



CITY COUNCIL SPECIAL MEETING

Tuesday, September 06, 2022 at 5:30 PM

Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas

PUBLIC NOTICE OF MEETING

The following item will be addressed at this or any other meeting of the city council upon the request of the mayor, any member(s) of council and/or the city attorney:

Announcement by the mayor that council will retire into closed session for consultation with city attorney on matters in which the duty of the attorney to the city council under the Texas disciplinary rules of professional conduct of the state bar of Texas clearly conflicts with the open meetings act (title 5, chapter 551, section 551.071(2) of the Texas government code).

(All matters listed under the consent agenda item are routine by the city council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.)

AGENDA

Council will consider/discuss the following items and take any action deemed necessary.

COVID-19 MEETING PROCEDURE

Public notice is hereby given that the City Council of the City of Port Lavaca, Texas, will conduct a special meeting on Tuesday, September 06, 2022 beginning at 5:30 p.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas to consider the following items of business:

Due to COVID-19 concerns, social distancing guidelines will be encouraged for in-person attendance. The meeting will also be available via the video conferencing application "ZOOM".

Join Zoom Meeting:

<https://us02web.zoom.us/j/86186695208?pwd=Mkh4aEJPYmY5NlVMSkI2RG1kWGFWQT09>

Meeting ID: 861 8669 5208

Passcode: 409870

One Tap Mobile

*+13462487799,,86186695208#,,, *409870# US (Houston)*

Dial by your location

+1 346 248 7799 US (Houston)Dial by your location

+1 346 248 7799 US (Houston)

I. ROLL CALL**II. CALL TO ORDER****III. COMMENTS FROM THE PUBLIC** - *Comments will be limited to three (3) Minutes per individual unless permission to speak longer is received in advance***IV. ACTION ITEMS** - Council will consider/discuss the following items and take any action deemed necessary

1. Conduct Public Hearing on the 2022-2023 fiscal year Budget. Presenter is Susan Lang
2. Conduct Public Hearing on proposed 2022 Tax Rate. Presenter is Susan Lang
3. Receive Form 50-882 from Finance Director certifying that the amount of additional sales and use tax revenue that will be used to pay debt service has been deducted from the total amount described by Tax Code Section 26.04(e)(3)(C) as required by Subsection (a)(1). Presenter is Susan Lang
4. Consider acceptance of Proposal for Audit Services for the City of Port Lavaca. Presenter is Susan Lang
5. Consider First reading of an Ordinance (G-7-22) amending the ordinance codified and described in the City of Port Lavaca Code of Ordinances as Part II, Appendix A – Fees, Rates and Charges, Chapter 50-67 - Utilities; and providing for an effective date. Presenter is Jody Weaver
6. Consider First and Final reading of an Ordinance (S-1-22) authorizing the issuance of “City of Port Lavaca, Texas Combination Tax and Revenue Certificates of Obligation, Series 2022”; Authorizing the Sale Thereof; and Enacting Provisions Incident and Related to the Issuance of Said Certificates. Presenter is Susan Lang
7. Consider First reading of an Ordinance (S-2-22) approving the annual Budget for the City of Port Lavaca, Texas and adopting the budget document for the fiscal year October 01, 2022 thru September 30, 2023. Presenter is Jody Weaver
8. Consider First reading of an Ordinance (S-3-22) fixing the Tax Rate and Tax Levy for the City of Port Lavaca, Texas for the year 2022. Presenter is Jody Weaver
9. Announcement by Mayor that City Council will retire into closed session:
 - For consultation with City Attorney on matters in which the duty of the Attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act (Title 5, Chapter 551, Section 551.071(2) of the Texas Government Code). Presenter is Mayor Whitlow
10. Return to Open Session and take any action deemed necessary with regard to matters in closed session. Presenter is Mayor Whitlow

V. ADJOURN SPECIAL MEETING

VI. **CERTIFICATION OF POSTING NOTICE**

This is to certify that the above foregoing notice of a special meeting of the City Council of the City of Port Lavaca, scheduled for **Tuesday, September 06, 2022**, beginning at 5:30 p.m., was posted at city hall, easily accessible to the public, as of 3:30 p.m. Friday, **September 02, 2022**.

