	Out going Faxes-	\$1.50 Cover sheet/first page, \$2.00 each additional page
A.4.7	In-coming Faxes -	\$.50 each page
A.5	Film Production Fees	
A.5.1	Application Fee	\$200.00*
A.5.2	Total Disruptive use public bldg or ROW	\$500 per day
A.5.3	Partial use of public bldg or ROW	\$250 per day
A.5.4	Total closure street or parking	\$50 per block per day
A.5.5	Partial use of public bldg or ROW	\$25 per block per day
A.5.6	Use of city parking lots, or streets for parking film trailers, buses, etc.	\$100 minimum per lot or block per day
A.5.7	Disruption of access by customers to work site.	Minimum \$500 per day
A.5.8	Barricade rental	\$5.00 per barricade \$50.00 minimum
* Film Production application fee waived for student films		
A.6	Historic District Fees	
A.6.1	Application for Modification Permit	\$50.00
A.6.2	Sign Permit	See Section V.8
A.6.3	Temporary Banner Permit	\$25.00
A.7	Miscellaneous Financial Fees	
A.7.1	Insufficient Funds Check	\$30.00
A.7.2	Bank Draft Return Fee	\$30.00
A.7.3	Credit Card Fee for Amts. < \$300	\$3.00 per transaction
A.7.4	Credit Card Fee for Amts. > \$300	1% of the transaction amount
A.7.5	Internet Processing Fee	
A.8	Notary Fees	
A.8.1	Notary Fee	\$6.00 first signature \$1.00 ea additional signature
A.8.2	Certified copies	\$6.00 per certificate \$0.50 ea page
A.8.3	Jurats	\$6.00 per signature including oath or affirmation
Sect.	Category	Effective Date
B	Elgin Library	On and after 10/1/2021
B.2	Elgin Library-	
B.2.1	Fines	\$0.10 per day past due date
B.2.2	Library Card (Residents)	\$0.00
B.2.3	Library Card (Non-Residents)	\$15.00
B.2.4	Library Card Replacement	\$1.00
B.2.5	Book Damage	Assessed by Librarian
B.2.6	Lost Book	Replacement Cost plus \$5.00.
B.2.7	Inter Library Loan	TSLAC. Rates
B.3	Elgin Library- Printing and copies	
B.3.1	Prints - Black and White	\$0.20 each page
B.3.2	Copies	\$0.20 (B/W only each page

EXHIBIT A - CITY OF ELGIN SCHEDULE OF FEES

Sect.	Category	Effective Date
C	Park and Recreation Fees	On and after 10/1/2021
C.1	Annual All-Purpose Memberships- Admission and Use of Recreation Facilities (Resident)	
C.1.1	Family *	\$300.00
C.1.2	Couple (2 people >17 years of age)	\$240.00
C.1.3	Individual Adult	\$180.00
C.1.4	Individual Senior (65+)	\$120.00
C.1.5	Individual Youth ,(< 18 years of age)	\$120.00
C.2	Annual All-Purpose Memberships- Non-resident	Add \$100.00 to each item C1.1 - C1.5 above.
C.3	Monthly All-Purpose Memberships- Resident	
C.3.1	Family *	\$30.00
C.3.2	Couple (2 people >17 years of age)	\$25.00
C.3.3	Individual Adult	\$20.00
C.3.4	Individual Senior (65+)	\$15.00
C.3.5	Individual Youth ,(< 18 years of age)	\$15.00
C.4	Monthly All-Purpose Memberships- Non-resident	
C.4.1	Family *	\$45.00
C.4.2	Couple (2 people >17 years of age)	\$40.00
C.4.3	Individual Adult	\$30.00
C.4.4	Individual Senior (65+)	\$25.00
C.4.5	Individual Youth,(< 18 years of age)	\$25.00

* **Family**—Up to 4 adults or children living at the same address. Each additional child added to the family membership is an additional \$2.00/Month for monthly memberships and \$10.00/Year for yearly memberships.

C.5	Daily Memberships-	
C.5.1	All Ages	\$5.00

C.6	Fees for Special Events	
C.6.1	Participant fees	Posted amounts not to exceed \$20.00 per person
C.6.2	Materials use fees	Posted amounts not to exceed \$20.00 per person

C.6	Sports Venue Rental/Use Fees	
C.6.1	Swimming Pool Use	
C.6.1.1	Admission Fee (Per Person)	\$2.00
C.6.1.2	Individual Season Pass	Free with Rec Membership
C.6.1.3	Water Aerobics Classes *	\$2.00/ class

* (Not included with Recreation Membership)

EXHIBIT A - CITY OF ELGIN SCHEDULE OF FEES

C	Park and Recreation Fees (Cont.)	On and after 10/1/2021
C.6	Sports Venue Rental/Use Fees (Cont.)	
C.6.2	Softball Field Rental	\$8.00/ Hour per field
C.6.3	Volleyball Court Rental	\$5.00/ Hour per field
C.6.4	Basketball Court Rental	\$5.00/ Hour per field
C.6.5	Tennis Court Rental	\$5.00/ Hour per field
C.6.6	Soccor Field Rental	\$5.00/ Hour per field
C.6.7	Picnic Table Rental	\$5.00/ per table per day
Rental assures exclusive use by renter for the hours rented maximum 4 hours		
C.7	Swimming Pool Rental Rates *	
C.7.1	Deposit (refundable)	\$100.00
C.7.2	2 hours 1 - 50 participants	\$200.00
C.7.3	2 hours 51 - 100 participants	\$300.00
C.7.4	2 hours 101 - 150 participants	\$400.00
C.7.5	3 hours 1 - 50 participants	\$250.00
C.7.6	3 hours 51 - 100 participants	\$350.00
C.7.7	3 hours 101 - 150 participants	\$450.00
C.7.5	2 or 3 hours 151 - 240 participants	Call for Rates
* (includes a minimum of 3 life guards (1:15 ratio))		
C.8	Park Rental 24 hr	
C.8.1	Elgin Memorial Park	
C.8.1.1	Elgin Memorial Park (Main Pavillion)	\$100 daily plus Refundable deposit \$100.00
C.8.1.2	Elgin Memorial Park (Small Pavillion)	\$50 daily plus Refundable deposit \$100.00
C.8.1.3	Elgin Memorial Park (entire park)	\$800 daily plus Refundable deposit \$500.00
C.8.2	Goins Picnic Area	\$200.00
C.8.3	Shenandoah Park	\$300.00
C.8.4	Thomas Memorial Park	
C.8.4.1	Thomas Memorial Park Picnic Pavillion	\$75 daily plus Refundable deposit \$100.00
C.8.4.2	Thomas Memorial Park Open Pavillion	\$50 daily plus Refundable deposit \$100.00
C.8.4.3	Thomas Memorial Entire Park	\$600 daily plus Refundable deposit \$500.00
C.8.5	Veteran's Park	
C.8.5.1	Veteran's Park Gazebo	\$100 daily plus Refundable deposit \$100.00
C.8.5.2	Veteran's Park Entire Park	\$300 daily plus Refundable deposit \$500.00
C.8.6	Morris Memorial Park	\$400 daily plus Refundable deposit \$500.00
C.8.7	Supplemental Feature or Staff Fees	
C.8.7.1	Water Slide	\$35.00
C.8.7.2	Bounce House	\$35.00
C.8.7.3	Additional Staff	\$25.00 per hour per staff member
C.8.7.4	Special Event	\$25.00
C.8.7.5	Cancellation Fee	\$25.00
C.9	Recreation Building Rental	
C.9.1	Recreation Center Building	
C.9.1.1	Rental of Gym without Carpet	\$100.00 / hour + \$500.00 Refundable Deposit
C.9.1.2	Rental of Gym with Carpet	\$300.00 / hour + \$500.00 Refundable Deposit
C.9.1.3	Rental of Studio (Rec Center)	\$30.00 / hour + \$100.00 Refundable Deposit
C.9.1.4	Rental of Kitchen (Rec Center)	\$150.00 / hour + \$500.00 Refundable Deposit
C.9.2	Fleming Center	
C.9.2.1	Fleming Center Grand Hall Rental	\$30.00 / hour + \$100.00 Refundable Deposit
C.9.2.2	Fleming Center Studio Rental	\$20.00 / hour + \$100.00 Refundable Deposit
C.9.2.3	Fleming Center Meeting Room Rental	\$20.00 / hour + \$100.00 Refundable Deposit

EXHIBIT A - CITY OF ELGIN SCHEDULE OF FEES

Sect.	Category	Effective Date
D	Business License Fees	On and after 10/1/2021
D.1	New Mfg. Home Park Permit	\$500.00
D.2	Alcoholic Beverage License and Permits	
D.2.1	Alcoholic Beverage License	50% of TABC Fee
D.2.2	Liquor Permits	50% of TABC Fees
D.2.3	Beer Licenses	50% of TABC Fees
D.3	Solicitor's Permits	
D.3.1	30 Day Distributor Permit	\$25.00 / group
D.3.2	90 Day Peddler Permit	\$25.00 / each
D.3.3	30 Day Solicitor Permit	\$25.00 / each
D.3.4	14 Day Itinerant Vendor Permit	\$25.00 / each
D.3.5	30 Day Itinerant Vendor Permit	\$35.00 / each
D.3.6	90 Day Itinerant Vendor Permit	\$75.00 / each
D.3.7	180 Day Itinerant Vendor Permit	\$100.00 / each

