

**Notice of City Council & Board of Adjustment
AGENDA**

May 09, 2023 at 6:00 PM

NOTICE IS HEREBY GIVEN that a Meeting of the Montgomery City Council will be held on **Tuesday, May 09, 2023, at 6:00 PM** at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas.

Members of the public may view the meeting live on the City's website under Agenda/Minutes and then select **Live Stream Page (located at the top of the page)**. The meeting will be recorded and uploaded to the City's website.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO FLAGS

ANNOUNCEMENTS

1. Recognition of outgoing Councilmember TJ Wilkerson.
2. Presentation of Proclamation by Mayor designating the week of May 21-27, 2023 as "National Public Works Week".

VISITOR/CITIZENS FORUM:

Citizens are invited to speak for three (3) minutes on matters relating to City Government that relate to agenda or non-agenda items. Prior to speaking, each speaker must be recognized by the Presiding Officer. All speakers should approach the podium to address Council and give their name and address before sharing their comments. City Council may not discuss or take any action on an item, but may place the issue on a future agenda.

CONSENT AGENDA:

3. Approval of the following:
 - (a) revised City Council meeting minutes of 04-11-2023.
 - (b) City Council and Board of Adjustment meeting minutes 04-25-2023.

CONSIDERATION AND POSSIBLE ACTION:

4. Presentation of the Annual Financial Report and Audit from Belt Harris Pechachek, LLLP.
5. Consideration and possible action by the City Council acting as the Zoning Board of Adjustment on a revised variance request to Section 98-122 of the City Code of Ordinances related to rear yard requirements for 128 Dina Lane.
6. Receive the Final Report from the Planning & Zoning Commission on a rezoning request for 14640 Liberty Street, Montgomery, Texas from R1-Single Family Residential to B-Commercial as submitted by Evan Ballew and convene into a Public Hearing for the purpose of allowing interested parties to be heard.
7. Consideration and possible action on AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE ZONING CLASSIFICATIONS AS

DEFINED IN THE CITY CODE OF ORDINANCES CHAPTER 98, "ZONING," FOR A 0.57-ACRE TRACT SITUATED IN THE JOHN CORNER SURVEY, ABSTRACT NUMBER 8, TRACT 16, MONTGOMERY COUNTY, TEXAS COMMONLY REFERRED TO AS A PORTION OF 14640 LIBERTY STREET, MONTGOMERY COUNTY, TEXAS FROM "R-1" SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, AS FOUND ON THE CITY'S OFFICIAL ZONING MAP TO "B" COMMERCIAL ZONING DISTRICT CLASSIFICATION; AND TO AMEND THE OFFICIAL ZONING MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.

EXECUTIVE SESSION:

Adjourn into Closed Session in compliance with Section 551.01 etseq. Texas Government Code, to wit:

Sections 551.071 (consultation with attorney: Redbird Meadows Development Agreement)

POSSIBLE ACTION FROM EXECUTIVE SESSION:

Consideration and possible action on matters deliberated in Closed Executive Session.

COUNCIL INQUIRY:

Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to the recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place on the agenda of a future meeting.

ADJOURNMENT

/s/ Nici Browe

Nici Browe, City Secretary. TRMC

I certify that the attached notice of meeting was posted on the bulletin board at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas, on May 5, 2023 at 3:30 p.m.

This facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary's office at 936-597-6434 for further information or for special accommodations.



National Public Works Week

May 21 - 27, 2023

“Connecting the World Through Public Works”

City of Montgomery Proclamation

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Montgomery, Texas; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, both public and private sector, who are employees at all levels of City government, who are responsible for rebuilding, improving and protecting our city’s transportation, water supply and treatment, wastewater collection and treatment, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children in Montgomery, Texas to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in our community; and,

WHEREAS, the year 2023 marks the 63rd annual National Public Works Week sponsored by the American Public Works Association be it now,

RESOLVED, I, Byron Sanford, Mayor of the City of Montgomery, do hereby designate the week May 21 - 27, 2023 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our City’s health, safety, and quality of life.

IN WITNESS WHEREOF, I do hereby proclaim in behalf of the City of Montgomery.

Mayor Byron Sanford

SEAL:

ATTEST:

City Secretary Nici Browe

**City Council Regular Meeting
MINUTES**

April 11, 2023, at 6:00 PM

CALL TO ORDER

Mayor Byron Sanford called the meeting to order at 6:00 p.m.

- | | | |
|---------------|-----------------|--|
| Present: | Byron Sanford | Mayor |
| | Casey Olson | City Council Place #2 |
| | Cheryl Fox | City Council Place #4 |
| | Patricia Easley | City Council Place #5 |
| Absent: | T.J. Wilkerson | City Council Place #3 |
| | Carol Langley | City Council Place #1 |
| Also Present: | Gary Palmer | City Administrator |
| | Nici Browe | City Secretary & Director of Administrative Services |

CALL TO ORDER

Mayor, Byron Sanford called the meeting to order at 6:00 P.M.

INVOCATION

Mayor, Byron Sanford provided the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

ANNOUNCEMENTS

Mayor Sanford presented Mr. Tom Hoyt, President of "Friends of the Charles B. Stewart West Branch Library" with a Proclamation to celebrate and recognize April as Library Week.

VISITOR/CITIZENS FORUM:

Bill Clevenger spoke regarding the food truck ordinance workshop that he just attended and that his discussion point here is to highlight the great lack of things for the youth in the city to do. The fact is that without activities for youth in the city we are sending tax dollars down the freeway to other cities. Parents take them to the woodlands for instance. He went on to add with all the new development we as a city should be focusing on making the city family friendly.

CONSENT AGENDA:

1. Approval of the meeting minutes of City Council and Zoning Board of Adjustment meeting 03-28-2023.
2. Consideration and possible action on approval of two BNSF Railway Pipeline Licenses for the Sanitary Sewer Force Main and 12” Waterline Projects on Old Plantersville Road.

3. Consideration and possible action on A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT · DISASTER RECOVERY PROGRAM (CDBG-DR) CONTRACT NUMBER 19-076-017-B366.
4. Consideration and possible action on Cost/Price Analysis and Profit Negotiation Procedures for federal grants.
5. Consideration and possible action on an update to the City's financial policy and procedures for federal grants.
6. Consideration and possible action on an update to the City's procurement policy and procedures for federal grants.

Councilmember Casey Olson moved to approve the consent agenda items as presented. Councilmember Cheryl Fox seconded the motion. **Motion Passed (3-0).**

PUBLIC HEARING:

7. Consideration and possible action on a rezoning request from Cornerstone Community Church located at 14740 Liberty Street.

Mr. Dave McCorquodale presented the Council with highlights of the Planning and Zoning Commission's final report and stated the Commission recommends approval. He answered questions from the City Council.

- a) Acceptance of the Final Report from the Planning and Zoning Commission.

Councilmember Patricia Easley moved to accept the Final Report from the Planning & Zoning Commission. Councilmember Casey Olson seconded the motion. **Motion Passed (3-0).**

- b) Convene into a Public Hearing to hear comments on the proposed rezoning of the property.

Mayor Sanford **opened** the public hearing at: **6:22 P.M.**

No comments were made by members of the Public.

Mayor Sanford **closed** the public hearing at: **6:23 P.M.**

- c) Consideration and approval of AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE ZONING CLASSIFICATIONS AS DEFINED IN THE CITY CODE OF ORDINANCES CHAPTER 98, "ZONING," FOR A 0.295-ACRE TRACT SITUATED IN THE JOHN CORNER SURVEY, ABSTRACT NUMBER 8, MONTGOMERY COUNTY, TEXAS COMMONLY REFERRED TO AS A PORTION OF 14740 LIBERTY STREET, MONTGOMERY COUNTY, TEXAS FROM "R-1" SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, AS FOUND ON THE CITY'S OFFICIAL ZONING MAP TO "I" INSTITUTIONAL ZONING DISTRICT CLASSIFICATION; AND TO AMEND THE OFFICIAL ZONING MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.

Councilmember Patricia Easley moved to adopt the Ordinance as presented. Councilmember Cheryl Fox seconded the motion. **Motion Passed (3-0).**

CONSIDERATION AND POSSIBLE ACTION:

8. a) Discussion on an Ordinance adopting the standards of Care for 2023 Youth Programs.

Mr. Mike Muckleroy introduced and presented this item to the Council. Mike stated that this is something he and his staff have developed and in order to run the program the State must have an ordinance passed by City Council on the Standards of Care for Youth Program.

He stated that Patricia had taken the lead on developing the program and visited with the City of Conroe, and talked with the Recreation Program Director there to gain the information that she needs.

The State gave the City a temporary exemption for the spring program as it was only two days.

~~He responded the City Council questions and concerns and provided details of the program and the experience of the staff person who designed the program.~~

Mayor Byron Sanford stated he thought it was well put together and thorough, as you would expect to see when working with minors. However, he would encourage us to lead the way when it comes to background checks, as there are so many levels of background checks and he would like to see this City be at the highest level, because whether it's a church But he stated he does not know whether it's the FBI that's the highest, he does not want a flippant job when it comes to working with minors, the language is in their program documents, but it does not specify what type of background we might use.

Councilmember Patricia Easley inquired how the program would be funded.

Mr. Muckleroy responded that partially through the fees from the participants, and partially through the Public Works budget.

Councilmember Patricia Easley inquired who is the responsible person for running this program.

Mr. Muckleroy responded that it is him on the paperwork as the director of the department, however, Patricia the recreation specialist is going to be doing the day to day running of the program, is receiving training and will be setting everything up.

Councilmember Patricia Easley inquired if they had conducted a survey with the community for their desire, need or support of such a program and if this is for the city residents or for those outside of the city as well.

Mr. Muckleroy responded that is actually going to be open to both in and out of city participants, however, city residents will have priority. He stated that they have not done a specific survey, but they gauged responses from participants from the spring camp. They had 9 children one day and they were supposed to have 7 children the next, but a couple of children did not show up.

Councilmember Patricia Easley inquired if there was a written summary of the program as far as content goes?

Mr. Muckleroy responded that he does not have a summary that is being worked on and the city has to have the license from the state to go further. He reminded the council that this State Certification/License is not specific to one type of program its in order to hold any program.

Councilmember Patricia Easley inquired if the staff person is qualified and has had past experience of working with children. Also, who does the evaluation of the program.

Mr. Muckleroy responded that Patricia Campuzano does have the experience.

Councilmember Patricia Easley inquired who would be doing the evaluation to determine if it was effective and that money is being well spent.

Mr. Muckleroy responded that it would be conducted by himself and Patricia.

Councilmember Patricia Easley asked Mr. Muckleroy to inform the council of his findings, as she is concerned that the city is creating another bureaucracy where there may or may not be enough demand for something like this.

Mr. Muckleroy responded that the comments he has been hearing along with comments already tonight in this meeting that there isn't enough for kids, and this is an attempt to make something happen. He added he has been hearing there is a need for it, not specifically a summer camp but a need for something for youth to do. He hoped that they could build upon the program.

Councilmember Casey Olson inquired if there was a minimum staffing requirement by the State licensing.

Mr. Muckleroy responded that it is really what we decide and what we are comfortable with.

Councilmember Casey Olson asked how the city intends to promote the program.

Mr. Muckleroy responded that thus far have not until the exempt status is received by the State, however, the intent is to advertise on website, Facebook and other means the city usually uses to communicate events.

Councilmember Casey Olson asked what the cost of the program for each child.

Mr. Muckleroy stated for the Spring Camp it was \$35.00 per child. For the new summer program, they will most likely start at a flat rate for the week, but all of those details haven't been completely worked out. He reminded the council that tonight's documentation does not mean that the summer camp is all planned out and ready to go, this is just one step of many that is required.

Councilmember Casey Olson stated that as a suggestion when he is ready to promote the program, they should reach out to provide sponsorship for the children as if it's a week-long at a \$100.00 - \$200.00.

Mr. Muckleroy responded that they had thought about that and discussed just a general idea but not worked on a definite plan, he agrees there is a need for that. Patricia came from Conroe, and they used to have a program over there that offered sponsorship, we will look at a sponsorship or a grant maybe from MEDC.

Councilmember Patricia Easley stated that she wants to make sure that the city understands that the business you are about to get into dealing with children and provides services that we are prepared to manage the risks that go along with that.

Mr. Muckleroy responded fair enough.

b) Public Comment / Public Hearing.

Mayor Sanford **opened** the public hearing at: **6:32 P.M.**

Julie Davis, resident stated that she felt this is a great idea and she had her children registered for spring camp and completely forgot to show up even though they paid, her concern is going into a week long summer camp that this is something we could outsource and not do at the city and have the liability, because boy scout and girl scout programs are always looking for spaces to do day camps and that she had personally hosted a day camp that had an attendance

of over 300 people. This would be something super easy to turn over as a community project or even a local church to bring them in with community involvement and reduce the liability of the city. She went on to suggest the city partnering with a combined effort from Public Works and Parks to another non-profit to lessen the burden of the city.

~~reduce the concerns of council and the liability to the city that the program should be outsourced to local churches and organizations.~~

Sara Countryman, resident ~~stated the risk was so high when dealing with other people's children, the city has a huge liability and the resources it took just to run the spring camp. Two public work guys, plus the recreation specialist to make just under \$500.00.~~ stated that she would like to echo that as there is a lot of risk as if something were to happen to someone or touched or whatever, there are a lot of its and but the city will have liability.

Ms. Countryman asked Mr. Muckleroy how many resources he used for the Spring Break Camp, there were two guys from public works and the new girl, and we made \$490.00, used those resources every day was it two days.

Mr. Muckleroy responded that it was the two days.

Bill Clevenger, a resident, stated that this echoes the comments about the city getting involved as there are groups that are of a giving nature that will come to this and could supply the need of civic groups ~~**Inaudible ** he agreed and that there are other groups out there better able to deal with this type of program.~~

Julie Davis stated that as a registered and long-time foster parent, no matter how many FBI background checks occur, there are those who do things to kids, or sex trafficking it's on the news every day and happening in Harris County right now, she added that a better protection and safety for these kids is to create a two-person policy for leadership, for instance two adults at the bathroom. This will provide an added layer of accountability, it's horrible and hate that we live in this world today, but it's the reality that you cannot be sure of what is coming in your front door, especially if we are talking about those outside of our city not just in our city limits. ~~a policy should be included whereby to leaders at all times.~~

Councilmember Patricia Easley stated that we could manage those types of risks by insuring we have qualified people in place, you get in a court of law and they ask who ran your program then well a person that had a years' experience but no real qualifications/certifications, we can manage that type of risk but we have to be careful who we put in charge of peoples children.

Ms. Davis say yes, we don't need news headlines "City of Montgomery Summer Camp, Kids sex trafficked".

Mayor Byron Sanford agreed that was not needed at all.

Mayor Sanford stated that we have heard quite a bit of caution on this and from him, he felt it was rushed for this to be straightened out before summer, which is just around the corner.

Mayor Sanford **closes** the public hearing at: **6:36 P.M.**

c) Consideration and possible action on: AN ORDINANCE ADOPTING THE STANDARDS OF CARE FOR 2023 FOR YOUTH PROGRAMS OFFERED BY THE CITY OF MONTGOMERY, TEXAS; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SERVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Patricia Easley moved to adopt the Standards of Care ordinance as presented. Councilmember Casey Olson seconded the motion. **Motion Passed (3-0).**

- 9. Calling a Public Hearing for a rezoning request from "R1"-Single Family Residential to "B"-Commercial for a 0.552-acre parcel of land located at 14640 Liberty Street as submitted by Evan Ballew.

Mr. Dave McCorquodale introduced this item and provided council with details on the process for rezoning. He informed the council that all they are approving tonight is calling for the public hearing.

Councilmember Casey Olson moved to call the public hearing for May 9, 2023, at 6 P.M. Councilmember Patricia Easley seconded the motion. **Motion Passed (3-0).**

- 10. Consideration and possible action regarding the bid results for the “Flagship Boulevard Storm Sewer and Pavement Replacement” project.

Mr. Chris Roznovsky, WGA Engineers presented this item and provided the council with a comprehensive overview of the project requirements and the results of the bid for the sewer and pavement replacement. He informed the council that bids came in way over budget and at the same time the County on another project had declared that they will not be seeking City of Montgomery’s participation therefore there would be some funds that could be moved around. Mr. Roznovsky recommended the council table this item and he will work up alternatives and bring back at the next meeting.

Councilmember Cheryl Fox moved to table this item until the April 25, 2023, City Council meeting. Councilmember Patricia Easley seconded the motion. **Motion Passed (3-0).**

EXECUTIVE SESSION:

City Council did not enter into Executive Session.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

No executive Session items.

COUNCIL INQUIRY:

Councilmember Casey Olson stated he has received emails regarding basketball court/ tennis courts that could be created in the city. The City owns property that is not used and felt it would be an opportunity to explore.

ADJOURNMENT

Councilmember Cheryl Fox moved to adjourn the meeting. Councilmember Casey Olson seconded the motion. **Motion passed (3-0).**

ADJOURNED: 6:45 P.M.

Submitted by: _____
Nici Browe, City Secretary

Date Approved: _____

Byron Sanford, Mayor

**Notice of City Council and Board of Adjustment
MINUTES**

April 25, 2023 at 6:00 PM

CALL TO ORDER

Mayor Byron Sanford called the workshop to order at 5:00 p.m.

Present:	Byron Sanford	Mayor
	Carol Langley	City Council Place #1
	Cheryl Fox	City Council Place #4
	Patricia Easley	City Council Place #5
Absent:	T.J. Wilkerson	City Council Place #3
	Casey Olson	City Council Place #2
Also Present:	Gary Palmer	City Administrator
	Nici Browe	City Secretary & Director of Administrative Services

INVOCATION

Mayor Byron Sanford provided the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

Sara Countryman, resident spoke to the council in regards to the minutes for the City Council meeting 04-11-2023. Ms. Countryman stated that she had been doing some research lately and going through the minutes of the meetings and was having a hard time locating what she needs, for instance even tonight the minutes for the summer youth program, there were approximately 17-18 questions asked and if you wanted to find the answer or search for it you couldn't as the minutes say details were given but not what kind. She added that if we could give more detail like what was said because if you go back and watch the video versus the minutes it is like there is two different meetings. If anyone wanted to search by word, or items they were unable to and feel that having copious notes in there on the item would afford folks to easily find it and feel like you were part of the meeting. She concluded by stating that she really would like to ask for more detail.

CONSENT AGENDA:

1. Approval of the following Minutes:
 1. Regular City Council Meeting 04-11-2023
 2. City Council Workshop 04-11-2023
 3. Joint City Council, P&Z and MEDC Workshop 04-17-2023

City Council & Zoning Board of Adjustment Meeting 04-11-2023

Mayor Byron Sanford announced that as was discussed in the visitor comments, he too had a question this past week and used his memory to reply, so maybe the city secretary could redo the minutes and present at a later meeting.

Councilmember Patricia Easley moved to table the minutes of the City Council meeting 04-11-2023 for revision and bring back at the next meeting 05-09-2023. Councilmember Cheryl Fox seconded the motion. **Motion Passed (3-0).**

Councilmember Carol Langley moved to approve the minutes for the City Council Workshop 04-11-2023 and the Joint City Council, P&Z and MEDC workshop 04-17-2023 as presented. Councilmember Cheryl Fox seconded the motion. **Motion Passed (3-0).**

2. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and A&R Eclectics, LLC (Dev. No. 2301).
3. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and Montgomery ISD for Lincoln Elementary site renovations (Dev. No. 2302).
4. Consideration and possible action regarding an Escrow Agreement by and between the City of Montgomery, Texas and Montgomery ISD for Montgomery Elementary site renovations (Dev. No. 2303).

Mr. McCorquodale presented these items.

Councilmember Carol Langley inquired if the school had turned any plans in yet. Mr. McCorquodale responded that the engineers do have plans for the school projects and this escrow agreement will now kick off the review process.

Councilmember Carol Langley clarified with Mr. McCorquodale that they follow the codes just like everyone else.

Mr. McCorquodale responded that is correct they do.

Mayor Byron Sanford stated that he had spoken with the school officials, and he hopes that they will help us much as possible with the sidewalks. He inquired if there were sidewalks on the plans.

Mr. McCorquodale responded that currently there are no sidewalks planned on MLK with the documents that he has seen submitted.

Mayor Byron Sanford stated well they have the money for it just so we know and can look for the sidewalks and hope it comes to fruition.

Councilmember Carol Langley moved to approve the consent agenda items 2-4 as presented. Councilmember Patricia Easley seconded the motion. **Motion Passed (3-0).**

CONSIDERATION AND POSSIBLE ACTION:

5. Consideration and possible action by the City Council acting as the Zoning Board of Adjustment on a revised variance request to Section 98-122 of the City Code of Ordinances related to rear yard requirements for 128 Dina Lane.

Mr. McCorquodale stated that this item is a Zoning and Board of Adjustment (ZAB) item and due to the requirements of the ZAB, in order to take any action on this item there needs to be four fifths of members in the seats at the meeting. He added as we only have three councilmembers present tonight this item will have to be tabled until May 9, 2023, City Council Meeting.

Councilmember Carol Langley moved to table the ZAB item to May 9, 2023, City Council Meeting. Councilmember Cheryl Fox seconded the motion. **Motion Passed (3-0).**

6. Consideration and possible action on AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING ITS MUNICIPAL BUDGET FOR THE FISCAL YEAR 2022-2023; APPROPRIATING THE VARIOUS AMOUNTS HEREIN, AS ATTACHED IN EXHIBIT "A"; CONTAINING FINDINGS AND A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Mr. McCorquodale presented this item and stated that this amendment only focuses on the Capital Improvements it does not draw down the reserves or affect the financial position of the City. He referred Council to the exhibit and explanation on the item cover report.

Mayor, Byron Sanford agreed and stated that this is purely a shift of monies into the appropriate funds.

Councilmember Patricia Easley moved to approve Budget Amendment # 2 as presented. Councilmember Cheryl Fox Seconded the motion. **Motion Passed (3-0).**

7. Consideration and possible action regarding the bid results for the "Flagship Boulevard Storm Sewer and Pavement Replacement" project.

Mr. Chris Roznovsky presented the item and stated that as he had talked about at the prior meeting, they got bid results in for the project and during that time the morning of they got notice about the use of funds for Lone Star Parkway / Buffalo Springs, which freed up a significant amount of capital, which you just approved in your budget amendment.

Mr. Roznovsky continued that in the budget amendment that you just approved it allocated \$589,908 for the Flagship Blvd. project, the low bid on this project was \$573,043.50, therefore, it is their recommendation to proceed with the contract as presented and proceed with the work and award the contract to "Civil Environmental Engineering Services". He added that in the packets the council will see a recommendation from him on Pg. 63 and has not worked with contractor in the past nor the second low bidder, they did however, conduct reference checks on both and they were close, and both had mixed reviews. With both being close in reviews and bids the recommendation is to go with the lowest bid.

Mayor Byron Sanford said that all things considered they are equal therefore, so go with the lowest.

Mr. Roznovsky responded that is correct.

Councilmember Carol Langley inquired where Civil Environmental Engineering Services were based out of.

Mr. Roznovsky said he could not recall right at that minute, would get back with that information.

Councilmember Carol Langley stated that at the top of their worksheet it says the budgeted amount was \$175,000 and now we are trying to approve \$573,000.

Mr. Roznovsky stated that was correct.

Councilmember Carol Langley continued by asking if we underestimated this job.

Mr. Roznovsky stated that there were a couple of things at play here, so first when the original budget was done there was \$250,000. And as we were going through and reducing items in the budget at workshop time this was one of those where we reduced, in order to leave funds for other projects. The other thing was the scope of the work was also not clear at the time of budgeting because the actual videos of all the pipes had not yet been received. Therefore, there was a scope change from budget to proceeding with design of the project.

He continued by stating that there were some items that came in high based on our estimate, specifically the concrete pipe, which came in twice as expensive, that is due to supply chain demands and where the price is today for that large concrete pipe. That was the main driver in the scope.

He also added that there were some other items that are in the bid that were supplemental items that we intend not to use that will bring the price down, for example one of those pipes in the corner for replacement, in the drawings that it should be far enough back that we wont need to replace that section of pavement that is not in horrible shape, that equates to close to \$50,000.

Mayor Byron Sandford stated that at the end of day that location is really awful, you have three different levels of concrete, just awful. The sad reality is the supply chain and cost are what they are now, but we absolutely have to do things right and have quality materials.

Mr. Roznovsky stated that this is going back with different material pipe, different insulation method than what was used back then, thicker concrete to hold up to the amount of truck traffic that is on that street.

Mayor Byron Sanford he was curious did Flagship come along when Brookshire's came?

Mr. Roznovsky responded that it was constructed in approximately 2004-2005 which is the date on the plans and to his understanding was the same period of time that the whole shopping center was coming in.

