



NOTICE OF THE CITY OF BRECKENRIDGE
**REGULAR MEETING OF THE BRECKENRIDGE CITY
COMMISSION**

March 01, 2022 at 5:30 PM

AGENDA

Notice is hereby given as required by Title 5, Chapter 551.041 of the Government Code that the City Commission will meet in a Regular Meeting of the Breckenridge City Commission on March 01, 2022 at 5:30 PM at the Breckenridge City Offices, 105 N. Rose Avenue, Breckenridge, Texas.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

American Flag

OPEN FORUM

This is an opportunity for the public to address the City Commission on any matter of public business, except public hearings. Comments related to public hearings will be heard when the specific hearing begins.

SPECIAL PRESENTATIONS AND ANNOUNCEMENTS

(Mayoral proclamations, presentations of awards and certificates, and other acknowledgements of significant accomplishments or service to the community.)

1. Recognition of Calvin Chaney for his service to the City
2. Fiscal Year 2021 Audit
3. Texas History Month Proclamation

STAFF REPORT

(Staff Reports are for discussion only. No action may be taken on items listed under this portion of the agenda, other than to provide general direction to staff or to direct staff to place such items of a future agenda for action.)

Public Works Director

4. Brush chipping will be conducted during the week of March 21st for city residents.

CONSENT AGENDA

Any commission member may request an item on the Consent Agenda to be taken up for individual consideration.

5. Consider approval of the February 1, 2022 Regular Commission meeting minutes as recorded.
6. Consider approval of an agreement with the Breckenridge Chamber of Commerce to utilize Hotel/Motel Occupancy Tax Funds for community advertising and promotional programs.

ACTION ITEMS

7. Discuss and consider action on Resolution 2022-07 for the 2021 TxCDBG Planning Grant.
8. Consider approval of adding a full-time Development Coordinator/Code Enforcement Officer position to the Development Services Division of the City of Breckenridge.
9. Consider approval of adding three (3) part-time employees to assist with seasonal mowing in the Parks and Cemetery departments.
10. Consider approval of Ordinance 2022-06 cancelling the May 7, 2022 General Municipal Election and declaring the unopposed candidates elected.

EXECUTIVE SESSION

Pursuant to Texas Government Code, Annotated, Chapter 551, Subchapter D, Texas Open Meetings Act (the "Act"), City Commission will recess into Executive Session (closed meeting) to discuss the following:

Personnel Matters

§551.074: Personnel matters (to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee):

11. City Manager Six Month Evaluation

RECONVENE INTO OPEN SESSION

In accordance with Texas Government Code, Section 551, the City Commission will reconvene into Open Session and consider action, if any, on matters discussed in Executive Session.

RECEIVE REQUESTS FROM COMMISSION MEMBERS/STAFF FOR ITEMS TO BE PLACED ON NEXT MEETING AGENDA

Discussion under this section must be limited to whether or not the Commission wishes to include a potential item on a future agenda.

ADJOURN

NOTE: As authorized by Section 551.071 of the Texas Government Code (Consultation with City Attorney), this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

CERTIFICATION

I hereby certify that the above notice was posted in the bulletin board at Breckenridge City Hall, 105 North Rose Avenue, Breckenridge, Texas, by **5:00 PM** on the **25th day of February 2022**.

City Secretary



Persons with disabilities who plan to attend this public meeting and who may need auxiliary aid or services are requested to contact the Breckenridge City Hall 48 hours in advance, at 254-559-8287, and reasonable accommodations will be made for assistance.



PROCLAMATION

Texas History Month

WHEREAS, on March 2, 1836, the Texas Declaration of Independence was signed by members of the Republic of Texas, stating in part, "that the people of Texas do now constitute a free, sovereign, and independent republic, and are fully invested with all the rights and attributes which properly belong to independent nations"; and

WHEREAS, on March 6, 1836, Texans under Col. William B. Travis were overwhelmed by the Mexican army after a two-week siege at the Battle of the Alamo in San Antonio; and

WHEREAS, the Breckenridge Chapter of the Daughters of the Republic of Texas desire to perpetuate the memory and spirit of the men and women who achieved and maintained the Independence of Texas; and

NOW, THEREFORE, I, Bob Sims, by virtue of the authority vested in me as Mayor of the City of Breckenridge, in the State of Texas, do hereby proclaim the month of March as

TEXAS HISTORY MONTH

and ask our citizens to reaffirm the ideals that the authors and defenders of Texas Independence had in 1836 by vigilantly protecting the freedoms guaranteed to us, remembering that lost rights may never be regained.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused the Official Seal of the City to be affixed this 1st day of March, in the year of our Lord two thousand twenty-two.

