



EVERMAN CITY COUNCIL REGULAR MEETING

Tuesday, August 16, 2022 at 6:30 PM

212 North Race Street Everman, TX 76140

AGENDA

1. MEETING CALLED TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. CONSENT AGENDA

A. Special Meeting July 5, 2022

Special Meeting July 11, 2022

Regular Meeting July 19, 2022

5. PRESENTATIONS

A. Everman Fire Department - New Tanker 19

6. CITIZEN'S COMMENTS

7. DISCUSSION ITEMS

A. Senior Citizen Advisory Board - Councilwoman Johnnie Allen

B. National Night Out - 2022

C. Update - City of Fort Worth Zoning Change Application - CZ-22-102

D. Review and Discuss the Everman City Council Policies and Procedures

8. CONSIDERATION AND POSSIBLE ACTION

A. Approve Ordinance #785 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2022 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

B. Approve Ordinance #786 - AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS AMENDING CHAPTER 14, "PARKS AND RECREATION;" PROVIDING REGULATIONS RELATED TO SPORTS FIELDS OWNED BY THE CITY; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

C. Approve Ordinance #787 - AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS AMENDING APPENDIX A "FEE SCHEDULE" OF THE EVERMAN CODE OF ORDINANCES; PROVIDING FOR FEES RELATED TO RENTAL OF CITY-OWNED SPORTS FIELDS INCLUDING CONCESSIONS; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

9. EXECUTIVE SESSION

A. Section 551.074 - Personnel Matters - Past performance, review and evaluation of the City Manager

10. CITY MANAGERS REPORT

11. MAYOR'S REPORT

12. ADJOURN

I hereby certify that this agenda was posted on the City of Everman bulletin board at or before 5:00 p.m. on Friday August 12, 2022.

/s/ Mindi Parks
City Secretary

Citizens may watch city council meetings live on YouTube. A link to the City of Everman YouTube channel is provided on the city website at: www.evermantx.us/government/citycouncil/

Pursuant to Section 551.071, Chapter 551 of the Texas Government Code, Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting, to receive advice from its attorney on any posted agenda item, as permitted by Law. Additionally, Council may convene into Executive Session to discuss the following:

- A. Section 551.071 - Pending or Contemplated Litigation or to Seek Advice of the City Attorney.
- B. Section 551.072 - Purchase, Sale, Exchange, Lease, or Value of Real Property.
- C. Section 551.073 - Deliberation Regarding Prospective Gift.
- D. Section 551.074 - Personnel Matters.
- E. Section 551.087- Deliberation Regarding Economic Development Negotiations.
- F. Section 551.089 - Deliberations Regarding Security Devices or Security Audits.

Citizens wishing to submit written comments should e-mail the City Secretary at mparks@evermantx.net. Comments that are received at least one-hour prior to the start of the meeting will be provided to all council members.

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City Hall is wheelchair accessible. Parking spaces for disabled citizens are available. Requests for sign interpretative services must be made 48 hours prior to the meeting. To make arrangements, call 817.293.0525 or TDD 1.800.RELAY TX, 1.800.735.2989.



EVERMAN CITY COUNCIL SPECIAL MEETING

Tuesday, July 05, 2022 at 11:30 AM
212 North Race Street Everman, TX 76140

MINUTES

1. MEETING CALLED TO ORDER

Mayor Richardson called meeting to order at 11:36am.

PRESENT

- Place 1 Linda Sanders
- Place 4; Mayor Pro-Tem Susan Mackey
- Place 5 Judy Sellers
- Mayor Ray Richardson

Absent:

- Kelly Denison, Council Member Place 2
- Johnnie Allen, Council Member, Place 3
- Miriam Davila, Council Member, Place 6

Others Present:

- Mindi Parks, City Secretary
- Craig Spencer, City Manager
- Susanne Helgesen, Finance Director
- Gilbert Ramirez, Director of Public Works

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. CONSENT AGENDA

5. PRESENTATIONS

6. CITIZEN'S COMMENTS

We had no citizen's comments.

7. DISCUSSION ITEMS

8. CONSIDERATION AND POSSIBLE ACTION

- A. Approve expenditure of up to \$104,000 for the repair and replacement of the Shelby Pump and associated parts and equipment

Motion made by Place 5 Sellers, Seconded by Place 1 Sanders.
 Voting Yea: Place 1 Sanders, Place 4; Mayor Pro-Tem Mackey, Place 5 Sellers, Mayor Richardson

Motion Carried.

9. EXECUTIVE SESSION

Did not adjourn into Executive Session.

10. CITY MANAGERS REPORT

Had nothing to report.

11. MAYOR’S REPORT

Had nothing to report.

12. ADJOURN

Mayor adjourned the meeting at 11:41am.

I hereby certify that this agenda was posted on the City of Everman bulletin board at or before 5:00 p.m. on Friday July 1, 2022.

/s/ Mindi Parks
 City Secretary

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EVERMAN CITY COUNCIL SPECIAL MEETING

Monday, July 11, 2022 at 11:30 AM

212 North Race Street Everman, TX 76140

MINUTES

1. MEETING CALLED TO ORDER

Mayor Richardson called meeting to order at 11:30am.

Others Present:

Mindi Parks, City Secretary

Craig Spencer, City Manager

Landon Whatley, Fire Chief

PRESENT

Place 1 Linda Sanders

Place 3 Johnnie Allen

Place 4; Mayor Pro-Tem Susan Mackey

Place 5 Judy Sellers

Mayor Ray Richardson

ABSENT

Place 2 Kelly Denison

Place 6 Miriam Davila

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. CITIZEN'S COMMENTS

No citizens comments.

5. DISCUSSION ITEMS

6. CONSIDERATION AND POSSIBLE ACTION

- A. Approve to direct the City Manager to appear at the City of Fort Worth Zoning Commission Public Hearing scheduled for Wednesday, July 13th, 2022 at 1:00pm to share concerns and speak on behalf of the Everman City Council in opposition to CFW Case Number ZC-22-102.

We did not have to take action on this due to the Attorney adding this in the resolution.

- B. Approve Resolution #2022-07-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS PROTESTING THE CITY OF FORT WORTH, TEXAS' PROPOSED ZONING CHANGE; AUTHORIZING THE CITY MANAGER TO PROTEST THE AFOREMENTIONED ZONING CHANGE; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY ALL NECESSARY DOCUMENTS RELATING TO SAID ZONING CHANGE;

PROVIDING FOR FINDINGS OF FACT; REPEALER; SEVERABILITY; AN EFFECTIVE DATE; PROPER NOTICE & MEETING.

Motion made by Place 4; Mayor Pro-Tem Mackey, Seconded by Place 5 Sellers.
Voting Yea: Place 1 Sanders, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 5 Sellers, Mayor Richardson

Motion carried.

7. ADJOURN

Mayor Richardson adjourned the meeting at 11:42am.

I hereby certify that this agenda was posted on the City of Everman bulletin board at or before 5:00 p.m. on Friday July 8, 2022.

/s/ Mindi Parks
City Secretary

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- C. Section 551.073 - Deliberation Regarding Prospective Gift.
- D. Section 551.074 - Personnel Matters.
- E. Section 551.087- Deliberation Regarding Economic Development Negotiations.
- F. Section 551.089 - Deliberations Regarding Security Devices or Security Audits.

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EVERMAN CITY COUNCIL REGULAR MEETING

Tuesday, July 19, 2022 at 6:30 PM

212 North Race Street Everman, TX 76140

MINUTES

1. MEETING CALLED TO ORDER

Mayor Called meeting to order at 6:30pm.

PRESENT

- Place 1 Linda Sanders
- Place 3 Johnnie Allen
- Place 4; Mayor Pro-Tem Susan Mackey
- Place 5 Judy Sellers
- Place 6 Miriam Davila
- Mayor Ray Richardson

Others Present:

- Mindi Parks, City Secretary
- Craig Spencer, City Manager
- Susanne Helgesen, Director of Finance
- Landon Whatley, Fire Chief
- Gilbert Ramirez, Director of Public Works

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. CONSENT AGENDA

A. June 7, 2022 Regular Meeting

June 21, 2022 Regular Meeting

Motion made by Place 4; Mayor Pro-Tem Mackey, Seconded by Place 1 Sanders.
 Voting Yea: Place 1 Sanders, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 5 Sellers,
 Place 6 Davila, Mayor Richardson

Motion Carried.

B. Financial Report - May 2022

Motion made by Place 4; Mayor Pro-Tem Mackey, Seconded by Place 1 Sanders.
Voting Yea: Place 1 Sanders, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 5 Sellers,
Place 6 Davila, Mayor Richardson

Motion Carried.

5. PRESENTATIONS

6. CITIZEN'S COMMENTS

No citizens comments at this time.