Councilmember Carol Langley stated that the road is used a whole lot more than was thought back twenty years ago.

Councilmember Carol Langley moved to authorize the City Administrator to execute a contract with Civil Environmental Engineering Services LLC in the amount of \$573,043.50. Councilmember Cheryl Fox seconded the motion. **Motion Passed (3-0).**

DEPARTMENTAL REPORTS: to

8. Sales Tax Report

A representative of SRI the city's contractor for Sales Tax reporting presented the Council with a detailed report of the Sales Tax within the City and informed them the city is at 7% above last year in Sales Tax receipts.

9. Utility Operations (H20) Report

A representative from H2O presented the Council with a comprehensive report on the usage of Water/Sewer services.

10. Utility Billing Report

Mr. McCorquodale presented the utility billing report hitting highlights from the report in the Council packet.

11. Public Works Report

Mr. Mike Muckleroy presented the Public Works report and invited the council to ask anything with regards to his report and he would provide clarification. No member of council questioned the report.

Mayor, Byron Sanford stated he would like to thank Mike and all his staff for their responsiveness to the community when issues are discovered.

12. Police & Code Enforcement Report

Chief Solomon provided the Police and Code Enforcement report for the Council.

Mayor Byron Sanford inquired with Chief that with the new officer he hired this week, is he getting closer to full staff? He noted that there appears to be a greater presence in the city, especially with the new traffic initiatives.

Chief Solomon responded that they are getting closer and yes, the traffic initiative is very good and provides a good presence.

13. Municipal Court Report

Ms. Duckett provided the Municipal Court Report highlighting the citations and revenue with Court Fee collections.

14. City Engineer's Report.

Mr. Chris Roznovsky provided the Council with a comprehensive update on all current and future plans and projects within the city.

Councilmember Carol Langley inquired if the engineering only had one point of contact with the school for all of the concurrent projects happening at MISD.

Mr. Roznovsky responded that there is one point of contact for the school but for the projects there are three different consultants, so he tends to reach out to those for the particular project they manage.

Councilmember Carol Langley asked Mr. Roznovsky to confirm that on the map within the packet there is a note stating Home Depot, is it still going to be that. There were trucks there so did not know if they were working on it.

Mr. Roznovsky responded that yes, they still claim to be Home Depot.

Mr. Mike Muckleroy informed the Councilmember that the two trucks were there doing soil samples.

15. City Administrator Report

Mr. Gary Palmer stated that he did not have one at this time.

Councilmember Cheryl Fox moved to approve the Department Reports as presented.
Councilmember Patricia Easley seconded the motion. **Motion Passed (3-0).**

EXECUTIVE SESSION:

Adjourn into Closed Session in compliance with Section §551.001 etseq. Texas Government Code, to wit:

Sections 551.071(consultation with attorney),

551.074 (personnel matters), and

551.087 (deliberation regarding economic development negotiations)

City Council adjourned into Executive Session at 6:41 P.M.

City Council Reconvened into Regular Session at 7:24 P.M.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

Consideration and possible action on items from Executive Session.

Councilmember Patricia Easley moved to authorize the City Administrator to issue a separation agreement and General Release documents to the Senior Accountant. Councilmember Cheryl Fox seconded the motion. **Motion Passed (3-0).**

COUNCIL INQUIRY:

Mayor Byron Sanford read out a flyer from TML for the Region 14 meeting in Navasota May 12, 2023, and encouraged council to attend if they wanted to, and reach out to the City Secretary to register them.

ADJOURNMENT

Councilmember Carol Langley moved to Adjourn. Councilmember Cheryl Fox seconded the motion. **Motion Passed (3-0).**

ADJOURNED: 7:34 P.M.

Submitted by: _____
Nici Browe, City Secretary

Date Approved: _____

Byron Sanford, Mayor

Montgomery City Council
AGENDA REPORT

Meeting Date: May 9, 2023	Budgeted Amount: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Presentation of the Annual Financial Report and Audit from Belt Harris Pechachek, LLLP.

Recommendation

No formal action needed.

Discussion

The auditor's Report and Management Letter are attached. Darla Dear from the consulting firm Belt Harris Pechachek, LLLP will be at the meeting to present the information and answer any questions.

Approved By

Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 05/05/2023
City Administrator	Gary Palmer	Date: 05/05/2023

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Management Letter

May 5, 2023

To the Honorable Mayor and
City Council Members of the
City of Montgomery, Texas:

The American Institute of Certified Public Accountants Statement on Auditing Standards No. 115, *Communicating Internal Control Related Matters Identified in an Audit* (SAS 115), provides guidance to auditors on communicating internal control matters to management and the governing body, board of directors, or equivalent body.

It is important to note when reviewing findings reported within this letter that classification of the findings is based on the definitions required by SAS 115 as further discussed below. Please note that these classifications are based on the potential impact to the financial statements, not necessarily the likelihood of actual loss to the City. Accordingly, the City's assessment of the "significance" or ranking of severity will likely be substantially different based on a number of factors including, but not limited to, its assessment of risk and the cost benefit of making the change.

Our report is as follows:

In planning and performing our audit of the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Montgomery, Texas (the "City") as of and for the year ended September 30, 2022, in accordance with auditing standards generally accepted in the United States of America, we considered the City's internal control over financial reporting (internal control) as a basis for designing our auditing procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and, therefore, material weaknesses or significant deficiencies may exist that were not identified. However, as discussed below, we identified certain deficiencies in internal control that we consider to be a material weakness. There is also a new pronouncement we wanted to bring to your attention.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis.

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A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our findings and additional comments are as follows:

CURRENT YEAR MATTERS

Material Weakness:

2022.001 MONTH END CLOSING PROCEDURES

Finding

It appears the City lacked a formal process for closing the books at the end of each month. A large number of adjustments were required at year end during the audit process to correct general ledger account balances.

Recommendation

The City should develop formal closing processes at month end including reviewing supporting subsidiary ledgers and other supporting documents to determine their accuracy, to ensure the general ledger is appropriately adjusted, and the financial statements are accurate.

Future Matters That May Subsequently Warrant Attention:

2022.002 IMPLEMENTATION OF GASB STANDARD NO. 96 – SBITAs

Background

Governmental Accounting Standards Board (GASB) Statement 96, *Subscription-Based Information Technology Arrangements* (SBITAs), is effective for the year ending September 30, 2023 and, accordingly, the City has less than one year to implement GASB 96. GASB 96 defines a SBITA as a contract that conveys control of the right to use another party's (a SBITA vendor's) information technology (IT) software, alone or in combination with tangible capital assets (the underlying IT assets), as specified in the contract for a period of time in an exchange or exchange-like transaction. GASB 96 essentially requires that all SBITAs should be reported on the balance sheet as a right-to-use subscription asset – an intangible asset – and a corresponding subscription liability, much like GASB 87, *Leases*, accounting for lease transactions. Unlike many new accounting standards, GASB 96 may require preplanning and changes in the way the City does business. Implementation of GASB 96 will generally require centralized document management; in-depth review of SBITA documents; recording and tracking of multiple data points per agreement, which may necessitate new software based on the volume of arrangements; and development of new controls, reconciliations, and policies and procedures.

Recommendation

The City needs to begin making initial assessments immediately to determine the lead time and resources needed. The City needs to identify all SBITAs in which the term initially exceeded 12 months. Based on the aggregate value of SBITAs and materiality, the City should determine a cutoff for exclusion of insignificant arrangements. If the City's number of SBITAs approaches 10, it may be beneficial for the City to procure and implement software to aid in the task. The City should establish the goal of being fully implemented 60 days prior to year end to provide for a sufficient buffer to safeguard against delay in issuing the City's September 30, 2023 financial statements.

City of Montgomery, Texas
Management Letter
September 30, 2022
Page 3 of 3

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This communication is intended solely for the information and use of management, the City Council, and others within the organization, and is not intended to be, and should not be, used by anyone other than these specified parties.

We would like to thank the City Council and the City’s management for their cooperation during the course of our audit. Please feel free to contact us at your convenience to discuss this report or any other concerns that you may have.

 BELT HARRIS PECHACEK, LLLP
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Belt Harris Pechacek, LLLP
Certified Public Accountants
Houston, Texas

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ANNUAL FINANCIAL REPORT

of the

CITY OF MONTGOMERY, TEXAS

**For the Year Ended
September 30, 2022**

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CITY OF MONTGOMERY, TEXAS

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INDEPENDENT AUDITORS' REPORT

To the Honorable Mayor and
City Council Members of the
City of Montgomery, Texas:

Opinions

We have audited the accompanying financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Montgomery (the "City"), as of and for the year ended September 30, 2022, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City as of September 30, 2022, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended, in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the City, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Change in Accounting Principle

As described in Note I.F.14. to the financial statements, the City adopted new accounting guidance, Governmental Accounting Standards Board Statement No. 87, *Leases*, in fiscal year 2022. Our opinion is not modified with respect to this matter.

Responsibility of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

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In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditors' Responsibility for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis, budgetary comparison information, schedules of changes in net pension and total other postemployment benefits (OPEB) liability and related ratios, and schedule of contributions, identified as Required Supplementary Information on the table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the Required Supplementary Information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

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Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The combining statements and schedules are presented for purposes of additional analysis and are not required parts of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining statements and schedules are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

BELT HARRIS PECHACEK, LLLP
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Belt Harris Pechacek, LLLP
Certified Public Accountants
Houston, Texas
May 5, 2023

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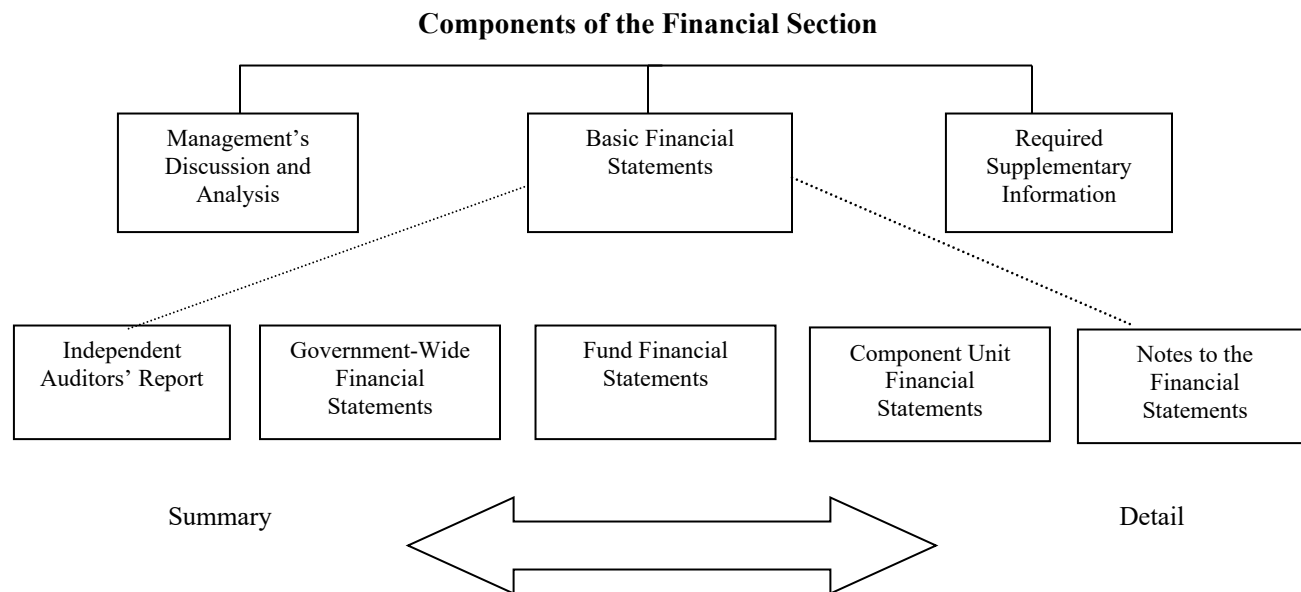
***MANAGEMENT'S DISCUSSION
AND ANALYSIS***

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CITY OF MONTGOMERY, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS
For the Year Ended September 30, 2022

The purpose of the Management's Discussion and Analysis (MD&A) is to give the readers an objective and easily readable analysis of the financial activities of the City of Montgomery, Texas (the "City") for the year ending September 30, 2022. The analysis is based on currently known facts, decisions, or economic conditions. It presents short and long-term analysis of the City's activities, compares current year results with those of the prior year, and discusses the positive and negative aspects of that comparison. Please read the MD&A in conjunction with the City's financial statements, which follow this section.

THE STRUCTURE OF OUR ANNUAL REPORT



The City's basic financial statements include (1) government-wide financial statements, (2) individual fund financial statements, and (3) notes to the financial statements. This report also includes supplementary information intended to furnish additional detail to support the basic financial statements themselves.

Government-Wide Statements

The government-wide statements report information for the City as a whole. These statements include transactions and balances relating to all assets, including infrastructure capital assets. These statements are designed to provide information about cost of services, operating results, and financial position of the City as an economic entity. The Statement of Net Position and the Statement of Activities, which appear first in the City's financial statements, report information on the City's activities that enable the reader to understand the financial condition of the City. These statements are prepared using the *accrual basis of accounting*, which is similar to the accounting used by most private-sector companies. All of the current year's revenues and expenses are taken into account even if cash has not yet changed hands.

The Statement of Net Position presents information on all of the City's assets, liabilities, and deferred outflows/inflows of resources, with the difference reported as *net position*. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the City is improving or deteriorating. Other nonfinancial factors, such as the City's property tax base and the condition of the City's infrastructure, need to be considered in order to assess the overall health of the City.

CITY OF MONTGOMERY, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)
For the Year Ended September 30, 2022

The Statement of Activities presents information showing how the City's net position changed during the most recent year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows – the accrual method rather than modified accrual that is used in the fund level statements.

The Statement of Net Position and the Statement of Activities divide the City's financials into two classes of activities:

1. *Governmental Activities* – Most of the City's basic services are reported here including general government, municipal court, public safety, and public works. Sales tax, property tax, franchise fees, municipal court fines, and permit fees finance most of these activities.
2. *Business-Type Activities* – Services involving a fee for those services are reported here. These services include the City's water, sewer, and sanitation services.

The government-wide financial statements include not only the City itself (known as the primary government), but also a legally separate economic development corporation, the Montgomery Economic Development Corporation, for which the City is financially accountable. Financial information for this component unit is reported separately from the financial information presented for the primary government itself. The Public Improvement District No. 1, although also legally separate, functions for all practical purposes as a department of the City and, therefore, has been included as an integral part of the primary government.

The government-wide financial statements can be found after the MD&A.

FUND FINANCIAL STATEMENTS

Funds may be considered as operating companies of the parent corporation, which is the City. They are usually segregated for specific activities or objectives. The City uses fund accounting to ensure and demonstrate compliance with finance related legal reporting requirements. The two categories of City funds are governmental and proprietary.

Governmental Funds

Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on *near-term inflows and outflows of spendable resources*, as well as *on balances of spendable resources* available at the end of the year. Such information may be useful in evaluating the City's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for *governmental funds* with similar information presented for *governmental activities* in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the City's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between *governmental funds* and *governmental activities*.

The City maintains nine individual governmental funds. Information is presented separately in the governmental fund balance sheet and in the governmental fund statement of revenues, expenditures, and changes in fund balances for the general fund, the debt service fund, and the capital projects fund, which are considered to be major funds for reporting purposes.

CITY OF MONTGOMERY, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)
For the Year Ended September 30, 2022

The City adopts an annual appropriated budget for its general fund, debt service fund, and certain special revenue funds. Budgetary comparison schedules have been provided for these funds to demonstrate compliance with these budgets.

Proprietary Funds

The City maintains one type of proprietary fund. Enterprise funds are used to report the same functions presented as business-type activities in the government-wide financial statements. The City uses an enterprise fund to account for its water, sewer, and sanitation services. The proprietary fund financial statements provide information for the water, sewer, and sanitation fund. The basic proprietary fund financial statements can be found in the basic financial statements of this report.

Notes to Financial Statements

The notes to the financial statements provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes are the last section of the basic financial statements.

Other Information

In addition to the basic financial statements, MD&A, and accompanying notes, this report also presents certain Required Supplementary Information (RSI). The RSI includes a budgetary comparison schedule for the general fund and a schedule of changes in net pension and total other postemployment benefits liability and related ratios and schedule of contributions for the Texas Municipal Retirement System. RSI can be found after the notes to the basic financial statements.

GOVERNMENT-WIDE FINANCIAL ANALYSIS

As noted earlier, net position may serve over time as a useful indicator of the City's financial position. Assets and deferred outflows of resources exceed liabilities and deferred inflows of resources by \$14,678,000 as of September 30, 2022. A portion of the City's net position, 68%, reflects its investment in capital assets (e.g., land, building, equipment, improvements, construction in progress, and infrastructure), less any debt used to acquire those assets that is still outstanding. The City uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the City's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the assets themselves cannot be used to liquidate these liabilities.

A portion of the City's net position, \$171,392 or 1%, represents resources that are subject to external restriction on how they may be used. The remaining balance of unrestricted net position, \$4,500,476 or 31%, may be used to meet the City's ongoing obligation to citizens and creditors.

CITY OF MONTGOMERY, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)
For the Year Ended September 30, 2022

Statement of Net Position

The following table reflects the condensed Statement of Net Position:

	September 30, 2022			
	Governmental Activities	Business-Type Activities	Reconciliation	Total Primary Government
Current and other assets	\$ 5,280,014	\$ 3,046,643	\$ -	\$ 8,326,657
Capital assets, net	6,782,170	11,668,845	-	18,451,015
Total Assets	12,062,184	14,715,488	-	26,777,672
Deferred outflows - pensions	176,762	18,867	-	195,629
Deferred outflows - OPEB	10,448	853	-	11,301
Deferred charge on refunding	41,725	-	-	41,725
Total Deferred Outflows of Resources	228,935	19,720	-	248,655
Long-term liabilities	9,370,463	21,913	-	9,392,376
Other liabilities	2,380,177	400,427	-	2,780,604
Total Liabilities	11,750,640	422,340	-	12,172,980
Deferred inflows - pensions	156,546	16,198	-	172,744
Deferred inflows - OPEB	2,280	323	-	2,603
Total Deferred Inflows of Resources	158,826	16,521	-	175,347
Net Position:				
Net investment in capital assets	5,336,598	11,668,845	(6,999,311)	10,006,132
Restricted	171,392	-	-	171,392
Unrestricted	(5,126,337)	2,627,502	6,999,311	4,500,476
Total Net Position	\$ 381,653	\$ 14,296,347	\$ -	\$ 14,678,000

	September 30, 2021			
	Governmental Activities	Business-Type Activities	Reconciliation	Total Primary Government
Current and other assets	\$ 4,531,840	\$ 2,327,685	\$ -	\$ 6,859,525
Capital assets, net	5,478,827	10,235,277	-	15,714,104
Total Assets	10,010,667	12,562,962	-	22,573,629
Deferred outflows - pensions	128,836	11,011	-	139,847
Deferred outflows - OPEB	11,154	953	-	12,107
Deferred charge on refunding	44,874	-	-	44,874
Total Deferred Outflows of Resources	184,864	11,964	-	196,828
Long-term liabilities	8,135,461	23,307	-	8,158,768
Other liabilities	1,333,392	259,375	-	1,592,767
Total Liabilities	9,468,853	282,682	-	9,751,535
Deferred inflows - pensions	116,849	9,691	-	126,540
Total Deferred Inflows of Resources	116,849	9,691	-	126,540
Net Position:				
Net investment in capital assets	6,743,155	10,235,277	(7,823,722)	9,154,710
Restricted	281,782	-	-	281,782
Unrestricted	(6,415,108)	2,047,276	7,823,722	3,455,890
Total Net Position	\$ 609,829	\$ 12,282,553	\$ -	\$ 12,892,382

CITY OF MONTGOMERY, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)
For the Year Ended September 30, 2022

The City has issued and repaid debt in its governmental activities for which the proceeds were used to construct capital assets for the governmental and business-type activities. With one activity carrying the debt, the result is an unusual net position presentation. The City has included a reconciliation column in the Statement of Net Position adjusting the net investment in capital assets. Debt associated with business-type activities, in the amount of \$6,999,311, is being used to finance capital assets reported. Accordingly, this amount has been added back to unrestricted net position and deducted from net investment in capital assets in total for the primary government.

The City's total net position increased by \$1,785,618 as compared to the prior year. Total assets experienced an increase primarily due to the issuance of Tax Notes, Series 2022, an increase in accounts receivable, grant funds received in advance, and an operating surplus in the enterprise fund. Current liabilities increased due to an increase in payables related to various capital projects and grant funding received in advance. Long-term liabilities experienced an increase during the year due to Tax Notes, Series 2022 issuance.

Statement of Activities

The following table provides a summary of the City's changes in net position:

	Governmental Activities		Business-Type Activities		Total Primary Government	
	2022	2021	2022	2021	2022	2021
Revenues						
Program revenues:						
Charges for services	\$ 778,077	\$ 617,070	\$ 2,373,513	\$ 2,076,795	\$ 3,151,590	\$ 2,693,865
Operating grants and contributions	36,236	537,404	-	-	36,236	537,404
Capital grants and contributions	703,735	-	-	-	703,735	-
General revenues:						
Property taxes	1,415,100	1,232,084	-	-	1,415,100	1,232,084
Sales taxes	3,548,712	3,008,921	-	-	3,548,712	3,008,921
Other fees and taxes	164,608	158,600	-	-	164,608	158,600
Other revenues	333,501	269,315	407,695	275,858	741,196	545,173
Total Revenues	<u>6,979,969</u>	<u>5,823,394</u>	<u>2,781,208</u>	<u>2,352,653</u>	<u>9,761,177</u>	<u>8,176,047</u>
Expenses						
General government	1,817,585	1,716,093	-	-	1,817,585	1,716,093
Municipal court	493,714	444,184	-	-	493,714	444,184
Public safety	1,887,283	1,839,730	-	-	1,887,283	1,839,730
Public works	1,155,079	910,768	-	-	1,155,079	910,768
Interest and fiscal agent fees	252,185	331,768	-	-	252,185	331,768
Water, sewer, and sanitation	-	-	2,369,713	1,882,943	2,369,713	1,882,943
Total Expenses	<u>5,605,846</u>	<u>5,242,543</u>	<u>2,369,713</u>	<u>1,882,943</u>	<u>7,975,559</u>	<u>7,125,486</u>
Increase in Net Position Before Transfers	1,374,123	580,851	411,495	469,710	1,785,618	1,050,561
Transfers in (out)	(1,602,299)	(627,281)	1,602,299	627,281	-	-
Change in Net Position	(228,176)	(46,430)	2,013,794	1,096,991	1,785,618	1,050,561
Beginning net position	609,829	656,259	12,282,553	11,185,562	12,892,382	11,841,821
Ending Net Position	<u>\$ 381,653</u>	<u>\$ 609,829</u>	<u>\$ 14,296,347</u>	<u>\$ 12,282,553</u>	<u>\$ 14,678,000</u>	<u>\$ 12,892,382</u>

For the year ended September 30, 2022, revenues from governmental activities totaled \$6,979,969, which is a net increase of \$1,156,575 from the prior year. Charges for services increased due to an increase in building permits from more development within the City. Grants and contributions increased due to a Community Development Block Grant. Sales taxes increased due to an increase in economic activity within the City. Property taxes increased due to an increase in the assessed values within the City.

CITY OF MONTGOMERY, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)
For the Year Ended September 30, 2022

For the year ended September 30, 2022, expenses for governmental activities totaled \$5,605,846, which is a 7% increase totaling \$363,303 over the prior year. The largest increases were from personnel costs, maintenance projects, and grant expenses.

Net position before transfers for business-type activities decreased \$58,215 compared to the prior year. Revenues experience an increased by \$428,555 compared to the prior year due to an increase in charges for services from an increase in customer consumption and an increase in other revenues from increases in impact fees, tap fees/inspections, and groundwater reduction revenues. Expenses increased \$486,770 compared to the prior year due to increases in repair and maintenance projects, contracted services, and in personnel costs.

FINANCIAL ANALYSIS OF THE CITY'S FUNDS

As noted earlier, fund accounting is used to demonstrate and ensure compliance with finance-related legal requirements.

Governmental Funds – The focus of the City's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the City's financing requirements. In particular, unassigned fund balance may serve as a useful measure of the City's net resources available for spending at the end of the year.

The City's governmental funds reflect a combined fund balance of \$2,860,113. Of this, \$865,635 is restricted or committed for various purposes. The remaining balance of \$1,994,478 is unassigned in the general fund.

