



TOWN COUNCIL REGULAR MEETING AGENDA

December 17, 2024 at 6:30 PM

Town Hall - 1941 E. Jeter Road, Bartonville, TX 76226

A. CALL MEETING TO ORDER

B. PLEDGE OF ALLEGIANCE

C. PRESENTATIONS

1. Presentation of Certificate of Merit to Officer William Wood.
2. Presentation of Appreciation to Town Attorney Ed Voss.

D. CLOSED SESSION

Pursuant to the Open Meetings Act, Chapter 551, the Town Council will meet in a Closed Executive Session in accordance with the Texas Government Code.

1. Section 551.074 Personnel Matters to deliberate and consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: Town Attorney.
2. Section 551.071 Consultation with Town Attorney to seek legal advice of its attorney regarding the resignation of Town Administrator Thad Chambers, and any and all legal issues related thereto.
3. Section 551.071 Consultation with Town Attorney to seek legal advice of its attorney regarding the Frontier Waste Solutions Contract, and any and all legal issues related thereto.

E. RECONVENE OPEN MEETING

The Town Council to reconvene into an open meeting and consider action, if any, on items discussed in closed session.

F. PUBLIC PARTICIPATION

If you wish to address the Council, please fill out a "Public Meeting Appearance Card" and present it to the Town Secretary, preferably before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, citizens wishing to address the Council for items listed as public hearings will be recognized when the public hearing is opened. For citizens wishing to speak on a non-public hearing item, they may either address the Council during the Public Participation portion of the meeting or when the item is considered by the Town Council.

G. APPOINTED REPRESENTATIVE/LIAISON REPORTS

1. Upper Trinity Regional Water District Report.
2. Denton County Emergency Services District #1.
3. Police Department – November 2024 Statistics/Activities.
4. Administration – November 2024 Reports: Financial, Animal Control, Code Enforcement, Engineering, Municipal Court, Permits, and Board Member Attendance.

H. CONSENT AGENDA

This agenda consists of non-controversial, or “housekeeping” items required by law. Items may be approved with a single motion. Items may be removed from the Consent Agenda by any Councilmember by making such request prior to a motion and vote on the Consent Agenda.

1. Consider approval of the November 19, 2024, Regular Meeting Minutes.
2. Consider approval of the November 25, 2024, Special Meeting Minutes.

I. PUBLIC HEARINGS AND REGULAR ITEMS

1. Discuss and consider approval of an Engagement Letter between Taylor, Olson, Adkins, Sralla, Elam (TOASE) and the Town of Bartonville to provide Legal services; and authorize the Mayor to execute same on behalf of the Town.
2. Discuss and consider approval of an Ordinance granting an exclusive franchise for residential and commercial solid waste collection and recycling services to Frontier Waste Solutions, providing rights, duties and obligations of the Town and Frontier Waste Solutions; and authorize the Acting Town Administrator to execute a Solid Waste Collection and Disposal Agreement.
3. Discuss and consider approval of a Resolution accepting the Town’s Investment Policy for Fiscal Year 2024-2025.
4. Discuss and consider approval of a Resolution approving participation in the Texas Opioid Settlement with Kroger; and authorize the Mayor to execute the participation form on behalf of the Town.

J. FUTURE ITEMS

K. ADJOURNMENT

The Town Council reserves the right to adjourn into a closed meeting or executive session as authorized by Texas Government Code, Sections 551.001, et seq. (the Texas Open Meetings Act) on any item on its open meeting agenda in accordance with the Texas Open Meetings Act, including, without limitation Sections 551.071-551.088 of the Texas Open Meetings Act. Any final action, decision, or vote on a matter deliberated in a closed meeting will only be taken in an open meeting that is held in compliance with Texas Government Code, Chapter 551.

CERTIFICATION

I hereby certify that this Notice of Meeting was posted on the Town Website, and on the bulletin board, at Town Hall of the Town of Bartonville, Texas, a place convenient and readily accessible to the public at all times. Said Notice was posted on the following date and time; and remained posted continuously prior to the scheduled time of said meeting and shall remain posted until meeting is adjourned.

/s/ Shannon Montgomery, Town Secretary

Posted: Saturday, December 14, 2024, prior to 3 pm.

Agenda Removed from Town of Bartonville Bulletin Board on: _____

By: _____, *Title:* _____



TOWN COUNCIL COMMUNICATION

DATE: December 17, 2024
FROM: Ricky Vaughan, Fire Chief, Denton County ESD No. 1
AGENDA ITEM: Denton County Emergency Services District #1 Monthly Report

SUMMARY:

Department Statistics/Activities

ATTACHMENTS:

- Monthly Report

Denton County

ESD No. 1

Monthly Report



Monthly Activity Report

NOVEMBER

2024



Denton County ESD No. 1

NOVEMBER 2024

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Community Outreach Events & Fire Inspection Reports & Training Division	8



Denton County ESD No. 1

NOVEMBER 2024

DCESD1 Personnel

Operations

Battalion Chiefs	3
Officers - Captains	9
Apparatus Operators (Engineers)	9
Full-Time Firefighters (active)	30
Part-Time Employees (active)	10
Injuries/light duty/inactive	0
Total Members	61

Fire Administration

Fire Chief	1
Assistant Chief	1
Division Chiefs	3
Administrative Assistant	1
Director of Communications & Public Outreach	1
Total	7

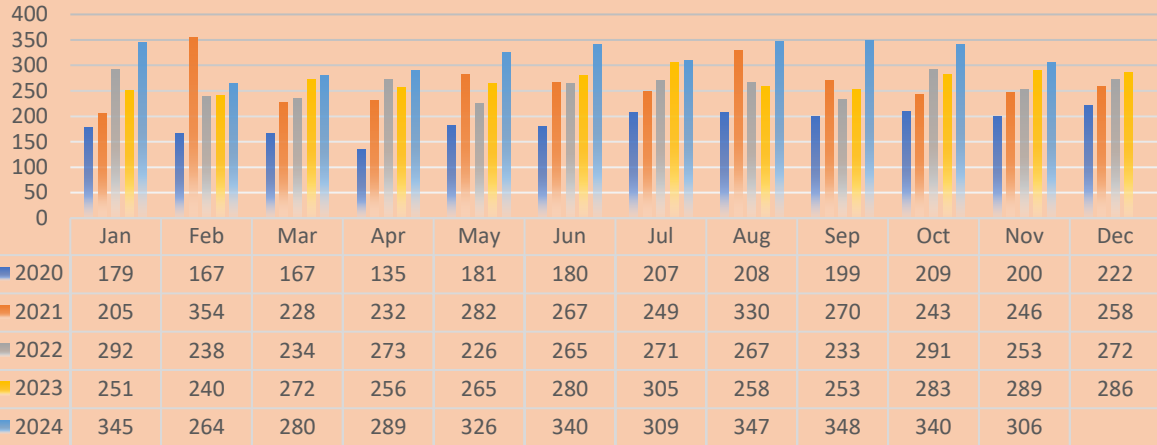
Department Paid Total 68

Sworn Staff	66
Civilians	2
Operational Volunteers	5
Department Total	73



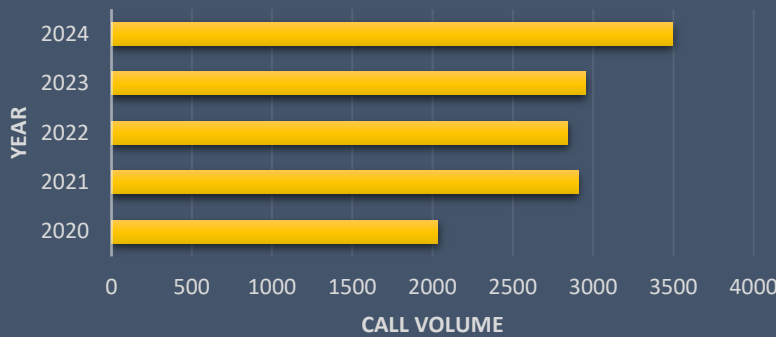
DCESD Total Incident Count

**COMPARISON OF INCIDENTS
OVER THE PAST 5 YEARS MONTH-BY-MONTH**



Year-to-Date Totals

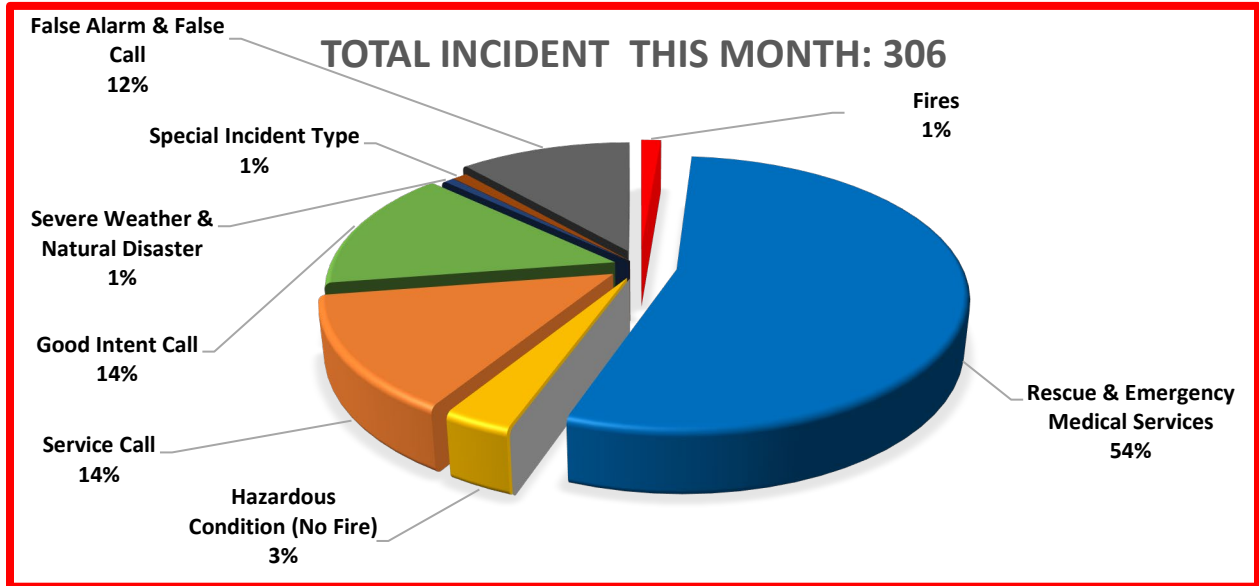
**Year-To-Date Comparison of
Incidents over 5 Years**



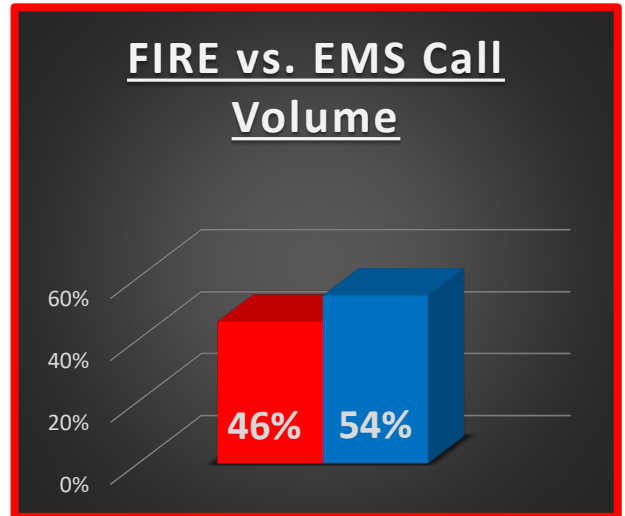
DCESD	YTD	Year End
2020	2032	2254
2021	2906	3164
2022	2843	3115
2023	2952	3238
2024	3494	