Mandy Grant, *City Secretary*

ADA NOTICE

The Port Lavaca City Hall and Council Chambers are wheelchair accessible. Access to the building is available at the primary north entrance facing Mahan Street. Special parking spaces are located in the Mahan Street parking area. In compliance with the Americans with Disabilities Act, the City of Port Lavaca will provide for reasonable accommodations for persons attending meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact City Secretary Mandy Grant at (361) 552-9793 Ext. 230 for assistance.


COMMUNICATION

SUBJECT: Conduct Public Hearing on the 2022-2023 fiscal year Budget. Presenter is Susan Lang

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: SEPTEMBER 6, 2022**AGENDA ITEM _____**

DATE: 9/1/2022
TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
FROM: SUSAN LANG, FINANCE DIRECTOR 
SUBJECT: PUBLIC HEARING ON BUDGET

In accordance with the State of Texas Property Tax Code, the Comptroller of Texas' Truth-in-Taxation rules, the Local Government Code and the City's Charter, the City is required to hold a public hearing on the FY 2022-2023 budget.

On August 22, 2022, the City Council voted to set a public hearing on the FY 2022-2023 budget. The City Council set the date and time for a Public Hearing on the budget for September 6, 2022.

Because the proposed tax rate exceeded the No-New-Revenue rate, legislation considers it a tax increase, and requires special language to accompany the notice of public hearing on the budget.

The City has complied with the governing legislation and has published the Notice of Public Hearing for the budget in the newspaper of general circulation (Port Lavaca Wave) and on the City's website.

This public hearing will provide an opportunity for taxpayers to express their views on the City's 2022-2023 annual budget.

Only one public hearing is required and satisfies the requirements for a later vote on the ordinance adopting the annual budget.

No action required.

City of Port Lavaca, Texas
Notice of Public Hearing
Fiscal Year 2022-2023 Budget

This budget will raise more total property taxes than last year's budget by \$129,314 (2.94%), and of that amount \$41,897 is tax revenue to be raised from new property added to the tax roll this year.

The City Council of the City of Port Lavaca, Texas, will hold a public hearing on the Fiscal Year 2022-2023 Proposed Budget on Tuesday, September 6, 2022, at 5:30 p.m. at 202 North Virginia.

The proposed budget and budget message are available for public inspection at:

- Port Lavaca City Hall, 202 North Virginia Street; and
- The City of Port Lavaca website: <https://portlavaca.org/city-departments/finance-department>


COMMUNICATION

SUBJECT: Conduct Public Hearing on proposed 2022 Tax Rate. Presenter is Susan Lang

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: SEPTEMBER 6, 2022**AGENDA ITEM _____**

DATE: 9/1/22
TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
FROM: SUSAN LANG, FINANCE DIRECTOR 
SUBJECT: PUBLIC HEARING ON TAX RATE

In accordance with the State of Texas Property Tax Code, the Comptroller of Texas' Truth-in-Taxation rules, the Local Government Code and the City's Charter, the City is required to hold a public hearing on the 2021 Tax Rate.

On August 22, 2022, the City Council took a record vote to propose the same tax rate as levied on properties as the previous year. Because the proposed tax rate exceeded the No-New-Revenue rate, legislation considers it a tax increase, and requires a public hearing. The City Council set the date and time for a Public Hearing on the Tax Rate for September 6, 2022.

This public hearing will provide an opportunity for taxpayers to express their views on the tax increase as defined by legislation.

Only one public hearing is required and satisfies the requirements for a later vote on the ordinance establishing a tax rate.

No action required.

Statements required in notice if the proposed tax rate exceeds the no-new-revenue tax rate but does not exceed the voter-approval tax rate, as prescribed by Tax Code §26.06(b-2).

NOTICE OF PUBLIC HEARING ON TAX INCREASE

This notice only applies to a taxing unit other than a special taxing unit or municipality with a population of less than 30,000, regardless of whether it is a special taxing unit.