There was a net decrease in the combined fund balance of \$328,342 compared to the prior year. This net reduction is largely seen in the capital projects fund, which had an overall decrease in fund balance of \$610,661 due primarily to transfers to the water, sewer, and sanitation fund for capital purposes. The debt service fund also had a large decrease in fund balance of \$86,028, which can be contributed to scheduled debt service payments.

The general fund is the chief operating fund of the City. At the end of the current year, unassigned fund balance of the general fund was \$1,994,478. As a measure of the general fund's liquidity, it may be useful to compare both the unassigned fund balance and total fund balance to total fund expenditures. Both unassigned and total fund balance represents 38% of total general fund expenditures. Revenue increased over the prior year primarily due to increases in sales taxes from an increase in economic activity within the City and an increase in building permits from an increase in development within the City. Expenditures also experienced an increase compared to the prior year related to an increase in personnel costs and an increase in contracted services for streets.

The debt service fund has a total fund balance of \$109,602, all of which is restricted for the payment of debt service. The net decrease in fund balance during the year was \$86,028. This decrease can be attributed to scheduled debt service payments net of property tax revenues and other sources.

The capital projects fund reported a decrease of \$610,661 in fund balance. This is primarily the result of transfers to the water, sewer, and sanitation fund for capital purposes.

Proprietary Funds – The City's proprietary fund financial statements provide the same type of information found in the government-wide financial statements, but in more detail.

CITY OF MONTGOMERY, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)
For the Year Ended September 30, 2022

GENERAL FUND BUDGETARY HIGHLIGHTS

There had been a planned use of fund balance in the amount of \$344,294 in the general fund. However, the net change in fund balance was an increase of \$382,033, resulting in a net positive variance of \$726,327 from budget over actual. Actual general fund revenues were more than final budgeted revenues by \$111,119 during 2022. Additionally, there was a positive budget variance for expenditures of \$446,514 that also contributed to the net positive variance.

CAPITAL ASSETS

At the end of the current fiscal year, the City's governmental and business-type activities had invested \$18,451,015 in a variety of capital assets and infrastructure (net of accumulated depreciation). This represents a net increase of \$2,736,911.

Major capital asset events during the current year include the following:

- Purchase of a building and property for \$1,002,404.
- Purchase of five vehicles for \$249,157.
- Downtown improvement project additions to construction in progress (CIP) of \$284,602.
- Water Plant #3 project additions to CIP of \$1,179,891.
- General Land Office Grant project additions to CIP of \$506,102.

More detailed information about the City's capital assets is presented in note III. C. to the financial statements.

LONG-TERM DEBT

At the end of the current fiscal year, the City had total bonds, tax notes, and certificates of obligation outstanding of \$8,355,000. Of this amount, \$4,555,000 was general obligation debt while tax notes and certificates of obligation accounted for \$3,800,000.

More detailed information about the City's long-term liabilities is presented in note III. D. to the financial statements.

ECONOMIC FACTORS AND NEXT YEAR'S BUDGET

The City adopted a fiscal year 2022-2023 general fund expenditure budget of \$5,822,634 which is an increase of 8% from the prior year budget. The City budgeted for fiscal year 2022-2023 general fund revenues of \$5,766,292 which is an increase of 8%. The City adopted a water, sewer, and sanitation revenue budget of \$3,629,278 which is an increase of 46% from the prior year budget. The City adopted a water, sewer, and sanitation expense budget of \$3,051,238 which is an increase of 64% from the prior year budget. The tax rate for the 2022-2023 fiscal year will be \$0.4000 per \$100 of taxable property value.

CONTACTING THE CITY'S FINANCIAL MANAGEMENT

This financial report is designed to provide a general overview of the City's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to Gary Palmer, City Administrator, 101 Old Plantersville Rd., Montgomery, Texas 77316; 936-597-6434.

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BASIC FINANCIAL STATEMENTS

CITY OF MONTGOMERY, TEXAS

STATEMENT OF NET POSITION

September 30, 2022

	Primary Government			
	Governmental Activities	Business-Type Activities	Reconciliation	Total
Assets				
Cash and cash equivalents	\$ 4,014,531	\$ 2,350,807	\$ -	\$ 6,365,338
Cash with fiscal agent	313,215	-	-	313,215
Receivables, net of allowances	771,879	298,152	-	1,070,031
Due from other governments	406,630	-	-	406,630
Internal balances	(246,412)	246,412	-	-
Due from primary government	-	-	-	-
Due from component unit	-	108	-	108
Restricted assets:				
Cash and cash equivalents	-	141,115	-	141,115
	<u>5,259,843</u>	<u>3,036,594</u>	<u>-</u>	<u>8,296,437</u>
Net pension asset	20,171	10,049	-	30,220
Capital assets:				
Nondepreciable capital assets	2,028,332	3,009,096	-	5,037,428
Depreciable capital assets, net	4,753,838	8,659,749	-	13,413,587
	<u>6,802,341</u>	<u>11,678,894</u>	<u>-</u>	<u>18,481,235</u>
Total Assets	<u>12,062,184</u>	<u>14,715,488</u>	<u>-</u>	<u>26,777,672</u>
Deferred Outflows of Resources				
Deferred outflows - pensions	176,762	18,867	-	195,629
Deferred outflows - OPEB	10,448	853	-	11,301
Deferred charge on refunding	41,725	-	-	41,725
Total Deferred Outflows of Resources	<u>228,935</u>	<u>19,720</u>	<u>-</u>	<u>248,655</u>
Liabilities				
Accounts payable and accrued liabilities	2,008,082	259,312	-	2,267,394
Unearned revenue	340,820	-	-	340,820
Accrued interest payable	20,982	-	-	20,982
Due to primary government	-	-	-	-
Due to component unit	10,293	-	-	10,293
Customer deposits	-	141,115	-	141,115
Noncurrent liabilities:				
Long-term liabilities due within one year	832,704	13,114	-	845,818
Long-term liabilities due in more than one year	8,537,759	8,799	-	8,546,558
Total Liabilities	<u>11,750,640</u>	<u>422,340</u>	<u>-</u>	<u>12,172,980</u>
Deferred Inflows of Resources				
Deferred inflows - pensions	156,546	16,198	-	172,744
Deferred inflows - OPEB	2,280	323	-	2,603
Total Deferred Inflows of Resources	<u>158,826</u>	<u>16,521</u>	<u>-</u>	<u>175,347</u>
Net Position				
Net investment in capital assets	5,336,598	11,668,845	(6,999,311)	10,006,132
Restricted for:				
Economic development	-	-	-	-
Debt service	109,602	-	-	109,602
Tourism	18,618	-	-	18,618
Public safety	43,152	-	-	43,152
Grants	20	-	-	20
Unrestricted	(5,126,337)	2,627,502	6,999,311	4,500,476
Total Net Position	<u>\$ 381,653</u>	<u>\$ 14,296,347</u>	<u>\$ -</u>	<u>\$ 14,678,000</u>

See Notes to Financial Statements.

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Component Unit
MEDC
\$ 2,103,116
-
224,807
-
-
10,293
-
-
<u>2,338,216</u>
-
752,414
-
<u>752,414</u>
<u>3,090,630</u>
-
-
-
-
-
382,106
-
-
108
-
-
-
-
<u>382,214</u>
-
-
-
-
752,414
1,956,002
-
-
-
-
-
<u>\$ 2,708,416</u>

CITY OF MONTGOMERY, TEXAS

STATEMENT OF ACTIVITIES

For the Year Ended September 30, 2022

Functions/Programs	Expenses	Program Revenues		
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions
Primary Government				
Governmental Activities				
General government	\$ 1,817,585	\$ 440,093	\$ 31,865	\$ -
Municipal court	493,714	337,984	-	-
Public safety	1,887,283	-	4,371	-
Public works	1,155,079	-	-	703,735
Interest and fiscal agent fees	252,185	-	-	-
Total Governmental Activities	<u>5,605,846</u>	<u>778,077</u>	<u>36,236</u>	<u>703,735</u>
Business-Type Activities				
Water, sewer, and sanitation services	2,369,713	2,373,513	-	-
Total Business-Type Activities	<u>2,369,713</u>	<u>2,373,513</u>	<u>-</u>	<u>-</u>
Total Primary Government	<u>\$ 7,975,559</u>	<u>\$ 3,151,590</u>	<u>\$ 36,236</u>	<u>\$ 703,735</u>
Component Unit				
Montgomery Economic Development Corporation	\$ 552,568	\$ -	\$ -	\$ -
Total Component Unit	<u>\$ 552,568</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

General Revenues:

Property taxes
Sales taxes
Franchise fees and other taxes
Other taxes
Investment revenue
Other revenues
Transfers

Total General Revenues and Transfers**Change in Net Position**

Beginning net position

Ending Net Position

See Notes to Financial Statements.

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Net Revenue (Expense) and Changes in Net Position

Primary Government			Component Unit
Governmental Activities	Business-Type Activities	Total	MEDC
\$ (1,345,627)	\$ -	\$ (1,345,627)	\$ -
(155,730)	-	(155,730)	-
(1,882,912)	-	(1,882,912)	-
(451,344)	-	(451,344)	-
(252,185)	-	(252,185)	-
<u>(4,087,798)</u>	<u>-</u>	<u>(4,087,798)</u>	<u>-</u>
-	3,800	3,800	-
-	3,800	3,800	-
<u>(4,087,798)</u>	<u>3,800</u>	<u>(4,083,998)</u>	<u>-</u>
-	-	-	(552,568)
-	-	-	(552,568)
1,415,100	-	1,415,100	-
3,548,712	-	3,548,712	1,182,904
96,161	-	96,161	-
68,447	-	68,447	-
15,992	9,494	25,486	9,257
317,509	398,201	715,710	17,179
(1,602,299)	1,602,299	-	-
<u>3,859,622</u>	<u>2,009,994</u>	<u>5,869,616</u>	<u>1,209,340</u>
(228,176)	2,013,794	1,785,618	656,772
<u>609,829</u>	<u>12,282,553</u>	<u>12,892,382</u>	<u>2,051,644</u>
<u>\$ 381,653</u>	<u>\$ 14,296,347</u>	<u>\$ 14,678,000</u>	<u>\$ 2,708,416</u>

CITY OF MONTGOMERY, TEXAS

BALANCE SHEET

GOVERNMENTAL FUNDS

September 30, 2022

	<u>General</u>	<u>Debt Service</u>	<u>Capital Projects</u>	<u>Nonmajor Governmental</u>
<u>Assets</u>				
Cash and cash equivalents	\$ 2,506,319	\$ 111,324	\$ 1,321,898	\$ 74,990
Cash with fiscal agent	-	-	313,215	-
Receivables, net	755,366	16,513	-	-
Due from other governments	-	-	406,630	-
Due from other funds	417,552	-	252,524	171
Total Assets	\$ 3,679,237	\$ 127,837	\$ 2,294,267	\$ 75,161
<u>Liabilities</u>				
Accounts payable and accrued liabilities	\$ 905,795	\$ -	\$ 790,748	\$ -
Due to other funds	418,936	1,722	482,630	13,371
Due to component unit	10,293	-	-	-
Due to others	311,539	-	-	-
Unearned revenue	3,498	-	337,322	-
Total Liabilities	1,650,061	1,722	1,610,700	13,371
<u>Deferred Inflows of Resources</u>				
Unavailable revenue - property taxes	24,022	16,513	-	-
<u>Fund Balances</u>				
Restricted for:				
Debt service	-	109,602	-	-
Tourism	-	-	-	18,618
Public safety	-	-	-	43,152
Capital projects	-	-	683,567	-
Grants	-	-	-	20
Committed for:				
Public safety	10,676	-	-	-
Unassigned	1,994,478	-	-	-
Total Fund Balances	2,005,154	109,602	683,567	61,790
Total Liabilities, Deferred Inflows of Resources, and Fund Balances	\$ 3,679,237	\$ 127,837	\$ 2,294,267	\$ 75,161

See Notes to Financial Statements.

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Total

\$ 4,014,531
313,215
771,879
406,630
670,247
\$ 6,176,502

\$ 1,696,543
916,659
10,293
311,539
340,820
3,275,854

40,535

109,602
18,618
43,152
683,567
20

10,676
1,994,478
2,860,113

\$ 6,176,502

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CITY OF MONTGOMERY, TEXAS
RECONCILIATION OF THE GOVERNMENTAL
FUNDS BALANCE SHEET TO THE
STATEMENT OF NET POSITION
September 30, 2022

Total fund balances - total governmental funds	\$	2,860,113
Amounts reported for governmental activities in the Statement of Net Position are different because:		
Capital assets used in governmental activities are not current financial resources and, therefore, not reported in the governmental funds.		
Capital assets, nondepreciable		2,028,332
Capital assets, net depreciable		4,753,838
Long-term liabilities and deferred outflows and deferred inflows related to pensions and other postemployment benefits (OPEB) are deferred in the governmental funds.		
Net pension asset		20,171
Deferred outflows - pensions		176,762
Deferred inflows - pensions		(156,546)
Total OPEB liability		(82,153)
Deferred outflows - OPEB		10,448
Deferred inflows - OPEB		(2,280)
Other long-term assets are not available to pay for current period expenditures and, therefore, are deferred in the governmental funds.		
		40,535
Long-term liabilities are not due and payable in the current period and, therefore, are not reported in the governmental funds.		
Accrued interest payable		(20,982)
Noncurrent liabilities due in one year		(832,704)
Noncurrent liabilities due in more than one year		(8,455,606)
Deferred charge on refunding		41,725
Net Position of Governmental Activities	\$	<u><u>381,653</u></u>

See Notes to Financial Statements.

CITY OF MONTGOMERY, TEXAS
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
For the Year Ended September 30, 2022

	<u>General</u>	<u>Debt Service</u>	<u>Capital Projects</u>	<u>Nonmajor Governmental</u>
<u>Revenues</u>				
Property taxes	\$ 905,474	\$ 495,089	\$ -	\$ -
Sales taxes	3,548,712	-	-	-
Franchise fees	96,161	-	-	-
Other taxes	26,868	-	-	41,579
Licenses and permits	440,093	-	-	-
Fines and forfeitures	335,421	-	-	2,563
Other revenue	117,509	-	200,000	-
Intergovernmental	36,236	-	703,735	-
Investment revenue	8,225	245	7,487	35
	<u>5,514,699</u>	<u>495,334</u>	<u>911,222</u>	<u>44,177</u>
<u>Expenditures</u>				
Current:				
General government	1,638,428	-	-	40,164
Municipal court	500,609	-	-	-
Public safety	1,789,275	-	-	14,999
Public works	899,269	-	111,459	-
Capital outlay	447,885	-	1,277,007	-
Debt service:				
Principal	27,020	430,000	-	-
Interest and fiscal agent fees	1,374	219,177	-	-
Bond issuance costs	-	-	82,717	-
	<u>5,303,860</u>	<u>649,177</u>	<u>1,471,183</u>	<u>55,163</u>
Excess (Deficiency) of Revenues Over (Under) Expenditures				
	<u>210,839</u>	<u>(153,843)</u>	<u>(559,961)</u>	<u>(10,986)</u>
<u>Other Financing Sources (Uses)</u>				
Debt issued	-	-	1,630,000	-
Premium on bonds	-	-	157,908	-
Transfers in	171,194	67,815	133,697	-
Transfers (out)	-	-	(1,972,305)	(2,700)
	<u>171,194</u>	<u>67,815</u>	<u>(50,700)</u>	<u>(2,700)</u>
Net Change in Fund Balances				
	382,033	(86,028)	(610,661)	(13,686)
Beginning fund balances	1,623,121	195,630	1,294,228	75,476
Ending Fund Balances	<u>\$ 2,005,154</u>	<u>\$ 109,602</u>	<u>\$ 683,567</u>	<u>\$ 61,790</u>

See Notes to Financial Statements.

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Total

\$	1,400,563
	3,548,712
	96,161
	68,447
	440,093
	337,984
	317,509
	739,971
	15,992
	<u>6,965,432</u>

1,678,592
500,609
1,804,274
1,010,728
1,724,892

457,020
220,551
<u>82,717</u>

<u>7,479,383</u>

<u>(513,951)</u>

1,630,000
157,908
372,706
<u>(1,975,005)</u>

<u>185,609</u>

(328,342)

<u>3,188,455</u>

\$	<u><u>2,860,113</u></u>
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CITY OF MONTGOMERY, TEXAS
RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS TO THE
STATEMENT OF ACTIVITIES
For the Year Ended September 30, 2022

Amounts reported for governmental activities in the Statement of Activities are different because:

Net changes in fund balances - total governmental funds	\$	(328,342)
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Governmental funds report capital outlays as expenditures. However, in the Statement of Activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense.

Capital additions		1,709,934
Depreciation expense		(406,591)

The issuance of long-term debt (e.g., bonds and certificates of obligation) provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net position. Also, governmental funds report the effect of premiums, discounts, and similar items when debt is first issued, whereas these amounts are deferred and amortized in the Statement of Activities.

Principal payments		457,020
Debt issued		(1,630,000)
Net change in deferred charges on refunding		(3,149)
Accrued interest		(4,977)
Premium on tax note		(157,908)
Premium amortization		59,209

Some expenses reported in the Statement of Activities do not require the use of current financial resources and, therefore, are not reported as expenditures in the governmental funds.

Compensated absences		(6,140)
Net pension asset		68,775
Deferred outflows - pensions		47,926
Deferred inflows - pensions		(39,697)
Total OPEB liability		(5,787)
Deferred outflows - OPEB		(706)
Deferred inflows - OPEB		(2,280)

Revenue in the Statement of Activities that does not provide current financial resources is not reported as revenue in the funds.

		14,537
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		(228,176)
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See Notes to Financial Statements.

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CITY OF MONTGOMERY, TEXAS
STATEMENT OF NET POSITION
PROPRIETARY FUND (Page 1 of 2)
September 30, 2022

	<u>Business-Type Activities Water, Sewer, and Sanitation</u>
<u>Assets</u>	
Current assets	
Cash and equity in cash and investments	\$ 2,350,807
Accounts receivable (net of allowance for uncollectibles) for uncollectibles)	298,152
Due from other funds	633,635
Due from component unit	108
Restricted cash and equity in cash and investments:	
Customer deposits	141,115
Total Current Assets	<u>3,423,817</u>
Noncurrent assets	
Net pension asset	10,049
Capital assets:	
Nondepreciable	3,009,096
Depreciable (net of depreciation)	8,659,749
Total Capital Assets (Net)	<u>11,668,845</u>
Total Noncurrent Assets	<u>11,678,894</u>
Total Assets	<u>15,102,711</u>
Deferred Outflows of Resources	
Deferred outflows - pensions	18,867
Deferred outflows - OPEB	853
Total Deferred Outflows of Resources	<u>19,720</u>

CITY OF MONTGOMERY, TEXAS
STATEMENT OF NET POSITION
PROPRIETARY FUNDS (Page 2 of 2)
 September 30, 2022

	Business-Type Activities
	Water, Sewer and Sanitation
<u>Liabilities and Net Position</u>	
Current Liabilities	
Accounts payable and accrued liabilities	\$ 259,312
Due to other funds	387,223
Compensated absences	13,114
Payable from restricted assets:	
Customer deposits	141,115
Total Current Liabilities	800,764
Noncurrent liabilities	
Total OPEB liability	7,342
Compensated absences	1,457
Total Noncurrent Liabilities	8,799
Total Liabilities	809,563
Deferred Inflows of Resources	
Deferred inflows - pensions	16,198
Deferred inflows - OPEB	323
Total Deferred Inflows of Resources	16,521
Net Position	
Net investment in capital assets	11,668,845
Unrestricted net position	2,627,502
Total Net Position	\$ 14,296,347

See Notes to Financial Statements.

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CITY OF MONTGOMERY, TEXAS
STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET POSITION
PROPRIETARY FUND
For the Year Ended September 30, 2022

	Business-Type Activities
	Water, Sewer, and Sanitation
<u>Operating Revenues</u>	
Water service	\$ 913,946
Sewer service	806,442
Sanitation service	218,282
Meter installations	434,843
Other revenue	398,201
	Total Operating Revenues 2,771,714
<u>Operating Expenses</u>	
Water, sewer, and sanitation	1,568,064
Salaries and wages	431,406
Depreciation	370,243
	Total Operating Expenses 2,369,713
	Operating Income 402,001
<u>Nonoperating Revenues (Expenses)</u>	
Investment revenue	9,494
	Total Nonoperating Revenues 9,494
	Income Before Transfers 411,495
<u>Transfers</u>	
Transfers in	1,803,811
Transfers (out)	(201,512)
	Total Transfers 1,602,299
	Change in Net Position 2,013,794
Beginning net position	12,282,553
	Ending Net Position \$ 14,296,347

See Notes to Financial Statements.

CITY OF MONTGOMERY, TEXAS
STATEMENT OF CASH FLOWS
PROPRIETARY FUND (Page 1 of 2)
For the Year Ended September 30, 2022

	Business-Type Activities Water, Sewer, and Sanitation
<u>Cash Flows from Operating Activities</u>	
Receipts from customers and users	\$ 2,790,696
Payments to suppliers	(1,696,266)
Payments to employees	(443,775)
Net Cash Provided by Operating Activities	650,655
<u>Cash Flows from Noncapital Financing Activities</u>	
Transfers from other funds	1,803,811
Transfer to other funds	(201,512)
Net Cash Provided by Noncapital Financing Activities	1,602,299
<u>Cash Flows from Capital and Related Financing Activities</u>	
Acquisition and construction of capital assets	(1,803,811)
Net Cash (Used) by Capital and Related Financing Activities	(1,803,811)
<u>Cash Flows from Investing Activities</u>	
Proceeds from sale of investments	100,000
Interest on investments	9,494
Net Cash Provided by Investing Activities	109,494
Net Change in Cash and Cash Equivalents	558,637
Beginning cash and cash equivalents	1,933,285
Ending Cash and Cash Equivalents	\$ 2,491,922
Ending Cash and Cash Equivalents:	
Unrestricted cash and cash equivalents	\$ 2,350,807
Restricted cash and cash equivalents	141,115
	\$ 2,491,922

See Notes to Financial Statements.

CITY OF MONTGOMERY, TEXAS
STATEMENT OF CASH FLOWS
PROPRIETARY FUND (Page 2 of 2)
For the Year Ended September 30, 2022

	Business-Type Activities
	Water, Sewer, and Sanitation
Reconciliation of Operating Income to	
Net Cash Provided by Operating Activities	
Operating income	\$ 402,001
Adjustments to Reconcile Operating Income	
to Net Cash Provided by	
Operating Activities:	
Depreciation	370,243
Changes in Operating Assets and Liabilities:	
(Increase) Decrease in Current Assets:	
Accounts receivable	1,627
Deferred outflows - pensions	(7,856)
Deferred outflows - OPEB	100
Due from other funds	(633,635)
Due from component unit	11
Net pension liability/(asset)	(11,274)
Total OPEB liability	819
Increase (Decrease) in Current Liabilities:	
Accounts payable	123,697
Due to other funds	381,725
Compensated absences	(988)
Customer deposits	17,355
Deferred inflows - pensions	6,507
Deferred inflows - OPEB	323
Net Cash Provided by Operating Activities	\$ 650,655

See Notes to Financial Statements.

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CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS
For the Year Ended September 30, 2022

I. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Reporting Entity

The City of Montgomery, Texas (the “City”) was incorporated under the laws of the State of Texas, (the “State”) in 1935.

The City operates under a “General Law” City, which provides for a “Mayor-Council” form of government. The City Council is the principal legislative body of the City. The City Administrator is appointed by a majority vote of the City Council and is responsible to the City Council for the administration of all affairs of the City. The City Administrator is responsible for the appointment and removal of department directors and employees, supervision and control of all City departments, and preparation of the annual budget. The City provides the following services: general administration; municipal court; public safety; public works; and water, sewer, and sanitation services.

The City is an independent political subdivision of the State governed by an elected council and a mayor and is considered a primary government. Its activities are not considered a part of any other governmental or other type of reporting entity. As required by generally accepted accounting principles, these basic financial statements have been prepared based on considerations regarding the potential for inclusion of other entities, organizations, or functions as part of the City’s financial reporting entity. The component units, as listed below, although legally separate, are considered part of the reporting entity. No other entities have been included in the City’s reporting entity. Additionally, as the City is considered a primary government for financial reporting purposes, its activities are not considered a part of any other governmental or other type of reporting entity.

Considerations regarding the potential for inclusion of other entities, organizations, or functions in the City’s financial reporting entity are based on criteria prescribed by generally accepted accounting principles. These same criteria are evaluated in considering whether the City is a part of any other governmental or other type of reporting entity. The overriding elements associated with prescribed criteria considered in determining that the City’s financial reporting entity status is that of a primary government are that it has a separately elected governing body, it is legally separate, and is fiscally independent of other state and local governments. Additionally, prescribed criteria under generally accepted accounting principles include considerations pertaining to organizations for which the primary government is financially accountable and considerations pertaining to organizations for which the nature and significance of their relationship with the primary government are such that exclusion would cause the reporting entity’s financial statements to be misleading or incomplete.