INCIDENT STATISTICS



Major Incident Types		
Fires	100's	4
Overpressure rupture, explosion – no fire	200's	0
Rescue & Emergency Medical Services	300's	166
Hazardous Condition (No Fire)	400's	10
Service Call	500's	42
Good Intent Call	600's	44
False Alarm / False Call	700's	35
Severe Weather & Natural Disaster	800's	2
Special Incident Type	900's	3

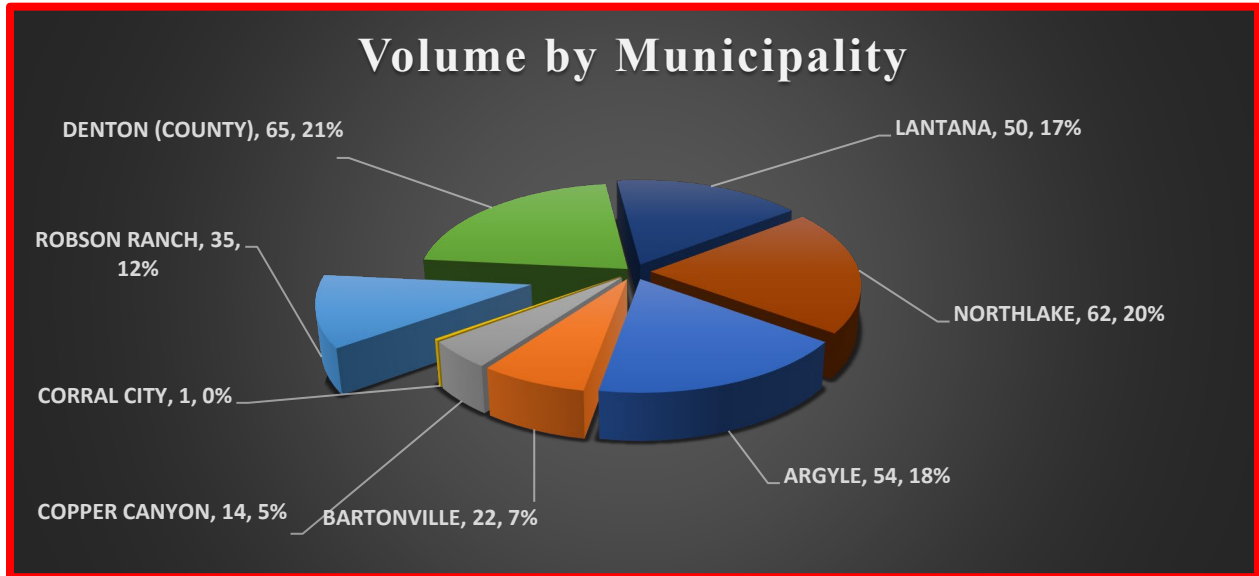


Percentage of Overlapping Calls

Overlapping Calls	
# OVERLAPPING	% OVERLAPPING
59	19%



Municipality Call Volume Breakdown



NFIRS INCIDENT TYPE	Municipality								
	NEIBS#	ARGYLE	BARTONVILLE	COPPER CANYON	CORRAL CITY	LANTANA	NORTHLAKE	Robson Ranch	DENTON COUNTY
Fire	100's		1						3
Overpressure Rupture, Explosion, Overheat	200's								
Rescue & Emergency Medical Services	300's	39	11	6	1	26	25	22	35
Hazardous Condition	400's	3	3			1	1		2
Service Call	500's	3	3	4		9	6	8	9
Good Intent Call	600's	5	5	1		7	16	3	5
False Alarm False Call	700's	3		1		7	14	1	9
Severe Weather & Natural Disaster	800's			1					1
Special Incident Type	900's	1						1	1
Municipality Totals		54	22	14	1	50	62	35	65

NFIRS Breakdown

100's – Fire Group

Structure, wildland, and vehicle fires.

200's – Overpressure Rupture, explosion, overhear – No Fire Group

Steam, air, gas, chemical, explosions(no-fire), etc.

300's – Rescue & Emergency Medical Service Group

EMS Incidents, lock-in, missing person, extrication, motor vehicle accidents, rescues, etc.

400's – Hazardous Conditions – No Fire Group

Gas leak, chemical hazards, power line down, biological incident, bomb removal, etc.

500's – Service Call Group

Person in distress, water evacuation, smoke/odor removal, animal rescue, assist PD, etc.

600's – Good Intent Group

Cancelled en route, controlled burning, wrong location, prescribed burn, etc.

700's – False Alarm & False Call Group

False alarm, malicious false call, unintentional system/detector operation and malfunction

800's – Severe Weather & Natural Disaster Group

Flood, wind, lightning, natural disaster assessment

900's – Special Incident Type

Citizen Complaint, Code Violation



Denton County ESD No. 1

NOVEMBER 2024

Incident Response Times

90th Percentile Assessment

Lights and Sirens – 90 th Percentile Time (Dispatch to Arrival)	
Overall Fire/EMS	10:48
Overall FIRE	11:05
Overall EMS	10:11

Internal Compliance Goal: Less than 8-minute response time from dispatch to first unit on arrival time. Assessment is performed by taking the total number of incidents where lights and sirens were utilized while responding to the incident.

NFPA 1710 Response Recommendations: Key performance objectives for...

FIRE Response: (bunker gear required)

1. Turnout time: < 80 seconds
(1 minute: 20 seconds)
2. First Unit on scene: < 240 seconds
(4 minutes)

EMS Response: (no bunker gear required)

1. Turnout time: < 60 seconds
(1 minute)
2. First Unit on scene: < 240 seconds
(4 minutes)

90th Percentile per Municipality					
ARGYLE	BARTONVILLE	COPPER CANYON	CORRAL CITY	LANTANA	NORTHLAKE
12:00	8:38	10:55	4:08	8:18	9:08

Average Response and Turnout Time Assessment

RESPONSE MODE	TOTAL RESPONDING UNITS	AVERAGE RESPONSE TIME (minutes)
Initial Lights and Sirens, Downgraded to No Lights or Sirens	0	0:00
Initial No Lights or Sirens, Upgraded to Lights and Sirens	0	0:00
Lights and Sirens	261	7:39
No Lights or Sirens	16	2:33

Average Response Time per Municipality					
ARGYLE	BARTONVILLE	COPPER CANYON	CORRAL CITY	LANTANA	NORTHLAKE
7:25	6:02	7:42	4:08	6:07	7:42



Public Education

Community Outreach Events

Fire Station Tours	3
Public Education Events	9
Ride Along (EMS Students/Orientation)	10
Community CPR Classes	0
- Total CPR Students	0
Total Events	19

Training Division

Total ISO Training Hours Logged / Month	2319.5
- EMS Training Hours Logged / Month	290
- FIRE Training Hours Logged / Month	1975
- Administrative Training / Month	54.5

Fire Inspection Report

INSPECTION TYPE	MONTHLY	YEAR TO DATE
*Fire Protection- Fire Alarm (Total)	1	2
*Fire Protection Commercial Sprinkler (Total)	5	25
*Annual (Total)	1	7
*Residential Sprinkler (Total)	11	109
*Fire Protection Inspection: Underground (Total)	1	9
* Controlled Access (Total)	0	3
* Certificate of Occupancy (Total)	7	61
* Compliant (Total)	2	3
Total:	28	219



TOWN COUNCIL COMMUNICATION

DATE: December 17, 2024
FROM: Kirk Riggs, Acting Town Administrator / Chief of Police
AGENDA ITEM: Police Department – Department Statistics/Activities

SUMMARY:

Department Statistics/Activities.

ATTACHMENTS:

- Monthly Report

Town of Bartonville Police Department

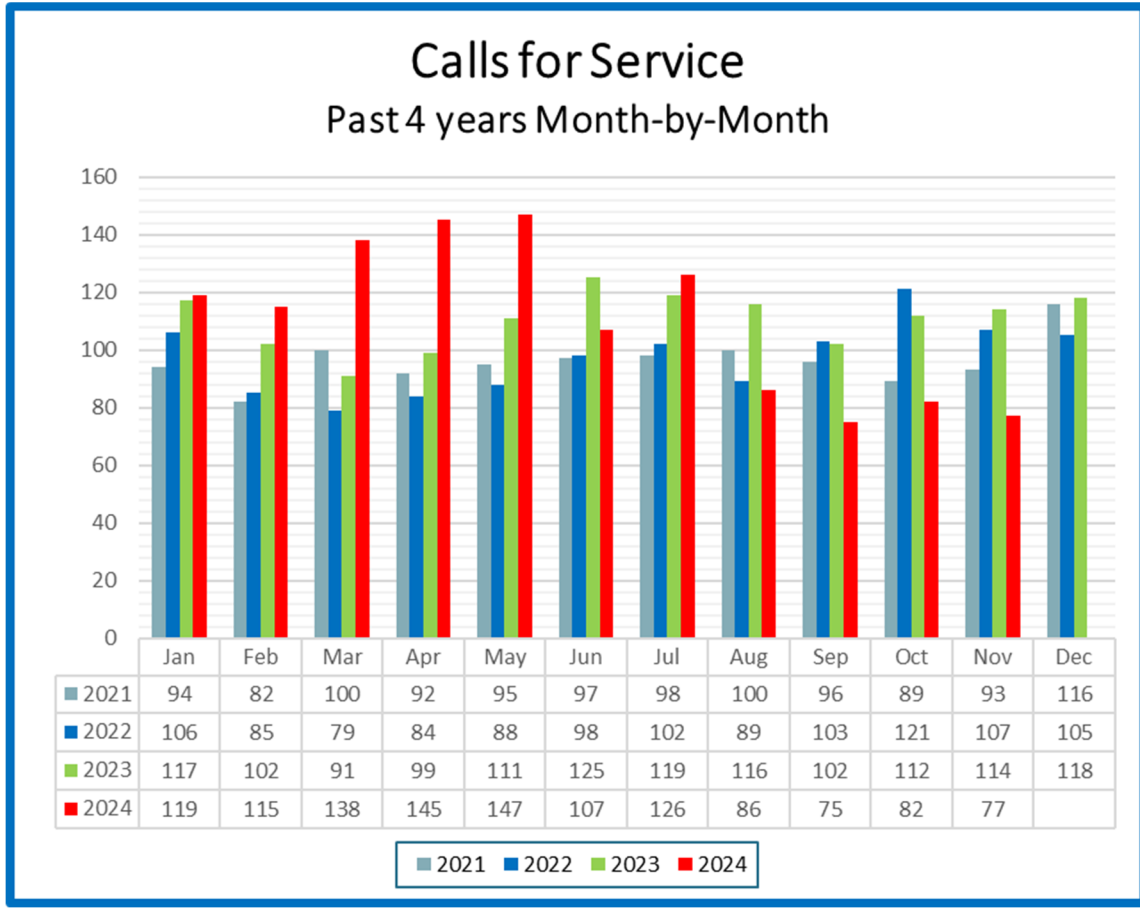
November 2024 Monthly Report



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Types of calls for service	4
Uniformed Crime Reports/Officer initiated activity	5
Misc Information/Upcoming events	6