PROPOSED TAX RATE	\$ 0.7944	per \$100
NO-NEW-REVENUE TAX RATE	\$ 0.7767	per \$100
VOTER-APPROVAL TAX RATE	\$ 0.8141	per \$100

The no-new-revenue tax rate is the tax rate for the 2022 tax year that will raise the same amount of property tax revenue for City of Port Lavaca from the same properties in both the 2021 tax year and the 2022 tax year.

The voter-approval tax rate is the highest tax rate that City of Port Lavaca may adopt without holding
(name of taxing unit)
an election to seek voter approval of the rate.

The proposed tax rate is greater than the no-new-revenue tax rate. This means that City of Port Lavaca is proposing
(name of taxing unit)
to increase property taxes for the 2022 tax year.
(current tax year)

A PUBLIC HEARING ON THE PROPOSED TAX RATE WILL BE HELD ON 09/06/2022 05:30 PM
(current tax year)
at City Hall, 202 N. Virginia, Port Lavaca, TX
(date and time)
(meeting place)

The proposed tax rate is not greater than the voter-approval tax rate. As a result, City of Port Lavaca is not required
(name of taxing unit)
to hold an election at which voters may accept or reject the proposed tax rate. However, you may express your support for or
opposition to the proposed tax rate by contacting the members of the City Council of
(name of office responsible for administering the election)
City of Port Lavaca at their offices or by attending the public hearing mentioned above.
(name of taxing unit)

YOUR TAXES OWED UNDER ANY OF THE TAX RATES MENTIONED ABOVE CAN BE CALCULATED AS FOLLOWS:

$$\text{Property tax amount} = (\text{tax rate}) \times (\text{taxable value of your property}) / 100$$

(List names of all members of the governing body below, showing how each voted on the proposal to consider the tax increase or, if one or more were absent, indicating absences.)

FOR the proposal: Councilman Smith, Councilman Dent, Councilman Tippit, Councilman Ward, Councilman Barr

AGAINST the proposal: _____ None

PRESENT and not voting: _____ None _____

ABSENT: Councilman Padron

Visit [Texas.gov/PropertyTaxes](https://www.texas.gov/PropertyTaxes) to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property.

The 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state.

The following table compares the taxes imposed on the average residence homestead by City of Port Lavaca last year
(name of taxing unit)
 to the taxes proposed to be imposed on the average residence homestead by City of Port Lavaca this year.
(name of taxing unit)

	2021	2022	Change
Total tax rate (per \$100 of value)	0.7944	0.7944	0 increase
Average homestead taxable value	110,419	119,682	8.38 increase
Tax on average homestead	877	950	8.32 increase
Total tax levy on all properties	4,358,809	4,522,116	3.74 increase

(Include the following text if these no-new-revenue maintenance and operations rate adjustments apply for the taxing unit)

No-New-Revenue Maintenance and Operations Rate Adjustments

State Criminal Justice Mandate (counties)

The Calhoun County Auditor certifies that Calhoun County has spent \$ 0 in the previous 12 months for the maintenance and operations cost of keeping inmates sentenced to the Texas Department of Criminal Justice. Calhoun County Sheriff has provided Calhoun information on these costs, minus the state revenues received for the reimbursement of such costs.

This increased the no-new-revenue maintenance and operations rate by 0.0000 /\$100.

Indigent Health Care Compensation Expenditures (counties)

The City of Port Lavaca spent \$ 0 from July 1 2021 to June 30 2022 on indigent health care compensation procedures at the increased minimum eligibility standards, less the amount of state assistance.

For current tax year, the amount of increase above last year's enhanced indigent health care expenditures is \$ 0.

This increased the no-new-revenue maintenance and operations rate by 0.0000 /\$100.

Indigent Defense Compensation Expenditures (counties)

The City of Port Lavaca spent \$ 0 from July 1 2021 to June 30 2022 to provide appointed counsel for indigent individuals in criminal or civil proceedings in accordance with the schedule of fees adopted under Article 26.05, Code of Criminal Procedure, and to fund the operations of a public defender's office under Article 26.044, Code of Criminal Procedure, less the amount of any state grants received. For current tax year, the amount of increase above last year's enhanced indigent defense compensation expenditures is \$ 0.