Discretely Presented Component Unit

Montgomery Economic Development Corporation

On December 14, 1995, the City incorporated the Montgomery Industrial Development Corporation. In July 2013, the name was changed to Montgomery Economic Development Corporation (MEDC). The purpose of this nonprofit corporation is to promote economic development within the City and the State in order to eliminate unemployment and underemployment; to promote and encourage employment and the public welfare of, for, and on behalf of the City; and for improving the assessed valuations through the promotion of (a) existing business enterprise expansion and retention and (b) new business enterprise development and attraction by developing, implementing, providing, and financing projects. A one-half of one percent City sales tax is designated for this purpose. Separate

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

financial statements of the MEDC are not prepared. The MEDC is included in the City's reporting entity because of the significance of its operational or financial relationship with the City. The City appoints a majority of this MEDC's board members and is either able to impose its will on it or a financial benefit/burden exists.

Blended Component Unit

Public Improvement District (PID) No. 1

Following a public hearing on September 30, 2014, the City Council created the City of Montgomery Public Improvement District (PID) No. 1 in accordance with Chapter 372 of the Local Government Code. The PID was created to provide a method of financing certain public improvements for the benefit of property in the PID, the costs of which would be paid by owners of real property located in the PID, subject to limitations contained in the service and assessment plan. Public improvements included creation costs of the PID, as well as roadway, water distribution system, storm sewer collection system, and wastewater collection system improvements. These public improvements were funded from developer revenues before construction began. The developer will be repaid in annual installments over a fifteen-year period through assessments to the property owners in the PID, the timing of which begins after the City has issued a certificate of occupancy for completed permanent structures; however, such date shall not occur before the trigger date of September 1, 2017. The City retains the right to create a board to manage the PID, but currently retains all management capacity at year end.

B. Government-Wide Financial Statements

The government-wide financial statements (i.e., the Statement of Net Position and the Statement of Activities) report information on all of the activities of the primary government. *Governmental activities*, which normally are supported by taxes, intergovernmental revenues, and other nonexchange transactions, are reported separately from *business-type activities*, which rely to a significant extent on fees and charges to external customers for support. Likewise, the *primary government* is reported separately from certain legally separate *component units* for which the primary government is financially accountable.

C. Basis of Presentation – Government-Wide Financial Statements

While separate government-wide and fund financial statements are presented, they are interrelated. The governmental activities column incorporates data from governmental funds, while business-type activities incorporate data from the City's enterprise funds. Separate financial statements are provided for governmental and proprietary funds.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements. Exceptions to this general rule are payments in lieu of taxes where the amounts are reasonably equivalent in value to the interfund services provided and other charges between the City's water, sewer, and sanitation functions and various other functions of the City. Elimination of these charges would distort the direct costs and program revenues reported for the various functions concerned.

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

D. Basis of Presentation – Fund Financial Statements

The fund financial statements provide information about the City’s funds. Separate statements for each fund category – governmental and proprietary – are presented. The emphasis of fund financial statements is on major governmental and enterprise funds, each displayed in a separate column. All remaining governmental and enterprise funds are aggregated and reported as nonmajor funds.

The City reports the following governmental funds:

The *general fund* is the City’s primary operating fund. It is used to account for and report all financial resources not accounted for and reported in other funds. The principal sources of revenues include local property taxes, sales taxes, franchise fees, licenses and permits, fines and forfeitures, and charges for services. Expenditures include general government, municipal court, public safety, and public works. The general fund is always considered a major fund for reporting purposes.

The *debt service fund* is used to account for and report financial resources that are restricted, committed, or assigned to expenditure for principal and interest on all long-term debt of the City. The primary source of revenue for debt service is local property taxes. The debt service fund is not considered a major fund for reporting purposes but the City has elected to present it as major due to its significance.

The *capital projects fund* is used to account for and report financial resources that are restricted, committed, or assigned to expenditure for capital outlay, including the acquisition of capital facilities and other capital assets. The capital projects fund is considered a major fund for reporting purposes.

The *special revenue funds* are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specific purposes other than debt service and capital projects. The special revenue funds include the grants fund, the hotel occupancy fund, the court security fund, the court technology fund, and the police asset forfeiture fund. The special revenue funds are considered nonmajor funds for reporting purposes.

The City reports the following enterprise fund:

The *water, sewer, and sanitation fund* is used to account for the operations that provide water, sewer, and sanitation services. The services are financed and operated in a manner similar to private business enterprises where the intent of the governing body is that the costs (expenses including depreciation) of providing goods or services to the general public on a continuing basis will be financed or recovered primarily through user charges. The water, sewer, and sanitation fund is considered a major fund for reporting purposes.

During the course of operations, the City has activity between funds for various purposes. Any residual balances outstanding at year end are reported as due from/to other funds and advances to/from other funds. While these balances are reported in fund financial statements, certain eliminations are made in the preparation of the government-wide financial statements. Balances between the funds included in governmental activities (i.e., the governmental funds) are eliminated so that only the net amount is included as internal balances in the governmental activities column. Similarly, balances between the funds included in business-type activities (i.e., the enterprise fund) are eliminated so that only the net amount is included as internal balances in the business-type activities column.

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

Further, certain activity occurs during the year involving transfers of resources between funds. In fund financial statements, these amounts are reported at gross amounts as transfers in/out. While reported in fund financial statements, certain eliminations are made in the preparation of the government-wide financial statements. Transfers between the funds included in governmental activities are eliminated so that only the net amount is included as transfers in the governmental activities column. Similarly, balances between the funds included in business-type activities are eliminated so that only the net amount is included as internal balances in the business-type activities column.

E. Measurement Focus and Basis of Accounting

The accounting and financial reporting treatment is determined by the applicable measurement focus and basis of accounting. Measurement focus indicates the type of resources being measured such as *current financial resources* or *economic resources*. The basis of accounting indicates the timing of transactions or events for recognition in the financial statements.

The government-wide and proprietary fund financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

The governmental fund financial statements are reported using the *current financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the City considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due. General capital asset acquisitions are reported as expenditures in governmental funds. Issuance of long-term debt and acquisitions under capital leases are reported as other financing sources.

Property taxes, sales taxes, franchise fees, licenses, and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Entitlements are recorded as revenues when all eligibility requirements are met, including any time requirements, and the amount is received during the period or within the availability period for this revenue source (within 60 days of year end). Expenditure-driven grants are recognized as revenue when the qualifying expenditures have been incurred and all other eligibility requirements have been met, and the amount is received during the period or within the availability period for this revenue source (within 60 days of year end). All other revenue items are considered to be measurable and available only when cash is received by the City.

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

F. Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Net Position/Fund Balance

1. Cash and Cash Equivalents

The City's cash and cash equivalents are considered to be cash on hand, demand deposits, and short-term investments with original maturities of three months or less from the date of acquisition. For the purpose of the statement of cash flows, the proprietary fund types consider temporary investments with maturity of three months or less when purchased to be cash equivalents.

2. Investments

Investments, except for certain investment pools, commercial paper, money market funds, and investment contracts, are reported at fair value. The investment pool operates in accordance with appropriate state laws and regulations and are reported at amortized cost. Money market funds, which are short-term highly liquid debt instruments that may include U.S. Treasury and agency obligations and commercial paper that have a remaining maturity of one year or less upon acquisition, are reported at amortized cost. Investments in nonparticipating interest earning contracts, such as certificates of deposit, are reported at cost.

The City has adopted a written investment policy regarding the investment of its funds as defined in the Public Funds Investment Act, Chapter 2256, Texas Government Code. In summary, the City is authorized to invest in the following:

- Direct obligations of the U.S. Government or U.S. Government agencies
- Fully collateralized certificates of deposit
- Money market mutual funds that meet certain criteria
- Bankers' acceptances
- Statewide investment pools

3. Restricted Assets

Certain proceeds of bonds, as well as other resources set aside for specific purposes, are classified as restricted assets on the balance sheet because their use is limited by applicable bond covenants or contractual agreements.

4. Capital Assets

Capital assets, which include property, plant, equipment, and infrastructure assets (e.g., roads, bridges, sidewalks, and similar items), are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. In accordance with GASB Statement No. 34, infrastructure has been capitalized retroactively. Capital assets are defined by the City as assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of two years. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at acquisition value at the date of donation.

Major outlays for capital assets and improvements are capitalized as projects are constructed. Interest costs incurred in connection with construction of enterprise fund capital assets are capitalized when the effects of capitalization materially impact the financial statements.

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets' lives are not capitalized.

Property, plant, and equipment of the primary government are depreciated using the straight-line method over the following estimated useful years:

<u>Asset Description</u>	<u>Estimated Useful Life</u>
Buildings and improvements	20 years
Furniture and equipment	5 to 20 years
Vehicles	5 years
Infrastructure	20 to 40 years

5. Deferred Outflows/Inflows of Resources

In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, *deferred outflows of resources*, represents a consumption of net position that applies to a future period(s) and so will *not* be recognized as an outflow of resources (expense/expenditure) until then. In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, *deferred inflows of resources*, represents an acquisition of net position that applies to a future period(s) and so will *not* be recognized as an inflow of resources (revenue) until that time.

Deferred outflows/inflows of resources are amortized as follows:

- Deferred outflows/inflows from pension/other postemployment benefits (OPEB) activities are amortized over the average of the expected service lives of pension plan members, except for the net differences between the projected and actual investment earnings on the pension plan assets, which are amortized over a period of five years.
- For employer pension/OPEB plan contributions that were made subsequent to the measurement date through the end of the City's fiscal year, the amount is deferred and recognized as an increase to the net pension asset during the measurement period in which the contributions were made.
- A deferred charge on refunding results from the difference in the carrying value of refunded debt and its reacquisition price. This amount is deferred and amortized over the shorter of the life of the refunded or refunding debt.

At the fund level, the City has only one type of item, which arises only under a modified accrual basis of accounting, that qualifies for reporting in this category. Accordingly, the item, *unavailable revenue*, is reported only in the governmental funds balance sheet. The governmental funds report unavailable revenues from property taxes. This amount is deferred and recognized as an inflow of resources in the period that the amount becomes available.

6. Compensated Employee Absences

The City maintains formal programs for vacation, compensatory time, and sick leave. The City's full-time, permanent employees are granted vacation pay benefits in varying amounts to specified maximums depending on tenure with the City. The City's personnel policy permits its full-time, permanent employees to accumulate earned but unused vacation pay benefits. Upon separation with the City, employees will be paid for their accrued and unused vacation pay benefits.

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

A non-exempt employee will be paid for any documented accrued compensatory time upon separation. Police officers may accrue a maximum of 120 hours of compensatory time.

Sick leave accrues to full-time, permanent employees to specified maximums but, upon separation with the City, employees will not be paid for accumulated sick leave.

The liability for compensated absences reported in the government-wide and proprietary fund statements consist of unpaid, accumulated vacation balances. The liability has been calculated using the vesting method, in which leave amounts for both employees who currently are eligible to receive termination payments and other employees who are expected to become eligible in the future to receive such payments upon termination are included. Vested or accumulated vacation leave and compensated leave of government-wide and proprietary funds are recognized as an expense and liability of those funds as the benefits accrue to employees.

It is the City's policy to liquidate compensated absences with future revenues rather than with currently available expendable resources. Accordingly, the City's governmental funds recognize accrued compensated absences when they are paid.

7. Long-Term Obligations

In the government-wide financial statements and proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund type Statement of Net Position. Bond premiums and discounts are deferred and amortized over the life of the bonds using the straight-line method, if material. Bonds payable are reported net of the applicable bond premium or discount.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

The property tax rate is allocated each year between the general and debt service funds. The full amount estimated to be required for debt service on general obligation debt is provided by the tax along with the interest earned in the debt service fund. Although a portion of the general obligation debt was directly related to the purchase of water and sewer infrastructure, the debt service expenditures are included in the governmental fund financial statements as they are expected to be paid from debt service tax revenues instead of water system revenues.

8. Net Position Flow Assumption

Sometimes the City will fund outlays for a particular purpose from both restricted (e.g., restricted bond or grant proceeds) and unrestricted resources. In order to calculate the amounts to report as restricted net position and unrestricted net position in the government-wide and proprietary fund financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the City's policy to consider restricted net position to have been depleted before unrestricted net position is applied.

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

9. Fund Balance Flow Assumptions

Sometimes the City will fund outlays for a particular purpose from both restricted and unrestricted resources (the total of committed, assigned, and unassigned fund balance). In order to calculate the amounts to report as restricted, committed, assigned, and unassigned fund balance in the governmental fund financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the City's policy to consider restricted fund balance to have been depleted before using any of the components of unrestricted fund balance. Further, when the components of unrestricted fund balance can be used for the same purpose, committed fund balance is depleted first, followed by assigned fund balance. Unassigned fund balance is applied last.

10. Fund Balance Policies

Fund balances of governmental funds are reported in various categories based on the nature of any limitations requiring the use of resources for specific purposes. The City itself can establish limitations on the use of resources through either a commitment (committed fund balance) or an assignment (assigned fund balance).

Amounts that cannot be spent because they are either not in spendable form or legally or contractually required to be maintained intact are classified as nonspendable fund balance. Amounts that are externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or imposed by law through constitutional provisions are classified as restricted.

The committed fund balance classification includes amounts that can be used only for the specific purposes determined by a formal action of the City's highest level of decision-making authority. The City Council is the highest level of decision-making authority for the City that can, by adoption of a resolution prior to the end of the fiscal year, commit fund balance. Once adopted, the limitation imposed by the resolution remains in place until a similar action is taken (the adoption of another resolution) to remove or revise the limitation.

Amounts in the assigned fund balance classification are intended to be used by the City for specific purposes but do not meet the criteria to be classified as committed. The City Council may also assign fund balance as it does when appropriating fund balance to cover a gap between estimated revenue and appropriations in the subsequent year's appropriated budget. Unlike commitments, assignments generally only exist temporarily. In other words, an additional action does not normally have to be taken for the removal of an assignment. Conversely, as discussed above, an additional action is essential to either remove or revise a commitment.

By resolution, the City Council has also authorized the City Administrator as the official authorized to assign fund balance to a specific purpose as approved by the City's fund balance policy. Assignments of fund balance by the City Administrator do not require formal action by the City Council.

The City strives to maintain an unassigned fund balance of not less than 25 percent of the budgeted operational expenditures in all City funds. The purpose of the unassigned balance is to alleviate significant unanticipated budget shortfalls and to ensure the orderly provisions of services to citizens. Should unassigned fund balance fall below the goal or have a deficiency, the City will seek to reduce expenditures prior to increasing revenues to replenish fund balance within a reasonable timeframe.

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

11. Estimates

The preparation of financial statements, in conformity with generally accepted accounting principles, requires management to make estimates and assumptions that affect the reported amounts of assets, liabilities, and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenditures/expenses during the reporting period. Actual results could differ from those estimates.

12. Pensions

For the purposes of measuring the net pension liability/(asset), deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Texas Municipal Retirement System (TMRS) and additions to/deductions from TMRS’s fiduciary net position have been determined on the same basis as they are reported by TMRS. For this purpose, plan contributions are recognized in the period that compensation is reported for the employee, which is when contributions are legally due. Benefit payments and refunds are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

13. Other Postemployment Benefits

The City participates in a single-employer, unfunded, defined benefit group-term life insurance plan operated by TMRS known as the Supplemental Death Benefits Fund (SDBF). The City elected, by ordinance, to provide group-term life insurance coverage to both current and retired employees. The funding policy for the SDBF program is to assure that adequate resources are available to meet all death benefit payments for the upcoming year. Benefit payments are treated as being equal to the employer’s yearly contributions for retirees. Benefit payments and refunds are due and payable in accordance with the benefit terms. Information about the City’s total OPEB liability, deferred outflows of resources, deferred inflows of resources, and OPEB expense is provided by TMRS from reports prepared by their consulting actuary.

14. Leases

The City is a lessee for noncancellable leases of equipment and property. The City recognizes a lease liability and an intangible, right-to-use lease asset (the “lease asset”) in the government-wide financial statements.

At the commencement of a lease, the City initially measures the lease liability at the present value of payments expected to be made during the lease term. Subsequently, the lease liability is reduced by the principal portion of lease payments made. The lease asset is initially measured as the initial amount of the lease liability, adjusted for lease payments made at or before the lease commencement date, plus certain initial direct costs. Subsequently, the lease asset is amortized on a straight-line basis over its useful life.

Key estimates and judgments related to leases include how the City determines (1) the discount rate it uses to discount the expected lease payments to present value, (2) lease term, and (3) lease payments.

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

- The City uses the interest rate charged by the lessor as the discount rate. When the interest rate charged by the lessor is not provided, the City generally uses its estimated incremental borrowing rate as the discount rate for leases.
- The lease term includes the noncancellable period of the lease. Lease payments included in the measurement of the lease liability are composed of fixed payments and the purchase option price that the City is reasonably certain to exercise.

The City monitors changes in circumstances that would require a remeasurement of its lease and will remeasure the lease asset and liability if certain changes occur that are expected to significantly affect the amount of the lease liability.

Lease assets are reported with other capital assets and lease liabilities are reported with long-term debt on the Statement of Net Position.

G. Revenues and Expenditures/Expenses

1. Program Revenues

Amounts reported as *program revenues* include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions (including special assessments) that are restricted to meeting the operational or capital requirements of a particular function or segment. All taxes, including those dedicated for specific purposes, and other internally dedicated resources are reported as general revenues rather than as program revenues.

2. Property Taxes

Property taxes are levied during October of each year and are due upon receipt of the City's tax bill. Taxes become delinquent, with an enforceable lien on property, on February 1 of the following year.

3. Proprietary Funds Operating and Nonoperating Revenues and Expenses

Proprietary funds distinguish *operating* revenues and expenses from *nonoperating* items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the enterprise fund are charges to customers for sales and services. The enterprise fund also recognizes as operating revenue the portion of tap fees intended to recover the cost of connecting new customers to the system. Operating expenses for the enterprise fund include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

II. STEWARDSHIP, COMPLIANCE, AND ACCOUNTABILITY

Annual budgets are adopted on a basis consistent with generally accepted accounting principles for the general, debt service, and certain special revenue funds. The original budget is adopted by the City Council prior to the beginning of the year. The legal level of control as defined by the City Charter is the function level. No funds can be transferred or added to a budgeted item without City Council approval. Appropriations lapse at the end of the year.

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

III. DETAILED NOTES ON ALL FUNDS

A. Deposits and Investments

As of September 30, 2022, the City had the following investments:

<u>Investment Type</u>	<u>Value</u>	<u>Weighted Average Maturity (Years)</u>
TexPool	\$ 5,886,353	0.07
Total	\$ 5,886,353	
Portfolio weighted average maturity		0.07

Interest rate risk. In accordance with its investment policy, the City manages its exposure to declines in fair values by structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations and invest operating funds primarily in short-term securities.

Credit risk. The City’s investment policy limits investments in public fund investment pools rated as to investment quality not less than “AAA” or “AAA-m”, or at an equivalent rating by at least one nationally recognized rating service. Investments in U.S. Securities Exchange Commission registered and regulated money market mutual funds must have an investment quality not less than “AAA-”, or at an equivalent rating by at least one nationally recognized rating service. As of September 30, 2022, the City’s investments in TexPool were rated “AAAm” by Standard & Poor’s.

Custodial credit risk – deposits. In the case of deposits, this is the risk that in the event of a bank failure, the City’s deposits may not be returned to it. The City’s investment policy requires funds on deposit at the depository bank to be collateralized by securities. As of September 30, 2022, fair market values of pledged securities and FDIC coverage exceeded bank balances.

Custodial credit risk – investments. For an investment, this is the risk that, in the event of the failure of the counterparty, the City will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. The City’s investment policy requires that it will seek to safekeeping securities at financial institutions, avoiding physical possession. Further, all trades, where applicable, are executed by delivery versus payment to ensure that securities are deposited in the City’s safekeeping account prior to the release of funds.

TexPool

TexPool was established as a trust company with the Treasurer of the State as trustee, segregated from all other trustees, investments, and activities of the trust company. The State Comptroller of Public Accounts exercises oversight responsibility over TexPool. Oversight includes the ability to significantly influence operations, designation of management, and accountability for fiscal matters. Additionally, the State Comptroller has established an advisory board composed of both participants in TexPool and other persons who do not have a business relationship with TexPool. The advisory board members review the investment policy and management fee structure. Finally, Standard & Poor’s rates TexPool ‘AAAm’. As a requirement to maintain the rating, weekly portfolio information must be submitted to Standard & Poor’s, as well as to the office of the Comptroller of Public Accounts for review.

TexPool is an external investment pool measured at amortized cost. In order to meet the criteria to be recorded at amortized cost, TexPool must transact at a stable net asset value per share and maintain

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CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

certain maturity, quality, liquidity, and diversification requirements within TexPool. TexPool transacts at a net asset value of \$1.00 per share, has weighted average maturities of 60 days or less, and weighted average lives of 120 days or less. Investments held are highly rated by nationally recognized statistical rating organizations, have no more than five percent of portfolio with one issuer (excluding U.S. government securities), and can meet reasonably foreseeable redemptions. TexPool has a redemption notice period of one day and may redeem daily. TexPool may only impose restrictions on redemptions in the event of a general suspension of trading on major securities markets, general banking moratorium, or national state of emergency that affects TexPool's liquidity.

B. Receivables

The following comprise receivable balances at year end:

	<u>General</u>	<u>Debt Service</u>	<u>Water, Sewer, and Sanitation</u>	<u>Total</u>
Property taxes	\$ 24,023	\$ 16,513	\$ -	\$ 40,536
Sales taxes	674,422	-	-	674,422
Mixed beverage taxes	2,279	-	-	2,279
Accounts receivable	54,642	-	322,443	377,085
Less allowance	-	-	(24,291)	(24,291)
	<u>\$ 755,366</u>	<u>\$ 16,513</u>	<u>\$ 298,152</u>	<u>\$ 1,070,031</u>
	<u>MEDC</u>			
Sales taxes	<u>\$ 224,807</u>			
	<u>\$ 224,807</u>			

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

C. Capital Assets

A summary of changes in capital assets for the year end is as follows:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>(Decreases)/ Reclassifications</u>	<u>Ending Balance</u>
Governmental Activities:				
Capital assets not being depreciated:				
Land	\$ 1,619,522	\$ -	\$ -	\$ 1,619,522
Construction in progress	124,208	284,602	-	408,810
Total capital assets not being depreciated	<u>1,743,730</u>	<u>284,602</u>	<u>-</u>	<u>2,028,332</u>
Other capital assets:				
Buildings and improvements	1,027,889	1,101,278	-	2,129,167
Infrastructure	3,878,667	-	-	3,878,667
Vehicles	1,034,488	249,157	(32,814)	1,250,831
Furniture and fixtures	482,643	74,897	-	557,540
Right-to-use leased assets	74,774	-	-	74,774
Total other capital assets	<u>6,498,461</u>	<u>1,425,332</u>	<u>(32,814)</u>	<u>7,890,979</u>
Less accumulated depreciation for:				
Buildings and improvements	(652,949)	(106,335)	-	(759,284)
Infrastructure	(858,475)	(131,208)	-	(989,683)
Vehicles	(895,780)	(113,762)	32,814	(976,728)
Furniture and fixtures	(356,160)	(27,787)	-	(383,947)
Right-to-use leased assets	-	(27,499)	-	(27,499)
Total accumulated depreciation	<u>(2,763,364)</u>	<u>(406,591)</u>	<u>32,814</u>	<u>(3,137,141)</u>
Other capital assets, net	<u>3,735,097</u>	<u>1,018,741</u>	<u>-</u>	<u>4,753,838</u>
Governmental Activities Capital Assets, Net	<u>\$ 5,478,827</u>	<u>\$ 1,303,343</u>	<u>\$ -</u>	<u>6,782,170</u>
			Plus unspent bond proceeds	370,352
			Less associated debt	(1,815,924)
			Net Investment in Capital Assets	<u>\$ 5,336,598</u>

Depreciation was charged to governmental functions as follows:

General government	\$ 135,150
Public safety	122,286
Public works	149,155
Total Governmental Activities Depreciation Expense	<u>\$ 406,591</u>

CITY OF MONTGOMERY, TEXAS

NOTES TO FINANCIAL STATEMENTS (Continued)

For the Year Ended September 30, 2022

The following is a summary of changes in capital assets for business-type activities for the year end:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>(Decreases)/ Reclassifications</u>	<u>Ending Balance</u>
Business-Type Activities:				
Capital assets not being depreciated:				
Land	\$ 66,581	\$ -	\$ -	\$ 66,581
Construction in progress	1,186,550	1,803,811	(47,846)	2,942,515
Total capital assets not being depreciated	<u>1,253,131</u>	<u>1,803,811</u>	<u>(47,846)</u>	<u>3,009,096</u>
Other capital assets:				
Infrastructure	14,288,074	47,846	-	14,335,920
Furniture and equipment	179,037	-	-	179,037
Vehicles	181,554	-	-	181,554
Total other capital assets	<u>14,648,665</u>	<u>47,846</u>	<u>-</u>	<u>14,696,511</u>
Less accumulated depreciation for:				
Infrastructure	(5,362,493)	(352,094)	-	(5,714,587)
Furniture and equipment	(156,084)	(2,319)	-	(158,403)
Vehicles	(147,942)	(15,830)	-	(163,772)
Total accumulated depreciation	<u>(5,666,519)</u>	<u>(370,243)</u>	<u>-</u>	<u>(6,036,762)</u>
Other capital assets, net	<u>8,982,146</u>	<u>(322,397)</u>	<u>-</u>	<u>8,659,749</u>
Business-Type Activities Capital Assets, Net	<u>\$ 10,235,277</u>	<u>\$ 1,481,414</u>	<u>\$ (47,846)</u>	<u>\$ 11,668,845</u>

Depreciation was charged to business-type functions as follows:

Water, sewer, and sanitation	\$ 370,243
Total Business-Type Activities Depreciation Expense	<u>\$ 370,243</u>

The following is a summary of changes in capital assets for MEDC activities for the year end:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>(Decreases)/ Reclassifications</u>	<u>Ending Balance</u>
Discrete Component Unit:				
Capital assets not being depreciated:				
Land	\$ -	\$ 598,848	\$ -	\$ 598,848
Construction in progress	-	153,566	-	153,566
Total capital assets not being depreciated	<u>-</u>	<u>752,414</u>	<u>-</u>	<u>752,414</u>
Discrete Component Unit Capital Assets, Net	<u>\$ -</u>	<u>\$ 752,414</u>	<u>\$ -</u>	<u>\$ 752,414</u>

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

D. Long-Term Debt

The following is a summary of changes in the City's total long-term liabilities for the year end. In general, the City uses the general and debt service funds to liquidate governmental long-term liabilities.