Total Calls for Service



Bartonville Police Department

November 2024

Abandoned Vehicle	
Agency Assist	12
Alarm- Commercial	0
Alarm- Residential	3
Animal Bite Report	
Animal Complaint	4
Animal Cruelty	2
Assault	
Auto Theft	
Burglary	
Cardiac Arrest	
Citizen Assist	
Civil Standby	
Child Custody Issues	
Criminal Mischief	2
Criminal Trespass	
Disturbance	
Domestic Disturbance	1
Fireworks Complaint	
Follow-up Investigation	8
Forgery/Fraud	1
Found Property	
Gunshots Heard	
Hang-up 911	
Harassment	1
Illegal Dumping	1
Indecent Exposure	
Intoxicated Person	2
Juvenile Complaint	
Loose Livestock	1
Meet Complainant	9
Motorist Assist	2
Narcotics	
Noise Complaint	2
Open Door Investigation	1
Ordinance Violation	1
Person with a Gun	
Psych/Suicide Attempt	3
Reckless Driver	4
Road Blockage/Hazard	1
Stabbing/Gunshot	
Suspicious Person/Veh/Activity	9
Theft	1
Traffic Complaint	
Traffic Transport Incident (Accidents)	
Vehicle Complaint	
Warrant Service	1
Welfare Concern	5

Bartonville Police Department

November 2024

Uniformed Crime Reporting

ACTIVITY	CURRENT MONTH	Current Year	Last Year
UCR	1	2024	2023
PART 1 OFFENSES			
Homicide / Manslaughter	0	0	0
Sexual Assault	0	1	2
Robbery	0	0	0
Aggravated Assault	0	0	1
Burglary	0	2	3
Larceny	0	25	9
Motor Vehicle Theft	0	1	2
Huamn Trafficking	1	1	0
Arson	0	0	0
TOTAL PART I	1	30	17

Officer Initiated Activity

<u>Officer Activity by Type</u>	Total
Admin Duty (Reports, Court, Clerical)	4
Building Checks, Close Patrols	201
Investigations (Sus veh/activity)	10
Traffic Stops	155
Vacation Watch	4
Walk Thru (Business contacts)	9
Total	383

Misc. Information/Upcoming Events

1. The human trafficking report is a Distribution of Child Pornography investigation.
2. Back to full 24/7 coverage.



TOWN COUNCIL COMMUNICATION

DATE: December 17, 2024
FROM: Shannon Montgomery, Town Secretary
AGENDA ITEM: Administration – November 2024 Reports

SUMMARY:

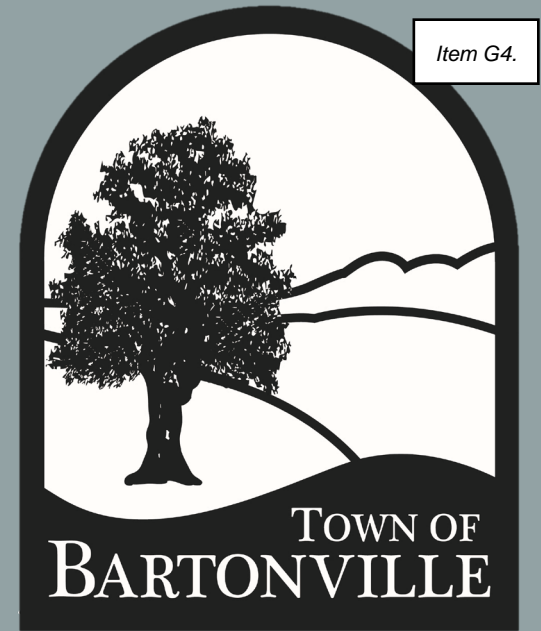
Monthly Reports November 2024.

ATTACHMENTS:

- Monthly Financial Report
- Monthly Animal Control Report
- Monthly Code Enforcement Report
- Monthly Engineering Report
- Monthly Municipal Court Report
- Monthly Permits Report
- Monthly Board Attendance Report

Town of Bartonville Monthly Financial Report

Month Ending
November 30, 2024



PRESENTED:
DECEMBER 17, 2024

All General Fund Revenues

	November 2024 Revenue	Year to Date Revenue	Current Year Budget	Projected Revenue Remaining	% of Budgeted Revenue Remaining	Prior Year YTD Balance	Prior Year Ending Balance
Property Tax	\$10,619.51	\$14,615.58	\$1,200,000.00	\$1,185,384.42	98.78%	\$23,588.77	\$1,092,674.69
Sales Tax	\$64,833.70	\$171,680.14	\$890,000.00	\$718,319.86	80.71%	\$169,673.17	\$930,478.01
Franchise Fees	\$5,394.06	\$72,093.12	\$260,000.00	\$187,906.88	72.27%	\$68,291.89	\$261,378.13
Other/Transfer	\$10,371.63	\$21,665.44	\$223,500.00	\$201,834.56	90.31%	\$27,847.28	\$198,874.65
Development Fees	\$54.25	\$159.75	\$4,000.00	\$3,840.25	96.01%	\$2,950.00	\$16,636.75
Permit Fees	\$17,341.55	\$55,435.35	\$175,000.00	\$119,564.65	68.32%	\$25,572.00	\$243,075.70
Municipal Court	\$8,680.96	\$13,869.60	\$100,000.00	\$86,130.40	86.13%	\$24,604.29	\$102,102.15
Total Revenue	\$117,295.66	\$349,518.98	\$2,852,500.00	\$2,502,981.02	87.75%	\$342,527.40	\$2,845,220.08

Sales Tax Collections



All General Fund Expenditures

	November 2024 Revenue	Year to Date Expenses	Current Year Budget	Budget Balance Remaining	% of Budgeted Revenue Remaining	Prior Year YTD Balance	Prior Year Ending Balance
Administration	\$65,682.58	\$135,665.90	\$1,264,103.00	\$1,128,437.10	89.27%	\$137,254.68	\$1,038,317.01
Police	\$72,712.11	\$134,170.75	\$1,138,128.00	\$1,003,957.25	88.21%	\$125,304.47	\$873,924.26
Municipal Court	\$0.00	\$1,600.00	\$12,000.00	\$10,400.00	86.67%	\$1,600.00	\$10,600.00
Transfers	\$6,394.99	\$50,078.57	\$210,000.00	\$159,921.43	76.15%	\$54,153.27	\$223,050.74
Total Expenses	\$144,789.68	\$321,515.22	\$2,624,231.00	\$2,302,715.78	87.75%	\$318,312.42	\$2,145,892.01

Expenditures by Department

Administration

	November 2024 Expenditures	Year to Date Expenses	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year Fiscal Year End Balance
Salary & Benefits	\$33,652.95	\$77,334.00	\$573,383.00	\$496,049.00	86.51%	\$81,438.38	\$502,776.92
Other	\$2,478.86	\$3,548.58	\$75,500.00	\$71,951.42	95.30%	\$10,158.35	\$53,354.38
Contracted Services	\$26,075.37	\$32,546.62	\$405,750.00	\$373,203.38	91.98%	\$22,122.85	\$374,738.15
Fees & Service Charges	\$131.50	\$251.50	\$1,470.00	\$1,218.50	82.89%	\$134.00	\$870.50
Supplies	\$1,651.17	\$17,889.45	\$102,500.00	\$84,610.55	82.55%	\$20,369.96	\$65,959.89
Maintenance	\$1,392.73	\$3,795.75	\$55,500.00	\$51,704.25	93.16%	\$3,031.14	\$40,617.17
Capital Improvements	\$300.00	\$300.00	\$50,000.00	\$49,700.00	99.40%	\$0.00	\$0.00
Total Administration:	\$65,682.58	\$135,665.90	\$1,264,103.00	\$1,128,437.10	89.27%	\$137,254.68	\$1,038,317.01

Expenditures by Department

Police

	November 2024 Expenditures	Year to Date Expenses	Current Year Budget	Budget Balance Remaining	% Balance Remaining	Prior Year YTD Balance	Prior Year Fiscal Year End Balance
Salary & Benefits	\$69,826.07	\$127,179.63	\$1,032,497.00	\$905,317.37	87.68%	\$113,577.64	\$791,852.14
Maintenance	\$1,100.00	\$4,929.97	\$41,631.00	\$36,701.03	88.16%	\$8,141.66	\$41,671.99
Contracted Service	\$0.00	\$0.00	\$10,000.00	\$10,000.00	100.00%	\$1,776.50	\$1,776.50
Other	\$247.67	\$247.67	\$8,000.00	\$7,752.33	96.90%	\$30.00	\$4,975.24
Supplies	\$1,538.37	\$1,813.48	\$46,000.00	\$44,186.52	96.06%	\$1,778.67	\$33,648.39
Total Police Department:	\$72,712.11	\$134,170.75	\$1,138,128.00	\$1,003,957.25	88.21%	\$125,304.47	\$873,924.26

Call Type Summary:

Loose Dog (2)
 Sick/injured Animal (1)
 Welfare Check (2)

Call

Address	Notes	Service / Type
11/4/2024 1205 Chestnut	Caller stated the dog at this address has no shelter and is not being taken care of. Spoke to homeowner and informed them by state law they have to have shelter for the dog while it is outside. Neighbor gave them a dog igloo for them to give to the dog. Owners refused to give it to the dog. Owners were informed if they do not get shelter for the dog charges could happen.	Animal Control Welfare Check
11/7/2024 1027 Broome Road	Caller stated there is two loose dog at this location killing chickens. Drove the area due to unable to get into the private gate. Did not see any loose dogs.	Animal Control Loose Dog
11/9/2024 1205 Chestnut	Caller stated the dog at this address that they called in about regarding not being taken care of just got hit by a car. Caller called back shortly after and informed us the dog is dead and the owners are aware.	Animal Control Sick/injured Animal

11/21/2024

1718 Jeter Rd East

Caller stated that the animals at Noah's Ark Rescue Ranch are not being taken care of. Caller stated she could hear one of the animals crying in distress.

Animal Control
Welfare Check

Caller also stated the owner tethers the Great Pyrenees with a chain to a weight.

Reached out to caller animal seems to have stopped crying out and the dogs are no where in sight at the moment but are usually tied up next to the blue barn.

This is the blue barn and I can see what looks like to be 2 metal bowls next to it perhaps food and water .

11/19/2024

1270 Saddlebrook Way

Caller stated there was a loose black lab female running around the equestrian center.

Animal Control
Loose Dog

Attempted several times to catch the dog but was unable to. I lost sight of the dog in one of the back yards.