7. DISCUSSION ITEMS

A. City of Fort Worth Zoning Commission Case # ZC-22-102 - City Manager Craig Spencer

Craig stated last week we called a Special meeting to approve a Resolution to have Craig go to this meeting in Fort Worth concerning the Zoning change for property address 4401 Enon Road. They were applying to rezone this property from Agriculture to manufacturing housing. Craig did go to this hearing and he did state that the City of Fort Worths Comp, and Future Land use Plan has identified this property to being zoned in the future for Single Family so this change they are proposing does not align with what the City of Fort Worth desires and other reasons also the City of Fort Worth staff is recommending a denial of this rezoning application. Craig was allowed two minutes and the Chairman gave him three minutes to speak on this matter. Even with the extra minute he still did not get out all what he wanted but he did get to highlight some of the negative impacts, insufficient roadways, over capacity transportation system, negative impact on residential neighborhoods, flood regions, and our Animal Shelter being that close to the development and the potential complaints that would be from the new neighborhood. Also, the fact that manufactured homes depreciate in value. Craig also pointed out at the meeting that the crime rate in condensed neighborhoods like this one tend to have high crime rate. Craig had the map of the Fort Worth website that shows the crime rate and in the area of the already manufactured homes that are already on Forest Hill Drive have higher crime rate than the surrounding neighborhoods in that area. He displayed this map at the meeting for the Zoning Commission to see to back his concern. Craig also highlighted that there are no transportation available in that area to those citizens. Craig stated that the developer requested a thirty day continuance of this application for the purpose of reaching out to the community because hey did have a copy of a Petition that has been signed by several Everman and Fort Worth residents. The Zoning Commission did allow the developers the thirty day continuance in hopes that they do come up with some solutions. Craig stated that he will sign-up for next months meeting opposing it again and we will see what happens. Craig did remind council to keep in m that even if the Zoning Commission denies the application, it will still go to the Council and they do have the power to approve this. It was asked if Phase One had been approved yet and it has Craig stated but no word on when that will even start. Also, council stated their concern on the flooding and traffic from this development. Craig stated that any new development would be required to get a Drainage Study done as well as a Traffic Study. They may use a prior one that was done but that is the problem when there have been thirty more new developments since the studies which means the new ones already impacting that traffic or drainage would now be on the Drainage or Traffic Study that they used instead of having one done themselves. Craig at this time displayed the map for council to see the area that they are trying to have rezoned. This will come back for more discussion.

B. Water Infrastructure System status and updates

ARPA Funds have been complete on the well sites

Columbine drilling is complete and casing the hole and then the mesh and the rest of what needs to be done. This is about a month to be complete.

High School well is complete and functioning.

PD Well lot, they will come Thursday and check the booster pumps. Hope to see this operational on Friday also.

The Chlorine room has been complete also.

C. Everman Sports Fields Ordinance & Fee Schedule Amendment - City Manager Craig Spencer

Craig explained that council previously amended the contract that we have with the Everman Baseball Association from charging per player to charging a flat rate to use the fields for the whole year. When we did that contract with them, we did not amend the Ordinance to reflect what the new contract says. So, we need to do that so that the contract and ordinance match. That's the first issue, the second issue is upon reviewing our fee schedule for what we charge outside entities like Burleson or Crowley to use our fields were significantly low compared to other municipalities. The fee was set at \$15 and we would like to set that fee at \$75 per hour to use our fields. This will also help maintain what we now put into those parks. Pro-Tem Mackey had some small corrections that she pointed out to Craig that need to be changed as well as taking the fees out of the ordinance and putting them into our Fee Schedule so that we have one ordinance to amend when having to do something like this. Council asked about the Associations days that they have to use the field, and Craig stated that he does not recall the dates but they do have those dates that are designated in the contract and the dates that they are not using the fields throughout the year the other entities can pay and reserve those for rental. Council is fine with the changes and fees.

8. CONSIDERATION AND POSSIBLE ACTION

A. Approve Resolution #2022-07-02 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS TO ADOPT AND ALLOCATE FUNDS FOR AN OUTDOOR FITNESS COURT AS PART OF THE 2022 NATIONAL FITNESS CAMPAIGN

Motion made by Place 4; Mayor Pro-Tem Mackey, Seconded by Place 5 Sellers.
Voting Yea: Place 1 Sanders, Place 3 Allen, Place 4; Mayor Pro-Tem Mackey, Place 5 Sellers, Place 6 Davila, Mayor Richardson

Motion Carried.

9. EXECUTIVE SESSION

A. Section 551.074 - Personnel Matters - Past performance, review and evaluation of the City Manager

Mayor opened up Executive Session at 7:09pm.

No action taken.

Mayor closed the Executive Session at 7:38pm.

10. CITY MANAGERS REPORT

Craig informed council of the staff meeting that he had with Tarrant County related to Wichita Street. At this time Craig shared a map on the screen for council. Craig stated this project is

moving right along and Commissioner Brooks has made a commitment and he wants this complete prior to the completion of his term so we are expecting this to be complete in the next wo years. Engineering has begun on this and the purpose of the staff meeting was to get input from Everman and Forest Hill on the initial design and any concerns that may come up. Craig shows council this project starts just North of the Pawn Shop on Wichita Street all the way to Interstate 20. The plan is, just after Buie Drive, Wichita will widen into a five lane road going from North of Buie all the way to Interstate 20 with the center lane being a turning lane. They will also be putting on the East side of the roadway what's called a Shared Path. A Shared Path is a ten foot wide side walk essentially for pedestrian traffic on foot or bicycle. Forest Hill does have future development in that area where they intend to put their City Center. This project will help provide pedestrian travel between there and the City of Everman. There is a lot of pedestrians always walking along Wichita and this will help eliminate that. There will be a traffic light put in at Forest Hill Circle intersection. This will be a concrete roadway as well. They are also purposing to make Roy C. Brooks BLVD. a 90 degree angle curve instead of how it is now so it is a safer intersection there. There will also be curbing along this and a MS4 Storm Drainage System to get the water off the roadway.

Moving to another update, Craig also had a meeting with a couple of staff members from Fort Worth and Mindi and Gilbert joined me for that meeting and we are working with the City of Fort Worth and looking at more meetings and bringing back to council a Safe Routes to School Programs that will provide sidewalks both in Fort Worth and Everman along Shelby Road and Race Street to get sidewalks put in to get kids off the roads. That has been an issue and Council Woman Allen has been pushing for that for a while.

Also, the Civic Center is now listed on the Event Website and that has produced a lot of interest in rental of our facility. We have received over 20 hits and we wanted Council to know it is being marketed and advertised and we expect to have several bookings coming up soon.

11. MAYOR’S REPORT

Mayor and Susan Mackey met with Kelly Denison and he resigned his seat as of yesterday. This means we will be running meetings with six and we will need to keep that in mind for a quorum. We will be calling for a Special Election on November the 8th.

12. ADJOURN

Mayor adjourned the meeting at 7:44pm.

I hereby certify that this agenda was posted on the City of Everman bulletin board at or before 5:00 p.m. on Friday July 15, 2022.

/s/ Mindi Parks
City Secretary

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CITY OF EVERMAN

City Council, Boards, Commissions, and Committees

Rules and Procedures



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ARTICLE 1. INTRODUCTION, APPLICABILITY, AMENDMENT, AND ANNUAL REVIEW

1.1 Introduction

The Everman City Council ("Council") is the governing body of the City of Everman ("City"); therefore, it must bear the initial responsibility for the integrity of governance. The Council is accountable for its own professional development (both as a group and as individuals), its responsibilities, its own discipline, and its own performance. The development and adoption of this policy are to ensure effective and efficient government. All citizens and businesses of Everman are entitled to fair, ethical, and accountable local government which has earned the public's full confidence for integrity. In keeping with the City's commitment to excellence, the effective functioning of democratic government, therefore, requires that:

- Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Public officials are independent, impartial, and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

1.2 Applicability

The rules and procedures adopted by the City Council are applicable not only to the City Council, but shall apply to all other boards, commissions, and committees of the City of Everman.

1.3 Amendment

These rules may be amended or new rules adopted, by a majority vote of the members of the City Council present.

ARTICLE 2. MISSION STATEMENT

2.1 Mission Statement

Based on recognition that stewardship of the public interest must be their primary concern, members of the Council and of the Boards, Commissions, and Committees that are appointed by the Council ("Board Members"), will work for the common good of the people of Everman and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before their respective body.

ARTICLE 3. COMPLY WITH LAW

3.1 Comply with Law

All Members shall comply with all Federal, State and Local laws, the Everman City Charter, all Ordinances, Regulations, Codes, Rules and Policies of the City of Everman.

ARTICLE 4. GENERAL RULES OF PROCEDURE AND POLICIES

4.1 Construction of Authority

The construction of authority in all matters associated with the meetings and activities of the City Council, including the Agenda, shall be: (1) the U.S. Constitution and statutes of the United State of America; (2) The Texas Constitution and statutes of the State of Texas; (3) the City Charter; (4) the Code of Ordinances of the City of Everman, Texas; (5) these rules; and, (6) Robert's Rules as amended and set forth herein.

4.2 Council/Staff Relationships and Communications

The City Manager shall be the chief executive and administrative officer of the City. Refer to Home Rule Charter, Section 5.04 for specific details. The Council should contact City employees through the City Manager. Council Members should refrain from giving orders or directions to any subordinate of the City Manager, either publicly or privately. Work assignments and policy direction should come from the elected body as a whole and not from individual members.

The City Manager shall be directly responsible for providing equal information to all Council members. Should the City Manager find that staff time is being dominated by a single member, he/she should inform the Mayor of the concern.

All Council members and staff members shall show respect and courtesy to each other and citizens at all times.

The City Manager is responsible for seeing that all newly elected Council members are provided with a thorough orientation on staff procedures, municipal facilities and other information of interest to municipal officials.

Consultants hired by the City shall be considered staff members for purposes of governance.

4.3 Meetings Shall Be Public

All meetings of the City Council, Boards, Commissions, and Committees shall be public, and notices thereof shall be posted as provided for under the Texas Government Code, Chapter 551, Open Meetings Act. Except in the case of an emergency meeting, a notice of all meetings

shall be given 72 hours before the time set for any meeting. The Everman City Hall is wheelchair accessible and special parking is available on the west side of the building. If special accommodations are required, please contact the City Secretary a minimum of 24 hours in advance at 817-293-0525.