	<u>Beginning Balance</u>	<u>Additions</u>	<u>Reductions</u>	<u>Ending Balance</u>	<u>Amounts Due Within One Year</u>
Governmental Activities:					
General obligation refunding bonds	\$ 4,495,000	\$ -	\$ (215,000)	\$ 4,280,000 (2)	\$ 230,000
Tax notes	-	1,630,000	-	1,630,000 (1)	250,000
Direct borrowings/placements:					
General obligation refunding bonds	360,000	-	(85,000)	275,000 (2)	90,000
Certificates of obligation	2,300,000	-	(130,000)	2,170,000 (2)	130,000
Leases payable	74,774	-	(27,020)	47,754 (1)	26,382
Deferred amounts:					
For issuance discounts/premiums	668,722	157,908	(59,209)	767,421 (2)	-
	<u>7,898,496</u>	<u>1,787,908</u>	<u>(516,229)</u>	<u>9,170,175 *</u>	<u>726,382</u>
Other liabilities:					
Net pension liability/(asset)	48,604	-	(48,604)	-	-
Total OPEB liability	76,366	5,787	-	82,153	-
Compensated absences	111,995	106,698	(100,558)	118,135	106,322
Total Governmental Activities	<u>\$ 8,135,461</u>	<u>\$ 1,900,393</u>	<u>\$ (665,391)</u>	<u>\$ 9,370,463</u>	<u>\$ 832,704</u>
				<u>\$ 8,537,759</u>	
				<u>\$ 9,170,175</u>	
				<u>\$ 1,815,924</u>	
				<u>\$ 7,354,251</u>	
				(41,725)	
				(313,215)	
				<u>\$ 6,999,311</u>	
Business-Type Activities:					
Other liabilities:					
Net pension liability/(asset)	\$ 1,225	\$ -	\$ (1,225)	\$ -	\$ -
Total OPEB liability	6,523	819	-	7,342	-
Compensated absences	15,559	9,693	(10,681)	14,571	13,114
Total Business-Type Activities	<u>\$ 23,307</u>	<u>\$ 10,512</u>	<u>\$ (11,906)</u>	<u>\$ 21,913</u>	<u>\$ 13,114</u>
				<u>\$ 8,799</u>	

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

Long-term liabilities applicable to the City's governmental activities are not due and payable in the current period and, accordingly, are not reported as fund liabilities in the governmental funds. The governmental activities compensated absences are generally liquidated by the general fund. Interest on long-term debt is not accrued in governmental funds, but rather is recognized as an expenditure when due.

Tax Notes

On May 12, 2022, the City issued Tax Notes, Series 2022 (the "Notes") for the purchase of real property and construction and improvements to City buildings. The principal on the Notes totaled \$1,630,000 and carry an interest rate of 5%. The Notes will mature on March 1, 2029.

Long-term debt at year end was comprised of the following debt issues:

<u>Description</u>	<u>Interest Rates</u>	<u>Current Balance</u>
<u>Governmental Activities</u>		
General Obligation Bonds		
General obligation refunding bonds, series 2021	2.00-5.00%	\$ 4,280,000
From direct borrowings/placements:		
General obligation refunding bonds, series 2015	0.85-2.80%	275,000
Total General Obligation Bonds		4,555,000
Certificates of Obligation		
From direct borrowings/placements:		
Tax and revenue certificates of obligation, series 2017A	0.10 - 1.60%	840,000
Tax and revenue certificates of obligation, series 2017B	0.01 - 1.90%	1,330,000
Total Certificates of Obligation		2,170,000
Tax Notes		
Tax notes, series 2022	5.00%	1,630,000
Total Tax Notes		1,630,000
Total Governmental Activities Long-Term Debt		\$ 8,355,000

The annual requirements to amortize bond and certificate debt issues outstanding at year end were as follows:

Fiscal Year	General Obligation		Tax Notes					
	Ending	Principal	Interest	Principal	Interest			
2023	\$	230,000	\$	145,100	\$	250,000	\$	75,250
2024		245,000		133,225		200,000		64,000
2025		250,000		120,850		215,000		53,625
2026		260,000		108,100		225,000		42,625
2027		275,000		94,725		235,000		31,125
2028-2032		1,480,000		269,375		505,000		25,625
2033-2037		1,370,000		80,500		-		-
2038		170,000		1,700		-		-
Total	\$	4,280,000	\$	953,575	\$	1,630,000	\$	292,250

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

The annual requirements to amortize debt issues outstanding for the direct borrowings/placements at year end are as follows:

Fiscal Year Ending	General Obligation		Certificates of Obligation		Total	
	Principal	Interest	Principal	Interest	Principal	Interest
2023	\$ 90,000	\$ 6,170	\$ 130,000	\$ 28,219	\$ 220,000	\$ 34,389
2024	90,000	3,853	130,000	27,478	220,000	31,331
2025	95,000	1,330	140,000	26,471	235,000	27,801
2026	-	-	140,000	25,222	140,000	25,222
2027	-	-	140,000	23,805	140,000	23,805
2028-2032	-	-	715,000	92,388	715,000	92,388
2033-2037	-	-	775,000	34,218	775,000	34,218
Total	\$ 275,000	\$ 11,353	\$ 2,170,000	\$ 257,800	\$ 2,445,000	\$ 269,152

The City's long-term debt includes all outstanding bonded debt secured by the full faith and credit of the City. The tax notes and the bonds, which include the certificates of obligation, general obligation, and contractual obligation bonds, are secured by the full faith and credit of the City and are paid through the debt service fund from tax revenues.

Federal Arbitrage

The Tax Reform Act of 1986 instituted certain arbitrage restrictions consisting of complex regulations with respect to issuance of tax-exempt bonds after August 31, 1986. Arbitrage regulations deal with the investment of tax-exempt bond proceeds at an interest yield greater than the interest yield paid to bondholders. Generally, all interest paid to bondholders can be retroactively rendered taxable if applicable rebates are not reported and paid to the Internal Revenue Service (IRS) at least every five years for applicable bond issues. Accordingly, there is the risk that if such calculations are not performed, or are not performed correctly, a substantial liability to the City could result. The City periodically engages an arbitrage consultant to perform the calculations in accordance with the rules and regulations of the IRS.

E. Leases Payable

During the current fiscal year, the City entered into various lease agreements as a lessee for the acquisition and use of equipment and property. The original terms of the agreements range from 36 to 63 months with remaining terms ranging from 4 to 22 months. An initial lease liability was recorded in the amount of \$74,774 during the current fiscal year. As of September 30, 2022, the value of the lease liability was \$47,754. The City is required to make monthly payments ranging from \$143 to \$2,015. The leases have an estimated borrowing rate of 2.45%. The right-to-use assets are being amortized over the remaining life of the leases. The value of the right-to-use lease assets as of the end of the current fiscal year was \$74,774 and had accumulated amortization of \$27,499.

The future principal and interest lease payments as of September 30, 2022 are as follows:

Fiscal Year Ending	Leases Payable	
	Principal	Interest
2023	\$ 26,382	\$ 869
2024	21,372	236
Total	\$ 47,754	\$ 1,105

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

F. Interfund Transactions

The composition of due to/from balances as of year end was as follows:

<u>Due To</u>	<u>Due From</u>	<u>Amounts</u>
General	Capital projects	\$ 98,933
General	Debt service	1,722
General	Nonmajor governmental	13,371
General	Utility	303,526
Capital projects	General	168,827
Capital projects	Utility	83,697
Nonmajor governmental	General	171
Utility	General	249,938
Utility	Capital projects	383,697
		<u>\$ 1,303,882</u>

Amounts recorded as due to/from are considered to be temporary loans and will generally be repaid in more than one year.

Transfers between funds during the year were as follows:

<u>Transfer In</u>	<u>Transfer Out</u>	<u>Amounts</u>
Capital projects	Utility	\$ 133,697
Debt service	Utility	67,815
General	Nonmajor governmental	2,700
Utility	Capital projects	1,803,811
General	Capital projects	168,494
		<u>\$ 2,176,517</u>

Amounts transferred between funds related to amounts collected by the capital projects; water, sewer, and sanitation; and other nonmajor governmental funds for various governmental and business-type expenditures.

IV. OTHER INFORMATION

A. Risk Management

The City is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; and natural disasters for which the City participates along with 2,617 other entities in the Texas Municipal League's Intergovernmental Risk Pool (the "Pool"). The Pool purchases commercial insurance at group rates for participants in the Pool. The City has no additional risk or responsibility to the Pool, outside of the payment of insurance premiums. The City has not significantly reduced insurance coverage or had settlements which exceeded coverage amounts for the past three years.

B. Contingent Liabilities

Amounts received or receivable from granting agencies are subject to audit and adjustment by grantor agencies, principally the federal government. Any disallowed claims, including amounts already collected, may constitute a liability of the applicable funds. The amounts of expenditures

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

that may be disallowed by the grantor cannot be determined at this time although the City expects such amounts, if any, to be immaterial.

Liabilities are reported when it is probable that a loss has occurred and the amount of the loss can be reasonably estimated. Liabilities include an amount for claims that have been incurred but not reported. Claim liabilities are calculated considering the effects of inflation, recent claim settlement trends, including frequency and amount of payouts, and other economic and social factors. No claim liabilities are reported at year end.

C. Pension Plan

Texas Municipal Retirement System

Plan Description

The City participates as one of 901 plans in the defined benefit cash-balance plan administered by TMRS. TMRS is a statewide public retirement plan created by the State and administered in accordance with the Texas Government Code, Title 8, Subtitle G (the “TMRS Act”) as an agent multiple-employer retirement system for municipal employees of Texas participating cities. The TMRS Act places the general administration and management of TMRS with a six-member, Governor-appointed Board of Trustees (the “Board”); however, TMRS does not receive any funding from the State. TMRS issues a publicly available annual comprehensive financial report that can be obtained at www.tmr.com.

All eligible employees of the City are required to participate in TMRS.

Benefits Provided

TMRS provides retirement, disability, and death benefits. Benefit provisions are adopted by the governing body of the City, within the options available in the state statutes governing TMRS.

At retirement, the benefit is calculated as if the sum of the employee’s contributions, with interest, and the City-financed monetary credits, with interest, were used to purchase an annuity. Members may choose to receive their retirement benefit in one of seven payment options. Members may also choose to receive a portion of their benefit as a partial lump sum distribution in an amount equal to 12, 24, or 36 monthly payments, which cannot exceed 75 percent of the member’s deposits and interest.

The plan provisions are adopted by the governing body of the City, within the options available in the state statutes governing TMRS. Plan provisions for the City were as follows:

	<u>2022</u>	<u>2021</u>
Employee deposit rate	7.00%	7.00%
Matching ratio (City to employee)	2 to 1	2 to 1
Years required for vesting	5	5
Service requirement eligibility (expressed as age/yrs of service)	60/5, 0/20	60/5, 0/20
Updated service credit	50% Repeating, Transfers	50% Repeating, Transfers
Annuity increase (to retirees)	50% of CPI	50% of CPI

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

Employees Covered by Benefit Terms

At the December 31, 2021 valuation and measurement date, the following employees were covered by the benefit terms:

Inactive employees or beneficiaries currently receiving benefits	12
Inactive employees entitled to, but not yet, receiving benefits	23
Active employees	30
Total	65

Contributions

Member contribution rates in TMRS are either 5%, 6%, or 7% of the member’s total compensation, and the City-matching ratios are either 1:1 (1 to 1), 1.5:1 (1½ to 1), or 2:1 (2 to 1), both as adopted by the governing body of the City. Under the state law governing TMRS, the contribution rate for each city is determined annually by the actuary using the Entry Age Normal actuarial cost method. The City’s contribution rate is based on the liabilities created from the benefit plan options selected by the City and any changes in benefits or actual experience over time.

Employees for the City were required to contribute 7% of their annual gross earnings during the fiscal year. The contribution rates for the City were 9.42% and 9.44% in calendar years 2021 and 2022, respectively. The City’s contributions to TMRS for the fiscal year ended September 30, 2022 were \$209,835 and were equal to the required contributions.

Net Pension Liability/(Asset)

The City’s Net Pension Liability/(Asset) (NPL/(A)) was measured as of December 31, 2021 and the Total Pension Liability (TPL) used to calculate the NPL/(A) was determined by an actuarial valuation as of that date.

Actuarial Assumptions

The TPL in the December 31, 2021 actuarial valuation was determined using the following actuarial assumptions:

Inflation	2.50% per year
Overall payroll growth	2.75% per year, adjusted down for population declines, if any
Investment rate of return	6.75%, net of pension plan investment expense, including inflation

Salary increases are based on a service-related table. Mortality rates for active members are based on the PUB(10) mortality tables with the Public Safety table used for males and the General Employee table used for females. Mortality rates for healthy retirees and beneficiaries are based on the Gender-Distinct 2019 Municipal Retirees of Texas mortality tables. The rates for active members, healthy retirees, and beneficiaries are projected on a fully generational basis by Scale UMP to account for future mortality improvements. For disabled annuitants, the same mortality tables for healthy retirees are used with a 4-year set-forward for males and a 3-year set-forward for females. In addition, a 3.5% and 3.0% minimum mortality rate is applied for males and females, respectively, to reflect the impairment for younger members who become disabled. The rates are projected on a fully generational basis by Scale UMP to account for future mortality improvements subject to the floor.

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

The actuarial assumptions were developed primarily from the actuarial investigation of the experience of TMRS over the four-year period from December 31, 2014 to December 31, 2018. They were adopted in 2019 and first used in the December 31, 2019 actuarial valuation. The post-retirement mortality assumption for the annuity purchase rates is based on the mortality experience investigation study covering 2009 through 2011 and dated December 31, 2013. Plan assets are managed on a total return basis with an emphasis on both capital appreciation, as well as the production of income, in order to satisfy the short-term and long-term funding needs of TMRS.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. The target allocation and best estimates of real rates of return for each major asset class are summarized in the following table:

<u>Asset Class</u>	<u>Target Allocation</u>	<u>Long-Term Expected Real Rate of Return (Arithmetic)</u>
Global equity	35.00%	7.55%
Core fixed income	6.00%	2.00%
Non-core fixed income	20.00%	5.68%
Other public and private markets	12.00%	7.22%
Real estate	12.00%	6.85%
Hedge funds	5.00%	5.35%
Private Equity	10.00%	10.00%
Total	<u>100.00%</u>	

Discount Rate

The discount rate used to measure the TPL was 6.75%. The projection of cash flows used to determine the discount rate assumed that member and employer contributions will be made at the rates specified in statute. Based on that assumption, TMRS's fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the TPL.

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

Changes in the NPL/(A)

	Increase (Decrease)		
	Total Pension	Plan Fiduciary	Net Pension
	Liability	Net Position	Liability / (Asset)
	(A)	(B)	(A) - (B)
Changes for the year:			
Service cost	\$ 313,039	\$ -	\$ 313,039
Interest	149,551	-	149,551
Changes in current period benefits	-	-	-
Difference between expected and actual experience	44,278	-	44,278
Changes in assumptions	-	-	-
Contributions - employer	-	186,885	(186,885)
Contributions - employee	-	136,698	(136,698)
Net investment income	-	264,560	(264,560)
Benefit payments, including refunds of employee contributions	(69,457)	(69,457)	-
Administrative expense	-	(1,233)	1,233
Other changes	-	8	(8)
Net Changes	437,411	517,461	(80,050)
Balance at December 31, 2020	2,093,778	2,043,948	49,830
Balance at December 31, 2021	\$ 2,531,189	\$ 2,561,409	\$ (30,220)

*For TMRS, the “changes in current period benefits” includes substantively automatic benefit status changes, if applicable.

Sensitivity of the NPL/(A) to Changes in the Discount Rate

The following presents the NPL/(A) of the City, calculated using the discount rate of 6.75%, as well as what the City’s NPL/(A) would be if it were calculated using a discount rate that is one percentage point lower (5.75%) or one percentage point higher (7.75%) than the current rate:

	1% Decrease in	Discount Rate	1% Increase in
	Discount Rate	Discount Rate	Discount Rate
	(5.75%)	(6.75%)	(7.75%)
City's Net Pension Liability/(Asset)	\$ 439,247	\$ (30,220)	\$ (401,408)

Pension Plan Fiduciary Net Position

Detailed information about the TMRS fiduciary net position is available in a separately-issued TMRS financial report. That report may be obtained on the Internet at www.tmrs.com.

Pension Expense and Deferred Outflows/Deferred Inflows of Resources Related to Pensions

For the fiscal year ended September 30, 2022, the City recognized net pension expense of \$120,563.

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

At September 30, 2022, the City reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual economic experience	\$ 33,399	\$ 41,237
Changes in actuarial assumptions	829	-
Net difference between projected and actual investment earnings	-	131,507
Contributions subsequent to the measurement date	161,401	-
Total	\$ 195,629	\$ 172,744

\$161,401 reported as deferred outflows of resources related to pensions resulting from contributions subsequent to the measurement date will be recognized as an increase of the NPL/(A) for the fiscal year ending September 30, 2023.

Other amounts reported as deferred outflows and inflows of resources related to pensions will be recognized in pension expense as follows:

Fiscal Year Ended September 30	Pension Expense
2023	\$ (39,108)
2024	(53,889)
2025	(20,958)
2026	(24,561)
Total	\$ (138,516)

D. Other Postemployment Benefits

TMRS Supplemental Death Benefits

Plan Description

The City participates in an OPEB plan administered by TMRS. TMRS administers the defined benefit group-term life insurance plan known as the SDBF. This is a voluntary program in which participating member cities may elect, by ordinance, to provide group-term life insurance coverage for their active members, including or not including retirees. Employers may terminate coverage under, and discontinue participation in, the SDBF by adopting an ordinance before November 1 of any year to be effective the following January 1.

The member city contributes to the SDBF at a contractually required rate (based on the covered payroll of employee members) as determined by an annual actuarial valuation. The rate is equal to the cost of providing one-year term life insurance. The funding policy for the SDBF program is to assure that adequate resources are available to meet all death benefit payments for the upcoming year. The intent is not to pre-fund retiree term life insurance during employee's entire career. No assets are accumulated in a trust that meets the criteria in paragraph 4 of GASB Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other than Pensions* (GASB 75). As such, the SDBF is considered to be a single-employer unfunded OPEB defined benefit plan with benefit payments treated as being equal to the employer's yearly contributions for retirees.

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

The contributions to the SDBF are pooled for investment purposes with those of the Pension Trust Fund (PTF). The TMRS Act requires the PTF to allocate a 5% interest credit from investment income to the SDBF on an annual basis each December 31 based on the mean balance in the SBDF during the year.

Benefits

The death benefit for active employees provides a lump-sum payment approximately equal to the employee’s annual salary (calculated based on the employee’s actual earnings, for the 12-month period preceding the month of death). The death benefit for retirees is considered an OPEB and is a fixed amount of \$7,500. As the SDBF covers both active and retiree participants with no segregation of assets, the SDBF is considered to be an unfunded OPEB plan (i.e., no assets are accumulated). Participation in the SDBF as of December 31, 2021 is summarized below:

Inactive employees or beneficiaries currently receiving benefits	9
Inactive employees entitled to, but not yet receiving, benefits	7
Active employees	30
Total	46

Total OPEB Liability

The City’s total OPEB liability of \$89,495 was measured as of December 31, 2021 and was determined by an actuarial valuation as of that date.

Actuarial Assumptions and Other Inputs

The total OPEB liability in the December 31, 2021 actuarial valuation was determined using the following actuarial assumptions and other inputs to all periods included in the measurement, unless otherwise specified:

Inflation	2.50%
Salary increases	3.50% to 11.50% including inflation
Discount rate*	1.84%*
Retirees' share of benefit-related costs	\$0
Administrative expenses	All administrative expenses are paid through the PTF and accounted for under reporting requirements of GASB 68.
Mortality rates - service retirees	2019 Municipal Retirees of Texas Mortality Tables. The rates are projected on a fully generational basis with scale UMP.
Mortality rates - disabled retirees	2019 Municipal Retirees of Texas Mortality Tables with a 4-year set-forward for males and a 3-year set-forward for females. In addition, a 3.5% and 3.0% minimum mortality rate will be applied to reflect the impairment for younger members who become disabled for males and females, respectively. The rates are projected on a fully generational basis by Scale UMP to account for future mortality improvements subject on the floor.

* The discount rate is based on the Fidelity Index's "20-Year Municipal GO AA Index" rate as of December 31, 2021.

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

The actuarial assumptions used in the December 31, 2021 valuation were based on the results of an actuarial experience study for the period December 31, 2014 to December 31, 2018. Due to the higher mortality rates associated with the global pandemic, the TMRS Board adopted changes to the assumptions and methodology used for calculating 2023 rates as determined in the December 31, 2021 actuarial valuation.

Change in the Total OPEB Liability

	Total OPEB Liability
Changes for the year:	
Service cost	\$ 6,444
Interest	1,709
Changes in benefit terms including TMRS plan participation	-
Differences between expected and actual experience	(3,157)
Changes of assumptions	2,976
Benefit payments	(1,367)
	Net Changes
	6,605
Beginning balance	82,890
	Ending Balance
	\$ 89,495

* Benefit payments are treated as being equal to the employer's yearly contributions for retirees due to the SDBF being considered an unfunded OPEB plan under GASB 75.

The discount rate decreased from 2.00% as of December 31, 2020 to 1.84% as of December 31, 2021. There were no other changes of assumptions or other inputs that affected measurement of the total OPEB liability during the measurement period.

There were no changes of benefit terms that affected measurement of the total OPEB liability during the measurement period.

Sensitivity of the Total OPEB Liability to Changes in the Discount Rate

The following presents the total OPEB liability of the City, as well as what the City's total OPEB liability would be if it were calculated using a discount rate that is one percentage point lower or one percentage point higher than the current discount rate:

	1% Decrease in Discount Rate (0.84%)	Discount Rate (1.84%)	1% Increase in Discount Rate (2.84%)
City's Total OPEB Liability	\$ 111,444	\$ 89,495	\$ 73,166

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

OPEB Expense and Deferred Outflows/Inflows of Resources Related to OPEB

For the year ended September 30, 2022, the City recognized OPEB expense of \$10,245. The City reported deferred outflows/inflows of resources related to OPEB from the following sources:

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between expected and actual economic experience	\$ -	\$ 2,603
Changes in actuarial assumptions	10,307	-
Contributions subsequent to the measurement date	994	-
Total	<u>\$ 11,301</u>	<u>\$ 2,603</u>

\$994 reported as deferred outflows of resources related to OPEB resulting from contributions subsequent to the measurement date will be recognized as a reduction of the total OPEB liability for the fiscal year ending September 30, 2023.