Call Type Summary:

Patrol (4)

Patrol

Address	Notes	Time In/Out	Service / Type
11/11/2024	Patrol the city	11:30 am - 2:00 pm Duration: 2.5 hours	Patrol Patrol
11/21/2024	Patrolled the city for loose, stray, and deceased animals. Spoke to Shannon at city hall.	-	Patrol Patrol
11/4/2024	Patrolled the city for loose, stray, and deceased animals	10:00 am - 11:00 am Duration: 1 hours	Patrol Patrol
11/26/2024	Patrolled the city for loose, stray, and deceased animals.	-	Patrol Patrol

Call Type Summary:

Patrol (1)
 Tall Grass and Weeds (5)
 Trash and Debris (7)

Call

Address	Notes	Service / Type
12/9/2024 1113 Maple Dr	Property abated	Code Enforcement Trash and Debris
12/9/2024 1203 Chestnut Dr	Citation issued	Code Enforcement Trash and Debris
12/9/2024 404 Oakwood Dr	Citation issued	Code Enforcement Trash and Debris
12/9/2024 1213 Brasher Dr	Citation issued	Code Enforcement Tall Grass and Weeds
12/9/2024 1211 Brasher Dr	Citation issued for tall grass/weeds. Trash/debris abated	Code Enforcement Trash and Debris

12/9/2024 1205 Brasher Dr	Citation issued	Code Enforcement Tall Grass and Weeds
12/9/2024 1200 Brasher Dr	Citation issued	Code Enforcement Tall Grass and Weeds
12/9/2024 1113 Brasher Dr	Citation issued	Code Enforcement Trash and Debris
12/9/2024 1103 Brasher Dr	Citation issued	Code Enforcement Trash and Debris
12/9/2024 1200 Pecan Dr	Property abated	Code Enforcement Tall Grass and Weeds
12/9/2024 126 Stonewood Blvd	Citation issued	Code Enforcement Tall Grass and Weeds
12/9/2024 1109 Brasher Dr	Issue warning for trash/debris in front yard. Washer and dryer in yard.	Code Enforcement Trash and Debris
12/9/2024	Patrolled city limits. Issued 9 citations for previous warnings.	Code Enforcement Patrol



Westwood

Town of Bartonville Status Report

Date: December 13, 2024

Plat Review

- N/A

ROW Permits

- Charter/Mastec – Lots of Locations – Update on locations

Subdivision Construction

- Knights Landing – Construction ongoing

Street Fund

- Jeter Phase 2 design ongoing. Began survey and starting design work.

General Consultation

- Glenview Road ROW

Grading Plans Reviewed

- 1491 Land Fall Circle
- 2037 High Meadow
- 2726 Kentucky Derby
- 101, 151 and 201 Knights Crest

westwoodps.com
(888) 937-5150

Town of Bartonville
Municipal Court Council Report
From 11/1/2024 to 11/30/2024

12/2/2024 4

Item G4.

Violations by Type

Traffic	Penal	City Ordinance	Parking	Other	Total
116	0	0	7	2	125

Financial

State Fees	Court Costs	Fines	Tech Fund	Building Security	Total
\$5,848.18	\$2,404.40	\$7,349.70	\$257.49	\$315.43	\$16,175.20

Warrants

Issued	Served	Closed	Total
0	0	0	0

FTAs/VPTAs

FTAs	VPTAs	Total
0	0	0

Dispositions

Paid	Non-Cash Credit	Dismissed	Driver Safety	Deferred	Total
32	0	30	7	12	81

Trials & Hearings

Jury	Bench	Appeal	Total
0	0	0	0

Omni/Scofflaw/Collection

Omni	Scofflaw	Collections	Total
22	0	22	44

PermitReport

12/3/2024 9:33

Item G4.

Permit #	Contact	Property	Permit Type	Issued Date	Estimated Value	Square Footage	Paid Amount
24-00375-01	PGP Construction	2660 FM 407 Unit 200	Commercial Finish-Out	11/21/2024	352,000.00	2002	1,001.00
24-00440-01	Omnilicious LLC dba FastnFix	2660 FM 407 Unit 300	Commercial Finish-Out	11/21/2024	85,000.00	1001	750.00
24-00516-01	Texas Outdoor Living & Remodeling		Contractor Registration - General	11/5/2024			125.00
24-00519-01	Darin and Kathleen Foreman	330 Porter Rd	Covered Patio/Carport/Arbor Permit	11/25/2024	11,000.00	1200	225.00
24-00520-01	Sabre Luxury Homes	1209 Pitner Court	New Residence Permit	11/4/2024	2,700,000.00	5761	3,744.65
24-00520-02	Sabre Luxury Homes	1209 Pitner Court	New Residence (Non AC)	11/4/2024		2144	964.80
24-00520-04	Sabre Luxury Homes	1209 Pitner Court	Grading and Drainage Permit	11/4/2024			275.00
24-00520-05	Sabre Luxury Homes	1209 Pitner Court	Culvert/Driveway	11/4/2024			120.00
24-00521-01	C Signs and Graphics Inc		Contractor Registration - General	11/1/2024			125.00
24-00522-01	CourTex Construction, Inc.	1325 Saddlebrook Ct	Flat Work	11/7/2024	70,000.00	2040	150.00
24-00523-01	Frymire Home Services	973 Ridgewood Cir	Hot Water Heater	11/4/2024	500.00		75.00
24-00526-01	Zodiac Pools and Outdoor Living	2741 Kentucky Derby Drive	Pool/Spa (inground)	11/12/2024	180,000.00	868	725.00
24-00527-01	Superscapes		Contractor Registration - Irrigation	11/8/2024			125.00
24-00528-01	Verde Outdoor Solutions	849 Hat Creek Road	Sprinkler/Irrigation Permit	11/13/2024			110.00
24-00529-01	Excel Geothermal A/C & Heat, LLC		Contractor Registration - Mechanical	11/13/2024			0.00
24-00530-01	On the Hook Fish & Chips	2201 E. FM 407	Temporary Food Permit	11/23/2024			35.00
24-00531-01	Royal Homes of Texas		Contractor Registration - General	11/19/2024			125.00
24-00532-01	Chappell Plumbing and Air, Inc.		Contractor Registration - Plumbing	11/19/2024			0.00
24-00533-01	Pulliam Pools		Contractor Registration - General	11/19/2024			125.00
24-00534-01	Rafter W LLC	858 Broome Rd	OSSF Permit - Residential	11/20/2024			410.00
24-00535-01	The Barrel	2648 FM 407 Unit 150	Food Establishment Permit	11/20/2024			300.00
24-00536-01	Texas Rebath	1024 E Jeter Rd	Plumbing Permit	11/26/2024	5,000.00	15	130.00
24-00537-01	Hesse-Schniederjan Heating and Air Conditioning		Contractor Registration - Mechanical	11/20/2024			0.00
24-00538-01	Beste Electric LLC		Contractor Registration - Electrical	11/20/2024			0.00
24-00540-01	Tokyo Samurai Hibachi and Sushi	3600 FM 407, Ste. 100	Food Establishment Permit	11/20/2024			300.00
24-00541-01	TopTech Electric and Plumbing		Contractor Registration - Plumbing	11/25/2024			0.00
24-00543-01	TopTech Electric and Plumbing	582 Wolf Run Rd	Plumbing Permit	11/26/2024	5,913.00		130.00
24-00546-01	C Signs and Graphics Inc	459 McMakin	Sign Permit	11/27/2024			75.00
24-00547-01	Stewart Custom Homes	1410 Clydesdale Road	New Residence Permit	11/27/2024	999,000.00	6903	4,486.95
24-00547-02	Stewart Custom Homes	1410 Clydesdale Road	New Residence (Non AC)	11/27/2024		2667	1,200.15
24-00547-04	Stewart Custom Homes	1410 Clydesdale Road	Grading and Drainage Permit	11/27/2024			275.00
24-00547-05	Stewart Custom Homes	1410 Clydesdale Road	Culvert/Driveway	11/27/2024			120.00
24-00548-01	Milestone Plumbing		Contractor Registration - Plumbing	11/27/2024			0.00

FY2025 Boards and Commission Attendance Report

Item G4.

Oct 24 Nov 24 Dec 24 Jan 25 Feb 25 Mar 25 Apr 25 May 25 Jun 25 Jul 25 Aug 25 Sep 25

Board of Adjustment (BOA)														
Position	Term	Director												
Chair	2024-2026	Donna Baumgarner (2014)	NO MEETING	NO MEETING										
Vice Chair	2023-2025	Jim Lieber (2016)												
Director	2023-2025	Del Knowler (2011)												
Director	2024-2026	Kathy Daum (2003)												
Director	2023-2025	Siobhan O'Brien (2022)												
Alternate #1	2024-2026	Rebecca Jenkins (2022)												
Alternate #2	2023-2025	Heather Head (2023)												

All Terms are two (2) Years P - Present A - Absent E - Excused - Staff Notified

Oct 24 Nov 24 Dec 24 Jan 25 Feb 25 Mar 25 Apr 25 May 25 Jun 25 Jul 25 Aug 25 Sep 25

Planning & Zoning Commission (P&Z)														
Position	Term	Commissioner												
Chair	2024-2026	Ralph Arment (1988)	P	NO MEETING										
Vice Chair	2024-2026	Gloria McDonald (1998)	E											
Commissioner	2024-2026	Brenda Hoyt-Stenovich (2014)	P											
Commissioner	2023-2025	Don Abernathy (2000)	P											
Commissioner	2023-2025	Larry Hayes (2021)	P											
Alternate #1	2024-2026	Pat Adams (2022)	P											
Alternate #2	2023-2025	Rick Lawrence (2023)	P											

All Terms are two (2) Years P - Present A - Absent E - Excused - Staff Notified

FY2025 Boards and Commission Attendance Report

Item G4.

Oct 24 Nov 24 Dec 24 Jan 25 Feb 25 Mar 25 Apr 25 May 25 Jun 25 Jul 25 Aug 25 Sep 25

Bartonville Community Development Corporation (BCDC)													
Position	Term	Director											
Chair	2023-2025	Randy Van Alstine (2014)	P	P									
Vice Chair	2024-2026	Brenda Latham (2021)	P	P									
Director	2023-2025	Jennifer Buck(2023)	A	A									
Director	2023-2025	Jim Langford (2015)	A	E									
Director	2024-2026	Lacy Burrhus (2023)	P	P									
Director	2024-2026	Scott Daum (2024)	A	P									
Director	2024-2026	Tyler Ochoa (2024)	P	E									

All Terms are two (2) Years

P - Present

A - Absent

E - Excused - Staff Notified

Oct 24 Nov 24 Dec 24 Jan 25 Feb 25 Mar 25 Apr 25 May 25 Jun 25 Jul 25 Aug 25 Sep 25

Crime Control and Prevention District (CCPD)													
Position	Term	Director											
Chair	2023-2025	Jeff Grubb (2011)	E	P									
Vice Chair	2024-2026	Johnny Jones (2012)	P	E									
Director	2023-2025	Chris Colbert (2011)	P	P									
Director	2023-2025	Jarod Root (2024)	P	P									
Director	2024-2026	Jim Murphy (2024)	P	P									
Director	2024-2026	Lori Van Alstine (2014)	P	P									
Director	2024-2026	Steve Weiss (2023)	P	P									

All Terms are two (2) Years

P - Present

A - Absent

E - Excused - Staff Notified

FY2025 Boards and Commission Attendance Report

Item G4.