4.4 Conduct of Meetings

Meetings shall be conducted according to the rules adopted by the City Council, as well as the terms and provisions of Robert's Rules of Order as amended herein and when not inconsistent with these rules

4.5 Regular Meetings

Regular meetings of the City Council shall be established by ordinance in accordance with the Everman City Charter. The Council may, by majority vote at a regular meeting, change the days or times of meetings, as circumstances may necessitate. Regular meetings of Boards, Commissions, and Committees shall be set by each independent board and are required to meet at least once during each fiscal quarter of the year.

4.6 Special Meetings

Special meetings of the City Council may be called, upon the request of the Mayor or two Council Members. A request for a special meeting shall be filed with the City Manager in written/electronic format unless made at a regular meeting at which a quorum of the Council Members is present. The City Manager and all Council Members shall be notified of all special meetings.

4.7 Emergency Meetings

In case of emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive, and notice is posted two (2) hours before the meeting is convened. Notice shall be provided also to the media in accordance with the Texas Government Code, Section 551.047.

4.8 Work Sessions

Work Sessions are called for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council.

4.9 Executive Sessions

Executive Sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

The City Council, Board, Commission, or Committee can retire into an Executive Session as stated on a posted agenda during a regular or special meeting if a motion is duly made and seconded, and affirmed by a majority of the Council. The order in which an Executive Session may appear on the agenda is subject to the discretion of the City Council. A certified record of the meeting will be created by the presiding officer or his/her designee, sealed and permanently kept, subject to opening by Court order. No voting or action shall be taken by the City Council during Executive Session. No other subject but that posted on the agenda is to be considered. Adjournment of Executive Session and any vote needed shall be made during the open public meeting.

A member of the governmental body who, without lawful authority, knowingly discloses to a member of the public the certified agenda for a meeting that was lawfully closed to the public under the Open Meetings Act is liable for: (a) actual damages; (b) reasonable attorney fees and court costs; and possibly (c) exemplary damages. An offense is a Class B misdemeanor. The governmental body will make and keep a certified agenda of each closed executive session, except for an executive session held by the governmental body to consult with attorney in accordance with section 551.071 of the Texas Government Code. The presiding officer must certify that the agenda is a true and correct record of the executive session. The certified agenda must include: (1) a statement of the subject matter of each deliberation, (2) a record of any further action taken, and (3) an announcement by the presiding officer at the beginning and end of the closed meeting indicating the time and date. The presiding officer will certify all agendas in accordance with state law.

4.10 Recessed Meetings

No meeting shall be recessed for a longer period of time than until the next regular meeting except when required information has not been received, or, in the case of work sessions or special meetings, to a date certain by motion duly passed.

4.11 Quorum

The Open Meetings Act defines a “quorum” as the majority of the governing body unless otherwise defined by applicable law, rule, or charter. A quorum of a governmental body’s members must be present in order for the governmental body to exercise the authority delegated to it. A quorum of any governmental body must be present to convene an open

meeting of that body under the Act. This requirement applies even if the governmental body plans to go into executive session immediately after convening.

4.12 Conflict of Interest

A Council Member prevented from voting by a conflict of interest shall file a conflict of interest questionnaire with the City Secretary as soon as possible after the posting of an agenda which contains a conflict, unless an applicable conflict of interest questionnaire has already been filed.

A Council Member prevented from voting by conflict of interest shall step down from the dais and take a seat in the audience, shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence the Council's deliberation of the matter in any way, shall not attend Executive Sessions regarding the matter, and shall otherwise comply with the state law and city ordinances concerning conflict of interest including Chapter 171 of the Local Government Code.

Also, Section 176.003 of the Local Government Code requires certain local government officers to file a Conflicts Disclosure Statement. A "local government officer" is defined as a member of the governing body of a local government entity, a director, superintendent, administrator, president, or other person designated as the executive director of the local government entity; or an employee of a local government entity with respect to whom the local government has, in accordance with Section 176.005, extended the requirements of Section 176.003 and 176.004. The CIS form is required to be filed with the City Secretary no later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement. Additionally, a local government officer is required to file an "Affidavit Providing Notice of Potential Conflict of Interest" should the officer have a "substantial interest" in a business or property, as defined in Chapter 171 of the Local Government Code, if the Council is contemplating taking action that may have a special economic effect on the business property. That affidavit must be filed if you or a person related to you in the first degree by consanguinity (blood) or affinity (marriage) has the interest. Please contact the City Secretary for a form prior to the meeting for which you need to file an affidavit.

4.13 Presiding Officer

The Mayor shall be the official head of City Government. The Mayor shall serve as the presiding officer for all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tem shall serve as the presiding officer. In the absence of the Mayor Pro Tem, the City Secretary shall call the meeting to order if a quorum of the Council is present and the first order of business shall be for Council to elect by majority vote, a temporary presiding officer from the members then seated and in attendance. The temporary presiding officer shall serve in such capacity until the meeting is adjourned.

The Presiding Officer shall serve as the chair of all meetings and shall make final rulings on all questions pertaining to these rules. All decisions of the Presiding Officer are final unless overruled by the City Council through a Motion to Appeal as described in the City Charter.

The Presiding Officer is entitled to participate in the discussion and debate, and is entitled to vote on all business before the City Council. The Presiding Officer of boards, commissions, and committees shall be the person selected by the board as the chair, co-chair, or vice chair. If these persons are not in attendance, the board shall choose a temporary presiding officer from among the members in attendance.

4.14 Minutes of Meetings

The City Secretary shall keep an account of all proceedings of the City Council and they shall be open to public inspection in accordance with the laws of the State of Texas.

4.15 Suspension and Amendment of Rules

Any provisions of these rules not governed by federal, state law, or the City Charter, may be temporarily suspended by a super majority vote of the City Council and may be amended in a similar fashion if such amendment was introduced at the previous regular meeting of the City Council and shall have received preliminary approval of the City Council at such meeting. For the purposes of this section, preliminary approval shall mean a motion and a second with a majority vote to preliminary approve the amendment.

ARTICLE 5. PARLIAMENTARY PROCEDURE

5.1 Purpose

The purpose of these rules of parliamentary procedure is to establish orderly conduct of the meetings. Simple rules lead to a wider understanding and participation. Complex rules create two classes: (1) those who understand the rules, and (2) those who do not fully understand and those who do not fully participate. The ultimate purpose of these rules of parliamentary procedure is to encourage and facilitate decision-making by the City Council. In a democracy, the majority opinion carries the day. These rules enable the majority to express their opinion and fashion a result, while permitting the minority to also express itself and fully participate in the process.

5.2 Model Format for an Agenda Item Discussion

The following ten steps may be used as a model or guidebook by the presiding officer. The meeting is governed by the agenda and the agenda constitutes the only items to be discussed. Each agenda item can be handled by the presiding officer (Mayor) in the following basic format:

1. *Announce the Item.* The Mayor should clearly announce the agenda item number and should clearly state what the subject matter of the agenda item is by reading the caption for the item being considered.
2. *Ordinance Caption Read.* The Ordinance Caption must be read out loud for the participating members, the audience, and the record prior to the adoption of the ordinance.
3. *Receive a Report.* The Mayor should invite the appropriate people to report on the item, including any recommendation they might have.
4. *Ask Clarifying Questions.* The Mayor should ask the Council Members if they have any technical questions for clarification. At this point, members of the City Council may ask clarifying questions to the people who reported on the item, and they should be given time to respond.
5. *Seek Resident Input.* The Mayor should invite resident comments – or if a public hearing, open the public hearing. Upon conclusion, the Mayor should announce that the public input is closed, or if a public hearing, the public hearing is closed.
6. *Motion First.* The Mayor should invite a motion from the City Council before debate is given on the merits of the item. The Mayor should announce the name of the of the member who makes the motion.
7. *Motion Second.* The Mayor should determine if any member of the City Council wishes to second the motion. The Mayor should announce the name of the member who seconds the motion. If no member of the City Council wishes to second he motion, then the motion fails, and should be so stated by the Mayor.
8. *Repeat Motion.* If the motion is made and seconded, the Mayor should make certain that everyone (including the audience) understands the motion. This is done in three ways:
 - a. The Mayor can ask the maker of the motion to repeat it;
 - b. The Mayor can repeat the motion; or
 - c. The Mayor can ask the City Secretary to repeat the motion.
9. *Discuss the Motion.* The Mayor should now invite the members of the City Council to discuss the motion. If there is no desired discussion, the Mayor may call for a vote. If there has been no discussion or a brief discussion, then there is no need to repeat the motion before taking a vote. If the discussion has been lengthy, it is a good practice to repeat the motion before calling for a vote.
10. *Vote.* The Mayor will call for a vote. Unless a super-majority is required for passage of the motion, a simple majority vote determines whether the motion passes or fails. Unless a member of the Council seeks recusal from voting on any question where the vote would constitute a conflict of interest, all members of the Council, including the

Mayor, shall vote upon every question, ordinance, or resolution. Any Council Member refusing to vote unless so excused shall be entered upon the minutes as voting in the affirmative. Action items require a vote. A roll call vote will be conducted by the City Secretary.

11. *Announce the Outcome.* The City Secretary announces the results of the vote and should also state what action (if any) the Council has taken.

5.3 Types of Council Actions

The Council adopts standing policy for the City primarily in three forms: (1) Ordinances; (2) Resolutions; and (3) Voted Council Actions.

1. *Ordinances*

An ordinance adopted by the Council is a law of the City that may be enforced through the court system. The City Manager or any member of the Council may offer an ordinance for consideration by the Council. Copies of proposed ordinances are furnished to members of the Council in their agenda packets. Copies of proposed ordinances are made available at City offices and will be furnished to residents upon request to the City Secretary.