Sect.	Category	Effective Date
E	Police Department Fees	On and after 10/1/2021
E.1	Police Operation Fees	
E.1.1	Printed Police Reports (CAD,Offense)	\$0.10 per page
E.1.2	CRASH Reports	\$6.00 per report
E.1.3	Audio-Photos	\$1.00 per CD (CD-RW)
E.1.4	In-Car Camera Video	\$3.00 per DVD
E.1.5	Body Worn Camera Footage	impoundment fee
E.1.6	Other Electronic Media (USB)	\$3.00 per DVD
E.1.7	Labor (Locating, compiling, reproduction)	\$15.00 per hour
E.1.8	EPD Escort Fees	\$45.00 per hr per Officer plus \$15.00 per vehicle
E.1.8	SRO Fees to EISD per Contract	SRO Fees to EISD per Contract
E.2	Animal Control Fees	
E.2.1	Animal Pickup/Impoundment Fee (Licensed)	\$15.00 per day
E.2.2	Animal Pickup/Impoundment Fee (Unlicensed)	\$35.00 per day
E.2.3	Dogs Running at Large (Licensed)	\$25.00
E.2.4	Dogs Running at Large (Unlicensed)	\$50.00
E.2.5	Keeping Wild Animals	\$100.00 fine 10 days to remove
E.2.6	Keeping Livestock	\$100.00 fine 30 days to remove
E.2.7	Livestock at large	\$50.00
E.2.8	Fowl/ at Poultry at Large	\$25.00
E.2.9	Livestock Impoundment:	
E.2.9.1	Large Animal (horse/cow)	\$100.00
E.2.9.2	Medium Animal (goat/sheep)	\$35.00
E.2.9.3	Fowl/Poultry	\$5/head
E.2.10	Animals Surrendered	\$15.00

Sect.	Category	Effective Date
F	Municipal Court Fees	On and after 10/1/2021
F.1	Dismissal Fee	\$10.00
F.2	Warrant for Arrest Fee	\$50.00

EXHIBIT A - CITY OF ELGIN SCHEDULE OF FEES

Sect.	Category	Effective Date
J	Utility Charges and Fees	On and after 10/1/2021
J.1	Reserved	
J.2	Application Fee and Deposits for Services	
J.2.1	App Fee Water Only	\$25.00
J.2.2	Residential Water 3/4" to 1"Meter	\$200.00
J.2.3	Irrigation accts.3/4" to 1"Meter	\$200.00
J.2.4	Irrigation accts. 1 1/2" Meter	\$250.00
J.2.5	Commercial 3/4" to 1" Meter	\$200.00
J.2.6	Commercial 1 1/2 " Meter	\$250.00
J.2.7	Commercial 2" Meter	\$300.00
J.2.8	Commercial 3" Meter	\$400.00
J.2.9	Commercial 4" Meter	\$500.00
J.2.10	Commercial > 4" Meter	\$600.00
J.4	Miscellaneous Fees and Charges	
J.4.1	Transfer of Service Fee	\$20.00
J.4.2	Temporary Service Fee	\$50.00 Deposit for 5 days(<3K gal return \$20.00)
J.4.3	Bulk Water Volume Rate	6.02/1,000 gal.
J.4.4	Utility Service Late Fee	10% of balance owed on Utility Bill
J.4.6	Scheduled Disconnect / Reconnection Fee	\$75.00
J.4.7	After Hour Service	\$50.00
J.4.8	Broken Lock Fee	\$50.00
J.4.9	Meter Tampering Fee	\$100.00
J.4.10	Curb Stop Replacement Fee	\$60.00

*(Unoccupied Residence / Commercial Structure) *In the event the meter indicates usage; the account will automatically be reset to active bill" status and the account will be invoiced for a deposit + consumption.*

Sect.	Category	Effective Date
K	Water Rates	On and after 10/1/2021
K.1	Monthly Base Rate by meter size (Incl. 0 - 2,000 gallons consumption) Inside City Limits	
K.1.1	3/4" Meter	\$45.00
K.1.2	1" Meter	\$66.50
K.1.3	1 1/2 " Meter	\$100.25
K.1.4	2" Meter	\$141.00
K.1.5	3" Meter	\$236.00
K.1.6	4" Meter	\$367.00
K.1.7	6" Meter or Equivalent	\$485.00
K.2	Monthly Base Rate by meter size (Incl. 0 - 2,000 gallons consumption) Outside City Limits	
K.2.1	3/4" Meter	\$65.00
K.2.2	1" Meter	\$97.25
K.2.3	1 1/2 " Meter	\$147.88
K.2.4	2" Meter	\$216.50
K.2.5	3" Meter	\$351.50
K.2.6	4" Meter	\$548.00
K.2.7	6" Meter or Equivalent	\$725.00

EXHIBIT A - CITY OF ELGIN SCHEDULE OF FEES

K	Water Rates (Cont.)	On and after 10/1/2021
K.3	Water Volumn Rate (Use per 1,000 > 2,000 gallons per month) Inside City Limits	
K.3.1	Consumption 2,001 to 4,999 gal.	\$4.01 per 1,000 gallons
K.3.2	Consumption 5,000 to 8,999 gal.	\$4.07 per 1,000 gallons
K.3.3	Consumption 9,000 to 12,999 gal.	\$4.26 per 1,000 gallons
K.3.4	Consumption > 12,999 gal.	\$4.44 per 1,000 gallons
K.4	Water Volumn Rate (Consumption per 1,000 gallons per month) Outside City Limits	
K.4.1	Consumption 2,001 to 4,999 gal.	\$6.02 per 1,000 gallons
K.4.2	Consumption 5,000 to 8,999 gal.	\$6.11 per 1,000 gallons
K.4.3	Consumption 9,000 to 12,999 gal.	\$6.39 per 1,000 gallons
K.4.4	Consumption > 12,999 gal.	\$6.66 per 1,000 gallons
K.5	Water Tap Fees*	
K.5.1	3/4" Tap	\$2,000.00
K.5.2	1" Tap	\$2,500.00
K.5.3	1 1/2" Tap	\$3,000.00
K.5.4	2" Tap	\$3,500.00
K.5.5	> 2" Labor, Equipt. & Mat. Cost + 10 %	L E. & M Cost + 10%

** An additional charge of \$500.00 will be assessed if the street has to be cut or a bore has to be made to make the tap*

K.6	Meter Set Fees by size of meter	
K.6.1	3/4" Tap	\$150.00
K.6.2	1" Tap	\$200.00
K.6.2	1 1/2" Tap	\$400.00
K.6.2	2" Tap	\$500.00
K.6.2	> 2" Tap	Cost + 10%

Sect.	Category	Effective Date
L	Wastewater Rates	On and after 10/1/2021
L.1	Application Fee	
L.1.1	Sewer Only	\$15.00
L.2	Monthly Base Rate (Incl. 0 - 2,000 gallons consumption)	
L.2.1	Residential/Commercial	\$35.00
L.3	Monthly Volume Rate	
L.3.1	Residential Volume Rate - > 2,000 gal. (Rate based on Winter average from Nov.to Feb.)	\$4.01 per 1,000 gal.
L.3.2	Commercial Volume Rate - > 2,000 gal, (No winter Average)	\$4.01 per 1,000 gal.
L.4	MUD Wastewater rates per 1,000 gallons used	
L.4.1	Travis Co. MUD # 14 Elm Creek	

L.5	Sewer Tap Fees*	
L.5.1	4" Tap	\$2,000.00
L.5.2	6" Tap	\$2,500.00
L.5.3	8" Tap	\$3,000.00
L.5.4	> 8" Tap	L E. & M Cost + 10%

** An additional charge of \$500.00 will be assessed if the street has to be cut or a bore has to be made to make the tap*