10/8 10/22 11/12 11/18

Special Events Committee (SEC)													
Position	Term	Committee Member											
Chair	2024-2026	Lori Van Alstine	P	P	P								
Vice Chair	2024-2026	Kathy Daum	P	E	P								
Member	2024-2025	CM Keith Crandall	P	P	P								
Member	2024-2025	CM Margie Arens	P	P	P								
Member	2024-2026	Donna Baumgarner	E	P	P								
Member	2024-2026	Randy Van Alstine	P	P	P								
Member	2024-2025	Sean Stenovitch	E	P	P								

P - Present

A - Absent

E - Excused - Staff Notified



TOWN COUNCIL COMMUNICATION

DATE: December 17, 2024

FROM: Shannon Montgomery, Town Secretary

AGENDA ITEM: Consider approval of the November 19, 2024, Regular Meeting Minutes.

SUMMARY:

The Town Council held a Regular Meeting on November 19, 2024.

RECOMMENDED MOTION OR ACTION:

Approve November 19, 2024, Regular Meeting Minutes as presented.

ATTACHMENT:

- November 19, 2024, Regular Meeting Minutes

THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE MET IN REGULAR SESSION ON THE 19TH DAY OF NOVEMBER 2024 AT THE TOWN OF BARTONVILLE TOWN HALL, LOCATED AT 1941 E JETER ROAD, BARTONVILLE, TEXAS WITH THE FOLLOWING COUNCIL MEMBERS PRESENT, CONSTITUTING A QUORUM:

Jaclyn Carrington, Mayor
Matt Chapman, Mayor Pro Tem/Place 2
Jim Roberts, Council Member Place 1
Clay Sams, Council Member Place 3
Keith Crandall, Council Member Place 4
Margie Arens, Council Member Place 5

Town Staff Present:

Kirk Riggs, Acting Town Administrator / Chief of Police
Shannon Montgomery, Town Secretary
Ed Voss, Town Attorney
Andrea Carpenter, Deputy Town Secretary/Court Clerk

A. CALL MEETING TO ORDER

Mayor Carrington called the Regular Session to order at 6:30 pm.

B. PLEDGE OF ALLEGIANCE

Mayor Carrington led the Pledge of Allegiance.

C./D. CONVENE INTO CLOSED SESSION and RECONVENE INTO OPEN SESSION

Pursuant to the Open Meetings Act, Chapter 551, the Town Council convened into a Closed Executive Session at 6:30 pm and reconvened into open session at 7:03 pm in accordance with the Texas Government Code regarding:

1. Section 551.089 Security Devices or Security Audits: IT Network Security.

No action taken; action will be taken during agenda item H.1

E. PUBLIC PARTICIPATION

If you wish to address the Council, please fill out a "Public Meeting Appearance Card" and present it to the Town Secretary, preferably before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, citizens wishing to address the Council for items listed as public hearings will be recognized when the public hearing is opened. For citizens wishing to speak on a non-public hearing item, they may either address the Council during the Public Participation portion of the meeting or when the item is considered by the Town Council.

There were no Public Presentations made.

F. APPOINTED REPRESENTATIVE/LIAISON REPORTS**1. Upper Trinity Regional Water District Report.**

Representative Knowler provided an update on Lake Ralph Hall, stating that the construction is progressing well, and the project is still on target for 2025.

2. Denton County Emergency Services District #1.

Chief Vaughn of Denton County Emergency Services District No. 1 provided an update and addressed questions from Council.

3. Police Department – October 2024 Statistics/Activities.

Acting Town Administrator / Chief Riggs summarized the monthly statistics and addressed questions from Council.

4. Administration – October 2024 Reports: Financial, Animal Control, Code Enforcement, Engineering, Municipal Court, Permits, and Board Member Attendance.

Town Secretary Montgomery provided a summary of the October 2024 financials and addressed questions from Council.

G. CONSENT AGENDA

This agenda consists of non-controversial, or “housekeeping” items required by law. Items may be approved with a single motion. Items may be removed from the Consent Agenda by any Councilmember by making such request prior to a motion and vote on the Consent Agenda.

- 1. Consider approval of the October 15, 2024, Regular Meeting Minutes.**
- 2. Consider approval of an Ordinance amending, Chapter 7, “Municipal Court”, Article 7.01, “General Provisions,” Section 7.01.005, “Court Clerk,” and Section 7.01.006, “Prosecuting Attorney.”**
- 3. Consider approval of a Resolution appointing Andrea Carpenter as Municipal Court Clerk and Caprice Garcia as Municipal Court Prosecuting Attorney.**
- 4. Consider approval of a Resolution authorizing the Bank Account Signatories for the Town of Bartonville bank accounts at Independent Financial Bank.**
- 5. Consider approval of a Resolution repealing Resolution No. 2013-03, dated February 19, 2013, in its entirety.**

Motion made by Council Member Sams seconded by Council Member Roberts, to Consent Agenda Items 1 – 5 as presented.

VOTE ON THE MOTION

AYES: Roberts, Chapman, Sams, Crandall, and Arens

NAYS: None

VOTE: 5-0

Consent Agenda Item No. 2 Ordinance caption reads as follows:

**TOWN OF BARTONVILLE
ORDINANCE NO. 777-24**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 7, "MUNICIPAL COURT," ARTICLE 7.01, "GENERAL PROVISIONS," BY AMENDING SECTIONS 7.01.005, "COURT CLERK," AND SECTION 7.01.006, "PROSECUTING ATTORNEY"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

H. PUBLIC HEARINGS AND REGULAR ITEMS

- 1. Discuss and consider approval of a Consulting Services Agreement between Datamax Technology Solutions Group and the Town of Bartonville to provide IT services; and authorize the Acting Town Administrator to execute same on behalf of the Town.**

Motion made by Council Member Roberts, seconded by Council Member Crandall to **APPROVE** a Consulting Services Agreement between Datamax Technology Solutions Group and the Town of Bartonville to provide IT services; and authorize the Acting Town Administrator to execute same on behalf of the Town.

VOTE ON THE MOTION

AYES: Roberts, Chapman, Sams, Crandall, and Arens

NAYS: None

VOTE: 5-0

- 2. Discuss and consider awarding a Solid Waste and Recycling Contract and authorize the Mayor and Acting Town Administrator to begin negotiations with said company for solid waste and recycling services to begin January 1, 2025.**

Motion made by Council Member Arens, seconded by Council Member Crandall, to table this agenda item to a Special Meeting to be held on Monday, November 25, 2024 at 6:00 pm.

VOTE ON THE MOTION

AYES: Roberts, Chapman, Sams, Crandall, and Arens

NAYS: None

VOTE: 5-0

- 3. Discuss and consider approval of an Ordinance amending the Town's Budget for the Fiscal Year beginning October 1, 2024, and ending September 30, 2025, as adopted by Ordinance 772-24; providing for adjustments to the General Fund and Bartonville Crime Control and Prevention District Fund.**

Motion made by Council Member Crandall, seconded by Council Member Roberts, to **APPROVE** an Ordinance amending the Town's Budget for the Fiscal Year beginning October 1, 2024, and ending September 30, 2025, as adopted by Ordinance 772-24; providing for adjustments to the General Fund and Bartonville Crime Control and Prevention District Fund.

VOTE ON THE MOTION

AYES: Roberts, Chapman, Sams, Crandall, and Arens

NAYS: None

VOTE: 5-0

The Ordinance caption reads as follows:

**TOWN OF BARTONVILLE
ORDINANCE NO. 776-24**

FISCAL YEAR 2024-2025 BUDGET AMENDMENT #1

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS AMENDING THE TOWN’S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024, AND ENDING SEPTEMBER 30, 2025, AS ADOPTED BY ORDINANCE NO. 772-24; PROVIDING FOR ADJUSTMENTS TO THE GENERAL OPERATING FUND AND THE BARTONVILLE CRIME CONTROL AND PREVENTION DISTRICT FUND PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; PROVIDING SAVINGS; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES OF THE TOWN BARTONVILLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

- 4. Discuss and consider approval of a Resolution establishing a Covered Applications and Prohibited Technology Policy as required by Government Code Chapter 620 and the Office of the Governor’s directive regarding the installation and use of prohibited technologies on personal devices used to conduct Town of Bartonville business.**

Motion made by Council Member Chapman, seconded by Council Member Arens to **APPROVE** a Resolution establishing a Covered Applications and Prohibited Technology Policy as required by Government Code Chapter 620 and the Office of the Governor’s directive regarding the installation and use of prohibited technologies on personal devices used to conduct Town of Bartonville business.

VOTE ON THE MOTION

AYES: Roberts, Chapman, Sams, Crandall, and Arens

NAYS: None

VOTE: 5-0

I./J. CONVENE INTO CLOSED SESSION and RECONVENE INTO OPEN SESSION

Pursuant to the Open Meetings Act, Chapter 551, the Town Council convened into a Closed Executive Session at 7:48 pm and reconvened into open session at 8:16 pm in accordance with the Texas Government Code regarding:

- 1. Section 551.074 Personnel Matters to deliberate and consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: Town Secretary.**

Motion made by Council Member Chapman, seconded by Council Member Crandall, to approve a 5% salary increase for Town Secretary Montgomery.

VOTE ON THE MOTION

AYES: Roberts, Chapman, Sams, Crandall, and Arens

NAYS: None

VOTE: 5-0

2. Section 551.074 Personnel Matters to deliberate and consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: Acting Town Administrator.

Motion made by Council Member Crandall, seconded by Council Member Roberts, to ratify the Mayor’s appointment of Kirk Riggs as Acting Town Administrator to serve in the absence of Town Administrator Thad Chambers, and provide an increase in his salary of \$6,000 per month, beginning October 1, 2024.

VOTE ON THE MOTION

AYES: Roberts, Chapman, Sams, Crandall, and Arens

NAYS: None

VOTE: 5-0

3. Section 551.074 Personnel Matters to deliberate and consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: Town Attorney.

No action taken.

4. Section 551.074 Personnel Matters to deliberate and consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: Town Administrator.

No action taken.

K. FUTURE ITEMS

Discussion only, no action taken.

L. ADJOURNMENT

Mayor Carrington declared the meeting adjourned at 8:17 pm.

APPROVED this the 17th day of December 2024.

APPROVED:

Jaclyn Carrington, Mayor

ATTEST:

Shannon Montgomery, TRMC, Town Secretary



TOWN COUNCIL COMMUNICATION

DATE: December 17, 2024

FROM: Shannon Montgomery, Town Secretary

AGENDA ITEM: Consider approval of the November 25, 2024, Special Meeting Minutes.

SUMMARY:

The Town Council held a Special Meeting on November 25, 2024.

RECOMMENDED MOTION OR ACTION:

Approve November 25, 2024, Special Meeting Minutes as presented.

ATTACHMENT:

- November 25, 2024, Special Meeting Minutes

THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE MET IN SPECIAL SESSION ON THE 25TH DAY OF NOVEMBER 2024 AT THE TOWN OF BARTONVILLE TOWN HALL, LOCATED AT 1941 E JETER ROAD, BARTONVILLE, TEXAS WITH THE FOLLOWING COUNCIL MEMBERS PRESENT, CONSTITUTING A QUORUM:

Jaclyn Carrington, Mayor
 Matt Chapman, Mayor Pro Tem/Place 2
 Jim Roberts, Council Member Place 1
 Clay Sams, Council Member Place 3
 Keith Crandall, Council Member Place 4
 Margie Arens, Council Member Place 5 (*arrived at 6:05 pm*)

Town Staff Present:

Kirk Riggs, Acting Town Administrator / Chief of Police
 Shannon Montgomery, Town Secretary

A. CALL MEETING TO ORDER

Mayor Carrington called the Special Session to order at 6:00 pm.