Amounts reported as deferred outflows/inflows of resources related to OPEB will be recognized in OPEB expense as follows:

<u>Fiscal Year Ended September 30</u>	<u>OPEB Expense</u>
2023	\$ 2,092
2024	2,092
2025	2,092
2026	1,453
2027	(25)
Total	<u>\$ 7,704</u>

E. Restatement

During the fiscal year, the City restated fund balance and net position to correct prior year reserves liabilities within the general fund and the MEDC. In addition, the City restated governmental activities beginning long-term liabilities and assets for the implementation of GASB 87, *Leases*. This restatement had no effect on beginning net position.

	<u>General</u>	<u>Governmental Activities</u>	<u>Component Unit MEDC</u>
Beginning fund balance/net position, as reported	\$ 1,578,788	\$ 565,496	\$ 1,959,184
Restatement for prior year reserves liability	44,333	44,333	92,460
Restatement - lease liability	-	(74,774)	-
Restatement - right of use assets	-	74,774	-
Restated beginning fund balance/net position	<u>\$ 1,623,121</u>	<u>\$ 609,829</u>	<u>\$ 2,051,644</u>

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

F. Chapter 380 Economic Development Agreements

Chapter 380 of the Texas Local Government Code, *Miscellaneous Provisions Relating to Municipal Planning and Development*, provides the authority to the governing body of a municipality to establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the municipality.

During the 2022 fiscal year, the City has accrued \$254,410 in sales tax rebates and an additional \$159,488 in ad valorem tax rebates. The MEDC has accrued \$231,281 in sales tax rebates. These amounts are being held in a liability account until disbursement.

Sales Taxes

The City has entered into sales tax abatement agreements (the “Agreements”) with several developers as authorized by Chapter 380 of the Texas Local Government Code. Under each Agreement, the developers must meet certain commercial/retail development and/or employment requirements in order to have a portion of their sales taxes abated. The minimum limitation value varies by Agreement. Each Agreement provides for recapture in the event of material breach. The following summarizes the current Agreements:

- The developer for “Milestone” will construct a new grocery retail store with approximately 124,000 square feet (the “Development”) for the purpose of creating and/or retaining at least 144 full-time equivalent employees. The City has granted the developer a tax limitation of about \$5.6 million for a period of 15 years. In order to be eligible to receive the limitation, the developer must create 52 permanent new jobs and have invested at least \$7.5 million during the construction of the Development. The City will make annual payments to the developer from sales tax revenues at an amount equal to 55 percent of annual sales tax collected at the Development paid by the City, and the MEDC will make annual payments at an amount equal to 100 percent of annual sales tax collected at the Development. Annual installments will begin the first anniversary after the grocery store opens to the public. An assignment of economic development was entered into with Kroger Texas L.P. (the “Company”) on December 11, 2018. On February 14, 2019, the Company was reimbursed sales tax for the 2018 year in the amount of \$104,218 by the City and \$50,917 by MEDC. On December 19, 2019, the Company was reimbursed sales tax for the 2019 in the amount of \$36,071 by the City and \$77,405 by MEDC. For the fiscal year 2021, the City and MEDC trued up the 2018 and 2019 sales tax reimbursements and reimbursed the 2020 sales taxes in the amounts of \$189,613 and \$132,391, respectively, to the Company. On September 30, 2022, the City and MEDC accrued reimbursements for sales tax in the amounts of \$254,410 and \$231,281, respectively.
- Montgomery SH 105 Associates, LLC (the “Developer”), acquired 26.43 acres for the purpose of developing a commercial/retail development (the “Project”). The City and the MEDC have agreed to grant the Developer sales tax rebates up to a maximum of \$1,125,000 from annual sales collected at the Project. The term of the agreement is 10 years. The Developer will receive from the City one quarter of one cent for every one and a half cents in sales and use tax revenues collected by the City from the Project. The Developer will receive from the MEDC one quarter of one cent for every half cent in sales and use tax revenues collected by the MEDC for the Project. During the fiscal year, the City made rebate payments of \$43,526 and the MEDC made rebate payments of \$43,526. As of fiscal year end, the Developer has received \$90,871 in total rebates.

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

Property Taxes

The City has entered into property tax abatement agreements (the “Agreements”) with several developers as authorized by Chapter 380 of the Texas Local Government Code. Under each Agreement, the developers must meet certain commercial/retail development and/or employment requirements in order to have a portion of their property taxes abated. The minimum limitation value varies by Agreement. Each Agreement provides for recapture in the event of material breach. The following summarizes the current Agreements:

- The City has entered into a ten-year term Agreement with a developer for “The Estates of Mia Lago, Section 1”, who intends and proposed to develop property in the City for residential, commercial, and retail use (the “Project”). As part of the Agreement, the developer has agreed to accelerate construction of the Project and convey it to the City. Subject to annexation of the property and upon final completion of the Project, the City has agreed to provide a grant for reimbursement of the design and construction of public infrastructure to the developer in the sum of \$148,803 paid from ad valorem taxes generated from the property annexed and collected by the City above the base property tax (amount of ad valorem taxes levied and collected based on the total appraised value of the property as of January 1, 2011).
- The City entered into an Agreement with a developer for the “Hills of Town Creek, Section 1” and a school district (the “District”). The developer intends and proposed to develop property that was recently annexed into the City for primarily high-density, multi-family residential use, with a limited amount of commercial and retail uses (the “Project”). As part of the Agreement, the developer has agreed to accelerate the construction of the Project and to convey it to the City and petition the City to annex 13.773 acres of land currently located in the extraterritorial jurisdiction (ETJ) of the City. Other considerations include transfers of property and facilities from the District and the developer to the City and transfer of property from the developer to the District. Subject to the final completion of the Project, dedication of the facilities and easements to the City, other considerations, and annexation of the ETJ, the City has agreed to provide a grant for reimbursement of the design and construction of public infrastructure to the developer limited to 100 percent of the cost to oversize utility lines and 70 percent of the remaining construction costs incurred, as well as up to \$16,000 for escrowed funds for the City’s engineering expenses. The amount of reimbursement to the developer is limited to \$400,000 and will be paid from ad valorem taxes generated from the property annexed and collected by the City above the base property tax (amount of ad valorem taxes levied and collected based on the total appraised value of the property as of January 1, 2012). For the fiscal years 2019, 2020, and 2021, the City abated property taxes totaling \$9,901, \$23,368, and \$36,892, respectively, under this Agreement. On September 30, 2022, the City abated property taxes totaling \$65,398 for the 2022 property tax.
- A developer for “Milestone” will construct a new retail grocery store with approximately 124,000 square feet (the “Development”) for the purpose of creating and/or retaining at least 144 full-time equivalent employees. The City has granted the developer a tax limitation of about \$5.6 million for a period of 15 years. In order to be eligible to receive the limitation, the developer must create 52 permanent new jobs and have invested at least \$7.5 million during the construction of the Development. The City will make annual payments to the developer from property tax collected by March 1 of each year that the property tax rebate is in effect. Annual installments will begin the first tax year after the grocery store opens to the

CITY OF MONTGOMERY, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2022

public. An assignment of economic development was entered into with Kroger Texas L.P. on December 11, 2018. For the fiscal years 2019, 2020, and 2021, the City abated property taxes totaling \$78,789, \$78,207, and \$77,565, respectively, under this Agreement. On September 30, 2022, the City abated 2021 property taxes totaling \$81,923 for the 2021 property tax.

- The City has entered into a twelve-year term Agreement with a developer for “The Estates of Mia Lago, Section 2”, who intends and proposed to develop property in the City for residential use (the “Project”). As part of the Agreement, the developer has agreed to accelerate construction of the Project and convey it to the City. Subject to annexation of the property and upon final completion of the Project, the City has agreed to provide a grant for reimbursement of the design and construction of public infrastructure to the developer in the sum of not more than \$100,000 paid from ad valorem taxes generated from the property annexed and collected by the City above the base property tax (amount of ad valorem taxes levied and collected based on the total appraised value of the property as of January 1, 2017).

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REQUIRED SUPPLEMENTARY INFORMATION

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CITY OF MONTGOMERY, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE - BUDGET AND ACTUAL
GENERAL FUND

For the Year Ended September 30, 2022

	Original Budget	Final Budget	Actual Amounts	Variance with Final Budget Positive (Negative)
Revenues				
Property taxes	\$ 899,101	\$ 899,101	\$ 905,474	\$ 6,373
Sales taxes	3,300,000	3,458,365	3,548,712	90,347
Franchise fees	95,000	95,000	96,161	1,161
Other taxes	70,000	70,000	26,868	(43,132)
Licenses and permits	251,500	257,500	440,093	182,593
Fines and forfeitures	318,595	318,450	335,421	16,971
Other revenue	97,200	91,345	117,509	26,164
Intergovernmental	211,869	211,869	36,236	(175,633)
Investment revenue	1,950	1,950	8,225	6,275
Total Revenues	5,245,215	5,403,580	5,514,699	111,119
Expenditures				
Current:				
General government	1,615,226	1,857,542	1,638,428	219,114
Municipal court	498,016	631,847	500,609	131,238
Public safety	1,823,262	1,789,496	1,789,275	221
Public works	972,061	986,095	899,269	86,826
Capital outlay	147,000	457,000	447,885	9,115
Debt service:				
Principal	-	27,020	27,020	-
Interest	-	1,374	1,374	-
Total Expenditures	5,055,565	5,750,374	5,303,860	446,514
Excess (Deficiency) of Revenues Over (Under) Expenditures	189,650	(346,794)	210,839	557,633
Other Financing Sources (Uses)				
Transfers in	2,500	2,500	171,194	168,694
Transfers (out)	(191,444)	-	-	-
Total Other Financing Sources (Uses)	(188,944)	2,500	171,194	168,694
Net Change in Fund Balance	\$ 706	\$ (344,294)	382,033	\$ 726,327
Beginning fund balance			1,623,121	
Ending Fund Balance			\$ 2,005,154	

Notes to Required Supplementary Information:

1. Annual budgets are adopted on a basis consistent with generally accepted accounting principles (GAAP).

CITY OF MONTGOMERY, TEXAS
SCHEDULE OF CHANGES IN NET PENSION LIABILITY AND RELATED RATIOS
TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS)
For the Year Ended September 30, 2022

	Measurement Year*			
	2014	2015	2016	2017
Total Pension Liability				
Service cost	\$ 81,979	\$ 110,914	\$ 144,267	\$ 157,252
Interest (on the total pension liability)	55,068	57,948	66,121	77,769
Changes of benefit terms	-	-	-	-
Difference between expected and actual experience	(54,092)	(12,311)	(1,206)	(14,363)
Changes in assumptions	-	34,004	-	-
Benefit payments, including refunds of employee contributions	(33,403)	(79,160)	(31,829)	(54,384)
Net Change in Total Pension Liability	<u>49,552</u>	<u>111,395</u>	<u>177,353</u>	<u>166,274</u>
Beginning total pension liability	<u>762,399</u>	<u>811,951</u>	<u>923,346</u>	<u>1,100,699</u>
Ending Total Pension Liability	<u><u>\$ 811,951</u></u>	<u><u>\$ 923,346</u></u>	<u><u>\$ 1,100,699</u></u>	<u><u>\$ 1,266,973</u></u>
Plan Fiduciary Net Position				
Contributions - employer	\$ 26,597	\$ 37,600	\$ 43,778	\$ 68,154
Contributions - employee	61,367	63,744	74,200	80,998
Net investment income	50,475	1,456	68,262	161,340
Benefit payments, including refunds of employee contributions	(33,403)	(79,160)	(31,829)	(54,384)
Administrative expense	(527)	(887)	(770)	(835)
Other	(43)	(44)	(41)	(42)
Net Change in Plan Fiduciary Net Position	<u>104,466</u>	<u>22,709</u>	<u>153,600</u>	<u>255,231</u>
Beginning plan fiduciary net position	<u>881,999</u>	<u>986,465</u>	<u>1,009,174</u>	<u>1,162,774</u>
Ending Plan Fiduciary Net Position	<u><u>\$ 986,465</u></u>	<u><u>\$ 1,009,174</u></u>	<u><u>\$ 1,162,774</u></u>	<u><u>\$ 1,418,005</u></u>
Net Pension Liability / (Asset)	<u><u>\$ (174,514)</u></u>	<u><u>\$ (85,828)</u></u>	<u><u>\$ (62,075)</u></u>	<u><u>\$ (151,032)</u></u>
Plan Fiduciary Net Position as a Percentage of Total Pension Liability / (Asset)	121.49%	109.30%	105.64%	111.92%
Covered Payroll	\$ 876,672	\$ 910,624	\$ 1,060,007	\$ 1,157,117
Net Pension Liability / (Asset) as a Percentage of Covered Payroll	-19.91%	-9.43%	-5.86%	-13.05%

*Only eight years of information is currently available. The City will build this schedule over the next two-year period.

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Measurement Year*			
2018	2019	2020	2021
\$ 176,697	\$ 205,160	\$ 283,792	\$ 313,039
87,871	94,711	129,656	149,551
-	-	289,106	-
(85,189)	(28,118)	(51,273)	44,278
-	3,592	-	-
(107,065)	(77,480)	(94,655)	(69,457)
72,314	197,865	556,626	437,411
1,266,973	1,339,287	1,537,152	2,093,778
<u>\$ 1,339,287</u>	<u>\$ 1,537,152</u>	<u>\$ 2,093,778</u>	<u>\$ 2,531,189</u>
\$ 79,080	\$ 91,000	\$ 107,207	\$ 186,885
90,747	103,916	124,081	136,698
(42,554)	221,310	133,417	264,560
(107,065)	(77,480)	(94,655)	(69,457)
(821)	(1,256)	(872)	(1,233)
(43)	(38)	(32)	8
19,345	337,452	269,146	517,461
1,418,005	1,437,350	1,774,802	2,043,948
<u>\$ 1,437,350</u>	<u>\$ 1,774,802</u>	<u>\$ 2,043,948</u>	<u>\$ 2,561,409</u>
<u>\$ (98,063)</u>	<u>\$ (237,650)</u>	<u>\$ 49,830</u>	<u>\$ (30,220)</u>
107.32%	115.46%	97.62%	101.19%
\$ 1,296,384	\$ 1,484,512	\$ 1,772,592	\$ 1,952,830
-7.56%	-16.01%	2.81%	-1.55%

CITY OF MONTGOMERY, TEXAS
SCHEDULE OF CONTRIBUTIONS
TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS)
For the Year Ended September 30, 2022

	Fiscal Year*			
	2015	2016	2017	2018
Actuarially determined contribution	\$ 26,103	\$ 44,811	\$ 61,309	\$ 76,271
Contributions in relation to the actuarially determined contribution	26,103	44,811	61,309	76,271
Contribution deficiency (excess)	\$ -	\$ -	\$ -	\$ -
Covered payroll	\$ 918,710	\$ 1,085,450	\$ 1,116,575	\$ 1,260,456
Contributions as a percentage of covered payroll	2.84%	4.13%	5.49%	6.05%

*Only eight years of information is currently available. The City will build this schedule over the next two-year period.

Notes to Required Supplementary Information:

1. Valuation Date:

Actuarially determined contribution rates are calculated as of December 31 and become effective in January, 13 months later.

2. Methods and Assumptions Used to Determine Contribution Rates:

Actuarial cost method	Entry age normal
Amortization method	Level percentage of payroll, closed
Remaining amortization period	20 Years (longest amortization ladder)
Asset valuation method	10 year smoothed market; 12.00% soft corridor
Inflation	2.50%
Salary increases	3.50% to 11.50% including inflation
Investment rate of return	6.75%
Retirement age	Experience-based table of rates that are specific to the City's plan of benefits. Last updated for the 2019 valuation pursuant to an experience study of the period December 31, 2014 - December 31, 2018.
Mortality	Post-retirement: 2019 Municipal Retirees of Texas Mortality Tables. The rates are projected on a fully generational basis with scale UMP. Pre-retirement: PUB(10) mortality tables, with the Public Safety table used for males and the General Employee table used for females. The rates are projected on a fully generational basis with scale UMP.

3. Other Information:

There were no benefit changes during the year.

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Fiscal Year*			
2019	2020	2021	2022
\$ 86,378	\$ 99,240	\$ 166,271	\$ 209,835
<u>86,378</u>	<u>99,240</u>	<u>166,271</u>	<u>209,835</u>
<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
\$ 1,439,928	\$ 1,635,373	\$ 1,921,658	\$ 2,189,165
6.00%	6.07%	8.65%	9.59%

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CITY OF MONTGOMERY, TEXAS
SCHEDULE OF CHANGES IN TOTAL OPEB LIABILITY
TEXAS MUNICIPAL RETIREMENT SYSTEM
For the Year Ended September 30, 2022

	Measurement Year*	
	2020	2021
Total OPEB Liability		
Service cost	\$ 4,786	\$ 6,444
Interest (on the total OPEB liability)	1,831	1,709
Changes in benefit terms including TMRS plan participation	64,174	-
Differences between expected and actual experience	-	(3,157)
Changes of assumptions	12,099	2,976
Benefit payments	-	(1,367)
Net Change in Total OPEB Liability	82,890	6,605
Beginning total OPEB liability	-	82,890
Ending Total OPEB Liability	\$ 82,890	\$ 89,495
Covered-Employee Payroll	\$ 1,772,592	\$ 1,952,830
Total OPEB Liability as a Percentage of Covered-Employee Payroll	4.68%	4.58%

*Only two years of information is currently available. The City will build this schedule over the next eight-year period.

**Due to the SDBF being considered an unfunded OPEB plan under GASB 75, benefit payments are treated as being equal to the employer's yearly contributions for retirees.

Notes to Required Supplementary Information:

1. Valuation Date:

Actuarially determined contribution rates are calculated December 31 and become effective in January, 13 months later.

2. Methods and Assumptions Used to Determine Contribution Rates:

Actuarial cost method	Entry age normal
Inflation	2.50%
Salary increases	3.50% to 11.50% including inflation
Discount rate	2.75%
Administrative expenses	All administrative expenses are paid through the PTF and accounted for under reporting requirements under GASB 68.
Mortality - service retirees	2019 Municipal Retirees of Texas Mortality Tables. The rates are projected on a fully generational basis with scale UMP.
Mortality - disabled retirees	2019 Municipal Retirees of Texas Mortality Tables with a 4-year set-forward for males and a 3-year set-forward for females. In addition, a 3.5% and 3.0% minimum mortality rate will be applied to reflect the impairment for younger members who became disabled for males and females, respectively. The rates are projected on a fully generational basis by Scale UMP to account for future mortality improvements subject to the floor.

3. Other Information:

No assets are accumulated in a trust that meets the criteria in paragraph 4 of GASB 75 to pay benefits.

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***COMBINING STATEMENTS
AND SCHEDULES***

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CITY OF MONTGOMERY, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE - BUDGET AND ACTUAL
DEBT SERVICE FUND

For the Year Ended September 30, 2022

	<u>Original Budget</u>	<u>Final Budget</u>	<u>Actual Amounts</u>	<u>Variance with Final Budget Positive (Negative)</u>
Revenues				
Property taxes	\$ 490,090	\$ 490,090	\$ 495,089	\$ 4,999
Investment revenue	-	-	245	245
Total Revenues	<u>490,090</u>	<u>490,090</u>	<u>495,334</u>	<u>5,244</u>
Expenditures				
Debt service:				
Principal	403,250	430,000	430,000	-
Interest and fiscal agent fees	222,500	222,500	219,177	3,323
Total Expenditures	<u>625,750</u>	<u>652,500</u>	<u>649,177</u>	<u>3,323</u>
(Deficiency) of Revenues (Under) Expenditures	<u>(135,660)</u>	<u>(162,410)</u>	<u>(153,843)</u>	<u>1,921</u>
Other Financing Sources (Uses)				
Transfers in	135,660	-	67,815	67,815
Total Other Financing Sources	<u>135,660</u>	<u>-</u>	<u>67,815</u>	<u>67,815</u>
Net Change in Fund Balance	<u>\$ -</u>	<u>\$ (162,410)</u>	<u>(86,028)</u>	<u>\$ 76,382</u>
Beginning fund balance			<u>195,630</u>	
Ending Fund Balance			<u>\$ 109,602</u>	

Notes to Required Supplementary Information:

1. Annual budgets are adopted on a basis consistent with generally accepted accounting principles (GAAP).

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CITY OF MONTGOMERY, TEXAS
NONMAJOR GOVERNMENTAL FUNDS
SPECIAL REVENUE FUNDS

Special Revenue Funds are used to account for specific revenues that are legally restricted, committed, or assigned to expenditures for particular purposes.

Hotel Occupancy Fund

This fund is used to account for hotel tax revenue from local hotels.

Court Security Fund

This fund is used to account for collection and disbursement of money used for court security.

Court Technology Fund

This fund is used to account for municipal court computer technology.

Police Asset Forfeiture Fund

This fund is used to account for revenues from seized contraband used for law enforcement purposes.

Grants Fund

This fund is used to account for revenues from grants.

PID No. 1 Fund

This fund is used to account for the collections and disbursements of special assessments within the Montgomery PID No. 1.

CITY OF MONTGOMERY, TEXAS
COMBINING BALANCE SHEET
NONMAJOR GOVERNMENTAL FUNDS
 September 30, 2022

Special Revenue Funds

	Hotel Occupancy	Court Security	Court Technology	Police Asset Forfeiture
Assets				
Cash and cash equivalents	\$ 20,418	\$ 3,438	\$ 37,857	\$ 13,257
Due from other funds	-	171	-	-
Total Assets	\$ 20,418	\$ 3,609	\$ 37,857	\$ 13,257
Liabilities				
Due to other funds	\$ 1,800	-	\$ 11,571	\$ -
Total Liabilities	1,800	-	11,571	-
Fund balances				
Restricted for:				
Tourism	18,618	-	-	-
Public safety	-	3,609	26,286	13,257
Assigned to:				
Grants	-	-	-	-
Total Fund Balances	18,618	3,609	26,286	13,257
Total Liabilities and Fund Balances	\$ 20,418	\$ 3,609	\$ 37,857	\$ 13,257

DRAFT

<u>Special Revenue Funds</u>		
<u>Grants</u>	<u>PID No. 1</u>	<u>Total Nonmajor Governmental Funds</u>
\$ 20	\$ -	\$ 74,990
-	-	171
<u>\$ 20</u>	<u>\$ -</u>	<u>\$ 75,161</u>
<u>\$ -</u>	<u>\$ -</u>	<u>\$ 13,371</u>
<u>-</u>	<u>-</u>	<u>13,371</u>
-	-	18,618
-	-	43,152
<u>20</u>	<u>-</u>	<u>20</u>
<u>20</u>	<u>-</u>	<u>61,790</u>
<u>\$ 20</u>	<u>\$ -</u>	<u>\$ 75,161</u>

CITY OF MONTGOMERY, TEXAS
COMBINING STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
NONMAJOR GOVERNMENTAL FUNDS
For the Year Ended September 30, 2022

Special Revenue Funds

	Hotel Occupancy	Court Security	Court Technology	Police Asset Forfeiture
Revenues				
Other taxes	\$ 3,015	\$ -	\$ -	\$ -
Fines and forfeitures	-	784	610	1,169
Investment revenue	11	1	22	1
Total Revenues	3,026	785	632	1,170
Expenditures				
Current:				
Public safety	-	-	14,999	-
General government	1,800	-	-	-
Total Expenditures	1,800	-	14,999	-
Excess (Deficiency) of Revenues Over (Under) Expenditures	1,226	785	(14,367)	1,170
Other Financing Sources (Uses)				
Transfers (out)	-	(2,500)	-	-
Total Other Financing (Uses)	-	(2,500)	-	-
Net Change in Fund Balances	1,226	(1,715)	(14,367)	1,170
Beginning fund balances	17,392	5,324	40,653	12,087
Ending Fund Balances	\$ 18,618	\$ 3,609	\$ 26,286	\$ 13,257

DRAFT

<u>Special Revenue Funds</u>		<u>Total Nonmajor Governmental Funds</u>
<u>Grants</u>	<u>PID No. 1</u>	
\$ -	\$ 38,564	\$ 41,579
-	-	2,563
-	-	35
<u>-</u>	<u>38,564</u>	<u>44,177</u>
-	-	14,999
-	38,364	40,164
<u>-</u>	<u>38,364</u>	<u>55,163</u>
-	200	(10,986)
-	(200)	(2,700)
-	(200)	(2,700)
-	-	(13,686)
<u>20</u>	<u>-</u>	<u>75,476</u>
<u>\$ 20</u>	<u>\$ -</u>	<u>\$ 61,790</u>

CITY OF MONTGOMERY, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCES - BUDGET AND ACTUAL
NONMAJOR SPECIAL REVENUE FUNDS

For the Year Ended September 30, 2022

Hotel Occupancy

	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive (Negative)
Revenues				
Other taxes	\$ 12,500	\$ 12,500	\$ 3,015	\$ (9,485)
Investment revenue	3	3	11	8
Total Revenues	12,503	12,503	3,026	(9,477)
Expenditures				
Current:				
General government	12,500	12,500	1,800	10,700
Total Expenditures	12,500	12,500	1,800	10,700
Net Change in Fund Balance	\$ 3	\$ 3	1,226	\$ 1,223
Beginning fund balance			17,392	
Ending Fund Balance			\$ 18,618	

Court Security

	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive (Negative)
Revenues				
Fines and forfeitures	\$ 3,500	\$ 3,500	\$ 784	\$ (2,716)
Investment revenue	-	-	1	1
Total Revenues	3,500	3,500	785	(2,715)
Excess of Revenues Over Expenditures	3,500	3,500	785	(2,715)
Other Financing Sources (Uses)				
Transfers (out)	(2,500)	(2,500)	(2,500)	-
Total Other Financing (Uses)	(2,500)	(2,500)	(2,500)	-
Net Change in Fund Balance	\$ 1,000	\$ 1,000	(1,715)	\$ (2,715)
Beginning fund balance			5,324	
Ending Fund Balance			\$ 3,609	

CITY OF MONTGOMERY, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCES - BUDGET AND ACTUAL (Continued)
NONMAJOR SPECIAL REVENUE FUNDS
For the Year Ended September 30, 2022

<u>Court Technology</u>				
	<u>Original Budget Amounts</u>	<u>Final Budget Amounts</u>	<u>Actual Amounts</u>	<u>Variance with Final Budget Positive (Negative)</u>
<u>Revenues</u>				
Fines and forfeitures	\$ 5,000	\$ 5,000	\$ 610	\$ (4,390)
Investment revenue	-	-	22	22
Total Revenues	<u>5,000</u>	<u>5,000</u>	<u>632</u>	<u>(4,368)</u>
<u>Expenditures</u>				
Current:				
Public safety	12,710	15,000	14,999	1
Total Expenditures	<u>12,710</u>	<u>15,000</u>	<u>14,999</u>	<u>1</u>
(Deficiency) of Revenues (Under) Expenditures	<u>(7,710)</u>	<u>(10,000)</u>	<u>(14,367)</u>	<u>(4,367)</u>
<u>Other Financing Sources (Uses)</u>				
Transfers in	7,710	-	-	-
Total Other Financing Sources	<u>7,710</u>	<u>-</u>	<u>-</u>	<u>-</u>
Net Change in Fund Balance	<u>\$ -</u>	<u>\$ (10,000)</u>	<u>(14,367)</u>	<u>\$ (4,367)</u>
Beginning fund balance			40,653	
Ending Fund Balance			<u>\$ 26,286</u>	

DRAFT

Montgomery City Council
AGENDA REPORT

Meeting Date: May 9, 2023	Budgeted Amount: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Consideration and possible action by the City Council acting as the Zoning Board of Adjustment on a revised variance request to Section 98-122 of the City Code of Ordinances related to rear yard requirements for 128 Dina Lane.