EXHIBIT A - CITY OF ELGIN SCHEDULE OF FEES

Sect.	Category	Effective Date
Q	Solid Waste Collection/Disposal	On and after 10/1/2021
Q.1	Residential Rate- <i>Once weekly curbside collection</i>	
Q.1.1	1 Cart	\$21.89/month
Q.1.2	2 Carts	\$29.13/month
Q.1.3	3 Carts	\$33.01/month
Q.1.4	4 Carts	\$36.89/month
Q.1.5	Sr. Citizen (65 or older.)	\$15.36/month
Q.2	Commercial - Cart Service (Number of Carts and Frequency of Service)	
Q.2.1	1 cart x once weekly	\$28.67/month
Q.2.2	2 carts x once weekly	\$44.56/month
Q.2.3	3 carts x once weekly	\$60.70/month
Q.2.4	4 carts x once weekly	\$75.54/month
Q.2.5	1 cart x twice weekly	\$44.56/month
Q.2.6	2 carts x twice weekly	\$65.11/month
Q.2.7	3 carts x twice weekly	\$97.11/month
Q.3	Commercial- Dumpsters	
Q.3.1.1	2 Cu. Yard 1x Weekly	\$93.16/month
Q.3.1.2	2 Cu. Yard 2x Weekly	\$174.70/month
Q.3.1.3	2 Cu. Yard 3x Weekly	\$252.99/month
Q.3.1.4	2 Cu. Yard 4x Weekly	\$334.30/month
Q.3.1.5	2 Cu. Yard 5x Weekly	\$415.17/month
Q.3.2.1	3 Cu. Yard 1x Weekly	\$102.38/month
Q.3.2.2	3 Cu. Yard 2x Weekly	\$183.32/month
Q.3.2.3	3 Cu. Yard 3x Weekly	\$270.91/month
Q.3.2.4	3 Cu. Yard 4x Weekly	\$360.25/month
Q.3.2.5	3 Cu. Yard 5x Weekly	\$440.97/month
Q.3.3.1	4 Cu. Yard 1x Weekly	\$123.02/month
Q.3.3.2	4 Cu. Yard 2x Weekly	\$204.50/month
Q.3.3.3	4 Cu. Yard 3x Weekly	\$320.49/Month
Q.3.3.3	4 Cu. Yard 4x Weekly	\$423.34/month
Q.3.3.4	4 Cu. Yard 5x Weekly	\$527.08/month
Q.3.4.1	6 Cu. Yard 1x Weekly	\$156.82/month
Q.3.4.2	6 Cu. Yard 2x Weekly	\$274.19/month
Q.3.4.3	6 Cu. Yard 3x Weekly	\$399.73/month
Q.3.4.4	6 Cu. Yard 4x Weekly	\$525.29/month
Q.3.4.5	6 Cu. Yard 5x Weekly	\$673.40/month
Q.3.5.1	8 Cu. Yard 1x Weekly	\$179.90/month
Q.3.5.2	8 Cu. Yard 2x Weekly	\$325.27/month
Q.3.5.3	8 Cu. Yard 3x Weekly	\$490.24/month
Q.3.5.4	8 Cu. Yard 4x Weekly	\$627.47/month
Q.3.5.5	8 Cu. Yard 5x Weekly	\$797.85/month
Q.4	Commercial- Dumpsters Service Fees	
Q.4.1	Commercial Front End Load Delivery Fee	\$50.00
Q.4.2	Extra Lift Fee	\$85.00
Q.4.3	Extra Yardage Fee	\$35.00
Q.5	Trash Service Application Fee	\$10.00

EXHIBIT A - CITY OF ELGIN SCHEDULE OF FEES

Sect.	Category	Effective Date
V.	Development Services	On and after 10/1/2021
*All fees must be paid prior to permits being issued or item being scheudled for hearing, whichever is applicable.		
V.1	Fees common to other activities as referenced below. *	
V.1.1	Professional Recovery Fees (PRF)	115% of cost for consultant review.
V.1.2	Renoticing Fees For Items Requiring Public Hearing	
V.1.2.1	Newspaper Notice	125% of newspaper publishing costs
V.1.2.2	Fee per Notice sign	\$35.00
V.1.2.3	Fee per letter for 200' notice	\$7.00
V.1.3	Work without City Approval Penalty	
V.1.3.1	Subdivision Construction	\$1,500
V.1.3.2	Site Development	\$1,500
V.1.3.3	W/O Permit	Double Cost of Permit Fee or \$1,000, whichever is least
V.2	Zoning and Land Use *	
V.2.1	Annexation Petition	\$0.00
V.2.2	Annexation Development Agreement	\$0.00
V.2.3	Other Development Agreement	\$2,500.00 + PRF
V.2.4	Development Agreement Modification	\$1,250.00 + PRF
V.2.5	Comprehensive Plan Amendment	\$725.00 + PRF
V.2.6	Specific Use Permit	\$600.00 + PRF
V.2.7	Zoning Variance	\$600.00 + PRF
V.2.8	Special Exception	\$600.00 + PRF
V.2.9	Zoning Change - PDD Rezoning	
V.2.9.1	< 5 Acres	\$1,250 + PRF
V.2.9.2	5 Acres to 10 Acres	\$2,500 + PRF
V.2.9.3	> 10 Acres	\$5,000 + PRF
V.2.10	Zoning Change - Non PDD Rezoning	
V.2.10.1	< 3 Acres	\$600.00 + PRF
V.2.10.2	3 Acres to 10 Acres	\$1,000.00 + PRF
V.2.10.3	> 10 Acres	\$2,000.00 + PRF
V.2	Zoning and Land Use * (Cont.)	
V.2.11	PDD Zoning Modification	
V.2.11.1	< 5 Acres	\$625.00 + PRF
V.2.11.2	5 Acres to 10 Acres	\$1250.00 + PRF
V.2.11.3	> 10 Acres	\$2,500.00 + PRF
V.2.12	Misc. Zoning Fees and Charges	
V.2.12.1	Special Purpose Dist. (i.e. MUD or PID)	\$20,000.00 + PRF
V.2.12.2	Appeals	\$500.00 + PRF
V.2.12.3	Zoning Verification Letter	\$65.00

EXHIBIT A - CITY OF ELGIN SCHEDULE OF FEES

V.	Development Services (Cont.)	On and after 10/1/2021
V.3	Plats *	
V.3.1	Concept Plan	\$1,000.00 + PRF
V.3.2	Preliminary Plat	\$50.00 per lot or \$1,000.00, whichever is greater + PRF
V.3.3	Preliminary Plat Amendment	\$50.00 per lot or \$600.00, whichever is greater + PRF
V.3.4	Final Plat	\$55.00 or \$850.00, whichever is greater + PRF
V.3.5	Short Form Plat	\$600.00 + PRF
V.3.6	Replat	\$55.00 per lot or \$850.00, whichever is greater + PRF
V.3.7	Plat Amendment	\$600.00 + PRF
V.3.8	Plat Vacation	\$600.00 + PRF
V.3.9	Subdivision Variance	\$600.00 + PRF
V.3.10	Appeal	\$600.00 + PRF
V.3.11	Parkland Fee	\$800.00 per residential lot
V.3.12	Tree removal or replacement	
V.3.12.1	Significant Tree Removal (8"-13" caliper)	\$50.00 per caliper inch
V.3.12.2	Significant Tree Removal (14"-19" caliper)	\$150.00 per caliper inch
V.3.12.3	Heritage Tree Removal (20" or more caliper)	\$300.00 per caliper inch
V.3.12.4	Payment-in-lieu fee for not replacing trees in V.3.12.1 - V.3.12.3	\$150.00 per caliper inch
V.4	Subdivision Construction Plans *	
V.4.1	New Subdivision Construction Plan	Greater of 3.5% of est. cost of infrastructure conveyed to City or \$5,000 + PRF
V.4.2	Revisions to Approved Subdivision Construction Plans	\$500 + PRF
V.4.3	Inspections	PRF
V.4.4	Sidewalk-In-Lieu Fee	Actual market value per City Engineer
V.5	Site Development Plans *	
V.5.1	New Site Development Plan Outside Historic Dist.	\$5,000.00 + PRF
V.5.2	New Site Development Plan Inside Historic Dist.	\$1,000.00 + PRF
V.5.3	Revisions to Approved Plans	\$500.00 + PRF
V.5.4	Parkland Fee	\$800.00 per dwelling unit
V.5.5	Inspections	PRF
V.5.6	Tree removal or replacement	
V.5.6.1	Significant Tree Removal (8"-13" caliper)	\$50.00 per caliper inch
V.5.6.2	Significant Tree Removal (14"-19" caliper)	\$150.00 per caliper inch
V.5.6.3	Heritage Tree Removal (20"or more caliper)	\$300.00 per caliper inch
V.5.6.4	Payment-in-lieu fee to replace trees in V.5.6.1 - V.5.6.3	\$150.00 per caliper inch
V.5.7	Sidewalk-In-Lieu Fee	Actual market value per City Engineer
V.	Development Services (Cont.)	On and after 10/1/2021
V.6	Building Permits *	
V.6.1	Residential Building Permits and Fees	
V.6.1.1	Trade Permits (electrician, mech., plumb., gas)	\$75.00
V.6.1.2	New Building Permit Fee	\$0.60 per sq. ft., maximum \$2,000 + PRF
V.6.1.3	Addition Building Permit Fee	\$0.60 per sq. ft., maximum \$2,000 + PRF
V.6.1.4	Industrialized Home	\$0.30 per sq. ft., maximum \$1,000 + PRF
V.6.1.5	HUD Manufactured Mobile Home	\$0.30 per sq. ft., maximum \$500 + PRF
V.6.1.6	1st and 2nd Subsequent Inspection not Demo	\$75.00 + PRF
V.6.1.7	1st and 2nd Subsequent Inspection Demo	\$0.00
V.6.1.8	3rd and Additional Subsequent Inspection Not Demo	\$100.00 + PRF
V.6.1.9	3rd and Additional Subsequent Inspection Demo	\$0.00
V.	Development Services (Cont.)	On and after 10/1/2021
V.6.2	Commercial Building Permits and Fees	
V.6.2.1	Trade Permits (electrician, mech., plumb., gas)	\$75.00
V.6.2.2	Multi-family Site Built New/Addition Building	\$0.40 per square ft., maximum \$3,000 + PRF
V.6.2.3	Site Built New Bldg. Permit Shell/Finish Out Together	\$0.70 per sq. ft. maximum \$7,000 + PRF
V.6.2.4	Site Built New Building Permit Shell Only	\$0.35 per sq. ft., maximum \$3,500 + PRF
V.6.2.5	Site Built New Building Permit Tenant Finish Out Only	\$0.35 per sq. ft., maximum \$3,500 + PRF
V.6.2.6	Site Built Addition Bldg. Permit Fee Shell & Finish Out Together Fee	\$0.70 per sq. ft., maximum \$7,000 + PRF
V.6.2.7	Site Built Addition Building Permit Shell Only	\$0.35 per sq. ft., maximum \$3,500 + PRF
V.6.2.8	Site Built Addition Bldg. Permit Tenant Finish Out Only	\$0.35 per sq. ft., maximum \$3,500 + PRF
V.6.2.9	Industrialized Building	\$0.35 per sq. ft., maximum \$3,500 + PRF
V.6.2.10	1st and 2nd Subsequent Inspection Not Demo	\$100.00 + PRF
V.6.2.11	1st and 2nd Subsequent Inspection Demo	\$0.00
V.6.2.12	3rd and Additional Subsequent Inspection Not Demo	\$125.00 + PRF
V.6.2.13	3rd and Additional Subsequent Inspection Demo	\$0.00