This increased the no-new-revenue maintenance and operations rate by 0.0000 /\$100.

Eligible County Hospital Expenditures (cities and counties)

The City of Port Lavaca spent \$ 0 from July 1 2021 to June 30 2022 on expenditures to maintain and operate an eligible county hospital.

For current tax year, the amount of increase above last year's eligible county hospital expenditures is \$ 0.

This increased the no-new revenue maintenance and operations rate by 0.0000 /\$100.

(If the tax assessor for the taxing unit maintains an internet website)

For assistance with tax calculations, please contact the tax assessor for City of Port Lavaca at (361) 552-4560 or tammy@calhouncad.org, or visit www.calhouncad.org for more information.

(If the tax assessor for the taxing unit does not maintain an internet website)

For assistance with tax calculations, please contact the tax assessor for _____ at _____ or _____.


COMMUNICATION

SUBJECT: Receive Form 50-882 from Finance Director certifying that the amount of additional sales and use tax revenue that will be used to pay debt service has been deducted from the total amount described by Tax Code Section 26.04(e)(3)(C) as required by Subsection (a)(1).
Presenter is Susan Lang

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: SEPTEMBER 6, 2022**AGENDA ITEM _____**

DATE: 8/30/22
TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
FROM: SUSAN LANG, FINANCE DIRECTOR 
SUBJECT: ACCEPT CERTIFICATION OF ADDITIONAL SALES AND USE TAX

In accordance with the State of Texas Property Tax Code, a governing body of a taxing unit that imposes an additional sales and use tax may not adopt the component of the tax rate of the taxing unit described by Tax Code Section 26.05 (a)(1) until the chief financial officer or the auditor for the taxing unit submits to the governing body of the taxing unit a written certification that the amount of additional sales and use tax revenue that will be used to pay debt service has been deducted from the total amount described by Tax Code Section 26.04(e)(3)(C) as required by Subsection (a)(1).

In 1989, the citizens of the City of Port Lavaca voted to adopt an additional Sales and Use Tax of \$0.005 dedicated to Property Tax Relief. The amount of additional Sales and Use Tax collected for Property Tax Relief is provided to the Tax Assessor/Collector and used to reduce the amount of the component of the tax rate when applied to the City of Port Lavaca.

The Certification, as developed by the Texas Comptroller of Public Accounts, is provided to City Council to satisfy the requirements of the Tax Code.

No action required.

Certification of Additional Sales and Use Tax to Pay Debt Services

THE STATE OF TEXAS,

County of Calhoun

Chief Financial Officer or Auditor: Susan Lang

For the taxing unit: City of Port Lavaca

Hereby certifies that the amount of additional sales and use tax revenue collected to pay debt service has been deducted from the total amount described by Tax Code Section 26.05(e-1), 26.04(e)(3)(C) and 26.05(a)(1).

This certification is submitted to the governing body of City of Port Lavaca, Texas on 9/6/22.


Signature of Financial Officer or Auditor

COMMUNICATION

SUBJECT: Consider acceptance of Proposal for Audit Services for the City of Port Lavaca.
Presenter is Susan Lang

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: SEPTEMBER 6, 2022**AGENDA ITEM _____**

DATE: September 2, 2022

TO: THE HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: SUSAN LANG, FINANCE DIRECTOR 

SUBJECT: CONSIDER AWARD OF AUDIT SERVICES FOR THE CITY OF PORT LAVACA (CONTRACT AWARD)

BACKGROUND:

The City's Finance committee had discussions earlier in the year regarding a potential Request for Proposal (RFP) process for audit services. The last RFP process was conducted in 2016. Finance staff brought forth a sample RFP for the committee's review a few months ago, and the format and scope was approved by the Finance Committee to proceed with the RFP process for audit services. The City advertised the RFP beginning June 30, 2022 in the Port Lavaca Wave, the city's website, and directly solicited six (6) audit firms who were in the vicinity or were larger regional firms with governmental expertise. The City received three (3) proposals from two (2) regional firms and it's existing audit firm as follows:

Harrison Waldrop & Uherek, L.L.P.