B. PLEDGE OF ALLEGIANCE

Mayor Carrington led the Pledge of Allegiance.

C. PUBLIC PARTICIPATION

If you wish to address the Council, please fill out a "Public Meeting Appearance Card" and present it to the Town Secretary, preferably before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, citizens wishing to address the Council for items listed as public hearings will be recognized when the public hearing is opened. For citizens wishing to speak on a non-public hearing item, they may either address the Council during the Public Presentation portion of the meeting or when the item is considered by the Town Council.

There were no Public Presentations made.

D. PUBLIC HEARINGS AND REGULAR ITEMS

- 1. Discuss and consider awarding a Solid Waste and Recycling Contract and authorize the Mayor and Acting Town Administrator to begin negotiations with said company for solid waste and recycling services to begin January 1, 2025.**

Motion made by Council Member Crandall, seconded by Council Member Roberts to **AWARD a Solid Waste and Recycling Contract to Frontier Waste Solutions and to authorize the Mayor and Acting Town Administrator to begin negotiations with said company for solid waste and recycling services to begin January 1, 2024.**

VOTE ON THE MOTION

AYES: Roberts, Chapman, Sams, Crandall, and Arens
 NAYS: None
 VOTE: 5-0

E. ADJOURNMENT

Mayor Carrington declared the meeting adjourned at 6:18 pm.

APPROVED this the 17th day of December 2024.

APPROVED:

Jaclyn Carrington, Mayor

ATTEST:

Shannon Montgomery, TRMC, Town Secretary

DRAFT



TOWN COUNCIL COMMUNICATION

DATE: December 17, 2024

FROM: Kirk Riggs, Acting Town Administrator

AGENDA ITEM: Discuss and consider approval of an Ordinance granting an exclusive franchise for residential and commercial solid waste collection and recycling services to Frontier Waste Solutions, providing rights, duties and obligations of the Town and Frontier Waste Solutions; and authorize the Acting Town Administrator to execute a Solid Waste Collection and Disposal Agreement.

SUMMARY:

At the November Council meeting, Staff informed Council that, after reviewing the submitted RFPs, they unanimously recommended Frontier Waste Solutions as the preferred provider. Council approved the Mayor and Acting Town Administrator Riggs to negotiate the terms of the contract with Frontier Waste Solutions to ensure it meets the Town's needs.

FISCAL INFORMATION: N/A

RECOMMENDED MOTION OR ACTION:

Approve an Ordinance granting an exclusive franchise for residential and commercial solid waste collection and recycling services to Frontier Waste Solutions, providing rights, duties and obligations of the Town and Frontier Waste Solutions; and authorize the Acting Town Administrator to execute a Solid Waste Collection and Disposal Agreement.

ATTACHMENTS: N/A



TOWN COUNCIL COMMUNICATION

DATE: December 17, 2024

FROM: Kirk Riggs, Acting Town Administrator

AGENDA ITEM: Discuss and consider approval of a Resolution accepting the Town's Investment Policy for Fiscal Year 2024-2025.

SUMMARY:

Texas Government Code, Chapter 2256, the Public Funds Investment Act, requires that all municipalities engaging in investment activities have a formal investment policy and that it be reviewed annually. The attached investment policy was originally adopted in 2019.

Staff has reviewed the adopted investment policy and recommend no changes.

FISCAL INFORMATION: N/A

RECOMMENDED MOTION OR ACTION:

Move to approve a Resolution accepting the Town's investment policy for Fiscal Year 2024-2025.

ATTACHMENTS:

- Draft Resolution approving Investment Policy
- Investment Policy

**TOWN OF BARTONVILLE, TEXAS
RESOLUTION 2024-27**

A RESOLUTION OF THE TOWN OF BARTONVILLE, APPROVING AN INVESTMENT POLICY FOR THE INVESTMENT OF MUNICIPAL FUNDS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Bartonville, Texas is a Type “A” General Law Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town Council recognizes the necessity of utilizing the public funds entrusted to it by the citizens of Bartonville in the most advantageous manner so as to maximize the benefit of those funds for the citizens of Bartonville, Texas; and

WHEREAS, the Town Council recognizes the necessity of protecting the principal of those funds and ensure the ready accessibility of such funds; and

WHEREAS, section 2256.005(b) of the Texas Government Code, as amended, requires the Town to adopt a written investment policy regarding the investment of Town funds which emphasizes safety of principal and liquidity; addresses investment diversification, yield, maturity, and the quality and capability of investment management; and

WHEREAS, the Texas Public Funds Investment Act requires an annual review and approval of the investment policy; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS:

Section 1. That the foregoing recitals are hereby found to be true and correct findings of the Town of Bartonville, Texas, and are fully incorporated into the body of this resolution.

Section 2. That the Town of Bartonville does hereby adopt Texas Government Code, Chapter 2256, Public Funds Investment Act, in its entirety, as the rule and guide for the investment of such public funds as are entrusted to it and are deemed suitable for investment purposes. The Investment Policy attached hereto as **Exhibit A** (“Investment Policy of the Town of Bartonville, Texas”), and made a part hereof for all purposes is hereby reviewed and adopted as the Investment Policy of the Town of Bartonville, Texas, as required by Chapter 2256 of the Texas Government Code.

PASSED AND APPROVED this the 17th day of December 2024.



APPROVED:

Jaclyn Carrington, Mayor

ATTEST:

Shannon Montgomery, TRMC, Town Secretary

EXHIBIT "A"



**INVESTMENT POLICY
OF THE
TOWN OF BARTONVILLE, TEXAS
FY 2024-2025**

I. INTRODUCTION

The purpose of this Policy is to set specific investment policy and strategy guidelines for the Town of Bartonville in order to achieve the goals of safety, liquidity, yield, and diversification for all investment activity. In accordance with state statute, the Town Council of the Town of Bartonville shall review its investment strategies and policy no less than annually. This Policy satisfies the statutory requirement of Texas Government Code Chapter 2256, the Public Funds Investment Act (the "Act").

II. SCOPE

This investment policy applies to all financial assets of the Town of Bartonville. These funds are reported in the Town's Annual Audit and include:

- General Funds
- Capital Improvement Funds
- Community Development Corporation
- Crime Control & Prevention District

III. OBJECTIVES

The Town of Bartonville shall manage and invest its cash and assets with four major objectives, listed in order of priority: safety, liquidity, diversification, and yield. Safety of the principal is the primary objective. All investments shall be managed in a manner responsive to public trust and consistent with state and local law.

The Town shall maintain a cash management program which includes timely collection of accounts receivable, vendor payments in accordance with invoice terms, and prudent investment of assets. Cash management is the process of managing monies in order to ensure maximum cash availability and reasonable yield on short-term investments.

Safety

The primary objective of the Town's investment activity is the preservation of capital. Each investment transaction shall be conducted in a manner to avoid capital losses, whether they be from security defaults, safekeeping, or erosion of market value.

Liquidity

The Town's investment portfolio shall be structured to meet all expected obligations in a timely manner. This shall be achieved by matching investment maturities with forecasted cash flow liabilities and maintaining additional liquidity for unexpected liabilities.

Diversification

The Town's portfolio shall be diversified by market sector and maturity in order to avoid market risk.

Yield

The benchmark for the Town's portfolio shall be the one-year U.S. Treasury, designated for its comparability to the Town's expected average cash flow pattern. The investment program shall seek to augment returns above this threshold consistent with risk limitations identified herein and prudent investment policies.

IV. INVESTMENT STRATEGY

The Town of Bartonville maintains one commingled portfolio for investment purposes which incorporates the specific investment strategy considerations and the unique characteristics of the fund groups represented in the portfolio:

- A. The investment strategy for the operating fund has as its primary objective assurance that anticipated liabilities are matched and adequate investment liquidity provided. The secondary objective is to create a portfolio structure which will experience minimal volatility.
- B. The investment strategy for debt service funds shall have as its primary objective the assurance of available funds adequate to fund the debt service obligations on a timely basis. Successive debt service dates will be fully funded before extension.
- C. The investment strategy for debt service reserve funds shall have as its primary objective the ability to generate a revenue stream to the debt service funds from high quality securities with a low degree of volatility. Securities should be of high credit quality and, except as may be required by the bond ordinance specific to an individual issue, of short to intermediate-term maturities. The potential for loss shall be further controlled through the purchase of securities within the desired maturity range.
- D. The investment strategy for capital projects or capital project funds will have as its primary objective assurance that anticipated cash flows are matched and provide adequate investment liquidity. At least 10% total liquidity is planned to provide flexibility and for unanticipated project outlays. The stated final maturity dates of securities held may not exceed the estimated project completion date.

The Town of Bartonville intends to match investments with the projected cash flow analysis and liquidity needs of the Town. In no case will the average maturity of the portfolio exceed twelve (12) months. The maximum final stated maturity of any investment shall not exceed two years.

The Town shall pursue a conservative portfolio management strategy. Securities may be sold before they mature if market conditions present an opportunity for the Town to benefit from the trade, but the strategy will be primarily buy-and-hold. The investment officer will continuously monitor the contents of the portfolio, the available markets, and the relative value of competing instruments to adjust the portfolio in response to market conditions.

V. RESPONSIBILITY AND CONTROL

Investment Officer(s)

The Town Administrator is designated by Council as the Investment Officer and the Town Secretary as the secondary Investment Officer of the Town responsible for investment decisions and activities. Other Investment Officers may be so designated. The Town may further contract with a registered investment advisor to advise on the management of the Town's portfolio. No person may engage in an investment transaction except as provided under the terms of this Policy and supporting procedures.

All investment officers shall attend at least one training session provided by an independent source, in accordance with the Act, within 12 months after assuming investment duties and shall attend eight hours of training every two successive fiscal years beginning at the first day of the fiscal year.

Internal Controls

The Town Administrator is responsible for establishing and maintaining an internal control structure designed to reasonably assure that assets of the Town are protected from loss, theft, or misuse. The concept of reasonable assurance recognizes that the cost of a control should not exceed the benefits likely to be derived, and the valuation of costs and benefits requires ongoing estimates and judgments by management.

The internal controls shall address the following points at a minimum:

- Control of collusion,
- Separation of transaction authority from accounting and record keeping,
- Custodial safekeeping,
- Clear delegation of authority,
- Written confirmation for all transactions, and
- Review, maintenance, and monitoring of security procedures both manual and automated.

The external auditor shall provide an annual independent review of quarterly investment reports to assure compliance with state law, policies, and procedures.

The Town Administrator shall monitor, on no less than a weekly basis, the credit rating on all authorized investments in the portfolio based upon independent information from a nationally recognized rating agency. If any security falls below the minimum rating required by Policy, the Town Administrator shall notify the Town Council of the loss of rating, conditions affecting the rating and possible loss of principal with liquidation options available, within two weeks after the loss of the required rating. All prudent measures will be taken to liquidate an investment that is downgraded to less than the required minimum rating.

The Town Administrator shall monitor, on no less than a weekly basis, the status and ownership of all banks issuing brokered CDs owned by the Town based upon information from the FDIC. If any bank has been acquired or merged with another bank in which brokered CDs are owned, the

Town Administrator shall immediately liquidate any brokered CD which is above the FDIC insurance level.