EXHIBIT A - CITY OF ELGIN SCHEDULE OF FEES

V.	Development Services (Cont.)	On and after 10/1/2021
V.6.3	Misc. Building Permits, Fees and Fines	
V.6.3.1	Demolition Permit	\$0.00
V.6.3.2	House or Structure Moving Fee	\$0.00
V.6.3.3	Patio/Deck Permit	\$200.00 + PRF
V.6.3.4	Flatwork (sidewalks, driveway, curb cut)	\$200.00 + PRF
V.6.3.5	Temporary Certificate of Occupancy	\$250.00 + PRF
V.6.3.6	Permanent Certificate of Occupancy	\$100.00 + PRF
V.6.3.7	Appeal	\$500.00 + PRF
V.6.3.8	Occupation of bldg. prior to CO issuance	\$200.00
V.6.3.9	Wireless Communications Facilities	\$150.00 + PRF
V.6.3.10	Modification of Postal Address by Owner	\$50.00
V.6.3.11	Building Permit Extension	one-half (1/2) of building permit fee
V.6.3.12	Sidewalk-in-lieu Fee	\$4.75 per square foot
V.6.3.13	Remodel	\$200.00 + PRF
V.6.3.14	Reroof	\$200.00 + PRF
V.6.3.15	Pool/Spa	\$150.00 + PRF
V.6.3.16	Accessory Building	\$75.00 + PRF
V.6.4	Building Code Variance	\$600.00 + PRF
Sect.	Category	Effective Date
V.	Comm. Development/Planning (Cont.)	On and after 10/01/2021
V.7	Fire Protection *	
V.7.1	Fire Plan Review - Fire Suppression/Alarm/Vent Hood	
V.7.1.1	Review	\$90.00 per hour. 1 hour minimum.
V.7.2	Fire Plan Review - Site Dev., Plat, and Subdivision Construction	
V.7.2.1	Review	\$90.00 per hour. 1 hour minimum.
V.7.3	Fire Plan Review - New Construction & Remodel	
V.7.3.1	First Review	\$115.00 per project + \$0.20 / SF
V.7.3.2	Subsiquent Review	\$90.00 flat fee
V.7.4	Fire Plan Review - Shell Building	
V.7.4.1	First Review	\$75.00 per project + \$0.10 / SF
V.7.4.2	Subsiquent Review	\$90.00 flat fee
V.7.5	Fire Plan Review - Tenant Improvement / Finish Out	
V.7.5.1	First Review	\$85.00 per project + \$0.15 / SF
V.7.5.2	Subsiquent Review	\$65.00 flat fee
V.7.6	Fire Inspections	
V.7.6.1	First Inspection	\$115.00 per hour; \$75.00 each additional hour. 1 hour minimum
V.7.6.2	Subsiquent Inspection	\$100.00 per hour; \$70.00 each additional hour. 1 hour minimum
V.7.7	Fire Code Variance	\$600.00 +PRF
Sect.	Category	Effective Date
V.	Comm. Development/Planning (Cont.)	On and after 10/01/2021
V.8	Signage Fees *	
V.8.1	Signage Fees General	
V.8.1.1	Signage Master Plan Outside Historic Districts	\$300.00 + PRF
V.8.1.2	Signage Master Plan Within Historic Districts	\$100.00 + PRF
V.8.1.3	Signage Master Plan Modification Outside Historic Dist.	\$150.00 + PRF
V.8.1.4	Signage Master Plan Modification Within Historic Dist.	\$75.00 + PRF
V.8.1.5	Sign Variance Outside Historic Districts	\$600.00 + PRF
V.8.1.6	Sign Variance Within Historic Districts	\$300.00 + PRF
V.8.1.7	Awning Sign Fee Outside Historic Districts	\$75.00 + PRF
V.8.1.8	Awning Sign Fee Within Historic Districts	\$50.00 + PRF
V.8.1.9	Bulletin Board Sign Outside Historic Districts	\$75.00 + PRF
V.8.1.10	Bulletin Board Sign Within Historic Districts	\$25.00 + PRF
V.8.1.11	Canopy Sign Outside Historic Districts	\$75.00 + PRF
V.8.1.12	Canopy Sign Within Historic Districts	\$50.00 + PRF
V.8.1.13	New Changeable Copy Sign Outside Historic Districts	\$75.00 + PRF
V.8.1.14	New Changeable Copy Sign Within Historic Districts	\$50.00 + PRF
V.8.1.15	Changeable Copy Sign Reface	\$50.00 + PRF
V.8.1.16	New Freestanding Sign Outside Historic Districts	\$5.50 sq. ft, maximum \$200.00 + PRF
V.8.1.17	Freestanding Sign Reface Outside Historic Districts	\$2.25 sq. ft, maximum \$50.00 + PRF
V.8.1.18	New Freestanding Sign Within Historic Districts	\$50.00 + PRF
V.8.1.19	Freestanding Sign Reface Within Historic Districts	\$25.00 + PRF
V.8.1.20	Painted Sign Outside Historic Districts	\$75.00 + PRF
V.8.1.21	Painted Sign Within Historic Districts	\$25.00 + PRF
V.8.1.22	Political Election Sign Outside Historic Districts	\$0.00
V.8.1.23	Political Election Sign Within Historic Districts	\$0.00
V.8.1.24	New Projecting Sign Outside Historic Districts	\$5.50 sq. ft, maximum \$200.00 + PRF
V.8.1.25	Projecting Sign Reface Outside Historic Districts	\$2.25 sq. ft, maximum \$50.00 + PRF
V.8.1.26	New Projecting Sign Within Historic Districts	\$50.00 + PRF
V.8.1.27	Projecting Sign Reface Within Historic Districts	\$25.00 + PRF

EXHIBIT A - CITY OF ELGIN SCHEDULE OF FEES

V.8	Signage Fees (Cont.) *	
V.8.1.28	Temp. Sign (i.e banner, sidewalk) Outside Historic Dist.	\$50.00
V.8.1.29	Temp. Sign (i.e banner, sidewalk) Within Historic Dist.	\$25.00
V.8.1.30	New Wall Sign Outside Historic Districts	\$5.50 sq. ft, maximum \$200.00, + PRF
V.8.1.31	Wall Sign Reface Outside Historic Districts	\$2.25 sq. ft, maximum \$50.00 + PRF
V.8.1.32	New Wall Sign Within Historic Districts	\$50.00 + PRF
V.8.1.33	Wall Sign Reface Within Historic Districts	\$25.00 + PRF
V.8.1.34	New Window Sign Outside Historic Districts	\$75.00
V.8.1.35	New Window Sign Within Historic Districts	\$25.00
V.8.2	Signage Inspection Fees	
V.8.2.1	Painted Signs Outside Historic District	\$25.00 + PRF
V.8.2.2	Painted Signs Inside Historic District	\$25.00 + PRF
V.8.2.3	Freestanding, Projecting, & Wall Signs Outside Historic District	\$75.00 + PRF
V.8.2.4	Freestanding, Projecting, & Wall Signs Inside Historic District	\$25.00 + PRF
V.8.2.5	Temporary Signs Outside Historic District	\$25.00
V.8.2.6	Temporary Signs Inside Historic District	\$0.00
V.8.2.7	All Other Permanent Signs Outside Historic District	\$50.00 + PRF
V.8.2.8	All Other Permanent Signs Inside Historic District	\$25.00 + PRF



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS ESTABLISHING OFFICIAL CITY OF ELGIN HOLIDAYS FOR THE PERIOD OF OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022; AND PROVIDING FOR RELATED MATTERS

DEPARTMENT: City Council

PROPOSED ACTION: Approval of the Official City Holidays

BACKGROUND: This is the regular City Holiday schedule that has been approved by the City Council in years prior.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☐ not included in the current-year budget ☒ N/A

Finance Approval:

Signature: _____ **Date:** _____

RECOMMENDATION: Approval of the Official City Holidays

ATTACHMENTS: Resolution

☐ Staff will be making a detailed presentation on this agenda item at the meeting.