CITY OF BRECKENRIDGE, TEXAS

Bob Sims, Mayor

INFORMATION OF BRUSH CHIPPING WEEK

The City of Breckenridge and Stephens County have announced that, as a cooperative effort, they will be picking up brush with a woodchipper inside the corporate limits of Breckenridge the week of March 21st – 25th. It will be necessary for the citizens to have brush that they would like chipped and hauled off at curbside by Friday, March 18, 2022.

No brush larger than 4" in diameter will be picked up. Brush **MUST** be cut in lengths no longer than 6 feet long, and the butt ends **MUST** be placed toward the street or curb. Uprooted trees with roots attached cannot be run through the chipper. No dirt can be encrusted on the brush.

It will not be necessary to contact either the City of Breckenridge or Stephens County to receive this service, as the trucks will run the entire city during this week. This will be a service provided by the City of Breckenridge and Stephens County at no charge to the residents. This is, once again, a cooperative effort between the City of Breckenridge and Stephens County providing a service to the residents of Breckenridge for the disposal of their tree trimmings. This service has been provided to the residents inside the corporate limits of the City on a semiannual basis for several years now. The trucks will be running in separate sections of the City during this period. Any brush put at the curbside after March 18, 2022, will not be removed.

REMINDER:

Throughout the year tree limbs can be brought into the Convenience Station at no charge to customers. Convenience station hours are Tuesday thru Thursday, 1PM to 5PM and Friday & Saturday, 9AM to 5PM.

Should you have any questions about the disposal, please call the City Offices at (254)559-8287.

newsreleasechipping(dl)



Commission Meeting Agenda Item Memorandum

ITEM TYPE

Consent Agenda

MEETING DATE:

March 1, 2022

PRESENTER:

Erika McComis, City Manager

ITEM DESCRIPTION:

Consider approval of the February 1, 2022 Regular Commission meeting minutes as recorded.

BACKGROUND INFORMATION:

The minutes of the City Commission Meeting are recorded by the City Secretary and presented to the Commission for approval.

FISCAL IMPACT:

- Not Applicable
 Proposed Expenditure:
 General Ledger Code:
 Proposed Revenue:
 Budget Amendment Required: No
 Financial Review Completed by:

LEGAL REVIEW:

Not applicable.

ATTACHMENTS:

A. Minutes

RECOMMENDED MOTION AND/OR ACTION:

Move to approve the minutes of the City Commission of Breckenridge as recorded.

FEBRUARY 1, 2022

REGULAR TOWN COMMISSION MEETING OF THE TOWN OF BRECKENRIDGE, TEXAS, HELD ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT:

MAYOR
COMMISSIONER PLACE 2
COMMISSIONER PLACE 4

BOB SIMS
ROB DURHAM
GARY MERCER

CITY MANAGER
PUBLIC WORKS DIRECTOR
PARKS DIRECTOR
DEPUTY CITY SECRETARY/FINANCE DIRECTOR

ERIKA MCCOMIS
HOUSTON SATTERWHITE
STACY HARRISON
DIANE LATHAM

ABSENT

COMMISSIONER PLACE 1
MAYOR PRO TEM, PLACE 3

RUSSELL BLUE
VINCE MOORE

CALL MEETING TO ORDER

Mayor Sims called the regular meeting to order at 5:30 p.m.

OPEN FORUM

This is an opportunity for the public to address the City Commission on any matter of public business, except public hearings.

No speakers.