Recommendation

Approve a 5-foot Building Line Variance for the swimming pool contingent on:

- No raised planting beds, decking or other elements between the pool and the fence
- Contractor to submit a drainage plan demonstrating how runoff will not be redirected on the lot behind the 128 Dina Lane.

Discussion

(tabled at the April 28, 2023 meeting for lack of voting members in attendance)

City Council reviewed a variance request for this proposed swimming pool from the owner of 128 Dina Lane last month at the March 28th meeting. The request was for an encroachment of approximately 8-feet into the 10-foot rear yard setback. The homeowner has revised the variance request and resubmitted it for consideration by City Council. The revisions include:

- Encroachment of 5-ft into the rear building line (3-ft reduction from previous request).
- Provide drainage behind the pool and ensure that no runoff is redirected to the adjacent lot.

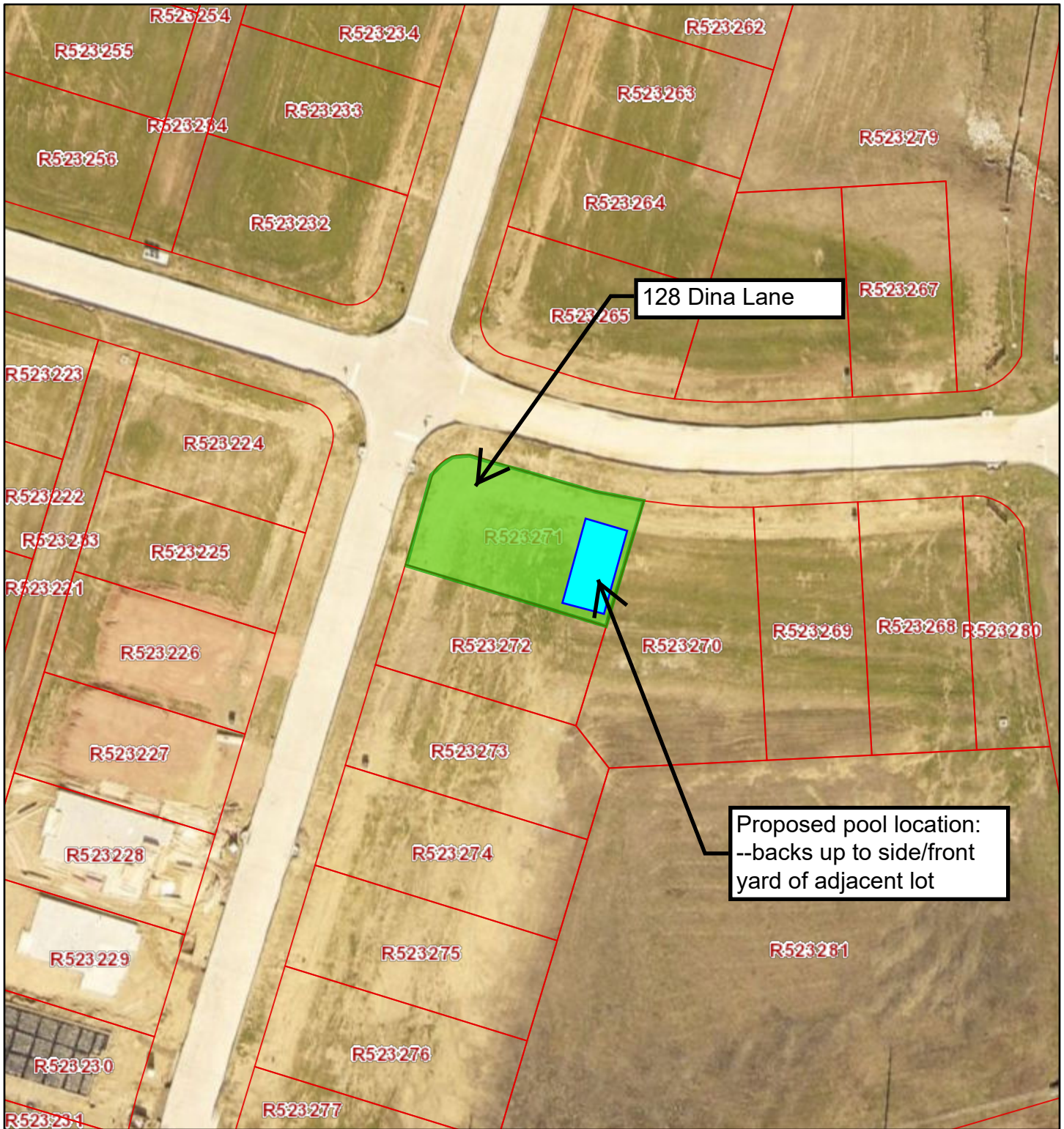
Information from the March agenda report:

Residential lots in the city are required to have a 10-foot rear yard. Given the pool does not project above the fence line and the backyard of 128 Dina Lane abuts the side/front yard of the lot behind it, staff does not object to the variance request. However, the slope of the lot means storm runoff drains from right to left. Staff recommends requiring a minimum of 5-feet between the pool and the rear property line to allow room for drainage behind the pool. Staff also recommends the contractor submit a drainage plan that demonstrates that runoff will not be redirected to the lot behind the pool. Compliance with the drainage plan will be reviewed at the pool final inspection.

Approved By

Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 05/03/2023
City Administrator	Gary Palmer	Date: 05/03/2023

128 Dina Lane Location Exhibit



3/22/2023, 3:46:29 PM

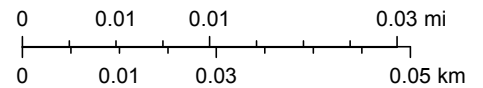
1:1,128

Abstracts

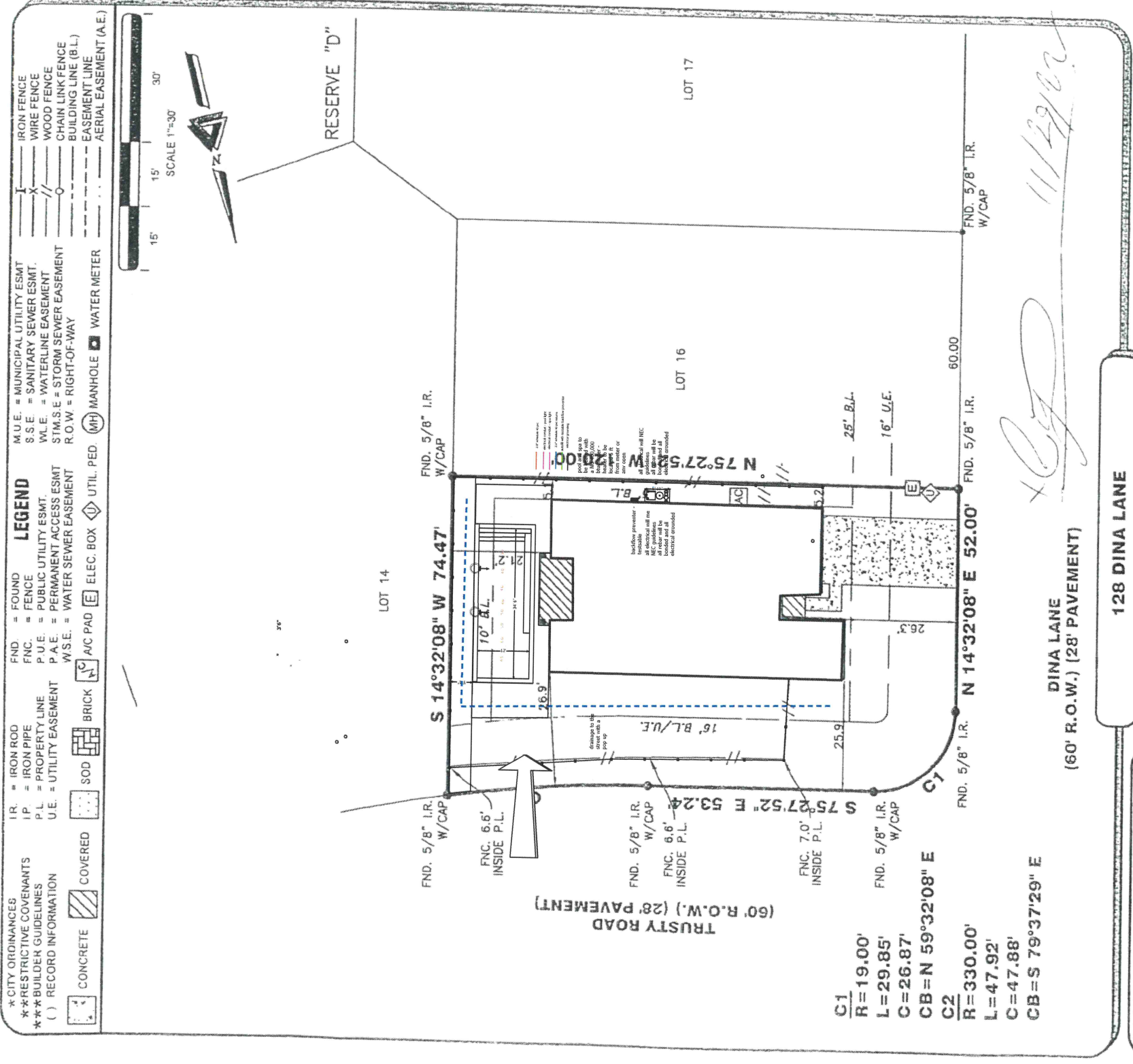
World Transportation

Parcels

Parcel ID



© OpenStreetMap (and) contributors, CC-BY-SA, Esri, HERE, iPC



TRI-TECH SURVEYING COMPANY, L.P.
 10401 WEBSTORFICH DR.
 HOUSTON, TEXAS 77042
 PH: 713-667-0800
 www.tritechtx.com
 TBPLS #10115900

CERTIFICATION
 I, the undersigned registered professional land surveyor, do hereby state that the plat shown hereon represents a boundary survey made on the ground under my supervision of the tract or parcel of land, according to the map or plat thereof, indicated hereon.
 THIS SURVEY IS VALID FOR THIS TRANSACTION ONLY.
 © 2022 TRI-TECH SURVEYING COMPANY, L.P.

11/17/2022

STATE OF TEXAS
 REGISTERED
 MARK S. BROWN
 5553
 PROFESSIONAL LAND SURVEYOR

SURVEYOR REGISTRATION

PROPERTY INFORMATION

LOT 15 BLOCK 4

REVISIONS

DATE	REASON	BY	IP
11-18-22	FINAL		

PROPERTY INFORMATION

LOT 15 BLOCK 4

FINAL PLAT TOWN CREEK CROSSING, SECTION 1

RECORDING INFO:
 CAB. Z, SHTS. 7645-7649, MAP RECORDS
 MONTGOMERY COUNTY, TEXAS

BORROWER:
 CYNTHIA WOMACK
 TITLE CO.
 ALAMO TITLE COMPANY
 G.F.# ATCH22123770 G.F. DATE: 10-02-22

SURVEYED FOR:
 K. HOVNANIAN OF HOUSTON, II, L.L.C.

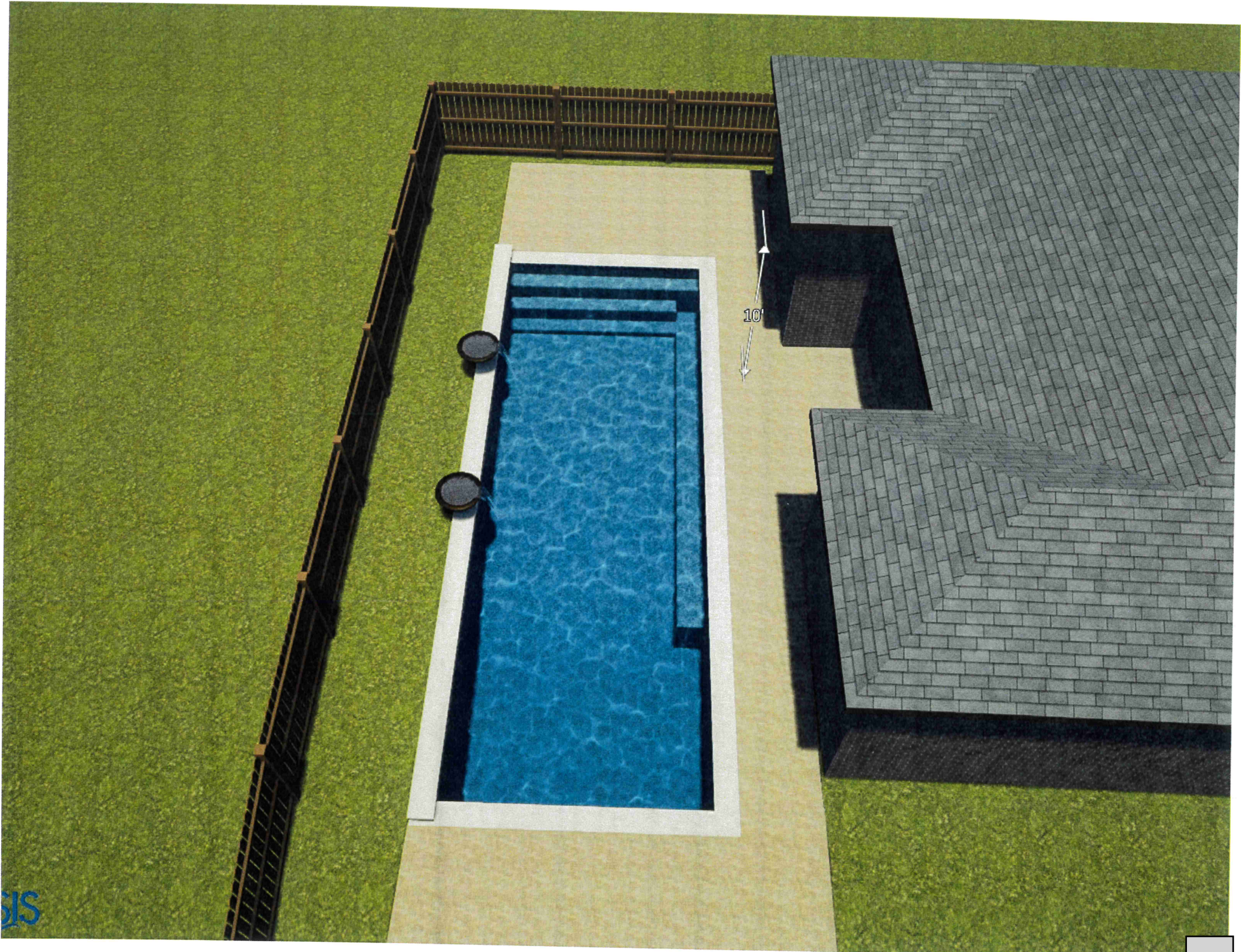
DRAWING INFORMATION

TRI-TECH JOB NO: BH2641-22
 CLIENT JOB NO: N/A
 DRAWN BY: MU
 BEARING BASE: REFERRED TO PLAT NORTH
 FIELD DATE: 07-21-22

FLOOD INFORMATION

F.I.R.M. NO: 48339C PANEL: 0200G
 REVISED DATE: 08-18-14 ZONE: "X"

FLOOD INFORMATION PROVIDED HEREON IS BASED ON SCALING THE LOCATION OF THE SUBJECT TRACT ON THE FLOOD INSURANCE RATE MAPS. THE INFORMATION SHOULD BE USED TO DETERMINE FLOOD INSURANCE RATES ONLY AND IS NOT INTENDED TO IDENTIFY SPECIFIC FLOODING CONDITIONS. WE ARE NOT RESPONSIBLE FOR THE F.I.R.M.'S ACCURACY. FLOOD INFORMATION IS SUBJECT TO LETTER OF MAP CHANGES

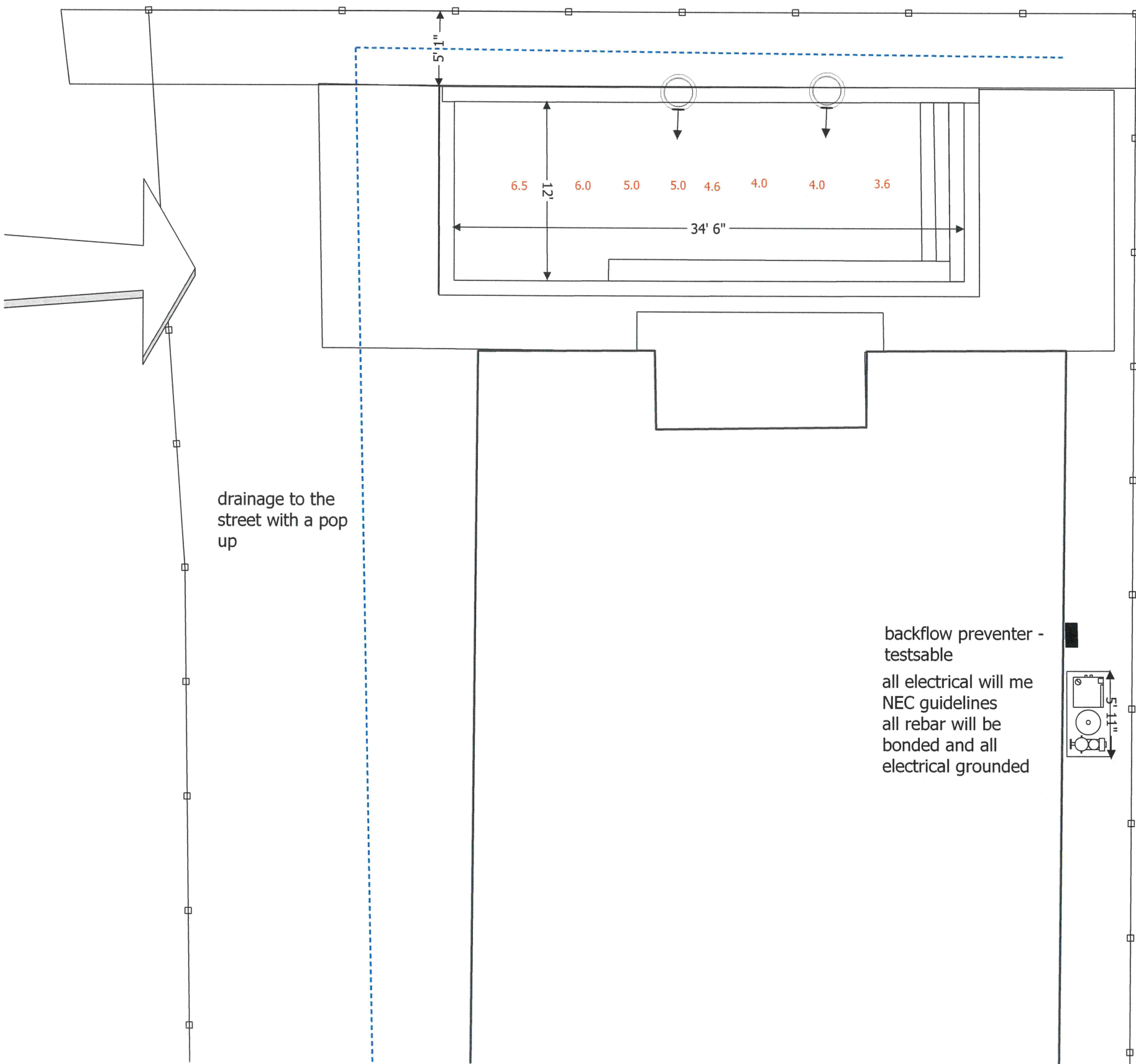


Cynthia Womack
128 Dina Lane
Montgomery, TX 77356
409-351-2176



16340 FM 2920
Tomball, TX 77377
281-357-8161

SIMPLICITY SERIES



- 2.0" schedule 40 pvc
- electrical conduit - pool light
- electrical conduit - spa light
- 2.0" schedule 40 pvc returns
- autofill with testable backflow preventer
- electrical grounding

pool and spa to be heated with a NG 400,000 btu heater - heater to be located 5 ft from meter or any open window

all electrical will NEC guidelines
 all rebar will be bonded and all electrical grounded

backflow preventer - testsable
 all electrical will me NEC guidelines
 all rebar will be bonded and all electrical grounded

Pool
Pool: 421
Perimeter: 93
Depths: 3.6-6.5
Dimensions: 32-15
Elevation: -1 1/2

Pool Equipment
Pentair 3.0HP VS Intelliflo Pump
Pentair 420 Filter
Paralevel
Overflow
1 color led light
Pentair 400K BTU Heater NG
salt water
2 VGB compliant main drains
(5) Returns
Pentair Prowler 920

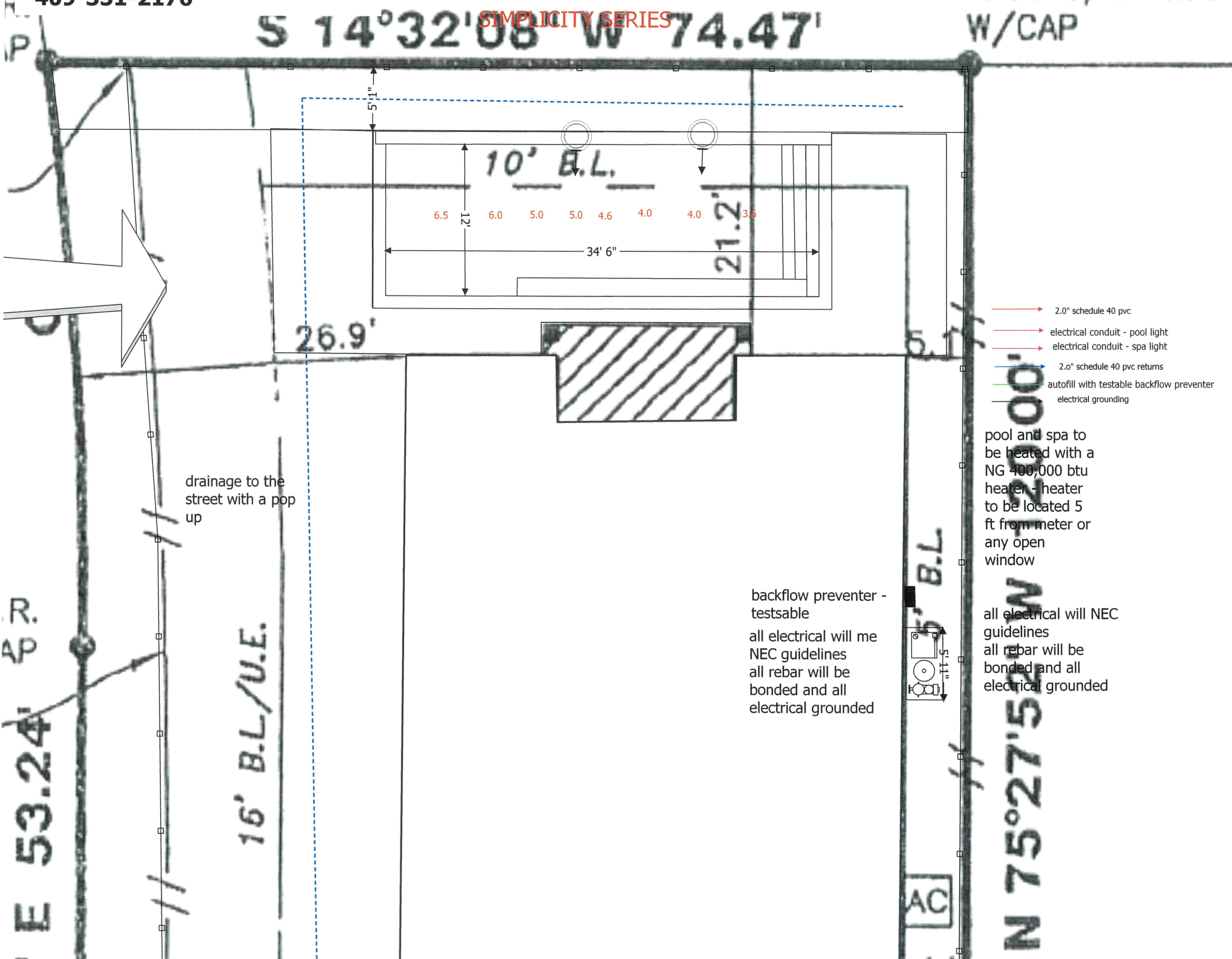
TITLE
4-7-23
ELECTRIC, PLUMBING,
EQUIPMENT

Cynthia Womack
 128 Dina Lane
 Montgomery, TX 77356
 409-351-2176

Item 5.