☐ Staff will provide brief comments and answer questions on this item at the meeting.

☒ This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

RESOLUTION NO.

**A RESOLUTION OF THE CITY OF ELGIN, TEXAS
ESTABLISHING OFFICIAL CITY OF ELGIN HOLIDAYS
FOR THE PERIOD OF OCTOBER 1, 2021 THROUGH
SEPTEMBER 30, 2022; AND PROVIDING FOR RELATED
MATTERS**

WHEREAS, the City of Elgin recognizes traditional annual holidays for all city operations as part of the City's compensation plan and to provide opportunities for employees to share such holidays with their family and friends; and

WHEREAS, the City of Elgin provides fifteen (15) paid holidays per year for all regular, full time employees; and

WHEREAS, all City of Elgin employees are paid for designated holidays at their regular rate of pay, regardless of the number of hours in an employee's workday.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF ELGIN, TEXAS, THAT:**

Section 1. The following recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. The City of Elgin Official Holidays for FY2021-22 shall be as follows:

Columbus Day

Monday, October 11, 2021

Thanksgiving

Wednesday, November 24, 2021 (1/2 day)

Thursday, November 25, 2021

Friday, November 26, 2021

Christmas

Wednesday, December 22, 2021 (1/2 day)

Thursday, December 23, 2021

Friday, December 24, 2021

New Year's Holiday

Friday, December 31, 2021

**Martin Luther King Jr.
Day**

Monday January 17, 2022

President's Day

Monday, February 21, 2022

Texas Independence Day

Wednesday, March 2, 2022

Good Friday

Friday, April 15, 2022

Memorial Day

Monday, May 30, 2022

Juneteenth

Monday, June 20, 2022

Independence Day

Monday, July 4, 2022

Labor Day

Monday, September 5, 2022

Section 3. The City Council hereby finds and declares that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Local Gov't Code.

Section 4. This Resolution shall take effect immediately upon passage.

READ, PASSED and **ADOPTED** this 21st day of September 2021.

RON M. RAMIREZ, Mayor

ATTEST:

JENNIFER STUBBS, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION AUTHORIZING PROCEEDING WITH ISSUANCE OF CERTIFICATES OF OBLIGATIONS AND FURTHER DIRECTING THE PUBLICATION OF NOTICE OF INTENTION TO ISSUE CITY OF ELGIN, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2021A

DEPARTMENT: City Manager

PROPOSED ACTION:

This item is for consideration and possible action on a Resolution providing formal notice of intent to issue Certificates of Obligation to fund various capital projects.

BACKGROUND:

On numerous occasions earlier this year, city staff has submitted, reviewed, and discussed its recommendations to Council on the proposed issuance of Certificates of Obligation designed to fund a wide range of capital improvement projects in support of general government – including the County Line Road Phase 1 Project and a new Elgin Police Department Station.

Certificates of Obligation (COs) and debt issuance in general are a necessary component to funding major capital improvement projects for cities where such funds are not available through the annual operating budget. It is also of particular need in rapidly growing cities like Elgin, where demands for improved services and facilities exceed currently available resources.

Although a program to fund these projects earlier this year was supported by a clear majority of the City Council, those efforts were compromised. The City Manager is now recommending that the Council move forward with a second COs issuance in 2021 to fund these much-needed projects.

*This Resolution set the **maximum, not-to-exceed numbers** for this planned issue at this time. Council can ultimately determine a lesser amount to be borrowed, but such amount **cannot be increased** later.*

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { } not included in the current-year budget {X} N/A

RECOMMENDATION:

Approval of a Resolution providing formal notice of intent to issue Certificates of Obligation to fund various capital projects; and direction to staff, if any, regarding same.

ATTACHMENTS: Resolution

{X} Staff will be making a detailed presentation on this agenda item at the meeting.

{ } Staff will provide brief comments and answer questions on this item at the meeting.

{ } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

**RESOLUTION AUTHORIZING PROCEEDING WITH ISSUANCE OF
CERTIFICATES OF OBLIGATIONS AND FURTHER DIRECTING THE
PUBLICATION OF NOTICE OF INTENTION TO ISSUE CITY OF
ELGIN, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES
OF OBLIGATION, SERIES 2021A**

§

§

§

2. Bond Counsel for the City shall cause the Notice to be published in substantially the form attached hereto, in a newspaper of general circulation in the City, on the same day in each of two consecutive weeks, the date of the first publication to be at least 46 days prior to the time set for the final passage of the ordinance authorizing issuance of the Certificates as shown in the Notice.

The Director of Finance to the City shall also cause the Notice to be published on the City's website at least 46 days prior to the time set for the final passage of the order authorizing issuance of the Certificates and continuously until the final passage of the ordinance authorizing issuance of the Certificates.

3. The Director of Finance, Financial Advisor and Bond Counsel to the City are authorized to proceed with preparing the necessary bond and offering documents to effectuate the sale of the Certificates, including making application to appropriate rating agencies and bond insurers, if applicable.

4. This Resolution shall become effective immediately upon adoption. The City Secretary is hereby authorized and directed to execute the certificate to which this Resolution is attached on behalf of the City and the Mayor, City Secretary, the City Manager and Director of Finance are further authorized to do any and all things proper and necessary to carry out the intent of this Resolution including approving appropriate changes to the Notice and approving the final form of any Preliminary Official Statement for distribution to the market in connection with the sale of the Certificates.

5. The City hereby authorizes the disbursement of a fee equal to the lesser of (i) one-tenth of one percent of the principal amount of each series of the obligations being issued or (ii) \$9,500 per series, provided that such fee shall not be less than \$750, to the Attorney General of Texas Public Finance Division for payment of the examination fee charged by the State of Texas for the Attorney General's review and approval of public securities and credit agreements, as required by Section 1202.004 of the Texas Government Code. The appropriate member of the City's staff is hereby instructed to take the necessary measures to make this payment. The City is also authorized to reimburse the appropriate City funds for such payment from proceeds of the Certificates.

[Execution Page Follows]

PASSED, APPROVED AND EFFECTIVE THIS SEPTEMBER 21, 2021.

Ron M. Ramirez, Mayor
City of Elgin, Texas

ATTEST:

Jennifer Stubbs, City Secretary
City of Elgin, Texas

[SEAL]

[Signature Page]

EXHIBIT "A"

NOTICE OF INTENTION REGARDING THE ISSUANCE OF CITY OF ELGIN, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2021A

NOTICE is hereby given that it is the intention of the City Council of the City of Elgin, Texas to issue one or more series of interest bearing certificates of obligation of the City entitled "City of Elgin, Texas Combination Tax and Revenue Certificates of Obligation" (the "Certificates") for the purpose of providing funds for paying contractual obligations incurred or to be incurred by the City for: (i) constructing, improving and equipping City parks; (ii) constructing, improving, extending, expanding, upgrading and/or developing streets, roads, bridges, sidewalks, intersections and related costs including water, wastewater and drainage improvements, utility relocation, signage, landscaping, irrigation and purchasing any necessary rights-of-way including County Line road widening project, completion of the Roy Rivers Road and public roads connected thereto and constructing and renovating downtown sidewalks; (iii) constructing, improving and equipping a new police station including the purchase of any necessary land and utilities or renovating, expanding, improving and equipping the existing police station; and (iv) professional services including fiscal, engineering, architectural and legal fees and such other costs incurred in connection therewith including the costs of issuing the Certificates. The City Council tentatively proposes to consider for first and final reading at a special meeting to commence at 6:30p.m. on the 16th day of November, 2021 at its regular meeting place in City Council Chambers at Elgin Public Library, 404 North Main Street, Elgin, Texas, the passage of an ordinance authorizing the issuance of the Certificates. The maximum amount of the Certificates that may be authorized for such purpose is \$12,500,000.00. The City Council presently proposes to provide for the payment of such Certificates from the levy and collection of ad valorem taxes upon all taxable property within the City as provided by law and from the surplus revenues of the City's utility system in an amount not to exceed \$1,000, remaining after payment of all operation and maintenance expenses thereof, and all debt service, reserve and other requirements in connection with all of the City's revenue bonds or other obligations (now or hereafter outstanding) which are payable from all or any part of the net revenues of the City's utility system. The following information is required pursuant to Texas Local Government Code, Section 271.049(b)(4): As of September 21, 2021, principal of all outstanding debt obligations of the City is \$48,070,000. As of September 21, 2021, combined principal and interest required to pay all outstanding debt obligations of the City on time and in full is \$68,774,817. The maximum principal amount of the Certificates to be authorized is \$12,500,000.00. The estimated combined principal and interest required to pay the Certificates to be authorized on time and in full is \$22,306,347.22. The estimated interest rate for the Certificates to be authorized is 5.00%. Such estimate takes into account a number of factors, including the issuance schedule, maturity schedule and the expected bond ratings of the proposed bonds. Such estimated maximum interest rate is provided as a matter of information but is not a limitation on the interest rate at which the certificates, of any series thereof, may be sold. The maximum maturity date of the Certificates to be authorized is July 15, 2046.