STAFF REPORT

Chamber of Commerce/EDC

1. Chamber of Commerce 2021 Annual Report
2. BEDC 2021 Year in Review

CONSENT AGENDA

3. Consider approval of the January 18, 2021 Special Commission meeting minutes as recorded.
4. Consider approval of the 2021 annual police department Racial Profiling Report.
5. Consider approval of January 2022 monthly financial report.
6. Consider approval of awarding a contract for planning services for the 2021 TxCDBG Planning Grant to Public Management, Inc.

7. Consider approval of Resolution 2022-05 authorizing continued participation with the Steering Committee of Cities served by Oncor; authorizing the payment of six cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC.
8. Consider approval of Resolution 2022-04 and associated documents approving an estimated local match fund participation through the Federal Off-System Bridge Program administered by the Texas Department of Transportation for the purpose of Replacing or Rehabilitating the bridge located at Gonzales Draw on Shelton Avenue.
9. Consider approval of an interlocal agreement with Young County, Texas for the purpose of funding a bond supervision officer for Fiscal Year 2022 in an amount not to exceed \$7,500 and authorize the Mayor to execute same on behalf of the City.

Commissioner Durham moved to approve the consent agenda as presented. Commissioner Mercer seconded the motion. **The motion passed 3-0.**

ACTION ITEMS

10. Consider approval of a consent to encroachment with Juan and Amelia Valdez for a residence which encroaches into City right-of-way being 0.37 acre tract out of Block 62 of the Original Town of Breckenridge (612 W. Lindsey).

Commissioner Durham a consent to encroachment with Juan and Amelia Valdez as presented for 612 W. Lindsey. Commissioner Mercer seconded the motion. **The motion passed 3-0.**

11. Consider approval of Ordinance 2022-04 closing, vacating, and abandoning the portion of an alley situated in Block F, East Breckenridge Addition, lying between lots 1 and 2 and Lots 19 and 20; providing for conveyance of said abandoned alley property; repealing all ordinances in conflict herewith; and providing an effective date.

Commissioner Mercer moved to approve Ordinance 2022-04 as presented. Commissioner Durham seconded the motion. **The motion passed 3-0.**

12. Consider approval of Resolution 2022-06 appointing members to the Planning and Zoning Commission.

Commissioner Durham moved to approve Resolution 2022-06 appointing Les Strickland, Coby Walker and Elaine Moore to the Planning and Zoning Commission for a three-year term to expire February 28, 2025. Commissioner Mercer seconded the motion. **The motion passed 3-0.**

13. Consider approval of Ordinance 2022-03 ordering a Municipal General Election to be held on May 7, 2022 for the purpose of electing the offices of Mayor, Commissioner Place 1 and Commissioner Place 2.

Commissioner Mercer moved to approve Ordinance 2022-03 ordering the General Election to be held on May 7, 2022. Commissioner Durham seconded the motion. **The motion passed 3-0.**

14. Consider approval of Ordinance 2022-05 amending the Fiscal Year 2021-2022 official budget, adopted by Ordinance 21-09, appropriating \$45,000 in the Water Fund for the purpose of funding the purchase of a dump truck.

Commissioner Mercer moved to approve Ordinance 2022-05 as presented. Commissioner Durham seconded the motion. **The motion passed 3-0.**

ADJOURN

There being no further business the Mayor adjourned the regular session at 5:59 p.m.

Bob Sims, Mayor

Pamela Wright, Assistant City Secretary



Commission Meeting Agenda Item Memorandum

ITEM TYPE

Consent Agenda

MEETING DATE:

March 1, 2022

PRESENTER:

Erika McComis, City Manager

ITEM DESCRIPTION:

Discuss and consider action on Resolution 2022-07 for the 2021 TxCDBG Planning Grant.

BACKGROUND INFORMATION:

The City will be applying to the 2021 Texas Community Development Block Grant Program Planning and Capacity Building (CPC) Fund for the purpose of funding an updated comp plan for the City. The proposed resolution allows the City to move forward with the grant application and authorized the Mayor and City Manager to execute necessary documents during the application and participation process.

FISCAL IMPACT:

- Not Applicable
- Proposed Expenditure:
- General Ledger Code:
- Proposed Revenue:
- Budget Amendment Required: No
- Financial Review Completed by:

LEGAL REVIEW:

The City Manager reviewed this item.