A proposed ordinance may be amended, but any ordinance amended in substance must be reconsidered at the next regular meeting, except for ordinances authorizing the issue of bonds or other obligations. The Charter requires that the City codify all general obligations. General ordinances are those ordinances of a permanent or continuing nature that affect the residents of the City at large. The Council may legislate by ordinance only.

2. *Resolutions*

Resolutions do not have the force of law. A resolution is adopted to state a policy or to define in writing the intent of the Council when a law is not necessary. Examples would include a resolution to define the scope and purpose of a Council committee, or a resolution to define the Council's policy on an issue. Resolutions are also used to document Council actions for reference. A list of resolutions is also maintained by the City Secretary.

3. *Council Actions*

In addition to ordinances and resolutions, Council policy may also be set by Council action. Those actions are documented in the minutes of the meeting. Council policy is also supplemented by administrative orders issued by the City Manager and other duty authorized offices of the City, such as clarifications to the personnel manual, or general orders of the police department. All administrative orders must be in conformance with any policies set by the Council.

5.4 Basic Motions

The basic motion is the one that puts forward a decision for consideration. A basic motion might be: “move approval of the Ordinance as submitted,” or “I make a motion that we deny the Resolution.”

5.5 The Motion to Amend

If a member wants to change a basic motion, he or she would have to motion to amend the original or previously amended motion. A motion to amend might be: “I move that we amend the motion to include the changes we discussed to the Ordinance.” A motion to amend seeks to retain the basic motion on the floor (a motion made and seconded), but to modify it in some way. A motion to amend requires the agreement of the person making the original motion. If the basic motion has already been seconded, the motion to amend must be acknowledged and accepted by the member who seconded the basic motion.

5.6 Discussion and Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, the basic motion and the motion to amend are all eligible, each in their turn for full discussion by and before the City Council. Discussion and debate can continue as long as the members wish to discuss it, or until the Mayor decides that it is time to move on and call a vote on the motion.

5.7 Other Motions

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Council to move on. The following motions are NOT debatable, and the Mayor must immediately call a vote on the motion, if seconded by another member.

- *Motion to Adjourn.* This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.
- *Motion to Recess.* This motion, if passed, requires the Council to immediately take a recess. Normally the Mayor will determine the length of the recess which could last for a few minutes to several hours. It requires a simple majority vote.
- *Motion to Fix the Time to Adjourn.* This motion, if passed, requires the Council to adjourn the meeting at the specific time set in the motion. For example, “I move we adjourn this meeting at Midnight.” It requires a simple majority vote.
- *Motion to Table.* This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda to be placed on hold. The motion may contain a

specific time to bring the item up again, or it may not specify a time. If no time is specified, the item shall be placed on the agenda at the following Council meeting.

- *Motion to Remove from Table.* This motion, if passed, allows the Council to remove an item previously placed on hold. A vote in favor of removing an item from the table must be made before the Council can take action on an item that was tabled.

5.8 Motions Requiring Two-Thirds or a Supermajority Vote to Pass

Normally a super majority vote requires a larger number of affirmative votes than a simple majority. For purposes of these rules, and where applicable state law does not dictate a contrary result, a super majority vote shall require a minimum of five votes for a two-thirds majority vote. The number of affirmative votes required for a super majority is not reduced by the sickness or absence of one or more Council Members. In circumstances where the number of Council Members available to vote on a particular matter is reduced by death, resignation or legal disqualification of one or more of said Members, the total number of Members voting shall be reduced by a like number and the number of affirmative votes required for adoption re-calculated accordingly. The following table provides an example of the calculation for a super majority vote in instances where the number of Council Members is reduced by death, resignation or legal disqualification:

Number of Council Members After Reducing by Death, Resignation, etc.	Minimum Number of Votes For Two-Thirds Supermajority
7	5
6	4
5	4
4	3

- *Motion to Limit Debate.* This motion is sometimes referred to as, “moving the question” or, “calling the question.” When a member of the Council makes such a motion, the member is saying, “I have had enough discussion, let’s vote on the issue.” When such a motion is made, the Mayor should ask for a second, stop the discussion and vote on the motion to limit debate. The motion requires two-thirds, or super majority vote to pass. Meaning, the number of Council Members voting for the motion must equal four or more.
- *Motion to Object to the Consideration of an Item.* This motion, if passed, precludes the City Council from even considering the item on the agenda. It does not preclude the item from appearing on a future agenda. The motion requires two-thirds, or super

majority vote to pass. (Normally, this motion is unnecessary, because the objectionable item can be defeated outright or tabled.)

- *Motion to Suspend the Rules.* This motion IS debatable, but requires a two-thirds or super majority vote to pass. This motion allows the Council to suspend its own rules for a particular purpose. For example, the Council may desire to give a particular speaker more time than normally allowed. A “motion to suspend the rules and give the speaker ten additional minutes,” accomplishes this desire.

5.9 Motion to Reconsider

There is a special motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. As such, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a simple majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

The first issue involves timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting (if properly noticed and on the posted agenda). A motion to reconsider made at a later time is considered untimely and it may not be considered unless the Council suspends the rules to consider it.

Secondly, the motion to reconsider can only be made by a member of the Council who voted in the majority on the original motion. The motion to reconsider may be seconded by any member of the City Council regardless of how they voted on the original motion. If a member of the Council who voted in the minority on the original motion seeks to make a motion to reconsider, it MUST be ruled out of order by the Mayor. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back again and again, which would defeat the purpose of finality.

If a motion to reconsider passes, then the original matter is back before the Council, and a new original motion is in order. The matter may be discussed as if it were on the floor for the first time.

5.10 Courtesy, Decorum, and Order

These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the Mayor (and the members of the City Council) to maintain that atmosphere of courtesy and decorum. The Mayor should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants of the discussion. Debate on policy is

healthy; debate on personalities is not. In order to assist in the creation and maintenance of that atmosphere the following rules shall govern all meetings:

1. *Request to Speak.* Before a Council Member, staff member or an audience member may speak, they must first be recognized by the Mayor. Upon recognition the person requesting to speak shall hold the floor and shall make their point clearly and succinctly. Public comments must be kept relevant to the subject before the Council. The Mayor shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, overly redundant or slanderous remarks may be barred by the Mayor from further comment before the Council during the meeting. Audience members who wish to speak during an agenda must first complete a Citizen Comment Request Form and submit it to the City Secretary. The Mayor has the right to cut a speaker off if the discussion becomes too personal, too loud, too crude, irrelevant, impertinent, redundant, or slanderous.
2. *Order.* If a person fails to request to speak before speaking, the Mayor shall rule them Out of Order and remind them that they do not have the floor. While the Council is in session, all Council Members must preserve order and decorum. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor disturb any other person while speaking or refuse to obey the orders of the Mayor. Members of the City Council should not leave their seats during a meeting without first obtaining permission of the Mayor, or making a Motion to Recess.
3. *Improper References Prohibited.* Every person desiring to speak shall address the entire Council and shall not single out a member of the Council, the audience or a staff member. Speakers shall confine themselves to the question under debate, avoiding all personal attacks and indecorous language.
4. *Interruptions.* A Council Member, once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or other such interruption expressed below. If the Council Member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and if the Council Member is found to be in order, he or she shall be permitted to proceed speaking. Allowable interruptions or, points of order are as follows:
 - a. *Point of Privilege.* The proper interruption would be: "Point of Privilege." The Mayor would then ask the interrupter to, "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room might be too hot or cold, or a fan motor might interfere with a Council Members ability to hear.
 - b. *Point of Order.* The proper interruption would be: "Point of Order." The Mayor would then ask the interrupter to, "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of

the meeting. For example, if the Mayor called for a vote on a motion that permits debate without allowing any discussion.

- c. *Motion to Appeal.* If the Mayor makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the Mayor by stating, “motion to appeal.” If the motion is seconded and after debate if it passes by a simple majority vote, the ruling of the Mayor is reversed.
- d. *Call for orders of the day.* This is simply another way of saying, “let’s return to the agenda.” If a Council Member believes the discussion has strayed from the agenda. The motion does not require a vote. If the Mayor discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.
- e. *Withdraw a Motion.* During the debate and discussion of a motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn and discussion on the motion shall cease. Council Members are free to make the same motion or another motion.

5.11 Enforcement of Rules and Procedures

The following provisions may be used to enforce the good order and decorum of the meeting. The action may be taken by the Mayor under his or her own action, or upon a Motion to Enforce by any Council Member.

1. *Warning.* The Mayor may order any person (Council Member, staff member or audience member) in violation of these rules to be silent.
2. *Removal.* If, after receiving a warning from the Mayor, the person continues to disturb the meeting or breach the peace and good order of the meeting, the Mayor may order the person to leave the meeting. If the person does not leave the room, the Mayor may order the Sergeant-at-Arms to remove the person.
3. *Sergeant-at-Arms.* The Sergeant-at-Arms shall be the highest-ranking police officer in attendance at the Council Meeting, or such other officer designated by the Chief of Police for that purpose. Upon instruction of the Mayor, it shall be the duty of the Sergeant-at-Arms to remove from the meeting any person who intentionally disturbs the proceedings of the City Council. A violation of these rules may be deemed an attempt to disrupt, obstruct, and/or interfere with a lawful meeting and subject the violator to prosecution under state law for disrupting a lawful meeting. (Section 42.05, Texas Penal Code)
4. *Resisting Removal.* Any person who resists removal by the Sergeant-at-Arms may be charged with violating Section 42.05 of the Texas Penal Code.

5. *Motion to Enforce.* Any Council Member may move to require the Mayor to enforce these rules and the affirmative vote of a simple majority of the Council shall require the Mayor to do so. A motion to enforce is an allowable interruption and is not debatable.