CITY OF ELGIN, TEXAS



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A Resolution supporting the City Of Elgin Application for an Economic Development Administration Public Works Grant and for the City Manager to execute all necessary documentation related to the grant application

DEPARTMENT: Economic Development

PROPOSED ACTION: Approve the Resolution

BACKGROUND: The City of Elgin wants to apply for a \$2 Million grant from the EDA Public Works Grant for the Elgin Business Park III to complete Roy Rivers road and to improve the railroad crossing where Roy Rivers connects with Littig Road. Also to construct a regional retention pond and interior roads into the Elgin Business Park III. Roy Rivers road is a four-lane concrete road with turn lanes. The improvements for the railroad crossing will include new warning lights, new arms that will stop traffic when a train is approaching along with other need improvements. The regional retention pond will assist with drainage in the park and the interior roads will open up more land for development in the park. The Grant is a 50/50 matching grant.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { X } not included in the current-year budget {X}
N/A

RECOMMENDATION: Approve the Resolution

ATTACHMENTS:

- { } Staff will be making a detailed presentation on this agenda item at the meeting.
- {X} Staff will provide brief comments and answer questions on this item at the meeting.
- { } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

RESOLUTION NO

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS SUPPORTING THE CITY OF ELGIN'S SUBMISSION OF AN EDA PUBLIC WORKS GRANT APPLICATION FOR TWO MILLION DOLLARS; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Economic Development Administration, has allocated grant funds to assist with economic recovery in communities with areas of high economic distress;

WHEREAS, the City of Elgin is an incorporated town within Bastrop and Travis Counties, and has a per capita income of \$27,793, which is eight-five percent of the national average, and is eligible to apply for allocated grant funds;

WHEREAS, the City of Elgin is submitting a grant application for \$2 million dollars to facilitate the completion of Roy Rivers road and to improve the railroad crossing where Roy Rivers connects with Littig Road in the area known as Elgin Business Park III. Also, to construct a regional detention pond and construct interior roads into the Elgin Business Park III. The completion of Roy Rives road will open up approximately 80 acres for industrial development. The road will be a four lane concrete road with turn lanes. The improvements to the rail crossing will include new warning lights and new arms that will lower and stop traffic when a train is approaching. The regional detention pond will assist with drainage in the Business Park and the interior roads will allow access to more developable lots within the Business Park; and

WHEREAS, the project is a targeted infrastructure investment in a federally designated Opportunity Zone; and

WHEREAS, the need for the project was articulated in the 2016 Elgin Comprehensive Plan and is also part of the Tax Increment Reinvestment Zone Plan

WHEREAS, this project is deemed critical to the City's infrastructure plan and is critical to the long term economic prosperity of the City of Elgin; and

WHEREAS, the City is set to provide a fifty percent local match as part of the grant application, which is available, unencumbered, and committed to this project.

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

Section 1. The City Council of the City of Elgin supports the submission of an EDA Public Works grant; and

Section 2. The City Council of the City of Elgin authorizes the City Manager to execute all necessary documentation regarding this grant; and

Section 3. This resolution shall take effect immediately from and after its passage, and it is duly resolved.

Adopted on this 21st day of September 2021.

CITY OF ELGIN, TEXAS

By: _____
Ron M. Ramirez, Mayor

ATTEST:

By: _____
Jennifer Stubbs, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Resolution by the City Council approving a Real Estate Agreement between the City of Elgin Economic Development Corporation and Paravel Capital LLC and authorizing the Mayor to approve the Contract

DEPARTMENT: Economic Development

PROPOSED ACTION: Approve the resolution for the Real Estate Contract

BACKGROUND: The Economic Development Corporation is selling approximately 5.03 acres to Paravel Capital LLC to construct a multifamily project. The project is estimated to cost between \$35 - \$45 Million. The project will have approximately 280 units the majority of which will have ground floor entrances and access to garages. The sale price for the property is \$876,427.20

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { } not included in the current-year budget {X} N/A

RECOMMENDATION: Approve the Resolution

ATTACHMENTS:

- { } Staff will be making a detailed presentation on this agenda item at the meeting.
- {X} Staff will provide brief comments and answer questions on this item at the meeting.
- { } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

RESOLUTION NO.

**RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS
APPROVING A REAL ESTATE CONTRACT BETWEEN THE CITY OF THE
ELGIN ECONOMIC DEVELOPMENT CORPORATION AND PARAVEL
CAPITAL LLC AND AUTHORIZING THE MAYOR TO APPROVE THE
CONTRACT**

WHEREAS, the City of Elgin, Texas (the “City”) desires to sell property to Paravel Capital LLC (the “Developer”) for the primary purpose of constructing a multifamily project that will consist of approximately 280 units per and will range from 850-1,100 sq ft in size with the majority of the units having ground floor private entrances and direct access to garages; and

WHEREAS, the City has found and determined that the Real Estate Contract will further the public interest and welfare and the potential economic benefits that will accrue to the City are consistent with the City’s economic development objectives to increase sales and use tax revenues accruing to the City and attract additional jobs, and is necessary to promote or develop new business enterprises, and

WHEREAS, the Developer has project costs including new construction costs of between \$35-\$45 million that will be beneficial to the City, and

WHEREAS, the land will be purchased for Eight Hundred Seventy Six Thousand Four Hundred and Twenty Seven Dollars and Twenty Cents (\$876,427.20) for approximately 5.03 Acres;

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the
City of Elgin, Texas:**

1. That the above recitals are true and correct.
2. That the City hereby approves the Contract between the City of Elgin Economic Development Corporation and Paravel Capital LLC
3. That the Mayor is authorized to approve the Real Estate Contract between the City of Elgin Economic Development Corporation and Paravel Capital LLC

Adopted on this 21st day of September, 2021.

CITY OF ELGIN, TEXAS

Ron M. Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Resolution by the City Council approving a Real Estate Contract between the City of Elgin Economic Development Corporation and Trinity Elgin Properties and authorizing the Mayor to approve the Contract

DEPARTMENT: Economic Development

PROPOSED ACTION: Approve the resolution for the Real Estate Contract

BACKGROUND: The Economic Development Corporation is selling approximately 2.02 acres to Trinity Elgin Properties to construct a retail facility that will be anchored by a dental clinic. The project is estimated to cost between \$3 - \$4.5 Million. The project will have leasable retail space available to meet the consumer demands in Elgin. The sale price for the property is \$426,756.32

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { } not included in the current-year budget {X} N/A

RECOMMENDATION: Approve the Resolution

ATTACHMENTS:

- { } Staff will be making a detailed presentation on this agenda item at the meeting.
- {X} Staff will provide brief comments and answer questions on this item at the meeting.
- { } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

RESOLUTION NO.

**RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS
APPROVING A REAL ESTATE CONTRACT BETWEEN THE CITY OF THE
ELGIN ECONOMIC DEVELOPMENT CORPORATION AND TRINITY ELGIN
PROPERTIES AND AUTHORIZING THE MAYOR TO APPROVE THE
CONTRACT**

WHEREAS, the City of Elgin, Texas (the “City”) desires to sell property to Trinity Elgin Properties (the “Developer”) for the primary purpose of constructing a retail project that will be anchored by a dental clinic and will have leasable retail space available to meet the consumer demands in Elgin.

WHEREAS, the City has found and determined that the Real Estate Contract will further the public interest and welfare and the potential economic benefits that will accrue to the City are consistent with the City’s economic development objectives to increase sales and use tax revenues accruing to the City and attract additional jobs, and is necessary to promote or develop new business enterprises, and

WHEREAS, the Developer has project costs including new construction costs of between \$3-\$4.5 million that will be beneficial to the City, and

WHEREAS, the land will be purchased for Four Hundred Twenty Six Thousand Seven Hundred and Fifty Six Dollars and Thirty Two Cents (\$426,756.32) for approximately 2.02 Acres;

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the
City of Elgin, Texas:**

1. That the above recitals are true and correct.
2. That the City hereby approves the Contract between the City of Elgin Economic Development Corporation and Trinity Elgin Properties
3. That the Mayor is authorized to approve the Real Estate Contract between the City of Elgin Economic Development Corporation and Trinity Elgin Properties

Adopted on this 21st day of September, 2021.

CITY OF ELGIN, TEXAS

Ron M. Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: RESOLUTION OF THE CITY OF ELGIN, TEXAS, APPOINTING REPRESENTATIVES TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS

DEPARTMENT: City Council

PROPOSED ACTION: Make appointments for the CAPCOG General Assembly

BACKGROUND: CAPCOG's General Assembly is the organization's governing body for the purposes of selecting the Executive Committee, amending the council's bylaws, adopting budgets, determining membership dues, and guiding the organization's mission. Each CAPCOG member appoints representatives to serve as their voice on the General Assembly. The City of Elgin currently has one vacant seat and the other is currently represented by Chris Cannon.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☐ not included in the current-year budget ☒ N/A

Finance Approval:

Signature: _____ **Date:** _____

RECOMMENDATION: Make appointments to the CAPCOG General Assembly

ATTACHMENTS: CAPCOG Letter and Resolution

☐ Staff will be making a detailed presentation on this agenda item at the meeting.

☒ Staff will provide brief comments and answer questions on this item at the meeting.