ATTACHMENTS:

Resolution

RECOMMENDED MOTION AND/OR ACTION:

Move to approve resolution 2022-07 as presented.

**CITY OF BRECKENRIDGE, TEXAS
RESOLUTION NO. 2022-07**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TXCDBG) APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE 2021 PLANNING & CAPACITY & BUILDING (CPC) FUND; AND AUTHORIZING THE MAYOR AND CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER(S) AND AUTHORIZED REPRESENTATIVE(S) IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, the City Commission of the City of Breckenridge desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate-income; and **WHEREAS**, certain conditions exist which represent a threat to public health and safety; and

WHEREAS, it is necessary and in the best interests of the City of Breckenridge to apply for funding under the Texas Community Development Block Grant Program, 2021 Planning & Capacity & Building (CPC) Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS;

1. That a Texas Community Development Block Grant Program application for 2021 Planning & Capacity & Building (CPC) Fund is hereby authorized to be filed on behalf of the City with the Texas Department of Agriculture.
2. That the City's application be placed in competition for funding under the 2021 Planning & Capacity & Building (CPC) Fund
3. That the application be for **\$55,000.00** of grant funds for a comprehensive planning study.
4. That the City Commission directs and designates the following to act in all matters in connection with this application and the City's participation in the Texas Community Development Block Grant Program:
 - The Mayor and City Manager shall serve as the City's Chief Executive Officers and Authorized Representatives to execute this application and any subsequent contractual documents;
 - The Mayor and City Manager are authorized to execute environmental review documents between the Texas Department of Agriculture and the City; and
 - If this application is funded, the Mayor, City Manager, Mayor Pro-Tem, and City Secretary are authorized to execute the Request for Payment Form

documents and/or other forms required for requesting funds to reimburse project costs.

5. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements, including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.
6. That it further be stated that the City of Breckenridge is committing **\$8,500.00** from its General Fund as a cash contribution toward the planning activities of this planning project.

PASSED AND APPROVED this 1st day of March 2022 by the City Commission.

Bob Sims, Mayor

ATTEST:

Pamela Wright, Assistant City Secretary



Commission Meeting Agenda Item Memorandum

ITEM TYPE

Action Item

MEETING DATE:

March 1, 2022

PRESENTER:

Erika McComis, City Manager

ITEM DESCRIPTION:

Consider approval of adding a full-time Development Coordinator/Code Enforcement Officer position to the Development Services Division of the City of Breckenridge.

BACKGROUND INFORMATION:

The City recently contracted with a third-party vendor Bureau Veritas to handle all permit and plan reviews along with commercial and residential inspections. Staff recommends handling these tasks in-house through a combined development coordinator/code enforcement position. The position would approve all permits and review all submitted construction plans unless an engineer or third-party entity is needed.

In having a dedicated person assigned to the code enforcement tasks, the City could be more proactive in their code enforcement efforts instead of handling issues in a reactive manner when complaints are received. In the past, the code enforcement tasks have been assigned to employees who have other duties as well, including fire employees and police staff.

For inspections, in order for a person to be a licensed inspector, they must attend training and take a test through the International Code Council. The person must have either 500 hours of training and experience in the plumbing industry or be currently licensed as a Master Plumber, Journeyman Plumber, Professional Engineer, or Architect in the state of Texas to be eligible to sit for the ICC exam.

The position is projected to cost the City approximately \$28,000 (with salary and fringe benefits) for the remainder of this fiscal year and \$48,000 for the upcoming FY 23 budget year. Should the commission determine the position should not be funded at this time, we will continue utilizing Bureau Veritas until such time that we have an employee with the necessary licenses.

FISCAL IMPACT:

- Not Applicable
- Proposed Expenditure: \$28,000
- General Ledger Code:
- Proposed Revenue:
- Budget Amendment Required: Yes
- Financial Review Completed by: E. McComis

LEGAL REVIEW:

The City Manager reviewed this item.