VI. PRUDENCE

The standard of prudence to be applied to all Town investments shall be the “prudent person” rule, which states:

“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 their capital as well as the probable income to be derived.”

In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration the investment of all funds under the Town’s control, over which the officer has responsibility rather than a consideration as to the prudence of a single investment.

The Investment Officer, acting in accordance with written procedures and exercising due diligence, shall be held responsible, but not personally liable for a specific security’s credit risk or market price changes, provided that these deviations are reported immediately, and that appropriate action is taken to control adverse developments.

VII. CONFLICTS OF INTEREST

Investment Officers and Town staff involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair the ability to make impartial investment decisions. Town staff shall disclose to the Town Administrator any personal business with or material financial interests in financial institutions that conduct business with the Town.

An Investment Officer of the Town who has a personal business relationship with an organization seeking to sell an investment to the Town shall file a statement disclosing that personal business interest to the Town Council and the Texas Ethics Commission. An investment officer who is related within the second degree by affinity or consanguinity to an individual seeking to sell an investment to the Town shall file a like statement disclosing that relationship.

VIII. AUTHORIZED INVESTMENTS

The assets of the Town of Bartonville may be invested only in the following instruments as further defined by the Act. If changes are made to the Act they will not be authorized until this Policy is modified and adopted by the Town Council.

- A. AAA-rated, constant-dollar Local Government Investment Pools as defined by the Act and authorized by Town Council which strive to maintain a \$1 net asset value.

Delivery versus Payment

All securities shall be purchased on a delivery versus payment (DVP) settlement basis. Funds shall not be released until receipt of the security by the Town's approved custodian. The custodian shall provide the Town with proof of ownership or claim by an original safekeeping receipt delivered to the Town.

IX. REPORTING

Quarterly Reporting

The Investment Officers shall submit a signed quarterly investment report to the Council in accordance with the Act. The reports shall summarize investment strategies employed in the most recent quarter and fully describe investment securities, maturities, risk characteristics, and investment return for the quarter. The report will include the following:

- A full description of individual securities held at the end of the reporting period based on amortized value,
- Unrealized gains or losses,
- Overall change in market value during the period as a measure of volatility,
- Weighted average yield of the portfolio and its applicable benchmarks,
- Earnings for the period,
- Analysis of the total portfolio by market sector and maturity, and
- Statement of compliance of the investment portfolio with the Act and the Investment Policy of the Town.

Market prices for the calculation of market value will be obtained from independent sources. Marketing to market will be done at least quarterly.

X. FINANCIAL COUNTER-PARTIES

Town Depository

At least every five years a Town Depository shall be selected through a formal request for proposal (RFP) process in accordance with the Texas Government Code 105.017. In selecting a depository, the services, cost of services, credit worthiness, earnings potential, and collateralization by the institutions shall be considered.

Security Broker/Dealers

All financial institutions and broker/dealers who desire to transact business with the Town must supply the following documents will be maintained by Finance.

- Financial Industry Regulatory Authority (FINRA) certification and CRD #
- proof of Texas State Securities registration
- policy review certification

Each counterparty must be provided a copy of the current Investment Policy and certify to a review stating understanding of the Policy and that controls are in place to assure only Policy

approved investments will be sold to the Town.

A list of qualified broker/dealers will be reviewed, revised and adopted at least annually by the Town Council.

XI. COLLATERAL, SAFEKEEPING AND CUSTODY

Time and Demand Pledged Collateral

All Town time and demand deposits shall be secured above FDIC coverage by pledged collateral. In order to anticipate market changes and provide a level of security for all funds, collateral will be maintained and monitored by the depository at 102% of market value of principal and accrued interest on the deposits. The bank shall review collateral at least weekly to assure that the market value of the pledged securities is maintained at 102% or more.

Collateral pledged to secure deposits shall be held by an independent financial institution outside the holding company of the depository in accordance with a safekeeping agreement signed by authorized representatives of the Town, the Depository, and the custodian (with the exception of the Federal Reserve as Custodian).

All collateral shall be subject to inspection and audit by the Town or the Town's independent auditors.

Authorized Collateral

The Town shall accept only the following securities as collateral for time and demand deposits or repurchase agreements:

- A. FDIC insurance coverage.
- B. Obligations of the United States, its agencies or instrumentalities, or other evidence of indebtedness of the United States guaranteed as to principal and interest including CMO which pass the *bank test*.
- C. Obligations, the principle, and interest on which, are guaranteed or insured by the State of Texas.
- D. Obligations of other states or of a county, Town or other political subdivision of a state having been rated as investment grade (investment rating no less than "A" or its equivalent) by two nationally recognized rating agencies.

XII. INVESTMENT POLICY ADOPTION

The Town of Bartonville Investment Policy and investment strategies shall be reviewed and adopted by resolution of the Town Council no less than annually. The approving resolution must include the changes made to the Policy.



TOWN COUNCIL COMMUNICATION

DATE: December 17, 2024

FROM: Ed Voss, Town Attorney

AGENDA ITEM: Discuss and consider approval of a Resolution approving participation in the Texas Opioid Settlement with Kroger; and authorize the Mayor to execute the participation form on behalf of the Town.

SUMMARY:

Please see attached explanatory memo from the Texas State Attorney General.

FISCAL INFORMATION: N/A

RECOMMENDED MOTION OR ACTION:

Motion to approve a Resolution approving participation in the Texas Opioid Settlement with Kroger; and authorize the Mayor to execute the participation form on behalf of the Town.

ATTACHMENTS:

- Explanatory Memo
- Draft Resolution
- Participation Form



TO LOCAL POLITICAL SUBDIVISIONS:
IMPORTANT INFORMATION ABOUT NEW OPIOID SETTLEMENT WITH KROGER.
SUBDIVISIONS MUST SUBMIT SIGNED DOCUMENTATION TO PARTICIPATE.
THE DEADLINE FOR PARTICIPATION IS DECEMBER 29, 2024.

This letter is part of the formal notice required by the Settlement.

If your subdivision is represented by an attorney with respect to opioid claims, please immediately contact them.

Please note that this settlement is a **NEW** opioid settlement; your subdivision may have previously submitted documents for the Distributors, Janssen/J&J, Endo, Teva, Allergan, Walmart, Walgreens, CVS, and Mallinckrodt settlements.

To participate in the Kroger settlement, you will need to submit new documentation.

WHY IS YOUR SUBDIVISION RECEIVING THIS NOTICE?

You are receiving this letter because Texas settled with Kroger, and your subdivision may participate in this Settlement. This notice is being sent directly to subdivisions who are not litigating against Kroger. If you are represented by an attorney with respect to opioid claims, please immediately contact them. Please note that there is no need for subdivisions to be represented by an attorney or to have filed a lawsuit to participate in the Settlement.

Your subdivision may have already signed on to other opioid settlements and adopted the Texas Term Sheet. **If so, do not disregard this notice. This is a new settlement with Kroger.** If you have already signed on to the Kroger Settlement, you may disregard this notice.

HOW DO YOU PARTICIPATE IN THE SETTLEMENTS?

All required documentation must be executed and submitted to the email address:

opioids@oag.texas.gov. Your subdivision will need to submit the **Subdivision Participation Form** for the Kroger settlement to opioids@oag.texas.gov. Please also be sure to include in the Form the identity and email address of the individual who is authorized to sign formal and binding documents on behalf of your subdivision.

SETTLEMENT OVERVIEW

The proposed Settlement requires Kroger to pay \$83 million (the "Settlement Amount") to Texas and its political subdivisions. Of the Settlement Amount, the vast majority is earmarked for use by Texas and its subdivisions to remediate and abate the impacts of the opioid crisis. The Settlement also contains injunctive relief provisions governing the opioid marketing as well as the sale and dispensing practices at the heart of the opioid claims in the lawsuits.

The subdivisions within Texas are entitled to decide whether they wish to participate in the settlement. Any subdivision that does not participate cannot directly share in any of the settlement funds.

WHERE CAN YOU FIND MORE INFORMATION?

This email is intended to provide a brief overview of the Settlement. Detailed information about the Settlement may be found at the website set up by Office of the Attorney General of Texas:

<https://www.texasattorneygeneral.gov/globalopioidsettlement>.

WHY YOU SHOULD PARTICIPATE

Texas and the Litigating Political Subdivisions in Texas support of this settlement.

Subdivision participation is strongly encouraged, for the following reasons:

First, the amounts to be paid under the Settlement, while insufficient to abate the epidemic fully, will contribute to allowing Texas and its local governments to commence with meaningful change designed to curb opioid addiction, overdose, and death, following on the Distributors and Johnson & Johnson/Janssen settlements from 2021, the Teva and Endo settlements from 2022, the Mallinckrodt bankruptcy settlement in 2023, and the Allergan, CVS, Walmart, and Walgreens settlements from 2023;

Second, time is of the essence. The opioid epidemic continues to devastate communities around the country, and it is critical that the funds begin to flow to allow governments to address the epidemic in their communities *as soon as possible*; and

Third, you know first-hand the effects of the opioid epidemic on your community. Funds from this settlement will be used to commence abatement of the crisis and provide relief to your citizens while litigation and settlement discussions proceed against numerous other defendants in the opioid industry.

HOW WILL SETTLEMENT FUNDS BE ALLOCATED IN TEXAS?

The Texas Term Sheet, which sets the allocation between subdivisions and the State, can be found on the Texas Attorney General's website. Any questions concerning the status or terms of the Texas Term Sheet and allocations in Texas can be directed to the Texas Attorney General's Office.

You may be contacted by the Texas Attorney General's Office with additional information regarding the allocation of settlement funds in Texas. Subdivisions with representation can expect information from their attorneys. We encourage you to review all materials and to follow up with any questions. The terms of these settlements are complex, and we want to be sure you have all the information you need to make your decision.

As with the other opioid settlements, the Texas Comptroller of Public Accounts and the Texas Opioid Council will disburse funds to participating political subdivisions in Texas.

NEXT STEPS

This settlement requires that you take affirmative steps to 'opt in' to the settlement. If you do not act, you will not receive any settlement funds.

First, have your authorizing person(s) or body begin to review the materials on the website concerning the settlement agreement terms and the Texas Term Sheet. Develop a list of questions for your counsel

or the Texas Attorney General's Office. Your subdivision will need to begin the process of deciding whether to participate in the proposed settlement, and subdivisions are encouraged to work through this process well before the **December 29, 2024**, deadline. Again, the Texas Attorney General's Office, your counsel, and other contacts within the state are available to discuss the specifics of the settlements within your state and we encourage you to discuss the terms and benefits of the settlements with them.

Second, should you decide to proceed with participating, your subdivision will need to submit your signed Subdivision Participation Form to opioids@oag.texas.gov.

NOTE: If your subdivision has not already done so, your subdivision will need to adopt the Texas Term Sheet and its intrastate allocation schedule. If your subdivision has previously signed on to the Distributors, J&J/Janssen, Endo, Teva, Allergan, CVS, Walmart, and Walgreens settlements, you will have already adopted the Texas Term Sheet. There is no need to readopt the Texas Term Sheet. If you have NOT adopted the Texas Term Sheet, please contact opioids@oag.texas.gov.