5.12 Council May Discipline its Own Members

In the event a Council Member violates the Charter, these rules or any other Ordinance of the City, or acts in a manner that causes embarrassment or disgrace to the City of Everman, the City Council on supermajority vote may discipline the offending member.

Such action may only take place after an Executive Session is held to discuss the offense. The offending member shall be present at the Executive Session to answer any questions asked by members of the City Council or make other statements as he or she may desire to make in his or her defense. If the offending member refuses to attend the Executive Session, the remaining members of the City Council may proceed in his or her absence.

The outcome of the Executive Session may be as follows and shall be made publicly in Open Session in Accordance with the Texas Open Meetings Act:

1. *No Action.* The City Council chooses to take no action.
2. *Private Censure.* The City Council may choose to privately censure the offending member, leaving their comments to the offending member left in the confines of the Executive Session.
3. *Public Censure.* The City Council may choose to publicly censure the offending member through a resolution passed by supermajority vote and entered into the public record.

ARTICLE 6. AGENDA ORDER

The City Manager shall prepare an agenda and cause the same to be posted a minimum of 72 hours prior to the meeting. Agendas shall be delivered to the City Council, in the format requested by each Council Member, on the day of the posting, or within such other times as established by the City Council from time to time. In the event of an emergency meeting of the City Council, this provision shall be suspended when not inconsistent with the provisions of federal or state law or the City Charter.

Council Members may request an item to be included on a future agenda. For an item to be included, requests must be made by at least two members of Council and submitted to the City Manager's Office at City Hall by 12:00 noon on the seventh (7th) calendar day preceding the date of the regular meeting. The Council members requesting the agenda item shall be responsible for the presentation of that item during the meeting. Any City staff assistance should be requested through the City Manager's office.

6.1 Call to Order.

The Mayor shall call the meeting to order.

6.2 Invocation/Pledge of Allegiance

All meetings of the City Council shall begin with an invocation and the Pledge of Allegiance to the United States flag.

6.3 Consent Agenda Items.

There is hereby established, as a part of every agenda for Regular and/or Special Called Meetings of the City Council, a portion of said agenda that shall be labeled "Consent Agenda." Said Consent Agenda may consist of any and all business regularly coming before the City Council. All items set out in the Consent Agenda shall be deemed passed upon passage of an affirmative motion, by a vote of the majority of the members of the City Council then seated, that the Consent Agenda be adopted. No further action shall be deemed necessary, and all such items appearing on the Consent Agenda, upon passage of such motion, shall be deemed adopted as if voted upon separately and as if the caption and/or body of any ordinance therein set out shall have been read in full. Any member of the City Council may request during the *Consider Approval of the Agenda* segment, that an item be removed from the Consent Agenda and considered separately. Such request shall be honored as if it had been passed by majority vote. If any item was removed from the Consent Agenda, it will be considered immediately following approval of the remainder of the Consent Agenda.

6.4 Approval of the Minutes.

The Council shall consider the Minutes of any meeting presented for their review since the last Regular Meeting.

6.5 Presentations and Proclamations.

The Mayor shall make any presentation or deliver any proclamation as may be required from time to time. Outside entities and organizations granted permission to make a presentation shall be placed in this section.

6.6 Public Hearings.

This section is only used when a statutorily required public hearing is part of the order of business. The Mayor shall first request staff comments. The Mayor shall open the public hearing, then open the public hearing to receive resident input in the following order:

proponents, then opponents. While the public hearing is open, Council may ask questions of the speakers, but may not deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules established herein for resident comments. Upon conclusion of resident comments, the Mayor shall close the public hearing. Council may deliberate or take action on the matter at hand upon the closing of the public hearing.

6.7 Resident Comments on Non-Agenda Items.

All persons desiring to speak to the City Council on a non-agenda item must submit a Citizen Comment Request Form to the City Secretary at least five (5) minutes before meeting starts.

6.8 Regular Agenda Items.

Items for individual consideration shall be considered by the City Council individually and approved by either a simple majority vote or a super majority vote as the case may be.

6.9 City Managers Report.

This section is used for routine reports and announcements provided by the City Manager to the Council. It also is an opportunity for Council to ask questions of the City Manager related to project status and clarifications.

6.10 Mayors Report.

This section is used for routine reports and announcements provided by the Mayor to the Council. It also is an opportunity for Council to ask questions of the Mayor related to project status and clarifications.

6.11 Future Agenda Items.

The Council may request future items to be placed on a future agenda at this time. An additional member of Council must concur with a request for an item to be placed on a future agenda. No discussion or deliberation of the items may take place.

6.12 Executive Session Items.

This section is only used, when it is necessary for the Council to convene in Executive Session. Executive Sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government

Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act. If the subject of the Executive Session warrants, the Executive Session may be held prior to the Regular Session.

6.13 Action on Executive Session Items.

This section is only used if section 6.11 is used. Action on Executive Session Items must be taken during public/open session of the Council. Action may include the taking of no action at all.

6.14 Adjournment.

The Mayor shall adjourn the meeting upon passage of the appropriate motion.

ARTICLE 7. WORK SESSION POLICIES AND PROCEDURES

7.1 Purpose.

City Council may call and hold Work Sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council. The following rules shall prevail for the call and conduct of Work Session meetings.

7.2 Agenda.

Only a limited number of matters shall be considered by the City Council during a Work Session, and sufficient time for consideration of such matters shall be provided. An abbreviated agenda order shall be used for all Work Session agendas.

7.3 Technical Questions.

All questions of a technical nature, which require a detailed explanation for understanding, may be considered in a Work Session. Council may, through the City Manager, request the attendance of such staff members or outside experts as may be required to answer such questions.

7.4 Prohibitions Against Formal Actions.

No formal actions may be taken at a Work Session. Council may provide staff direction on the matter being considered and ask that the item be placed on a Regular or Special Called Meeting agenda for formal action.

7.5 Audience Comments or Questions.

Audience comments or questions will not be considered at a Work Session.

ARTICLE 8. RULES GOVERNING RESIDENT COMMENTS

8.1 Purpose.

It is the desire of the City Council to hear from the residents of Everman and to stimulate discussion and offer a forum for a cordial and meaningful public debate on matters that are properly a concern of the City Council. The following rules shall control and govern audience comments.

8.2 Mayor to State Rules for Audience Comments.

Immediately preceding the opening of a public hearing, or resident input on an agenda item, or to receive comments on non-agenda items, the Mayor shall summarize the rules governing comments from the audience. The Mayor may direct the City Secretary to read the rules and publish the same in the Council Chambers.

8.3 Rules Governing Resident Comments.

1. A maximum of 30 minutes will be devoted to receiving comments from the public on each agenda item. Each speaker is limited to one presentation per meeting and a maximum timed limit of three minutes, unless otherwise granted by the Presiding Officer.
2. No individual may address the Council without submitting a Citizen Comment Request Form. The form must clearly state the subject or issue on which the resident wishes to speak. If the subject matter does not pertain to city business the Mayor shall advise the individual and/or make recommendations as to how they may get the issue addressed.
3. Residents speaking on agenda items shall restrict their comments to the subject matter listed.
4. Residents speaking on non-agenda items shall only speak on matters pertaining to city business or issues which the Council would have the authority to act upon if brought forth as an agenda item.
5. Council may not act upon or discuss any issue brought forth as a non-agenda item; except to:
 - a. Make a statement of specific factual information given in response to the inquiry, or

- b. A recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting, or direct staff to review.
6. Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, or personal attacks are strictly prohibited and violators may be removed from the Council Chambers.
7. No placards, banners or signs may be displayed in the Council Chambers or City Hall. Exhibits relating to a presentation are acceptable.
8. Arguing, intimidation or other disruptive behavior is prohibited. Discussion and/or debate are acceptable only on items specifically listed on the agenda.
9. Unauthorized remarks from the audience, stomping of feet, applauding, whistles, yells, or any type of disruptive behavior is prohibited. Applause of appreciation may be acceptable when recognizing a significant event or achievement.
10. Council meetings are the workplace to carry out the business of the City of Everman; therefore, any conduct that could constitute harassment in the workplace is prohibited.
11. In all cases, the Mayor shall preside over the Council meeting and ensure that proper conduct and decorum is adhered to.

8.4 Preservation of Order.

The Mayor shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the Council Chambers any person speaking out of order or disrupting the order of the meeting.

ARTICLE 9. BOARDS AND COMMISSIONS

9.1 General.

All boards and commissions are detailed under the City of Everman Charter. Ad hoc boards may be temporarily appointed and terminate upon completion of a specific task or special purpose for which it was created, or when abolished by a majority vote of the City Council. No ad hoc board shall have powers other than advisory to the City Council.

9.2 Meeting Times and Agenda Order.

Boards, commissions, and committees shall set their own meeting times. All boards, commissions, and committees shall be subject to these rules. Each board, commission, and committee shall set their own agenda, so long as it is in accordance with the Texas Open Meetings Act. All boards, commissions, and committees shall be required to hold a Regular

Meeting at least once every financial quarter. The purpose of these meetings, if for no other reason, would be for the members to receive status updates, pose questions of clarification, set future agenda items as well as provide opportunity for public comment.

9.3 Boards with Regulatory Authority.

The Board of Adjustments, Capital Improvements Advisory Committee, Economic Development Corporation, Planning and Zoning Commission, and Tax Increment Financing Board all have regulatory authority.

9.4 Boards without Regulatory Authority.

The Animal Control Advisory Board and Library Board do not have regulatory authority.

9.5 Appointments.

The City Council will review applications and or interview eligible applicants for open positions on boards and commissions. Appointments will be approved by a simple majority vote.