ATTACHMENTS:

Job Description

RECOMMENDED MOTION AND/OR ACTION:

Move to approve adding a full-time Development Coordinator/Code Enforcement Officer position to city staff.

Breckenridge, Texas

**Job Description
January 2022**

Job Title: Development Coordinator/Code Enforcement

Eligibility: Open

System: Non-exempt

Department: Development
Immediate Supervisor: City Manager

BRIEF DESCRIPTION OF THE JOB: Under the general supervision of the City Manager, the purpose of this classification is to perform a variety of plan reviews, code enforcement, and/or coordination of necessary inspections and reviews.

ESSENTIAL FUNCTIONS:

This information is intended to be descriptive of the key responsibilities of the position. The following examples do not identify all duties performed by any single incumbent.

Percentage of Time Physical Strength Code

1) Enforce compliance with City Zoning Regulations and Health Ordinance. Inspect residential and non-residential properties to: <ul style="list-style-type: none"> o ensure compliance with applicable zoning, building, and environmental health codes, ordinances, and regulations; o determine whether the property is in compliance; o issue notices of violation as required; o document all actions and notices; and o perform follow-up inspections 	25%	L
2) Coordinate the inspection of industrial, commercial, and residential buildings during various stages of construction and remodeling to ensure compliance with applicable codes, ordinances, and regulations.	10%	L
3) Inspect existing buildings and premises for change of use, occupancy, proper use of construction materials, or compliance with applicable codes and ordinances.	10%	S
4) Inspect location of new structures and check distances between buildings in relation to neighboring structures to ensure compliance with the zoning ordinance.	5%	S
5) Prepare, submit and maintain a variety of written reports and records using permitting tracking software. Assist in the issuance of permits, determination of applicable permits and fees.	10%	L
6) Attend civic and neighborhood association meetings.	5%	S
7) Read, interpret, and enforce applicable City, State, and Federal Codes, Ordinances, and Regulations.	5%	S
8) Communicate clearly and concisely, both orally and in writing. Deal effectively with contractors and the public in a pleasant manner.	10%	S
9) Confer with architects, contractors, builders, and the general public in the field and office; explain and interpret code requirements and restrictions.	5%	S
10) Respond to complaints of defective workmanship or improper installation; inspect and determine appropriate remedial action to be taken.	5%	L
11) Enter inspection details and related information to computer system and update and retrieve information as required.	5%	S
12) Perform additional duties and responsibilities as required and assigned by the City Manager. Regular attendance is required.	5%	S
<i>Physical Strength Column: S - Sedentary L - Light M - Medium H - Heavy VH - Very Heavy</i>		

Job Title: Development Coordinator/Code Enforcement**PHYSICAL DEMANDS***Overall Physical Strength Demands:*

_____ Sedentary _____ Light _____ Medium X Heavy _____ Very Heavy

Codes: for each physical demand code listed:

C = Continuously F = Frequently O = Occasionally R = Rarely N = Never

This is a description of the way this job is currently performed; it does not address the potential for accommodation.

Physical Demands	Frequency Code	Description
Standing	F	Communicating with citizens, inspections, clerical duties
Sitting	F	Desk work, driving, normal daily activities
Walking	F	Around job site, normal daily activities
Lifting	F	Materials, ladder
Carrying	F	Tools, materials, ladder
Pushing/Pulling	O	Debris, light to heavy objects
Reaching	C	Access items during inspections
Handling	C	Items during inspections
Fine Dexterity	O	Typing
Kneeling	O	During inspections
Crouching	O	During inspections
Crawling	O	During inspections
Bending	O	During inspections
Twisting	O	During inspections
Climbing	O	Ladders
Balancing	O	On ladders and roofs
Vision	C	During inspections, driving, and reading
Hearing	F	Communicating with citizens and staff
Talking	F	Communicating with citizens and staff
Foot Controls	F	Driving

Job Title: Development Coordinator/Code Enforcement

Machines, Tools, Equipment, and Work Aids:

Radio, flashlight, ladder, electrical tester, level, and tape measure.