FORVIS, LLP

Pattillo, Brown & Hill, L.L.P.

A review was performed by the Finance RFP Review Committee (city staff) on August 11th and presented to the Finance Committee on August 31, 2022. All technical proposals were shared with the Finance Committee for their review, and the committee engaged in a thorough examination and discussion of the proposals. A unanimous decision was reached to recommend Pattillo, Brown & Hill, L.L.P. for audit Services based upon the technical proposal and qualifications. The cost for services was revealed and found to be reasonable by the committee.

FINANCIAL IMPLICATIONS:

The proposals were submitted with a total all-inclusive maximum over a five (5) year period. The budget for FY23 will require an amendment of approximately \$17,500. Again, the Finance Committee has found the all-inclusive not-to-exceed price to be reasonable for the qualifications of the firm.

IMPACT ON COMMUNITY SUSTAINABILITY:

It provides financial information to the public and other interested third parties. Audits portray a city's financial strength or weakness and determine whether a city's financial statements are free of any material misstatements to the reader.

RECOMMENDATION:

Staff and/or the Finance Committee recommends City Council award audit services proposal to Pattillo, Brown & Hill L.L.P. and provide for the Mayor or City Manager to execute the formal agreements.

COMMUNICATION

SUBJECT: Consider First reading of an Ordinance (G-7-22) amending the ordinance codified and described in the City of Port Lavaca Code of Ordinances as Part II, Appendix A – Fees, Rates and Charges, Chapter 50-67 - Utilities; and providing for an effective date. Presenter is Jody Weaver

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: SEPTEMBER 6, 2022**AGENDA ITEM _____****DATE:** 8/30/22**TO:** HONORABLE MAYOR AND CITY COUNCIL MEMBERS**FROM:** SUSAN LANG, FINANCE DIRECTOR **SUBJECT:** CONSIDER INCREASE IN GUADALUPE-BLANCO RIVER AUTHORITY (GBRA) FEE

The City of Port Lavaca has contracted with the Guadalupe-Blanco River Authority (GBRA) to reserve its full commitment of 4,480 A/F by fiscal year 2025. Currently, the City holds 2,688 A/F, and increases its commitment each year by 448 A/F. Next year's commitment will be 3,136 A/F. The GBRA provided notice on June 27, 2022 of an increase for firm water from the current \$157.00 per acre-foot per year to \$165.00 per acre-foot per year.

As a result in both the increased increment of total acre feet of commitment and the increase in cost per acre-foot, we find it necessary to increase the current fee for GBRA water "raw water storage" from \$7.54 per month per customer to \$9.42 per month per customer, or a 25% increase effective October 1, 2022.

ORDINANCE #G-7-22

AN ORDINANCE AMENDING THE ORDINANCE CODIFIED AND DESCRIBED IN THE CITY OF PORT LAVACA CODE OF ORDINANCES AS PART II, APPENDIX A – FEES, RATES AND CHARGES; AND PROVIDING AN EFFECTIVE DATE

ARTICLE I. GENERAL

WHEREAS, the City Council on March 12, 2012 approved and adopted Ordinance Number G-1-12 which is codified and described in the City of Port Lavaca Code of Ordinances as Part II, Appendix A – Fees, Rates and Charges; and

WHEREAS, the City of Port Lavaca staff has evaluated current fees, rates and charges and find the need to make some amendments and changes.

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

ARTICLE II. FEES TO BE AMENDED

The fees, rates and charges to be amended are in the Chapters listed below and described in full in the attached appendix marked in red or blue and highlighted in yellow:

Chapter 50: Utilities

Sec. 50-67 Water User Rates

Guadalupe Blanco River Authority (GBRA) fee

ARTICLE III.- EFFECTIVE DATE

This ordinance shall become effective upon adoption by City Council.

FIRST READING this 6th day of September, 2022.

Jack Whitlow, Mayor

SECOND AND FINAL READING this 12th day of September, 2022.