We urge you to view the Texas Attorney General's website at your earliest convenience. Information and documents regarding the settlement can be found on the settlement website at: <https://www.texasattorneygeneral.gov/globalopioidsettlement>

Questions regarding the opioid settlements can be directed to: opioids@oag.texas.gov.

FREQUENTLY ASKED QUESTIONS

1. My subdivision already signed up for opioid settlements, is that good enough for these new settlements?

No, you will need to submit a new **Subdivision Participation Form** for the Kroger Settlement; opting into the other settlements does not sign you up for this one.

2. Does my subdivision need to pass a resolution to sign up for this settlement?

This depends on the specifics of what your county or city is required to do to release legal claims. If your city manager, for example, is authorized to generally enter into opioid settlements, you may not need a resolution. Consult your legal counsel for advice.

If your subdivision has already adopted the Texas Term Sheet to sign on to a previous opioid settlement, you do NOT need to adopt an additional resolution to readopt the Texas Term Sheet.

3. When will my subdivision receive funds from this settlement and/or the other settlements?

Funds for the Distributors, J&J/Janssen, Endo, Teva, Allergan, CVS, Walmart, and Walgreens, and Mallinckrodt settlements have been paid to the Texas Comptroller of Public Accounts and the Texas Opioid Council, and those funds continue to be distributed to participating subdivisions.

4. How much will my subdivision receive from the Kroger Settlement?

If you have questions about your subdivision's individual allocation amount, please contact opioids@oag.texas.gov.

5. What are all the different Texas opioid settlements?

Here is a summary of all the opioid settlements between Texas and its political subdivisions and the various manufacturers, distributors, and retail pharmacies:

Date Announced	Company	Amount
February 2021	McKinsey	\$38.4 million
July 2021	AmerisourceBergan, Cardinal Health, and McKesson	\$1.271 billion
July 2021	Janssen	\$296.9 million
December 2021	Endo	\$63 million
February 2021	Teva	\$150 million plus \$75 million in product plus \$57 million from MFN
June 2021	Mallinckrodt	\$26.6 million
December 2022	Allergan	\$135.7 million
December 2022	Walmart	\$170 million
December 2022	CVS	\$300.3 million
December 2022	Walgreens	\$326.6 million
February 2024	Publicis	\$21.5 million
October 2024	Kroger	\$83 million
Total	13 companies	\$3.016 billion

**TOWN OF BARTONVILLE, TEXAS
RESOLUTION 2024-28**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS,
APPROVING PARTICIPATION IN THE TEXAS OPIOID SETTLEMENT WITH KROGER;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Town of Bartonville, Texas (the “Town”), received information regarding the State of Texas’ settlement with Kroger to resolve opioid abuse and claims (the “Kroger Opioid Settlement”); and

WHEREAS, the State of Texas, through the Office of the Attorney General, recently entered into an Agreement settling claims with Kroger, and said settlement requires Kroger to pay \$83 million to Texas and its political subdivisions to remediate and abate the impacts of the opioid crisis; and

WHEREAS, the State of Texas has recommended that the Town participate in the receipt of any settlement funding available to the Town from the Kroger Opioid Settlement.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:

SECTION 1: The findings set forth in the recitals of this Resolution are hereby found to be true and correct and are hereby adopted as findings of the Town Council and are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2: The Bartonville Town Council hereby approves the Town’s participation in the Kroger Opioid Settlement, and hereby authorizes the Mayor to execute any and all documents necessary to participate in said settlement on behalf of the Town, and in particular, the Texas Settlement Subdivision Participation and Release Form attached hereto as Exhibit A.

SECTION 3: This Resolution shall become effective from and after its passage.

PASSED AND APPROVED this the 17th day of December 2024.

APPROVED:

Jaclyn Carrington, Mayor

ATTEST:

Shannon Montgomery, TRMC, Town Secretary

Exhibit ATEXAS SETTLEMENT SUBDIVISION PARTICIPATION AND RELEASE FORM

Political Subdivision:	Town of Bartonville	Texas
Authorized Official:	Mayor	
Address 1:	1941 E Jeter Road	
Address 2:		
City, State, Zip:	Bartonville, TX 76226	
Phone:	817-693-5280	
Email:	mayor@townofbartonville.com	

The governmental entity identified above (“Texas Political Subdivision”), in order to obtain and in consideration for the benefits provided to the Texas Political Subdivision pursuant to the Kroger Texas Settlement Agreement and Full Release of All Claims dated October 30, 2024 (“Kroger Texas Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Kroger Texas Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Texas Political Subdivision above is aware of and has reviewed the Kroger Settlement Agreement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Texas Political Subdivision elects to participate in the Kroger Texas Settlement and become a Participating Texas Political Subdivision as provided therein.
2. The Texas Political Subdivision shall immediately cease any and all litigation activities as to the Released Entities and Released Claims and, within 14 days of executing this Participation and Release Form, its counsel shall work with Kroger’s counsel to dismiss with prejudice any Released Claims that it has filed.
3. The Texas Political Subdivision agrees to the terms of the Kroger Texas Settlement pertaining to Texas Political Subdivisions as provided therein.
4. By agreeing to the terms of the Kroger Texas Settlement and becoming a Releasor, the Texas Political Subdivision is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date of the Release.
5. The Texas Political Subdivision agrees to use any monies it received through the Kroger Texas Settlement solely for the purposes provided therein.

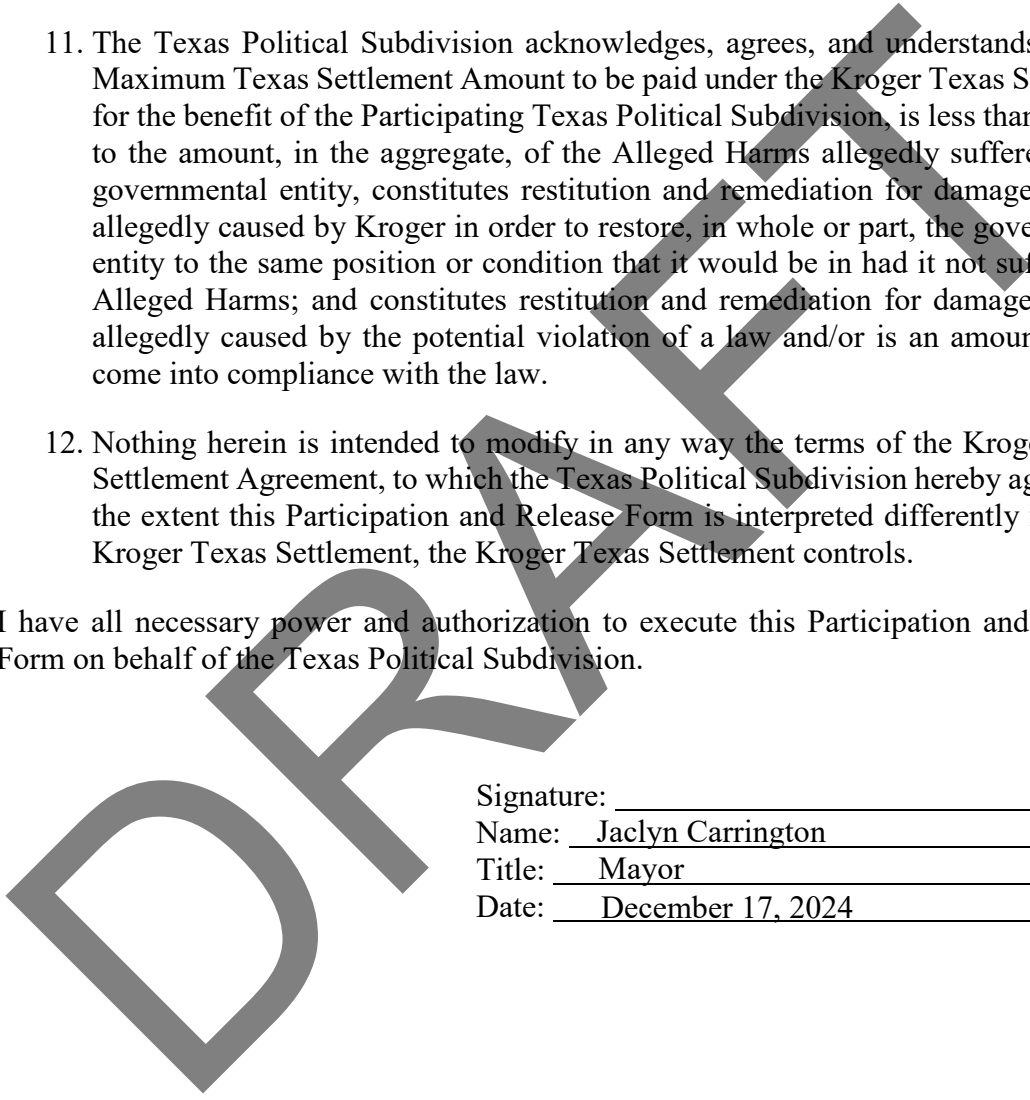
6. The Texas Political Subdivision submits to the exclusive jurisdiction and authority of the Texas Consolidated Litigation Court as defined in the Kroger Texas Settlement. For the avoidance of doubt, nothing contained in this Participation and Release Form, or the Kroger Texas Settlement, constitutes consent to jurisdiction, express or implied, over the Texas Political Subdivision or its selected counsel to the jurisdiction of any other court (including without limitation MDL 2804, the MDL 2804 Fee Panel, the MDL 2804 Enforcement Committee, or the Court in which any Texas Consent Judgment is filed) for any purpose whatsoever.
7. The Texas Political Subdivision, as a Participating Texas Subdivision, has the right to enforce the Kroger Texas Settlement in the Texas Consolidated Litigation Court as provided therein.
8. The Texas Political Subdivision, as a Participating Texas Subdivision, hereby becomes a Releasor for all purposes in the Kroger Texas Settlement, including but not limited to all provisions of Section V (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Texas Political Subdivision hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entities in any forum whatsoever. The releases provided for in the Kroger Texas Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entity the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Texas Political Subdivision to release claims. The Kroger Texas Settlement shall be a complete bar to any Released Claim.
9. The Texas Political Subdivision hereby takes on all rights and obligations of a Participating Texas Subdivision as set forth in the Kroger Texas Settlement.
10. In connection with the releases provided for in the Kroger Texas Settlement, each Texas Political Subdivision expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Texas Political Subdivision hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Kroger Texas Settlement.

- 11. The Texas Political Subdivision acknowledges, agrees, and understands that the Maximum Texas Settlement Amount to be paid under the Kroger Texas Settlement for the benefit of the Participating Texas Political Subdivision, is less than or equal to the amount, in the aggregate, of the Alleged Harms allegedly suffered by the governmental entity, constitutes restitution and remediation for damage or harm allegedly caused by Kroger in order to restore, in whole or part, the governmental entity to the same position or condition that it would be in had it not suffered the Alleged Harms; and constitutes restitution and remediation for damage or harm allegedly caused by the potential violation of a law and/or is an amount paid to come into compliance with the law.
- 12. Nothing herein is intended to modify in any way the terms of the Kroger Texas Settlement Agreement, to which the Texas Political Subdivision hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Kroger Texas Settlement, the Kroger Texas Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Texas Political Subdivision.



Signature: _____
 Name: Jaclyn Carrington
 Title: Mayor
 Date: December 17, 2024