9.6 Board Members.

Members appointed to boards or commissions serve at the will of the Council and may be removed, replaced, or not reappointed at the discretion of the Council, by majority vote, with or without cause. When conducting the business of the City, appointed members of all boards or commissions shall follow the rules of procedure set forth for the City Council.

9.7 Open Government Training.

Upon initial appointment, within 90 days of taking the oath of office or assuming duties, all board, commission, and or committee members shall be required to watch the Texas Public Information Act and the Texas Open Meetings Act training videos as provided by the City Secretary.

9.8 Liaisons.

Council Members or staff may be appointed as Liaison to the following City Boards and Commissions; Planning and Zoning, Library, Animal Control Advisory, and Economic Development Corporation board. Liaisons will be appointed by Council with consideration given to applicable expertise. Liaisons shall attend the meetings of the boards or commissions to

which they have been appointed as liaison. Board and commission members may contact their Liaison concerning items of concern or interest with regard to their appointed board.

ARTICLE 10. TRAINING

10.1 General Provisions

In addition to the required training, Council members are encouraged to attend at least one training event per year, and others as found beneficial to the performance of their elective duties, subject to the availability of funds as appropriated in the annual budget for the Mayor and each Council member.

At a minimum, funds will be appropriated annually for three council members to attend the annual TML Training Conference. Accordingly, Places 1, 3, and 5 will attend in odd-numbered years while Places 2, 4, and 6 will attend in even-numbered years. These allocations are transferrable only in the event that a Council member is unable to attend and that both council members are in agreement on the transfer. Additionally, funds will be appropriated annually for the Mayor to attend one conference.

Council members are responsible for completing their own training registration and any necessary travel and lodging arrangements.

When attending TML conferences, credit must be obtained for all training seminars, with a minimum of 5 credits obtained per full day, and 2.5 credits for all half days. Documentation of credits obtained must be submitted to the Mayor or the City Manager in the Mayor's absence, to be eligible for reimbursement.

10.2 Permissible Training

Training can be obtained through Texas Municipal League, the Everman City Attorney's office, North Central Texas Council of Governments (NCTCOG), or online. All other training must be approved by the City Council or reimbursement will not be processed.

10.3 Financial Responsibility and Reimbursement Process

If a Council member is scheduled to go to an event per their request, and then cancels their registration for the event, the Council Member will be responsible for all late fees or the forfeiture of funds incurred by the City.

The following criteria must be met for expenses to be eligible for reimbursement:

1. All training must be approved in advance by the Mayor.
2. All training must be obtained within the State of Texas and must be pertinent to the local city government.

3. Council member must complete a Staff Reimbursement Form, attach copies of all appropriate receipts or documentation and submit the form to the Mayor for approval.
4. If a Council member is requesting reimbursement for mileage, a map indicating the start and end locations, route, and mileage are required in accordance with city policy.

All Council Members are required to participate in "Automatic Payroll Deposit" to receive payments or reimbursements due to them. This is required of all city employees, and the City Council will abide by the same rules. Monthly checks will no longer be issued after thirty days following the adoption of this policy. Once an automatic payroll deposit account is set up any payments shall be made electronically. The Mayor is responsible for approving all reimbursement requests submitted by a Council Member.

ARTICLE 11. MISCELLANEOUS COUNCIL POLICIES

11.1 City Shirts

City shirts or other similar items may be purchased by Council, Board, Commission, & Committee Members at their own expense.

11.2 Business Cards

Elected or appointed officials who want business cards, other than those outlined in the personnel policy (Management Staff and Mayor) may order them through the city but will be required to reimburse the city.

11.3 Functions

The city will pay for Council members and one guest to attend functions related to city business, e.g., TML Region 8 dinners, Mayor's Council dinner, Chamber dinners, up to the dollar amount allocated for each council member as approved during the budget process. If a council member signs up for an event and does not attend, the Council Member shall reimburse the city for any amounts already paid that cannot be refunded.

TABLE OF MOTIONS AND POINTS OF ORDER

MOTION/ORDER	REQUIRES SECOND	DEBATABLE	AMENDABLE	VOTE TYPE
Basic Motion	Yes	Yes	Yes	Simple
Motion to Amend	*	No	Yes	N/A
Motion to Adjourn	Yes	No	No	Simple
Motion to Recess	Yes	No	Yes	Simple
Motion to Fix the Time to Adjourn	Yes	No	No	Simple
Motion to Table	Yes	No	No	Simple
Motion to Limit Debate	Yes	No	No	Super
Motion to Object to the Consideration of an Item	Yes	No	No	Super
Motion to Suspend Rules	Yes	No	No	Super
Motion to Reconsider	Yes	Yes	Yes	Simple
Point of Privilege	No	No	No	N/A
Point of Order	No	No	No	N/A
Motion to Appeal	Yes	Yes	No	Simple
Call for Orders of the Day	No	No	No	N/A
Withdraw a Motion	No	No	No	N/A
Motion to Enforce	Yes	No	No	Simple

*For the purposes of these rules, Amendments are not debatable and only require the approval of the member who made the original motion. An amendment to an amendment, requires first the approval of the member who made the original amendment and secondly the approval of the member who made the original motion.



CITY OF EVERMAN
212 North Race Street Everman, TX 76140
STAFF REPORT

AGENDA TITLE: Approve Ordinance #785 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2022 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

MEETING DATE: 08/16/2022

PREPARED BY: C. W. Spencer

RECOMMENDED ACTION:

It is recommended that the Everman City Council approve Ordinance #785

BACKGROUND INFORMATION:

The City, along with 181 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC”). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism (“RRM”), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018. On or about April 1, 2022, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2021, entitled it to additional system-wide revenues of \$141.3 million.

Application of the standards set forth in ACSC's RRM Tariff reduces the Company's request to \$115 million, \$83.26 million of which would be applicable to ACSC members. ACSC's consultants concluded that the system-wide deficiency under the RRM regime should be \$95.8 million instead of the claimed \$141.3 million.

The Executive Committee recommends a settlement at \$115 million. The Effective Date for new rates is October 1, 2022. ACSC members should take action approving the Resolution/Ordinance before September 30, 2022.

RATE TARIFFS

Atmos generated rate tariffs attached to the Resolution/Ordinance will generate \$115 million in additional revenues. Atmos also prepared a Proof of Revenues supporting the settlement figures. ACSC consultants have agreed that Atmos' Proof of Revenues is accurate.

BILL IMPACT

The impact of the settlement on average residential rates is an increase of \$4.60 on a monthly basis, or 6.7 percent. The increase for average commercial usage will be \$14.34 or 4.3 percent. Atmos provided bill impact comparisons containing this figures.

SUMMARY OF ACSC'S OBJECTION TO THE UTILITIES CODE SECTION 104.301 GRIP PROCESS

ACSC strongly opposed the GRIP process because it constitutes piecemeal ratemaking by ignoring declining expenses and increasing revenues while rewarding the Company for increasing capital investment on an annual basis. The GRIP process does not allow any review of the reasonableness of capital investment and does not allow cities to participate in the Railroad Commission's review of annual GRIP filings or allow recovery of Cities' rate case expenses. The Railroad Commission undertakes a mere administrative review of GRIP filings (instead of a full hearing) and rate increases go into effect without any material adjustments. In ACSC's view, the GRIP process unfairly raises customers' rates without any regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual evaluation of expenses and revenues, as well as capital investment.

RRM SAVINGS OVER GRIP

While residents outside municipal limits must pay rates governed by GRIP, there are some cities served by Atmos Mid-Tex that chose to remain under GRIP rather than adopt RRM. Additionally, the City of Dallas adopted a variation of RRM which is referred to as DARR. When new rates become effective on October 1, 2022, ACSC residents will maintain an economic monthly advantage over GRIP and DARR rates.

Comparison to Other Mid-Tex Rates (Residential)

	Average Bill	Compared to RRM Cities
RRM Cities:	\$73.22	-
DARR:	\$71.96	(\$1.26)
ATM Cities:	\$78.72	\$5.50
Environs:	\$78.53	\$5.31

Note: DARR rate is as-filed 1/22/22. Also note that DARR uses a test year ending in September rather than December.

EXPLANATION OF “BE IT RESOLVED” PARAGRAPHS:

1. This section approves all findings in the Ordinance.
2. This section adopts the RRM rate tariffs and finds the adoption of the new rates to be just, reasonable, and in the public interest.
3. This section makes it clear that Cities may challenge future costs associated with gas leaks like the explosion in North Dallas or the evacuation in Georgetown.
4. This section finds that existing rates are unreasonable. Such finding is a necessary predicate to establishment of new rates. The new tariffs will permit Atmos Mid-Tex to recover an additional \$115 million from ACSC Cities.
5. This section approves an exhibit that establishes a benchmark for pensions and retiree medical benefits to be used in future rate cases or RRM filings.
6. This section requires the Company to reimburse the City for expenses associated with review of the RRM filing, settlement discussions, and adoption of the Resolution/Ordinance approving new rate tariffs.
7. This section repeals any resolution or ordinance that is inconsistent with the Resolution/Ordinance.
8. This section finds that the meeting was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
9. This section is a savings clause, which provides that if any section is later found to be unconstitutional or invalid, that finding shall not affect, impair, or invalidate the remaining provisions of this Resolution/Ordinance. This section further directs that the remaining provisions of the Resolution/Ordinance are to be interpreted as if the offending section or clause never existed.
10. This section provides for an effective date upon passage.
11. This section directs that a copy of the signed Resolution/Ordinance be sent to a representative of the Company and legal counsel for ACSC.