Environmental Factors:

Exposure to and frequency:

D = Daily S = Seasonal W=Several Times Per Week M=Several Times Per Month

ENVIRONMENTAL FACTORS					
Dirt and Dust	W	Extreme Temperatures	D	Noise and Vibration	M
Fumes and Odors	M	Wetness/Humidity	M	Darkness or Poor Lighting	S

HEALTH AND SAFETY					
Mechanical Hazards	W	Chemical Hazards	M	Electrical Hazards	W
Fire Hazards	S	Explosives	S	Communicable Diseases	M
Physical Danger or Abuse		Other (specify)			

PRIMARY WORK LOCATION					
Office Environment	X	Warehouse		Shop	
Vehicle		Outdoors	X	Other:	

Protective Equipment Required:

Hardhat

Non-physical Demands:

Frequency Codes: F = Frequently O = Occasionally R = Rarely

Time Pressures	F	Emergency Situations	R
Frequent Change of Tasks	F	Irregular Work Schedule/Overtime	R
Performing Multiple Tasks Simultaneously	F	Working Closely with Others As Part of a Team	F
Tedious or Exacting Work	O	Noisy/Distracting Environment	O

JOB REQUIREMENTS

High School Diploma or equivalent supplemented by specialized training in the building trades and/or code enforcement. Preference given to ICC Certified Inspector and Texas Licensed Plumbing Inspector.

Preferred License or certification

- o ICC commercial and residential building inspector certification is recommended.
- o Possession of a TDLR Code Enforcement Officer Certification.
- o Possession of a valid State of Texas Plumbing Inspectors License.
- o Possession of a TDLR or ICC Residential and Commercial Electrical Inspector Certification.
- o Possession of Residential Energy Plans Examiner/Inspector Certification.

Preferred Training and Experience:

- Two years general experience in building or construction trades, zoning, and enforcement of local, state, and federal laws or regulations required.
- Preference will be given to candidates with the above experience in a municipal environment. Code Compliance Certification.

Job Title: Development Coordinator/Code Enforcement

Other Requirements:

The City reserves the right to allow an employee to obtain licenses/certifications during a reasonable timeframe agreed to in writing (unless otherwise prohibited or limited by law) as a condition of continued employment. Failure to obtain the licenses/certifications as agreed will result in termination.

- State of Texas Plumbing Inspector License
- Texas Driver's License and a good driving record.

Reading:

Work requires the ability to read codes and ordinances.

Math:

Work requires the ability to perform general math calculations and some geometry.

Writing:

Work requires the ability to write letters, memos and violation tags.

Complexity:

Work involves choices of action within limits set by standard practices and procedures. Professional judgment is required to apply the proper course of action.

Managerial:

Duties require the ability to prioritize inspections, accomplish tasks and organize the office space.

Supervisory:

N/A

Interpersonal:

Duties require the ability to provide information and communicate codes and ordinances.

Other Behaviors & Competencies:

Initiative, creativity, problem-solving, decision-making, motivation, punctuality/attendance, analytical/conceptual thinking, safety awareness, ability to communicate, organizational awareness, relationship building, accountability, adaptability, customer service orientation, teamwork, and leadership.

The above statements are intended to describe the general nature and level of work being performed by individuals assigned to this job. They are not intended to be an exhaustive list of all responsibilities, duties, skills, behaviors, and competencies required of personnel so classified in this position. This job description is subject to change by the City Government as the needs and requirements of the job change and the latest changes may not be reflected on this version.

Job Title: Development Coordinator/Code Enforcement

Signatures - Review and Comment

I have reviewed this job analysis and its attachments and find it to be a fair description of the demands of this job.

Signature of Employee

Date

Job Title of Department Head

Signature of Department Head

Date

Comments: _____

The City of Breckenridge, Texas is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the City of Breckenridge, Texas will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.



Commission Meeting Agenda Item Memorandum

ITEM TYPE

Action Item

MEETING DATE:

March 1, 2022

PRESENTER:

Erika McComis, City Manager

ITEM DESCRIPTION:

Consider approval of adding three (3) part-time employees to assist with seasonal mowing in the Parks and Cemetery departments.