16340 FM 2920
Tomball, TX 77377
281-357-8161



FND. 5/8" I.R.
 W/CAP

Pool
Pool: 421
Perimeter: 93
Depths: 3.6-6.5
Dimensions: 32-15
Elevation: -1 1/2

Pool Equipment
Pentair 3.0HP VS Intelliflo Pump
Pentair 420 Filter
Paralevel
Overflow
1 color led light
Pentair 400K BTU Heater NG
salt water
2 VGB compliant main drains
(5) Returns
Pentair Prowler 920

- 2.0" schedule 40 pvc
- electrical conduit - pool light
- electrical conduit - spa light
- 2.0" schedule 40 pvc returns
- autofill with testable backflow preventer
- electrical grounding

pool and spa to be heated with a NG 400,000 btu heater - heater to be located 5 ft from meter or any open window

all electrical will NEC guidelines
 all rebar will be bonded and all electrical grounded

backflow preventer - testsable
 all electrical will me NEC guidelines
 all rebar will be bonded and all electrical grounded

TITLE
4-7-23
ELECTRIC, PLUMBING,
EQUIPMENT

Quality Easement

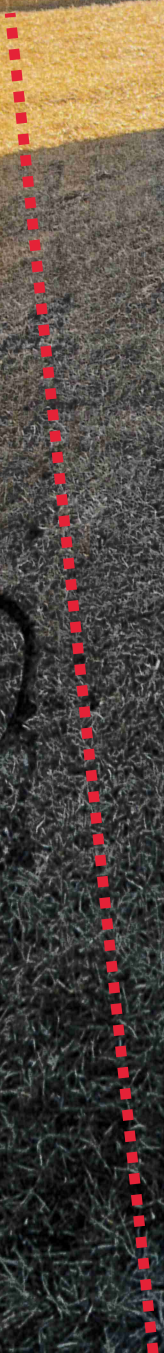


Photo taken from side yard looking toward back fence



Photo taken from back yard looking north



Photo taken from back yard looking south



Photo taken from back yard looking north



Water flows downhill
from right to left

Montgomery City Council
AGENDA REPORT

Meeting Date: May 9, 2023	Budgeted Amount: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Receive the Final Report from the Planning & Zoning Commission on a rezoning request for 14640 Liberty Street, Montgomery, Texas from R1-Single Family Residential to B-Commercial as submitted by Evan Ballew and convene into a Public Hearing for the purpose of allowing interested parties to be heard.

Recommendation

- Two actions are needed:
1. Motion to receive the Final Report as presented.
 2. Convene into Public Hearing for the purpose of allowing interested parties to be heard on the rezoning request.

Discussion

The attached P&Z Report recommends to *not* rezone the property. Instead, the Commission recommended to the owner that a Special Use Permit be considered to use the existing 2-story home as a real estate office. An SUP would allow the city to limit the use of the property to professional office space and to add any necessary visual/landscape buffers to ensure adjacent homes aren't negatively affected by the use of the property for commercial purposes.

Approved By

Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 05/04/2023

PLANNING & ZONING COMMISSION RECOMMENDATION AND REPORT

TO: MONTGOMERY MAYOR AND CITY COUNCIL

FROM: PLANNING & ZONING COMMISSION

CC: GARY PALMER, CITY ADMINISTRATOR
DAVE MCCORQUODALE, DIRECTOR OF PLANNING & DEVELOPMENT
NICI BROWE, CITY SECRETARY

SUBJECT: REPORT CONCERNING A PROPOSED RECLASSIFICATION OF A 0.57-ACRE TRACT SITUATED IN THE JOHN CORNER SURVEY, ABSTRACT NUMBER 8, TRACT 16, IN MONTGOMERY COUNTY, TEXAS COMMONLY KNOWN AS 14640 LIBERTY STREET, MONTGOMERY, TEXAS 77356 FROM R1-SINGLE FAMILY RESIDENTIAL TO B-COMMERCIAL.

Mayor and Members of City Council,

Pursuant to Sections 98-30 and 98-53 of the City of Montgomery Code of Ordinances (“the Code”), the Montgomery Planning and Zoning Commission met on May 2, 2023 to consider a request from Evan Ballew to reclassify the property as B-Commercial. A map of the property with the current zoning overlay is attached as Exhibit “A.”

After duly noticed public hearings with an opportunity for public comments concerning the requested rezoning classification, the Commission found:

- The property is currently zoned R1-Single-Family Residential. The owner would like to rezone the property to B-Commercial and operate a real estate office out of the existing 2-story home on the property. This includes additional parking spaces, but no new structures on the property per the owner.
- R-1 single-family residential lies to the north, south, and west, Planned Development zoning overlay with single-family homes lies to the east.
- If rezoned, the wide range of business types allowed within the B-Commercial district may negatively impact surrounding single-family properties through excessive light, noise, odors, etc.

- The Commission is concerned whether the city’s development regulations are enough to ensure no negative effects on surrounding homes if commercial redevelopment occurs on the property. Current regulations are:
 - 25-foot vegetative setback (Sec. 78-162) on all sides adjoining R1
 - 25-foot side & rear yards (Sec. 98-239) on all sides adjoining R1
 - Min. 6-ft height visual barrier on all sides adjoining R1 [Visual barrier means a continuous unbroken and solid screen of masonry construction, or fencing, natural hedge or vegetation at maturity (two years), or a combination thereof, of not less than six feet measured from the existing natural ground level. Non-vegetative barriers must be a maximum of eight feet in height measured from the existing natural ground level. Vegetation must consist of any combination of trees, shrubs, berms, or other natural flora. The visual barrier improvements shall be adequate to accommodate the proposed screening and must be a minimum of one foot in width for non-vegetative screening and five feet in width for vegetative screening, provided it creates a visual barrier. The city shall not be responsible for the maintenance of required screening. Deed restrictions and covenants, if any, filed of record and running with the land for any tract, shall make provisions for a maintenance entity authorized to provide maintenance of the visual barrier improvements through assessment of the costs thereof to lot owners. (Section 78-1; Montgomery City Code of Ordinances)]

- By a vote of **3 – 2** the Planning and Zoning Commission hereby presents this Recommendation and Final Report pursuant to Section 98-30 of the City Code, recommending to **not approve** reclassification of the land use zoning designation of said property. The Commission recommends the owner consider a Special Use Permit for the proposed use. An SUP would allow the city to limit the use of the property to professional office space. A Special Use Permit would also allow the city to add visual barrier requirements to buffer adjacent homes as needed.

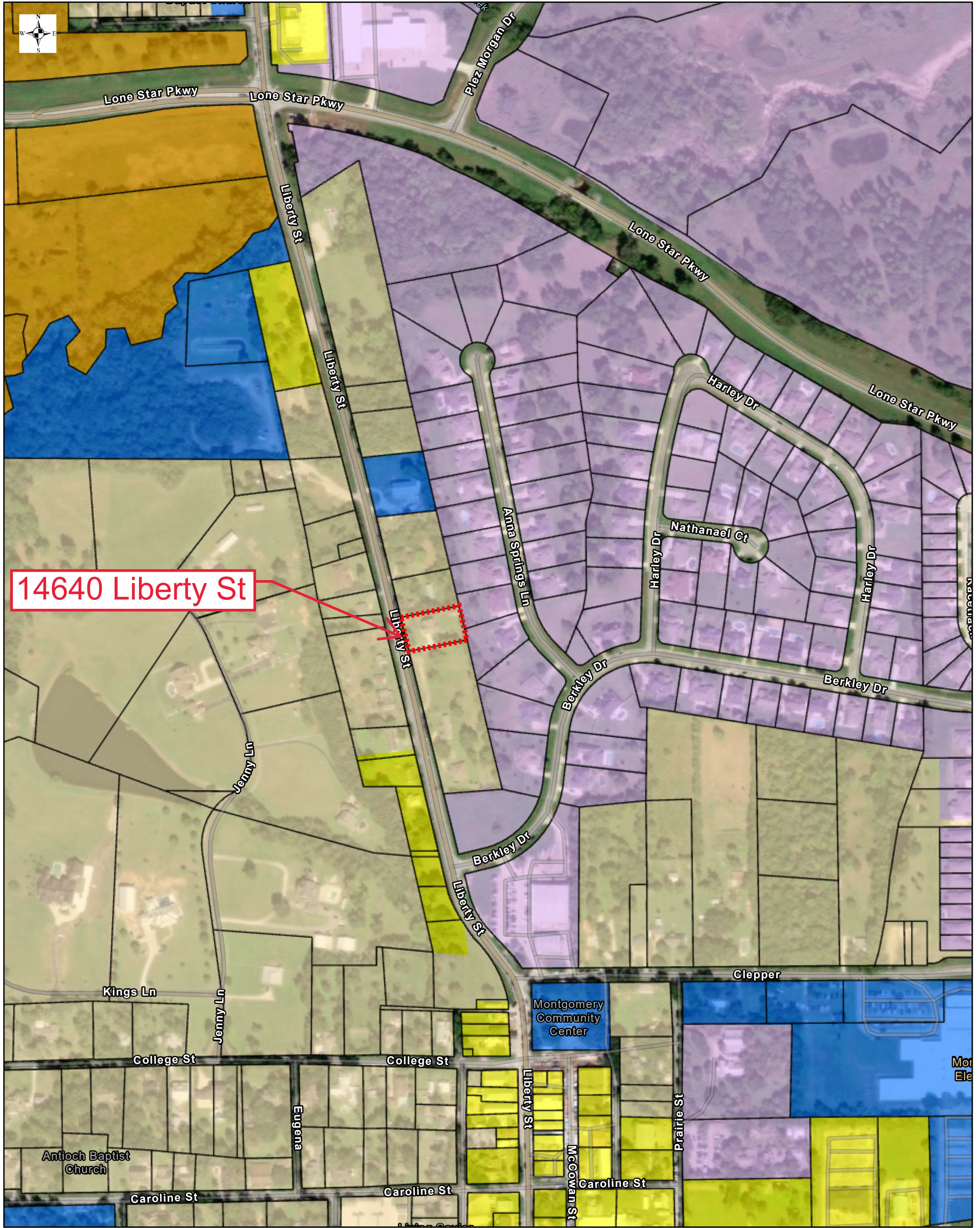
I, Jeffrey Waddell, Chairman of the Montgomery Planning and Zoning Commission, certify this Report to be true and correct to the best of my knowledge.

Signed: Jeffrey Waddell
Jeffrey Waddell, Chairman

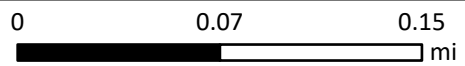
Attest: Nici Browe
Nici Browe, City Secretary

14640 Liberty Street Exhibit

EXHIBIT "A"



14640 Liberty St



Disclaimer: This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political boundaries or related facilities to said boundary. No express warranties are made by Quiddity Engineering, LLC concerning the accuracy, completeness, reliability, or usability of the information included within this exhibit.



LEGEND	
	MCAD Property Info
	City ETJ
	City Limit
Zoning	
Zone Classification	
	Commercial (B)
	Industrial (I)
	Institutional (I)
	Multi-Family (R-2)
	Planned Development (PD)
	Residential (R-1)



Montgomery City Council
AGENDA REPORT

Meeting Date: May 9, 2023	Budgeted Amount: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Consideration and possible action on AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE ZONING CLASSIFICATIONS AS DEFINED IN THE CITY CODE OF ORDINANCES CHAPTER 98, "ZONING," FOR A 0.57-ACRE TRACT SITUATED IN THE JOHN CORNER SURVEY, ABSTRACT NUMBER 8, TRACT 16, MONTGOMERY COUNTY, TEXAS COMMONLY REFERRED TO AS A PORTION OF 14640 LIBERTY STREET, MONTGOMERY COUNTY, TEXAS FROM "R-1" SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, AS FOUND ON THE CITY'S OFFICIAL ZONING MAP TO "B" COMMERCIAL ZONING DISTRICT CLASSIFICATION; AND TO AMEND THE OFFICIAL ZONING MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.

Recommendation

Take no action on the rezoning ordinance. Consider whether a Special Use Permit could be a way to allow the proposed real estate office without opening the door to any commercial use of the property.

Discussion

As detailed in the P&Z Report, the rezoning request is for a 0.57-acre lot on Liberty Street north of downtown. There is currently a residential structure on the property that is roughly 6 years old. The owner proposes to locate his real estate office in the home and add parking to the property.

P&Z recommend to not rezone the property, instead favoring a Special Use Permit that restricts the use of the property to professional office space and considers the need for any additional landscape buffer against adjoining residential properties.

From a planning perspective, there is no reason not to rezone the property to commercial: it is located on a major thoroughfare in the city with around 6,500 cars per day in front of the property; the city's (unadopted) future land use plan identifies the property as future commercial, and the city has regulations addressing buffers between commercial and residential properties. As the city has grown, properties that were used as homesites in the past face increasing pressure from traffic and surrounding development that affect their suitability as homesites.

The city currently has only one type of commercial zoning district that allows all commercial businesses found in Sec. 98-88 in the Table of Permitted Uses. A "light commercial" or "neighborhood commercial" district would benefit the city by allowing more intensive commercial uses in certain areas of the city and allowing for a transition zone between residential and commercial districts. Without that at our disposal, another tool that achieves that goal is a Special Use Permit. Considering all factors, staff agrees with the P&Z Commission's recommendation of a Special Use Permit for the property owner that allows the proposed use while ensuring safeguards are in place for surrounding property owners.

Montgomery City Council
AGENDA REPORT

Approved By		
Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 05/04/2023
City Administrator	Gary Palmer	Date: 05/04/2023

ORDINANCE NO. 2023-_____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE ZONING CLASSIFICATIONS AS DEFINED IN THE CITY CODE OF ORDINANCES CHAPTER 98, "ZONING," FOR A 0.57-ACRE TRACT SITUATED IN THE JOHN CORNER SURVEY, ABSTRACT NUMBER 8, TRACT 16, MONTGOMERY COUNTY, TEXAS COMMONLY REFERRED TO AS A PORTION OF 14640 LIBERTY STREET, MONTGOMERY COUNTY, TEXAS FROM "R-1" SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, AS FOUND ON THE CITY'S OFFICIAL ZONING MAP TO "B" COMMERCIAL ZONING DISTRICT CLASSIFICATION; AND TO AMEND THE OFFICIAL ZONING MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.

WHEREAS, the City Council has passed the City of Montgomery Zoning Ordinance providing certain rules and regulations concerning zoning within the City of Montgomery, as found in the Code of Ordinances ("CODE") at Chapter 98; and

WHEREAS, the Property described in attached Exhibit "A," (the "Property") is currently zoned "R-1" (Single-Family Residential) on the City's Official Zoning Map; and

WHEREAS, the Owner, Evan Ballew, has requested that the City Council rezone the Property as "B" Commercial as authorized by Section 98-30 of the CODE; and

WHEREAS, the Planning and Zoning Commission conducted two public hearings on the proposed zoning reclassification of the Property on May 2, 2023; and

WHEREAS, pursuant to Section 98-30(c) of the CODE, the City Planning and Zoning Commission has submitted a Final Report to the City Council in which it has voted to recommend denial of the rezoning request that the Property NOT be reclassified as "B" Commercial; and

WHEREAS, a public hearing was also conducted on May 9, 2023 before the City Council, as authorized by Section 98-30(d) of the CODE, in order to consider the Final Report and the proposed amendment of the zoning classification of the Property to; and

WHEREAS, the City Council finds that all notifications and other procedures required by Section 98-30 of the CODE have been followed; and

WHEREAS, the City Council has determined that it is not contrary to the interests of the citizens of the City that the Property should be reclassified as "B" Commercial Zoning.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY

OF MONTGOMERY, MONTGOMERY COUNTY, TEXAS THAT:

Section 1. Adoption of Recitals. The recitals in the preamble to this Ordinance are hereby adopted as the findings and conclusions of the City Council.

Section 2. Amendment to the City Zoning Map. Pursuant to Section 98-30 of the Code of Ordinances, City of Montgomery, Texas, the Official Zoning Map of the City of Montgomery is hereby amended so that the zoning classification of the Property as described in the attached Exhibit "A", is reclassified as B-Commercial.

Section 3. Codification of this Ordinance. Wherever any provision of this Ordinance provides for the amendment of the Code of Ordinances, City of Montgomery, Texas, such provision shall be liberally construed to provide for the codification of the specified provision and for such other provisions of the Ordinance that the codifier in its discretion deems appropriate to codify. The codifier may change the designation or numbering of chapters, articles, divisions or sections as herein specified in order to provide for logical ordering of similar or related topics and to avoid the duplicative use of chapter, article or section numbers. Neither the codification nor any application of the codified Ordinance shall be deemed invalid on the basis of a variance in the number or section of this Ordinance and its codified provisions. The failure to codify the specified provisions of this Ordinance shall not affect their validity or enforcement.

Section 4. Repeals all Ordinance in Conflict with this Ordinance.

Any and all provisions of ordinances in conflict with this Ordinance are hereby expressly repealed.

Section 5. Savings Clause.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portion of this Ordinance shall not be affected hereby, it being the intention of the City Council of the City of Montgomery in adopting and of the Mayor in approving this Ordinance, that no portion hereof or provisions or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

Section 6. Effective Date.

The effective date of this Ordinance shall be upon its passage and publication.

PASSED AND APPROVED this 9th day of May, 2023.

Byron Sanford, Mayor

ATTEST:

Nicola Browe, City Secretary

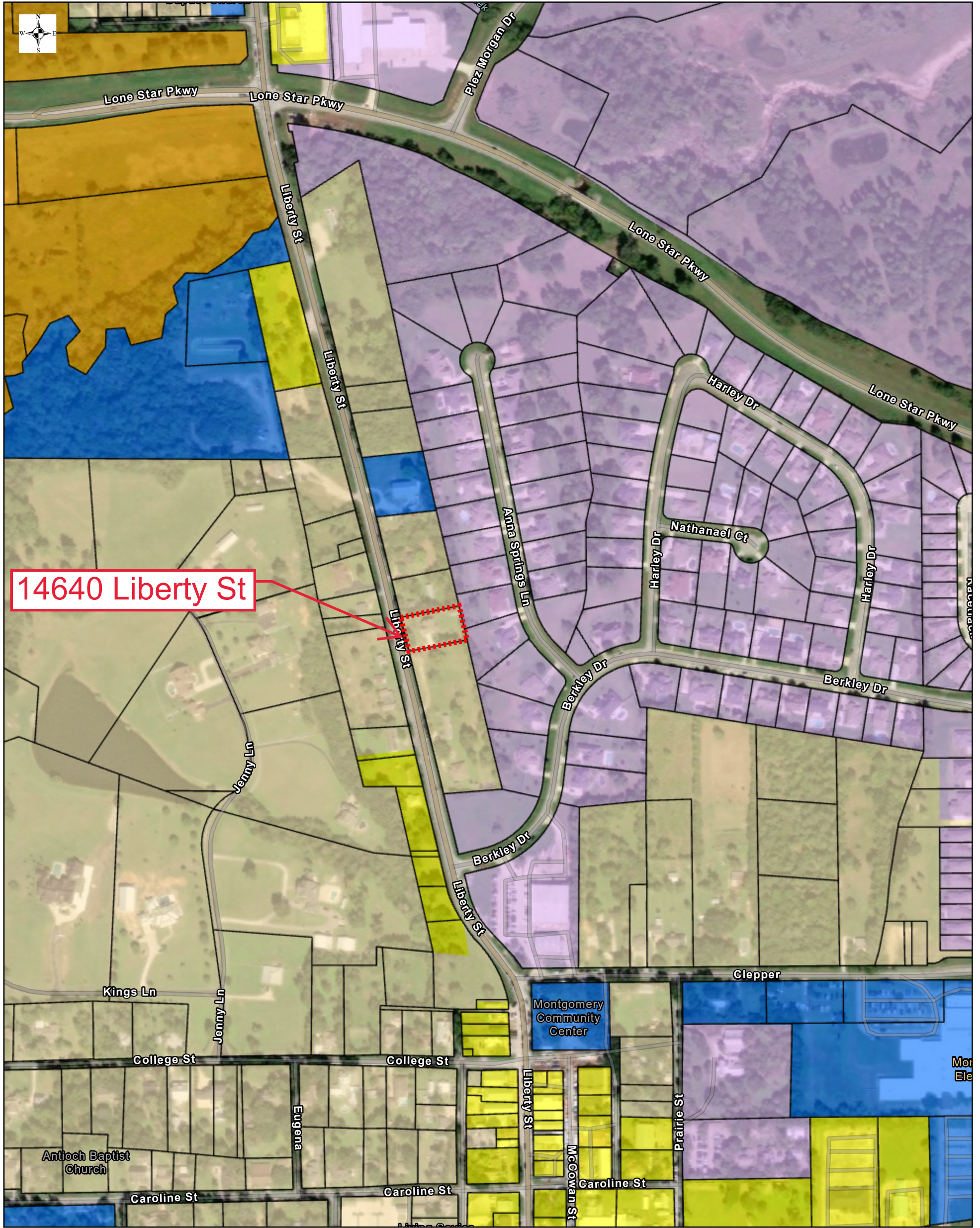
APPROVED AS TO FORM:

Alan P. Petrov, City Attorney

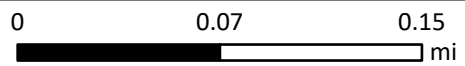
DRAFT

14640 Liberty Street Exhibit

EXHIBIT "A"



14640 Liberty St



Disclaimer: This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political boundaries or related facilities to said boundary. No express warranties are made by Quiddity Engineering, LLC concerning the accuracy, completeness, reliability, or usability of the information included within this exhibit.

LEGEND	
	MCAD Property Info
	City ETJ
	City Limit
Zoning	
Zone Classification	
	Commercial (B)
	Industrial (I)
	Institutional (I)
	Multi-Family (R-2)
	Planned Development (PD)
	Residential (R-1)