CONCLUSION

The Legislature’s GRIP process allowed gas utilities to receive annual rate increases associated with capital investments. The RRM process has proven to result in a more efficient and less costly (both from a consumer rate impact perspective and from a ratemaking perspective) than the GRIP process. Given Atmos Mid-Tex’s claim that its historic cost of service should entitle it to recover \$141.3 million in additional system-wide revenues, the RRM settlement at \$115 million for ACSC Cities reflects substantial savings to ACSC Cities. Settlement at \$115 million is fair and reasonable. The ACSC Executive Committee consisting of city employees of 18 ACSC members urges all ACSC members to pass the Resolution/Ordinance before September 30, 2022. New rates become effective October 1, 2022.

FISCAL IMPACT:

Please see the attached fiscal impact to consumers.

ORDINANCE NO. 785

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2022 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

WHEREAS, the City of Everman, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates, charges, and services of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the

Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the current RRM tariff was adopted by the City in a rate ordinance in 2018; and

WHEREAS, on about April 1, 2022, Atmos Mid-Tex filed its 2022 RRM rate request with ACSC Cities based on a test year ending December 31, 2021; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2022 RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$115 million on a system-wide basis with an Effective Date of October 1, 2022; and

WHEREAS, ACSC agrees that Atmos plant-in-service is reasonable; and

WHEREAS, with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and

WHEREAS, the attached tariffs (Attachment 1) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Attachment 2); and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS:

Section 1. That the findings set forth in this Ordinance are hereby in all things approved.

Section 2. That, without prejudice to future litigation of any issue identified by ACSC, the City Council finds that the settled amount of an increase in revenues of \$115 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2022 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

Section 3. That despite finding Atmos Mid-Tex's plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

Section 4. That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Attachment 1, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$115 million on a system-wide basis, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

Section 5. That the ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Attachment 2, attached hereto and incorporated herein.

Section 6. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of ACSC in processing the Company's 2022 RRM filing.

Section 7. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section 8. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 9. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 10. That consistent with the City Ordinance that established the RRM process, this Ordinance shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after October 1, 2022.

Section 11. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Thomas Brocato, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF _____, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE _____ DAY OF _____, 2022.

Mayor Ray Richardson

ATTEST:

Mindi Parks; City Secretary

**ATMOS ENERGY CORP., MID-TEX DIVISION
AVERAGE BILL COMPARISON - BASE RATES
TEST YEAR ENDING DECEMBER 31, 2021**

Line No.						<u>Current</u>	<u>Proposed</u>	<u>Change</u>
1	Rate R @ 43.8 Ccf							
2	Customer charge					\$ 20.85		
3	Consumption charge	43.8	CCF	X \$ 0.27979 =		12.25		
4	Rider GCR Part A	43.8	CCF	X \$ 0.35744 =		15.66		
5	Rider GCR Part B	43.8	CCF	X \$ 0.35918 =		15.73		
6	Subtotal					\$ 64.49		
7	Rider FF & Rider TAX			X 0.06408 =	\$ 64.49	4.13		
8	Total					<u>\$ 68.62</u>		
9								
10	Customer charge						\$ 21.55	
11	Consumption charge	43.8	CCF	X \$ 0.36223 =			15.87	
12	Rider GCR Part A	43.8	CCF	X \$ 0.35744 =			15.66	
13	Rider GCR Part B	43.8	CCF	X \$ 0.35918 =			15.73	
14	Subtotal						\$ 68.81	
15	Rider FF & Rider TAX			X 0.06408 =	\$ 68.81	4.41		
16	Total					<u>\$ 73.22</u>	\$ 4.60	
17								6.71%
18								
19	Rate C @ 345.7 Ccf							
20	Customer charge					\$ 56.50		
21	Consumption charge	345.7	CCF	X \$ 0.12263 =		42.39		
22	Rider GCR Part A	345.7	CCF	X \$ 0.35744 =		123.56		
23	Rider GCR Part B	345.7	CCF	X \$ 0.26532 =		91.71		
24	Subtotal					\$ 314.16		
25	Rider FF & Rider TAX			X 0.06408 =	\$ 314.16	20.13		
26	Total					<u>\$ 334.29</u>		
27								
28	Customer charge						\$ 63.50	
29	Consumption charge	345.7	CCF	X \$ 0.14137 =			48.87	
30	Rider GCR Part A	345.7	CCF	X \$ 0.35744 =			123.56	
31	Rider GCR Part B	345.7	CCF	X \$ 0.26532 =			91.71	
32	Subtotal						\$ 327.64	
33	Rider FF & Rider TAX			X 0.06408 =	\$ 327.64	20.99		
34	Total					<u>\$ 348.63</u>	\$ 14.34	
35								4.29%

**ATMOS ENERGY CORP., MID-TEX DIVISION
AVERAGE BILL COMPARISON - BASE RATES
TEST YEAR ENDING DECEMBER 31, 2021**

Line No.						<u>Current</u>	<u>Proposed</u>	<u>Change</u>
36	Rate I @ 4278 MMBTU							
37	Customer charge					\$ 1,054.75		
38	Consumption charge	1,500	MMBTU	X \$ 0.4330 =	649.50			
39	Consumption charge	2,778	MMBTU	X \$ 0.3171 =	880.80			
40	Consumption charge	0	MMBTU	X \$ 0.0680 =	-			
41	Rider GCR Part A	4,278	MMBTU	X \$ 3.4906 =	14,931.86			
42	Rider GCR Part B	4,278	MMBTU	X \$ 0.5485 =	<u>2,346.33</u>			
43	Subtotal					\$ 19,863.24		
44	Rider FF & Rider TAX			X 0.06408 =	<u>1,272.82</u>			
45	Total					<u>\$ 21,136.06</u>		
46								
47	Customer charge						\$ 1,204.50	
48	Consumption charge	1,500	MMBTU	X \$ 0.4939 =		740.85		
49	Consumption charge	2,778	MMBTU	X \$ 0.3617 =		1,004.69		
50	Consumption charge	0	MMBTU	X \$ 0.0776 =		-		
51	Rider GCR Part A	4,278	MMBTU	X \$ 3.4906 =		14,931.86		
52	Rider GCR Part B	4,278	MMBTU	X \$ 0.5485 =		<u>2,346.33</u>		
53	Subtotal						\$ 20,228.23	
54	Rider FF & Rider TAX			X 0.06408 =		<u>1,296.21</u>		
55	Total					\$ 20,228.23	<u>\$ 21,524.44</u>	\$ 388.38
56								1.84%
57	Rate T @ 4278 MMBTU							
58	Customer charge					\$ 1,054.75		
59	Consumption charge	1,500	MMBTU	X \$ 0.4330 =	649.50			
60	Consumption charge	2,778	MMBTU	X \$ 0.3171 =	880.80			
61	Consumption charge	0	MMBTU	X \$ 0.0680 =	-			
62	Rider GCR Part B	4,278	MMBTU	X \$ 0.5485 =	<u>2,346.33</u>			
63	Subtotal					\$ 4,931.38		
64	Rider FF & Rider TAX			X 0.06408 =	<u>316.00</u>			
65	Total					\$ 4,931.38	<u>\$ 5,247.38</u>	
66								
67	Customer charge						\$ 1,204.50	
68	Consumption charge	1,500	MMBTU	X \$ 0.4939 =		740.85		
69	Consumption charge	2,778	MMBTU	X \$ 0.3617 =		1,004.69		
70	Consumption charge	0	MMBTU	X \$ 0.0776 =		-		
71	Rider GCR Part B	4,278	MMBTU	X \$ 0.5485 =		<u>2,346.33</u>		
72	Subtotal						\$ 5,296.37	
73	Rider FF & Rider TAX			X 0.06408 =		<u>339.39</u>		
74	Total					\$ 5,296.37	<u>\$ 5,635.76</u>	\$ 388.38
75								7.40%

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 21.55 per month
Rider CEE Surcharge	\$ 0.05 per month ¹
Total Customer Charge	\$ 21.60 per month
Commodity Charge – All <u>Ccf</u>	\$0.36223 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2022.

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 63.50 per month
Rider CEE Surcharge	(\$ 0.01) per month ¹
Total Customer Charge	\$ 63.49 per month
Commodity Charge – All Ccf	\$ 0.14137 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2022.

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,204.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.4939 per MMBtu
Next 3,500 MMBtu	\$ 0.3617 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0776 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailement Overpull Fee

Upon notification by Company of an event of curtailement or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailement or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,204.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.4939 per MMBtu
Next 3,500 MMBtu	\$ 0.3617 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0776 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer’s deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled “Daily Price Survey.”