BACKGROUND INFORMATION:

The Parks and Cemetery department currently handle the mowing for all city owned property which consists of several acres. Staff has asked for part-time help to assist during the busy months to ensure all locations stay caught up on mowing and care. The estimated cost for approximately 1,200 hours will be \$15,000.

FISCAL IMPACT:

- Not Applicable
 Proposed Expenditure: \$15,000
 General Ledger Code:
 Proposed Revenue:
 Budget Amendment Required: Yes
 Financial Review Completed by: E. McComis

LEGAL REVIEW:

The City Manager reviewed this item.

ATTACHMENTS:

None

RECOMMENDED MOTION AND/OR ACTION:

Move to approve adding three (3) part-time employees as seasonal mowers for parks and cemetery departments.



Commission Meeting Agenda Item Memorandum

ITEM TYPE

Action Item

MEETING DATE:

March 1, 2022

PRESENTER:

Erika McComis, City Manager

ITEM DESCRIPTION:

Consider approval of Ordinance 2022-06 cancelling the May 7, 2022 General Municipal Election and declaring the unopposed candidates elected.

BACKGROUND INFORMATION:

On February 1, 2022, the Commission approved an ordinance calling for a General Municipal Election for the purpose of electing the Mayor and Commissioners Place 1 and 2. The filing deadline for the election was on Friday, February 18, 2022 at 5:00 p.m. The City received one application or each place on the May ballot. As a result, none of the positions are opposed, therefore, a Certification of Unopposed Candidates has been issued in accordance with Section 2.052 of the Election Code. Upon receipt of the certification, the Commission may declare each unopposed candidate elected and cancel the general election. The unopposed candidates will be issued their certificate of election following the time the election would have been canvassed in May.

FISCAL IMPACT:

- Not Applicable
- Proposed Expenditure:
- General Ledger Code:
- Proposed Revenue:
- Budget Amendment Required: No
- Financial Review Completed by:

LEGAL REVIEW:

The City Manager reviewed this item.

ATTACHMENTS:

Ordinance
Certificate of Unopposed Candidates

RECOMMENDED MOTION AND/OR ACTION:

Move to approve Ordinance 2022-06 as presented.

**CITY OF BRECKENRIDGE, TEXAS
ORDINANCE NO. 2022-06**

AN ORDINANCE CANCELING THE MAY 7, 2022, GENERAL ELECTION AND DECLARING EACH UNOPPOSED CANDIDATE ELECTED TO OFFICE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Breckenridge is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, in accordance with law a general election has been ordered for May 7, 2022, for the purpose of electing Commission Members for Mayor, Place 1 and Place 2 to serve on the City Commission in the City of Breckenridge; and

WHEREAS, the City secretary has certified in writing that each candidate on the ballot is unopposed for election to office; and

WHEREAS, the filing deadlines for placement on the ballot and declaration of write-in candidacy have passed; and

WHEREAS, in these circumstances Subchapter C of Chapter 2 of the Election Code authorizes a governing body to declare each unopposed candidate elected to office and cancel the election.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS, THAT:

SECTION 1: The following candidates, who are unopposed in the May 7, 2022, general election, are hereby declared elected to office, and shall be issued a certificate of election following the time the election would have been canvassed:

- Bob Sims - Mayor
- Greg Akers - Commissioner, Place 1
- Rob Durham - Commissioner, Place 2

SECTION 2: The May 7, 2022 General Municipal Election is hereby canceled and the City secretary is directed to cause a copy of this ordinance to be posted on election day at each polling place used or that would have been used in the election.

SECTION 3: This ordinance shall be cumulative of all provisions of ordinances of the City of Breckenridge, Texas, except where the provisions of this ordinance are in direct

conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4: It is hereby declared to be the intention of the City Commission that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5: This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PASSED AND APPROVED ON THIS 1st DAY OF MARCH, 2022.

Bob Sims, Mayor

ATTEST:

Pamela Wright, Assistant City Secretary

AW12-1
Prescribed by Secretary of State
Section 2.051 – 2.053, Texas Election
Code 2/14

**CERTIFICATION OF UNOPPOSED CANDIDATES FOR
OTHER POLITICAL SUBDIVISIONS (NOT COUNTY)
CERTIFICACIÓN DE CANDIDATOS ÚNICOS
PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)**

To: Presiding Officer of Governing Body
Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 7, 2022.