Jack Whitlow, Mayor

APPROVED AND ADOPTED this 12th day of September, 2022.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

APPROVED AS TO FORM:

Anne Marie Odefey, City Attorney

RECORD OF VOTE

	First Reading	Second and Final	Passed and Approved
Councilman Smith			
Councilman Dent			
Councilman Tippit			
Councilwoman Padron			
Councilman Ward			
Councilman Barr			

Record of approval by City Council: City Council Minute Records, Volume 3H, Page ____.

APPENDIX A

Section Number	Subject	Fee Amount
50-52(b)	Inspection fee	
<i>Water table</i>		
50-67	<i>Water user rates:</i>	
50-67	<i>Residential:</i>	
	Base charge 0—2,000 gallons	\$17.00 per month
	Guadalupe-Blanco River Authority (GBRA) fee	\$7.54 per month \$9.42 per month
	2,001—5,000 gallons	\$4.78 per 1,000 gallons
	5,001—25,000 gallons	\$5.26 per 1,000 gallons
	Over 25,000 gallons	\$5.97 per 1,000 gallons
50-67	<i>Small Commercial:</i>	
	Base charge 0—2,000 gallons 5/8 —1½-inch meter	\$19.50 per month
	Guadalupe-Blanco River Authority (GBRA) fee	\$7.54 \$9.42 per month
	2,001—5,000 gallons	\$4.95 per 1,000 gallons
	5,001—25,000 gallons	\$5.26 per 1,000 gallons
	Over 25,000 gallons	\$5.97 per 1,000 gallons
50-67	<i>Large commercial:</i>	
	Base charge 2—6-inch water meter	\$37.00 per month
	Guadalupe-Blanco River Authority (GBRA) fee	\$7.54 \$9.42 per month
	0—5,000 gallons	\$4.95 per 1,000 gallons

CITY OF PORT LAVACA

	5,001—25,000 gallons	\$5.26 per 1,000 gallons
	Over 25,000 gallons	\$5.97 per 1,000 gallons
50-67	<i>Outside city limits:</i>	
	For residential and commercial customers located outside the city limits, the charge for water shall be 1½ times the rate charged to customers inside the city limits	

COMMUNICATION

SUBJECT: Consider First and Final reading of an Ordinance (S-1-22) authorizing the issuance of “City of Port Lavaca, Texas Combination Tax and Revenue Certificates of Obligation, Series 2022”; Authorizing the Sale Thereof: and Enacting Provisions Incident and Related to the Issuance of Said Certificates. Presenter is Susan Lang

INFORMATION:

COMMUNICATION

SUBJECT: Consider First reading of an Ordinance (S-2-22) approving the annual Budget for the City of Port Lavaca, Texas and adopting the budget document for the fiscal year October 01, 2022 thru September 30, 2023. Presenter is Jody Weaver

INFORMATION:


CITY OF PORT LAVACA

CITY COUNCIL MEETING: SEPTEMBER 6, 2022

AGENDA ITEM _____

DATE: 9/1/2022

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: SUSAN LANG, FINANCE DIRECTOR 

SUBJECT: CONSIDER ORDINANCE APPROVING THE ANNUAL BUDGET

In accordance with the State of Texas Property Tax Code, the Comptroller of Texas' Truth-in-Taxation rules, the Local Government Code and the City's Charter, we have prepared an Ordinance that, if approved, meets the requirements as established by the governing legislation.

On July 25 (CIP) and August 22, 2022, the City Council held budget workshops to review recommendations from the City Manager for the FY 2022-2023 budget. The proposed budget was filed with the City Secretary and published on the City's website on August 8th.

On August 22, 2022, the City Council announced a public hearing on the FY 2022-2023 Budget to be held on September 6, 2022. Because the proposed tax rate exceeds the No-New-Revenue rate, legislation considers it a tax increase, and requires special language to be included in the Notice of Public Hearing on the Budget, the front page of the proposed budget and the front page of the adopted budget.

The City published a notice of public hearing on the budget in the newspaper of general circulation (Port Lavaca Wave) on August 24, 2022 and posted the same notice on the City's website.

The budget, as presented in the August 22, 2022 workshop, is recommended for the City Council's approval, and contains combined Revenues of \$20,385,194 followed by combined Expenditures of \$22,988,116 leaving combined Fund Balance reserves of \$6,885,658.