Replacement Index

In the event the “midpoint” or “common” price for the Katy point listed in *Platts Gas Daily* in the table entitled “Daily Price Survey” is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company’s Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

- i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification
- $WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf
- R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.
- HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class
- NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.
- ADD = billing cycle actual heating degree days.
- BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_j = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	10.58	0.1422	88.85	0.6666
Austin	9.90	0.1372	233.56	0.7819
Dallas	14.17	0.1938	186.38	0.9394
Waco	10.07	0.1308	140.10	0.7170
Wichita Falls	11.43	0.1398	131.57	0.5610

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

Everman City Ordinance #785 - Exhibit 2

**ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2021**

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan	Post-Employment Benefit Plan	Pension Account Plan	Supplemental Executive Benefit Plan	Post-Employment Benefit Plan	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Proposed Benefits Benchmark - Fiscal Year 2022 Willis Towers Watson Report as adjusted (1) (2) (3)	\$ 1,715,323	\$ 982,708	\$ 3,137,022	\$ 313,319	\$ (341,412)	
2	Allocation to Mid-Tex	44.72%	44.72%	76.88%	100.00%	76.88%	
3	Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)	\$ 767,038	\$ 439,436	\$ 2,411,882	\$ 313,319	\$ (262,493)	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4) (3)	\$ 767,038	\$ 439,436	\$ 2,411,882	\$ 313,319	\$ (262,493)	\$ 3,669,182
6							
7							
8	Summary of Costs to Approve (1):						
9							
10	O&M Expense Factor (WP_F-2.3, Ln 2)	79.88%	79.88%	38.60%	11.00%	38.60%	
11							
12							
13	Total Pension Account Plan	\$ 612,700		\$ 931,100			\$ 1,543,800
14	Total Post-Employment Benefit Plan		\$ 351,016			\$ (101,335)	249,681
15	Total Supplemental Executive Benefit Plan				\$ 34,465		34,465
16	Total (Ln 13 + Ln 14 + Ln 15)	\$ 612,700	\$ 351,016	\$ 931,100	\$ 34,465	\$ (101,335)	\$ 1,827,946

Notes:

1. Studies not applicable to Mid-Tex or Shared Services are omitted.
2. Mid-Tex is proposing that the Fiscal Year 2022 Willis Towers Watson actuarial amounts shown on WP_F-2.3 and WP_F-2.3.1, be approved by the RRM Cities as the benchmark amounts to be used to calculate the regulatory asset or liability for future periods. The benchmark amount approved by the RRM Cities for future periods includes only the expense amount.
3. The amount attributable to capital is recorded to utility plant through the overhead process as described in the CAM.
3. SSU amounts exclude cost centers which do not allocate to Mid-Tex for rate making purposes.

ORDINANCE NO. 786

AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS AMENDING CHAPTER 14, "PARKS AND RECREATION;" PROVIDING REGULATIONS RELATED TO SPORTS FIELDS OWNED BY THE CITY; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Everman, Texas 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, the City Council has previously adopted regulations related to City Parks; and

WHEREAS, the City Council deems it to be in the best interest of the health, safety, and general welfare of the citizens of Everman, Texas, and the general public to amend those regulations governing the use of City parks within the City of Everman.

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

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

SECTION 2. The following sections of Chapter 14 "Parks and Recreation" of the Code of the City of Everman, Texas are hereby amended:

"Chapter 14. Parks and Recreation

Article III. Sports Field Recreational Areas

* * * * *

Sec. 14-30. Everman youth association rental of City sports fields.

The City Sports Fields consist of Johnson Park Baseball field and Clyde Pittman Park Football field. Rental of these City Sports Fields and the execution of a rental contract will be allowed on the following basis:

* * * * *

- (3) To be deemed complete an application must include all of the following:
 - a. Completed application form;

- b. Payment of applicable fees/deposits as set forth in the City’s adopted Fee Schedule, as amended;
- c. Proof of state-approved nonprofit corporation or association status;
- d. Liability insurance in amounts set by the City manager;
- e. Play and practice schedule listing date and time of each practice session and each game for the season; and
- f. Roster indicating number of teams, number of players, and name and address of all players for the season.

* * * * *

Sec. 14-31. Rental of sports fields by other youth associations or persons.

Other youth associations or other persons or entities may rent the City Sports Fields for such dates and times as approved by the City manager or his designee after submission of an application meeting the requirements set forth in section 14-30 above and payment of the applicable deposits and fees set forth in the City’s adopted Fee Schedule, as amended. Scheduling preference shall be given to Everman youth associations.

Sec. 14-32. Concession areas.

This section applies to any Everman youth association. Outside entities are not permitted to rent the concession areas.

- (a) During such times that any renter is approved for rental of a particular City Sports Field and is operating under a valid rental contract, the renter shall have exclusive use of any concession area located at the applicable City Sports Field and may place a lock on the concession area (a key must be provided to the City manager’s office). The renter shall not remove any existing property from the concession area without the written approval of the City. At the end of the rental period, the renter must remove all of its property from the concession area and will no longer have use of the area. Any property not removed by the renter within ten (10) days of the end of the rental period will be removed by the City and stored for up to thirty (30) days. The renter will be responsible for the City’s costs incurred in removal and storage of property and must pay such costs before the property will be returned. In addition, the renter will not be allowed to rent any City Sports Field until such costs are paid in full. The City may use any and all recourse available to collect such costs from the renter. At the end of thirty (30) days, the City will treat any items that have not been returned as abandoned property and will dispose of such property as allowed by law.
- (b) Any renter of a City Sports Field must submit with the application the concession area use fee described below.
- (c) Concession sales shall only be allowed with the appropriate Tarrant County food handler’s permit.

* * * * *

Sec. 14-34. Fees/deposits required.

- (a) Everman youth associations.

- (1) Johnson Park Baseball Field.
 - a. Damage deposit. Any Everman youth association renting the four (4) fields at Johnson Park for baseball or softball shall pay a damage deposit in the amount set forth in the City's adopted Fee Schedule, as amended, which shall be applied to the cost of any damage occurring to the concession area and equipment, fields, stands, parking areas or any other property, structures or facilities during the rental period. Any deposit remaining after offset of such damages shall be refunded to the association within forty-five (45) days after the end of the rental period. If any damage exceeds the damage deposit, the association shall be responsible for payment of any additional costs within ten (10) days of receipt of written notice of such costs.
 - b. Electricity deposit/charges. Any Everman youth association renting the four (4) fields at Johnson Park for baseball or softball shall pay the costs of electricity incurred by the City at the Sports Field during the rental period. At the time of submission of the application, the association must pay a deposit in the amount of two hundred fifty dollars (\$250.00), which will be applied to the cost of electricity used during the rental period. Any deposit amount remaining after offset of the electricity charges shall be refunded to the association within forty-five (45) days after the end of the rental period.
 - c. Concession area fee. Any Everman youth association renting the four (4) fields at Johnson Park for baseball or softball shall pay a fee of fifty dollars (\$50.00) per season for use of the concession area.
 - d. Tournament fee. If any renter schedules a tournament in which participants from outside the renter's association will be playing, a fee of twenty dollars (\$20.00) per team outside of the renter's association will be charged. This fee must be paid prior to the tournament.
- (2) Clyde Pittman Park Football Field.
 - a. Damage deposit. Any Everman youth association renting the Clyde Pittman Park Football Field shall pay a damage deposit in the amount set forth in the City's adopted Fee Schedule, as amended, which shall be applied to the cost of any damage occurring to the concession area and equipment, fields, stands, parking areas or any other property, structures or facilities during the rental period. Any deposit remaining after offset of such damages shall be refunded to the association within forty-five (45) days after the end of the rental period. If any damage exceeds the damage deposit, the association shall be responsible for payment of any additional costs within ten (10) days of receipt of written notice of such costs.
 - b. Concession area fee. Any Everman youth association renting the Clyde Pittman Park Football Field shall pay a fee of fifty dollars (\$50.00) per season for use of the concession area.
- (b) Other youth associations, entities or persons.
 - (1) Rental fees. Fees for rental of the City Sports Fields for other youth associations, entities or individuals shall be in the amounts set forth in the City's adopted Fee Schedule, as amended.
 - (2) Deposits. In addition, such renters must submit the damage deposits referenced above at the time of application and shall be subject to the same terms as set forth above.

SECTION 3. That the City Manager or his designee is hereby authorized to execute on behalf of the City, rental agreements in compliance with this ordinance with persons or entities desiring to rent City Sports Fields.

SECTION 4. All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance, are hereby repealed, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

SECTION 5. That it is hereby declared to be the intention of the City Council of the City of Everman that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared invalid or unconstitutional be the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6. All rights and remedies of the City of Everman, Texas are expressly saved as to any and all violations of the provisions of the ordinances of the City of Everman which have accrued at the time of the effective date of this Ordinance, and such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7. This Ordinance shall take effect immediately after its passage and publication as required by law.

PASSED AND APPROVED by the City Council of the City of Everman, Texas, this the _____ day of _____, 2022, by vote of _____ (ayes) to _____ (nays) to _____ (abstentions).

CITY OF EVERMAN, TEXAS

Ray Richardson, Mayor

ATTEST:

Mindi Parks, City Secretary

ORDINANCE NO. 787

AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS AMENDING APPENDIX A “FEE SCHEDULE” OF THE EVERMAN CODE OF ORDINANCES; PROVIDING FOR FEES RELATED TO RENTAL OF CITY-OWNED SPORTS FIELDS INCLUDING CONCESSIONS; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Everman, Texas 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, the City Council has previously adopted a fee schedule for a variety of services provided by the City to the public which is incorporated into the City Code as Appendix A; and

WHEREAS, the City seeks to streamline a list of all its fees including the addition of the Parks and Recreation fees related to the rental of Sports Fields owned by the City; and

WHEREAS, the City Council deems it to be in the best interest of the general public to amend Appendix A of the City Code to add fees related to the rental of Sports Fields within the City of Everman.

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

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

SECTION 2. Appendix A of the Code of the City of Everman, Texas is hereby amended to include the following fees related to the rental of Sports Fields owned by the City through the Parks and Recreation Department:

- Single Field Event Rental – \$75.00/hour
- All Field Rental/Per Day (7am – 11pm) – \$1,000.00
- Single Event Damage Deposit – \$500.00

SECTION 3. All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance, are hereby repealed, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

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

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

SECTION 6. This Ordinance shall take effect immediately after its passage and publication as required by law.

PASSED AND APPROVED by the City Council of the City of Everman, Texas, this the _____ day of _____, 2022, by vote of _____ (ayes) to _____ (nays) to _____ (abstentions).

CITY OF EVERMAN, TEXAS

Ray Richardson, Mayor

ATTEST:

Mindi Parks, City Secretary