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 7 de mayo de 2022.

List offices and names of candidates:
Lista de cargos y nombres de los candidatos:

Office(s) Cargo(s)	Candidate(s) Candidato(s)
<i>Mayor alcalde</i>	<i>Bob Sims</i>
<i>City Commission, Place 1 Comisión de la ciudad, lugar 1</i>	<i>Greg Akers</i>
<i>City Commission, Place 2 Comisión de la ciudad, lugar 2</i>	<i>Rob Durham</i>

Signature (Firma)
Erika McComis

Printed name (Nombre en letra de molde)

Title (Puesto)
March 1, 2022 / 1 de Febrero de 2022

Date of signing (Fecha de firma) (Seal) (*sello*)

See reverse side for instructions
(*Instrucciones en el reverso*)

Instructions for certification of unopposed candidates:

The authority responsible for preparing the ballot must certify the unopposed status to the authority responsible for ordering the election. This document is filed with the presiding officer of the political subdivision. The governing body must meet, accept this certification, and issue an order or ordinance declaring the election cancelled and the unopposed candidates elected. To complete the cancellation process, a copy of the order or ordinance canceling the election must be posted on Election Day at each polling place that would have been used in the election. See sample Order of Cancellation and outlines for additional instructions.

An election* may be cancelled if:

- 1) The election is one in which a declaration of write-in candidacy is required; and
- 2) No opposed at-large race is on the ballot* within that election;*and
- 3) Each candidate whose name is to appear on the ballot* is unopposed, with some exceptions;

This means:

- In an all at-large election* (with no single-member districts), if there is one or more opposed at-large races, then all the races go on the ballot within that election.*
- In an election* in which any members of the governing body are elected from single-member districts, an election in a particular district may be cancelled if the candidate is unopposed and the election otherwise meets the above requirements (i.e., there is no at-large opposed race on the ballot).

Note: A general election (for full terms) or a special election (to fill a vacancy in an unexpired term) is considered a *separate election* with a *separate ballot* for purposes of these tests, even if held on the same election date. See our online Cancellation guide for details.

Instrucciones para la certificación de una elección con candidatos únicos:

La autoridad a cargo de preparar la boleta de votación debe certificar los candidatos únicos sin oposición a la autoridad encargada de ordenar la elección. Este documento se debe presentar al presidente de la subdivisión política. La entidad gobernante debe reunirse, aceptar esta certificación y emitir una orden o una ordenanza en la que declara la cancelación de la elección y la elección de los candidatos únicos sin oposición. Para completar el proceso de cancelación, se debe exhibir el Día de la Elección una copia de la orden u ordenanza de cancelación de la elección en todos los sitios de votación que se hubieran utilizado en la elección. Vea el ejemplo Orden de Cancelación y el resumen para más instrucciones.

Una elección* puede ser cancelada si:

- 1) *la elección es una en la que se requiere una declaración de candidatos por escrito en la boleta de votación; y,*
- 2) *no hay oposición para la carrera por acumulación en la boleta* de votación dentro de esa elección* y*
- 3) *Todos los candidatos cuyos nombres deben aparecer en la boleta* de votación no tienen oposición, con unas excepciones;*

Esto significa:

- *En una elección* por acumulación (sin ningún distrito con miembro único), si se encuentra una o más de una carrera por acumulación con oposición, entonces todas las carreras estarán en la boleta dentro de esa elección*.*
- *En una elección* en la que cualquiera de los miembros de la entidad gobernante se eligen de distritos con un solo miembro, se puede cancelar una elección en un distrito específico si hay oposición para el candidato y la elección cumple con los requisitos que anteceden (ej. no hay oposición para la carrera por acumulación en la boleta).*

Nota: Una elección general (con términos completos) o una elección especial (para llenar una vacante de un término no vencido) es considerada como una elección distinta con una boleta distinta con los propósitos de estas pruebas, aunque se lleven a cabo en la misma fecha electoral. Vea nuestra guía de cancelación en línea para más detalles.