The Ordinance to adopt the budget has also been modified from previous years to include authorization, as prescribed in the City Charter, Section 8.03, for the City Manager to transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department or agency.

Legislation does require specific language on the vote to adopt the budget, only that it must be a record vote. Staff provides a recommended motion as follows:

- ***Motion: "I move to adopt the FY 2022-2023 Annual Budget as presented by the City Manager."***
 - ***Must be a Record Vote of each member of the governing body by name.***

AN ORDINANCE APPROVING THE ANNUAL BUDGET FOR THE CITY OF PORT LAVACA, TEXAS AND ADOPTING THE BUDGET DOCUMENT FOR THE FISCAL YEAR OCTOBER 1, 2022 THROUGH SEPTEMBER 30, 2023; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council has approved a budget for the City of Port Lavaca, Texas, for the fiscal year October 1, 2022 through September 30, 2023, and accordingly held a public hearing for same, at which time all interested citizens were given an opportunity to be heard for or against any item or amount of any item contained in said budget; and

WHEREAS, all approved adjustments, if any, have been made in said budget and said public hearing has been officially closed:

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

SECTION 1. That the annual budget for the City of Port Lavaca, Texas for the fiscal year October 1, 2022 through September 30, 2023 is hereby approved and the budget document is hereby in all things adopted and made a part of this ordinance as if set forth in full herein and is hereby declared to be the financial plan for the City of Port Lavaca, Texas for the fiscal year 2022/2023.

SECTION 2. That in accordance with the City Charter, Section 8.03 Transfer of Appropriations, the City Council hereby approves the City Manager to transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department or agency.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION 4. This ordinance shall become effective on the date of its passage by the City Council of the City of Port Lavaca, Texas.

FIRST READING this 6th day of September, 2022

Jack Whitlow, Mayor

SECOND AND FINAL READING this 12th day of September, 2022

Jack Whitlow, Mayor

APPROVED AND ADOPTED this 12th day of September, 2022.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

APPROVED AS TO FORM:

Anne Marie Odefey, City Attorney

RECORD OF VOTE

	First Reading	Second and Final	Passed and Approved
Councilman Smith	_____	_____	_____
Councilman Dent	_____	_____	_____
Councilman Tippit	_____	_____	_____
Councilwoman Padron	_____	_____	_____
Councilman Ward	_____	_____	_____
Councilman Barr	_____	_____	_____

Record of approval by City Council: City Council Minute Records, Volume __, Page ____.

COMMUNICATION


SUBJECT: Consider First reading of an Ordinance (S-3-22) fixing the Tax Rate and Tax Levy for the City of Port Lavaca, Texas for the year 2022. Presenter is Jody Weaver

INFORMATION:

CITY OF PORT LAVACA

CITY COUNCIL MEETING: SEPTEMBER 6, 2022

AGENDA ITEM _____

DATE: 9/1/2022
TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
FROM: SUSAN LANG, FINANCE DIRECTOR 
SUBJECT: CONSIDER ORDINANCE FIXING THE TAX RATE AND TAX LEVY

In accordance with the State of Texas Property Tax Code, the Comptroller of Texas' Truth-in-Taxation rules, the Local Government Code and the City's Charter, we have prepared an Ordinance that, if approved, meets the requirements as established by the governing legislation.

On August 22, 2022, the City Council took a record vote to propose the same tax rate (\$0.7944) as levied on properties as the previous year. Because the proposed tax rate exceeded the No-New-Revenue rate, legislation considers it a tax increase, and requires a public hearing. City Council announced a date and time for a public hearing on the tax rate to be held on September 6, 2022.

The City published a notice of public hearing on the tax increase in the newspaper of general circulation (Port Lavaca Wave) on August 31, 2022 and posted the same notice on the City's website.