☐ This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

RESOLUTION NO. _____

**RESOLUTION OF THE CITY OF ELGIN, TEXAS, APPOINTING
REPRESENTATIVES TO THE CAPITAL AREA COUNCIL OF
GOVERNMENTS**

WHEREAS, the City of Elgin is a member of the Capital Area Council of Governments (CAPCOG); and

WHEREAS, there is a need to change the City of Elgin's representation in CAPCOG by appointing two representatives to the Capital Area Council of Government's General Assembly; and

WHEREAS, the City of Elgin must make designation of CAPCOG General Assembly representatives by official action of the City Council;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF ELGIN, BASTROP COUNTY, TEXAS, THAT:**

_____ and _____ are hereby appointed as General Assembly representatives from the City of Elgin to the Capital Area Council of Governments.

APPROVED this 21st day of September, 2021.

RON M. RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary



Capital Area Council of Governments

6800 Burleson Road, Building 310, Suite 165

Austin, Texas 78744-2306

Ph: 512-916-6000 Fax: 512-916-6001

www.capcog.org

BASTROP BLANCO BURNET CALDWELL FAYETTE HAYS LEE LLANO TRAVIS WILLIAMSON

August 19, 2021

The Honorable Ron Ramirez
Mayor of the City of Elgin
P.O. Box 591
Elgin, TX 78621

received
8/25/21 Jd

Dear Mayor Ramirez,

This year the services we have traditionally provided to our 10-county region have become more important than ever as we continued to adapt to delivering them virtually and in-person. We kept a portion of law enforcement training online, enhanced coordination of regional emergency response between local governments, and assisted communities to apply for coronavirus-related economic development grants. Our Aging Services staff continued to redirect federal funds for more shelf-stable meals for older adults, transportation for medical trips, and income assistance to keep them and disabled individuals in their homes. Meanwhile, our Emergency Communications Division continued testing 9-1-1 infrastructure upgrades to activate Next Generation 9-1-1, which will deliver digital information including photos and video and will accurately locate callers. Ultimately, this enhances our first responders' work. We are also assessing the impact of teleworking on the region's air quality and planning how to increase economic resiliency through the diversification of employment sectors.

CAPCOG exists to provide these services because of the member cities, counties and organizations in our ten counties — your ongoing support with membership dues allows us to provide the match for grants that cover several of the programs mentioned above and to fund staff time to work on issues the state and federal grants don't fund such as broadband planning, analysis work on flooding and water issues, and our website data portal that continuously updates information communities need for grant applications.

We appreciate your support and your involvement. My staff and I are always available to discuss what CAPCOG does or focus on any specific program or activity. We always take this opportunity to remind you who represents your agency on the General Assembly, CAPCOG's governing body; if that has changed and you need to appoint someone else, please use the attached form to let us know.

As always, please contact me at 512-916-6008 or bvoights@capcog.org if any of my staff or I can assist you.

Best regards,

Betty Voights

Enc. Membership Invoice
 General Assembly Representation Summary
 General Assembly Appointment Form



6800 Burleson Road, Building 310, Suite 165
Austin, Texas 78744-2306
Ph: 512-916-6000 Fax: 512-916-6001
www.capcog.org

BASTROP BLANCO BURNET CALDWELL FAYETTE HAYS LEE LLANO TRAVIS WILLIAMSON

General Assembly Representation Summary for the City of Elgin

CAPCOG's General Assembly is the organization's governing body for the purposes of selecting the Executive Committee, amending the council's bylaws, adopting budgets, determining membership dues, and guiding the organization's mission. Each CAPCOG member appoints representatives to serve as their voice on the General Assembly, and every year CAPCOG provides a list to ensure member's representative are current. According to the CAPCOG bylaws, full members — counties and municipalities — are entitled at least one representative on the General Assembly; however, they can have additional representatives based on their population as shown below:

Counties	Municipalities	No. of Representatives
Under 20,000	Under 10,000	1
20,000-100,000	10,000-50,000	2
100,000+	50,000-100,000	3
-----	100,000+	4

Associate members — special government districts, school districts, nonprofits, utilities, chambers of commerce, and other governmental agencies — can appoint one representative to the General Assembly. Sustaining members, any person or organization with a positive interest in the welfare of the region, can participate as a non-voting General Assembly representative. At least two-thirds of the General Assembly's voting representatives must be elected officials.

Based on the State Data Center's most recent population estimates and CAPCOG's bylaws, the **City of Elgin** qualifies for **2 representative(s)** on the General Assembly. Its current representatives are:

- **Chris Cannon**
- **Vacant**

Please provide any updates to **City of Elgin's** representative(s) by completing the attached form. More information about CAPCOG's General Assembly representation is at <https://www.capcog.org/who-we-are/general-assembly/>.

As a reminder, General Assembly Representatives are invited to the September 8th General Assembly Meeting at the Austin Marriott South 4415 S IH 35 Frontage Road in Austin. Representatives can RSVP at <https://training.capcog.org/class/view/general-assembly-meeting2>.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR EXECUTE AN AGREEMENT WITH AMANDA CARTER OF ELGIN, TEXAS APPOINTING HER AS JUDGE OF THE CITY OF ELGIN MUNICIPAL COURT IN ACCORDANCE WITH THE CITY CHARTER; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

DEPARTMENT: City Manager

PROPOSED ACTION:

Approval of a Professional Services Agreement with Amanda Carter to re-affirm her appointment and continued services as the City of Elgin Municipal Judge; and determining compensation regarding same.

BACKGROUND:

Under the requirements of the City Charter and the Texas Local Government Code, the City is compelled to engage the services of a qualified individual to serve as the City of Elgin Municipal Judge; and to confirm said appointment every two years. Amanda Carter has served as Municipal Judge and has agreed to certain terms, conditions, and compensation to continue to serve in this capacity; all of which are contained in the attached Professional Services Agreement that is now proposed for formal Council authorization.

BUDGET/FINANCIAL IMPACT:

Funding for this item was {X} included { } not included in the current-year budget { } N/A

RECOMMENDATION:

Approval of the Resolution and Agreement as presented.

ATTACHMENTS:

Resolution
Agreement

- { } Staff will be making a detailed presentation on this agenda item at the meeting.
{X} Staff will provide brief comments and answer questions on this item at the meeting.
{ } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH AMANDA CARTER OF ELGIN, TEXAS APPOINTING HER AS JUDGE OF THE CITY OF ELGIN MUNICIPAL COURT IN ACCORDANCE WITH THE CITY CHARTER; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the Elgin City Charter Article 5, Section 6 requires the City of Elgin to provide a Municipal Court which shall have such jurisdictions, powers and duties as are prescribed by the laws of the State of Texas; and,

WHEREAS, the Elgin City Charter Article 5, Section 6 further stipulates that there shall be a Judge of the Municipal Court who shall be appointed and removed by the City Council; and shall receive a salary as may be fixed by the City Council; and,

WHEREAS, the Mayor and City Council have determined it to be in the interests of the City to re-appoint Amanda Carter as the Judge of the City of Elgin Municipal Court.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, BASTROP COUNTY, TEXAS, THAT:

Section 1. Findings. The following recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Authorization. The Mayor is hereby authorized to execute A Professional Services Agreement with Amanda Carter of Elgin, Texas to serve as the Judge of the City of Elgin Municipal Court; a copy of said Agreement being attached hereto and marked Exhibit A; and made part of this Resolution as if copied verbatim herein.

Section 3. Open Meetings. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

PASSED AND ADOPTED this 21st day of September, 2021

RON M. RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary

PROFESSIONAL SERVICES AGREEMENT

WHEREAS, the City desires to enter into an agreement with Amanda Carter to provide professional services as the Municipal Judge for the City of Elgin, Texas: and

WHEREAS, Amanda Carter has the necessary expertise, training, background information and experience to act as the Municipal Judge:

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained and other good and valuable consideration, the parties hereby agree as follows:

- I. Amanda Carter shall provide professional services to the City of Elgin in the capacity of Municipal Judge. She shall perform all the duties of the Municipal Judge as set forth in the City Charter of Elgin, Texas and as set forth in all applicable sections of the Texas Code of Judicial Conduct and other applicable laws of the State of Texas.
2. Judge Carter shall be paid a bi-weekly fee of \$1,231.00 to be paid on the same day or days that employees of the City are paid.
3. Judge Carter shall be reimbursed for all reasonable and necessary expenses she incurs on behalf of the City. The City Manager shall have the right to impose reasonable restrictions on expenses Judge Carter may incur on behalf of the City.
4. Judge Carter shall be provided mileage at the same rate as paid to City employees, except for travel to and from work. Judge Carter will provide the City with a mileage report detailing miles driven for each day during the month.
5. Judge Carter shall magistrate all Elgin Police Department arrests whether misdemeanors or felonies; and shall be paid a \$75.00 trip charge to Bastrop for said magistrations, contingent upon submission to the Finance Director invoices indicating date of magistrations and person magistrated. The Municipal Judge shall only be paid for trips to adjudicate persons arrested by the Elgin Police Department or other agency by an Elgin Police Department warrant.
6. Judge Carter shall not be considered an employee of the City and shall not be provided City benefits. She is an independent contractor.
7. This agreement is for a term of two years, ending on September 30, 2023. The extension or termination of this Contract shall occur on or before the end of said four-year term.
8. In addition to the duties stated herein, Judge Carter shall perform the following actions:
 - a. All magistrations shall be conducted where the defendants are located, unless otherwise requested by the Elgin Chief of Police.

- b. Judge Carter shall exercise judicial discretion in signing all arrest warrants and sign them as soon as practicable. If an arrest warrant is not signed, Judge Carter will discuss why the warrant was not signed with the officer involved.
 - c. Judge Carter shall always endeavor to be available to assist the Elgin Police Department, although the City recognizes there are reasonable limitations to said availability. To assist in this regard, the City will consider the appointment of an Associate Judge to serve in a limited capacity as Municipal Judge at such times that Judge Carter is unavailable.
 - d. Judge Carter shall schedule quarterly meetings with the City Manager and the Chief of Police.
 - e. Judge Carter shall provide the Elgin Police Department and Municipal Court a listing of all prisoners magistrated each month and the date of magistrations.
9. This Agreement shall be construed under and in accordance with the laws of the State of Texas and the laws of the United States of America applicable to transactions in that state and all obligations of the parties created under this Agreement are performable in Bastrop County, Texas.
10. This Agreement shall be binding on and inure to the benefit of the parties to it and their respective heirs, executors, administrators, legal representatives, successors, and assigns, except as otherwise expressly provided with the Agreement.
11. In case any one or more of the provisions contained in this Agreement shall, for any reason, be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of the Agreement, and the Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been a part of it.
12. This Agreement constitutes the sole and only agreement of the parties to it and supersedes any prior understandings or agreements whether written or verbal, between the parties regarding this subject matter.
13. If any action at law or in equity, including an action for declaratory relief, is brought to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to recover reasonable attorney's fees from the other party. The amount of fees recoverable under this paragraph may be set by the court in the trial of the underlying action or may be enforced in a separate action brought for that purpose, and any fees recovered shall be in addition to any other relief that may be awarded.
14. This Agreement and all other copies of this Agreement, insofar as they relate to the rights, duties, and remedies of the parties, shall be deemed to be one agreement. This agreement may be executed concurrently in one or more counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

15. Unless otherwise provided within this Agreement, any notice, tender, or delivery to be given under this Agreement by either party to the other may be made by personal delivery in writing or by registered or certified mail, postage prepaid, return receipt requested and shall be deemed received as of the date of mailing.
16. This Agreement may not be changed, terminated, or modified verbally or in any manner other than by an Agreement in writing signed by all parties to this Agreement.

Dated:_____

City of Elgin:

By:_____

Ron Ramirez, Mayor

Date:_____

By: _____

Amanda L Carter, Municipal Judge

Date: _____



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN EMPLOYMENT AGREEMENT WITH CHRIS NOBLE REGARDING HIS APPOINTMENT AS CHIEF OF THE CITY OF ELGIN POLICE DEPARTMENT; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS

DEPARTMENT: City Manager

PROPOSED ACTION:

Approval of a Employment Agreement with Chris Noble relating to his anticipated appointment as Elgin Police department Chief of Police by the City Manager.

BACKGROUND:

The City Manager has determined it to be in the bests interest of the City of Elgin and the Elgin Police Department to remove the “Acting” label and offer the permanent position of Chief of Police to Chris Noble at this time.

The City Manager has also determined that certain protections must now be provided to top positions within city operations to retain employees and assure opportunities to recruit highly qualified individuals to serve in said positions.

This agreement provides appropriate, effective, and reasonable protections for Chris Noble in accepting the position of Elgin Chief of Police.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { } not included in the current-year budget {X} N/A

RECOMMENDATION:

Approval of the Resolution and Agreement as presented.

ATTACHMENTS:

Resolution
Agreement

{ } Staff will be making a detailed presentation on this agenda item at the meeting.

{X} Staff will provide brief comments and answer questions on this item at the meeting.

{ } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN EMPLOYMENT AGREEMENT WITH CHRIS NOBLE REGARDING HIS APPOINTMENT AS CHIEF OF THE CITY OF ELGIN POLICE DEPARTMENT; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Elgin City Manager has determined it to be in the bests interest of the City of Elgin and the Elgin Police Department to offer the permanent position of Chief of Police to Chris Noble; and,

WHEREAS, the City Manager has also determined that certain protections must now be provided to top positions within city operations to retain employees and assure opportunities to recruit highly qualified individuals to serve in said positions; and,

WHEREAS, the Mayor and City Council have also determined it to be in the interests of the City and its employees to provide certain job protections afforded by the proposed Employment Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, BASTROP COUNTY, TEXAS, THAT:

Section 1. Findings. The following recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Authorization. The City Manager is hereby authorized to execute an Employment Agreement with Chris Noble to serve as the Chief of the City of Elgin Police Department; a copy of said Agreement being attached hereto and marked Exhibit A; and made part of this Resolution as if copied verbatim herein.

Section 3. Open Meetings. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

PASSED AND ADOPTED this 21st day of September, 2021

RON M. RAMIREZ, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary

**EMPLOYMENT AGREEMENT BETWEEN
THE CITY OF ELGIN, TEXAS
AND
CHRIS NOBLE
FOR THE POSITION OF CHIEF OF POLICE**

THIS EMPLOYMENT AGREEMENT, hereinafter "Agreement," is made and entered into this _____th day of _____ 2021, (the "Effective Date,") by and between the **City of Elgin, Texas**, a municipal corporation, hereinafter called "City," and **Chris Noble**, hereinafter called "Employee."

Section 1: Duties

The City hereby agrees to employ Employee, and Employee hereby accepts employment, as Chief of Police, to perform the functions and duties as specified and to perform other legally permissible and proper duties and functions as the City Manager shall from time-to-time assign.

Section 2: Term

This Agreement commences on the Effective Date and shall continue in effect until terminated by City or Employee in accordance with Section 4. Employee shall begin his employment on the Effective Date, at which time his salary and other benefits shall begin to accrue. Nothing contained in this Agreement shall change or alter the fact that Employee serves at the will of the City Manager.

Section 3: Indemnification

To the fullest extent permitted by law and the Elgin City Code, the City shall defend, save harmless, and indemnify Employee against any tort, professional claim or demand, or other legal action, whether groundless or otherwise, arising from the performance of Employee's duties. The City further agrees to pay all reasonable litigation expenses incurred by Employee throughout any litigation to which Employee is named individually as a party in connection with his duties as Chief of Police. Such coverage shall continue as long as the litigation is pending. The City shall Indemnify Employee and pay any and all losses, damages, judgements, costs, and expenses resulting from any claim, action, and/or suit proceeding arising out of or in connection with the performance of his duties as Chief of Police. The City shall bear the full cost of any fidelity or other bonds, or other insurance required of the Employee under law or ordinance by virtue of his employment. This indemnification shall extend beyond and survive the termination of employment and the expiration of this Agreement.

Section 4: Termination

- A. Termination without Cause: The City Manager may terminate this Agreement at any time without cause. For the purpose of this Agreement, termination shall occur when the City Manager terminates the Employee for a reason not described in Section B below.
- B. Termination for Cause: The City Manager may terminate the Employee for cause and shall be preceded by notice to Employee. For purposes of this Agreement, "cause" shall include, without limitation, the following:
 - 1. Misconduct in connection with the performance of any of Employee's duties, including, without limitation, misappropriation of funds or property of the City, securing or attempting to secure any personal profit or commercial advantage in connection with any transaction entered into by the City, any falsification or misrepresentation of fact, or any violation of law or regulation to which the City is subject.

2. Conviction of a felony offense, or of a misdemeanor involving moral turpitude, whether committed within or outside the scope of Employee's employment hereunder.
4. Unauthorized absence without leave.
- C. Resignation by Employee. In the event Employee voluntarily resigns his position with the City during the term of this Agreement, then Employee shall give the City thirty (30) days' notice in advance, unless the parties agree otherwise in writing.

Section 5: Severance

- A. Termination without cause: In the event Employee is terminated without cause the City will pay Employee a lump sum cash payment equal to six (6) months base salary and earned unused vacation (the same as city employees) as of the last day of active employment, and
- B. Termination for cause: In the event Employee is terminated for cause as defined in this document, the City shall have no obligation to pay any severance pay and/or severance benefits.
- C. Resignation by Employee: The City will pay Employee a lump sum cash payment for all salary earned and earned unused vacation (the same as public service employees) as of the last day of active employment.

Section 6: General Provisions

- A. This Agreement replaces and supersedes all prior agreements between parties, whether written or oral. The text herein shall constitute the entire agreement between the parties with respect to the subject matter hereof.
- B. This Agreement shall be binding upon and inure to the benefit of heirs at law and executors of Employee.
- C. If any provision or any portion thereof, contained in this Agreement is held unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

IN WITNESS WHEREOF, the City Council of Elgin, Texas, has authorized the City's Manager to execute this Agreement, and the same has been duly attested to by its City Secretary, and signed by the Employee, in duplicate, the day and year first written above.

CITY OF ELGIN, TEXAS

Thomas L. Mattis, City Manager

ATTEST:

Jennifer Stubbs, City Secretary

EMPLOYEE:

Chris Noble