Additionally, because the proposed tax rate exceeds the No-New-Revenue rate, additional language is required to be included in the ordinance and requires specific language in the motion to adopt the tax rate as follows:

- **MOTION:** "I move that the property tax rate be increased by the adoption of a tax rate of \$0.7944, which is effectively a 2.27% increase in the tax rate."
- **Must be a Record Vote by each member of the governing body by name.**

Additionally, the tax rate consists of two components, each of which must be approved separately:

Maintenance and Operations:	\$0.7307
Interest & Sinking (Debt):	\$0.0637

- **MOTION:** "I move to adopt a Maintenance and Operations rate of \$0.7307."
- **MOTION:** "I move to adopt an Interest & Sinking rate of \$0.0637."

ORDINANCE #S-3-22

AN ORDINANCE FIXING THE TAX RATE AND TAX LEVY FOR THE CITY OF PORT LAVACA, TEXAS, FOR THE YEAR 2022, UPON ALL TAXABLE PROPERTY IN SAID CITY OF PORT LAVACA, TEXAS SUBJECT TO TAXATION BY SAID CITY ON THE FIRST DAY OF JANUARY, 2022 IN CONFORMITY WITH THE CHARTER PROVISIONS AND ORDINANCES OF SAID CITY OF PORT LAVACA; APPROPRIATING THE FUNDS DERIVED FROM SAID TAX LEVY TO VARIOUS FUNDS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE

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

SECTION 1. That there shall be and there is hereby levied and assessed for the year 2022 upon all property of every description subject to taxation by the City of Port Lavaca, Texas on the 1st day of January, 2022, the following tax rate, to-wit:

An Ad Valorem Tax at the rate of \$0.7944 on the \$100.00 assessed value, based on 100% assessment thereof estimated in lawful currency of the United States of America, for the purpose of paying the general expenses of the City government and for payment of principal and interest on outstanding bonds and certificates of obligation for the fiscal year ending September 30, 2023.

- (A) THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.
- (B) THE TAX RATE WILL EFFECTIVELY BE RAISED BY TEN AND 8/10 PERCENT (10.8%) AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$77.88.

SECTION 2. All taxes collected pursuant to this ordinance shall be deposited in the funds known as the General Fund and the Tax Supported Debt Service Fund, and said monies shall be appropriated and distributed as follows:

	Rate	Percentage
GENERAL FUND	\$ 0.7307	91.98 %
TAX SUPPORTED DEBT SERVICE FUND:		
2012 GO Refunding & 2022 COs	\$ 0.0637	8.02 %
TOTALS:	\$ 0.7944	100.00 %

SECTION 3. The duly authorized official responsible for the assessment and collection of taxes for the City of Port Lavaca is hereby directed to assess, extend and enter upon the tax rolls of the City of Port Lavaca, Texas, for the current taxable year the amount and rates herein levied, and to keep a correct account of same, and when so collected, to deposit same in the depository of the City of Port Lavaca to be distributed in accordance with this ordinance.

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

SECTION 5. This ordinance shall become effective on the date of its passage by the City Council of the City of Port Lavaca, Texas.

FIRST READING this 6TH day of September, 2022

Jack Whitlow, Mayor

SECOND AND FINAL READING this 12th day of September, 2022

Jack Whitlow, Mayor

APPROVED AND ADOPTED this 12th day of September, 2022.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

APPROVED AS TO FORM:

Anne Marie Odefey, City Attorney

RECORD OF VOTE

	First Reading	Second and Final	Passed and Approved
Councilman Smith	_____	_____	_____
Councilman Dent	_____	_____	_____
Councilman Tippit	_____	_____	_____
Councilwoman Padron	_____	_____	_____
Councilman Ward	_____	_____	_____
Councilman Barr	_____	_____	_____

Record of approval by City Council: City Council Minute Records, Volume 3G, Page ____.

COMMUNICATION

SUBJECT: Announcement by Mayor that City Council will retire into closed session:

INFORMATION:

- For consultation with City Attorney on matters in which the duty of the Attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act (Title 5, Chapter 551, Section 551.071(2) of the Texas Government Code). Presenter is Mayor Whitlow

COMMUNICATION

SUBJECT: Return to Open Session and take any action deemed necessary with regard to matters in closed session. Presenter is Mayor Whitlow

INFORMATION:

