
MEETING NOTICE

The City Council of the City of Woodcreek, Texas will conduct a meeting at Woodcreek City Hall, 41 Champions Circle, Woodcreek, Texas. The meeting will be held on Wednesday, May 08, 2024 at 6:30 PM.

All attendees are encouraged to wear face coverings when a minimum of six-foot social distancing cannot be maintained. Smoking is not allowed anywhere on the property of City Hall.

The public may watch this meeting live at the following link:

<https://zoom.us/j/93042077015?pwd=VWltS09Va1lJZWxzZHY4TVRMOzBvQT09>

Meeting ID: 930 4207 7015; Passcode: 946057

A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request. This notice, as amended, is posted pursuant to the Texas Open Meetings Act (Vernon's Texas Codes Ann. Gov. Code Chapter 551).

The City of Woodcreek is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary's Office at 512-847-9390 for information. Hearing-impaired or speech disabled persons equipped with telecommunications devices for the deaf may call 7-1-1 or may utilize the statewide Relay Texas program at 1-800-735-2988.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

It is anticipated that members of other City Boards, Commissions, Panels and/or Committees may attend the meeting in numbers that may constitute a quorum of the other City Boards, Commissions, Panels and/or Committees. Notice is hereby given that this meeting, to the extent required by law, is also noticed as a meeting of the other City Boards, Commissions, Panels and/or Committees of the City, whose members may be in attendance. The members of the City Boards, Commissions, Panels and/or Committees may participate in discussions on the items listed on this agenda, which occur at this meeting, but no action will be taken by those in attendance unless such action item is specifically listed on an agenda during a regular or special meeting for the respective Board, Commission, Panel and/or Committee subject to the Texas Open Meetings Act.

The City Council may retire to Executive Session any time during this meeting, under Texas Government Code, Subchapter D. Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Any citizen shall have a reasonable opportunity to be heard at any and all meetings of the Governing Body in regard to: (1) any and all matters to be considered at any such meeting, or (2) any matter a citizen may wish to bring to the Governing Body's attention. No member of the Governing Body may discuss or comment on any citizen public comment, except to make: (1) a statement of specific, factual information given in response to the inquiry, or (2) a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting per Texas Local Government code Sec. 551.042

Citizen comments will be allowed at the beginning of every meeting, or alternatively, before an item on the agenda upon which the citizen wishes to speak is to be considered. All citizens will be allowed to comment for **three (3) minutes** per person and shall be allowed more time at the Mayor or Chair's discretion. In addition, citizens may pool their allotted speaking time. To pool time, a speaker must present the names individuals present in the audience who wish to yield their three(3) minutes. Citizens may present materials regarding any agenda item to the City Secretary at or before a meeting, citizens attending any meeting are requested to complete a form providing their name, address, and agenda item/concern, but are not required to do so before speaking and presenting it to the City Secretary prior to the beginning of such meeting. Comments may only be disallowed and/or limited as per Government Code § 551.007(e).

Submit written comments by email to woodcreek@woodcreektx.gov by **NOON**, the day prior to the meeting. Please include your full name, home or work address, and the agenda item number. Written comments will be part of the official written record only.

AGENDA

CALL TO ORDER

MOMENT OF SILENCE

PLEDGES

ROLL CALL and ESTABLISH QUORUM

CEREMONICAL MATTERS/ PROCLAMATIONS/ EMPLOYEE RECOGNITION

1. A Proclamation Honoring Our Military Service Members and Naming May 2024 as Military Appreciation Day in Woodcreek. (*Rasco*)

PUBLIC COMMENTS

CONSENT AGENDA

2. Approval of Regular City Council Meeting Minutes From April 24, 2024.

REPORTS FROM OFFICERS AND COUNCIL LIAISONS

3. Report By City Manager. (*Rule*)
Deerfield Drive

REGULAR AGENDA

- [4.](#) Discuss and Take Appropriate Action On The Updated Interlocal Agreement For The Blanco Cypress Watershed Protection Plan. (*Rasco*)
- [5.](#) Discuss and Take Possible Action To Approve An Ordinance Adopting The Public Information Policy For The City of Woodcreek, Texas. (*Rule*)
- [6.](#) Discuss and Take Appropriate Action To Approve An Ordinance Setting Monthly and Annual Time Limits For Requesting City Records. (*Rule*)
7. Executive Session for Consultation With Legal Counsel Pursuant to Chapter 551.071 About Pending Or Contemplated Litigation, Settlement Offers Or Any Matter 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 Texas Open Meetings Act.
Subject Matter: a) The Oaks
b) The Villas at Brookmeadow

COUNCIL CONSIDERATIONS FOR AGENDA ITEMS AT NEXT REGULAR COUNCIL MEETING

ANNOUNCEMENTS

ADJOURN

POSTING CERTIFICATION

I certify that the above notice was posted on the **3rd day of May, 2024 at 3:00PM.**

By: 

Suzanne J. MacKenzie, City Secretary

**Mayoral, Staff or City Council Member
Agenda Item Submission**

DATE:	4/24/2024
TO:	City of Woodcreek City Council Members
FROM:	Jeff Rasco, Mayor
TITLE / SUBJECT of REQUESTED AGENDA ITEM: (Re-Typed From Below)	A Proclamation Honoring Our Military Service Members and Naming May 2024 as Military Appreciation Day in Woodcreek.

TITLE / SUBJECT of REQUESTED AGENDA ITEM:

Discuss and Take Appropriate Action

A Proclamation Naming May 2024 as Military Appreciation Day in Woodcreek

BRIEF SUMMARY / BACKGROUND of REQUESTED AGENDA ITEM: (3-4 sentences, max):

STATE YOUR INTENDED MOTION:

"I move..... (Copy Text From First Table Field)

May 2024 be recognized as Military Appreciation Month honoring the men and women who serve, and have served in our Armed Forces

FISCAL IMPACT:

Click HERE To Select A Drop-Down Option

none

LIST ATTACHMENTS: (In the Order that you want them under your Agenda Item)

1. Proclamation

PREPARED BY: Suzanne J. Mac Kenzie, City Secretary

Reviewed by: City Manager, Mayor, Mayor Pro Tem, and City Attorney

Proclamation

WHEREAS, the residents of Woodcreek, Texas, hold profound respect and gratitude for the brave men and women who serve in our nation's military, dedicating themselves to the defense of our freedoms and values; and

WHEREAS, the sacrifices made by our military personnel, veterans, and their families are deserving of the utmost recognition and appreciation; and

WHEREAS, with Loyalty Day on May 1, Victory in Europe Day and Military Spouse Appreciation Day on May 8, Armed Forces Day on May 16, and Memorial Day on May 25, this is a significant month for the military, offering multiple occasions to commemorate their valor, dedication, and contributions; and

WHEREAS, the month of May has been designated as Military Appreciation Month nationwide, providing an opportunity for communities across the country to honor and express gratitude to those who have served and continue to serve our country; and

WHEREAS, the City of Woodcreek recognizes the importance of honoring our military members and veterans not only during Military Appreciation Month but throughout the year, acknowledging their contributions to our nation's security and wellbeing; and

WHEREAS, it is fitting and proper for the City of Woodcreek to officially designate May 2024 as Military Appreciation Month, encouraging all residents to join in commemorating the bravery, dedication, and sacrifices of our military personnel and veterans.

NOW, THEREFORE, I, Jeff Rasco, Mayor of Woodcreek, Texas, do hereby proclaim May 2024 as Military Appreciation Month in our city. I urge all residents to take this opportunity to honor our military members, veterans, and their families and to express our sincere gratitude for their service and commitment to our nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Woodcreek to be affixed this [Day] day of [Month], in the year Two Thousand Twenty-Four.

Jeff Rasco
Mayor of Woodcreek

**Mayoral, Staff or City Council Member
Agenda Item Submission**

DATE:	4/29/2024
TO:	City of Woodcreek City Council Members
FROM:	Kevin Rule, City Manager
TITLE / SUBJECT of REQUESTED AGENDA ITEM: (Re-Typed From Below)	Approval of Regular City Council Meeting Minutes From April 24, 2024.

TITLE / SUBJECT of REQUESTED AGENDA ITEM:

*Select The Beginning of Your Agenda Item From The Drop-Down List

BRIEF SUMMARY / BACKGROUND of REQUESTED AGENDA ITEM: (3-4 sentences, max):

Draft minutes from the previous City Council Meeting.

STATE YOUR INTENDED MOTION:

"I move..... (Copy Text From First Table Field)

To Approve The Regular City Council Meeting Minutes From April 24, 2024.

FISCAL IMPACT:

N / A

LIST ATTACHMENTS: (In the Order that you want them under your Agenda Item)

1. Cover
2. 2024-04-24 RCC Minutes DRAFT

PREPARED BY: Suzanne J. Mac Kenzie, City Secretary

Reviewed by: City Manager, Mayor, Mayor Pro Tem, and City Attorney

CITY COUNCIL MEETING (CITY HALL)
April 24, 2024; 4:00 PM
Woodcreek, Texas

MINUTES

CALL TO ORDER

Mayor Rasco Called the Meeting to Order at 4:00PM.

MOMENT OF SILENCE

PLEDGES

ROLL CALL and ESTABLISH QUORUM

PRESENT

Mayor Jeff Rasco
Mayor Pro Tem Debra Hines
Council Member Linnea Bailey
Council Member Chrys Grummert

ABSENT

Council Member Bob Hambrick
Council Member Krista Richardson

PUBLIC COMMENTS

Mr. Jose Tormo signed up for Public Comments, but chose to speak at the Agenda Item #6.

CONSENT CALENDAR

1. **Approval of Board of Adjustments Meeting Minutes From April 10, 2024.**
2. **Approval of Regular City Council Meeting Minutes From April 10, 2024.**

Motion was made by Mayor Pro Tem Hines to approve the Consent Calendar. Motion was seconded by Council Member Bailey.

Mayor Rasco Called for the vote by Show of Hands.

Motion Passed: 3-0-0.

REPORTS FROM OFFICERS AND COUNCIL LIAISONS

3. Report By City Manager.
 - a) Monthly Staff Report
 - b) Computers for Council

REGULAR AGENDA

4. **Proclamation in support of Woodcreek Arbor Day April 27, 2024.** (*Rasco*)
5. **Discuss and Take Possible Action On The Receipt and Acceptance Of The Audited Basic Financial Statements and Supplemental Schedules and Independent Auditors Report By ABIP, P.C. For The Fiscal Year, Ending September 30, 2023.** (*Rule*)

Motion was made by Mayor Pro Tem Hines to approve the audit and accept it. Motion was seconded by Council Member Bailey.

Mayor Rasco Called for the vote by Show of Hands.

Motion Passed: 3-0-0.

6. **Presentation by Freeland Turk Engineering Group, L.L.C. On City Infrastructure Projects.** (*Rule*)
 - a) Drainage
 - b) Stop Signs
 - c) Traffic Calming
 - d) Guardrail at Creekside Park
 - e) Driveway Transitions
 - f) Development Review Activity

Public Comment was Offered by Mr. Tormo.

7. **Discuss and Take Appropriate Action To Nominate and Appoint Two(2) Regular Full-Term Members To The Planning and Zoning Commission, Under Ordinance 24-330, Including But Not Limited To, Amending The Membership of The Planning and Zoning Commission.** (*Rasco*)

Motion was made by Council Member Grummett to take the Mayor's recommendation of Karen Duncan and James Miller as appointments to two regular Full-Term Members of the Planning and Zoning Commission. Motion was seconded by Mayor Pro Tem Hines.

Mayor Rasco Called for the vote by Show of Hands.

Motion Passed: 3-0-0.

8. **Discuss and Take Action To Refer The Rezoning Of “The Triangle”, From A Right of Way to A Park (P-1) To The Planning and Zoning Commission.** (*Rasco*)

Motion was made by Council Member Grummert the we refer the rezoning of “The Triangle” from a right-of-Way to a Park (P-1) to the Planning and Zoning Commission. Motion was seconded by Mayor Pro Tem Hines.

Mayor Rasco Called for the vote by Show of Hands.

Motion Passed: 3-0-0.

COUNCIL CONSIDERATIONS FOR AGENDA ITEMS AT NEXT REGULAR CITY COUNCIL MEETING

A) *Introduced by Mayor Jeff Rasco, No Second was Received:*

- i. Proclamation for Military Appreciation in May.
- ii. Interlocal Agreement for Cypress Watershed Protection Plan.
- iii. Creation of a plan for a City of Woodcreek 40th Anniversary Celebration at Camp Young Judaea in August.

ANNOUNCEMENTS - None

ADJOURN

Mayor Rasco Adjourned the Meeting at 6:11PM.

Jeff Rasco, Mayor

Suzanne Mac Kenzie, City Secretary

**Mayoral, Staff or City Council Member
Agenda Item Submission**

DATE:	4/29/2024
TO:	City of Woodcreek City Council Members
FROM:	Kevin Rule, City Manager
TITLE / SUBJECT of REQUESTED AGENDA ITEM: (Re-Typed From Below)	Report by City Manager

TITLE / SUBJECT of REQUESTED AGENDA ITEM:

Report by City Manager
Deerfield Drive

BRIEF SUMMARY / BACKGROUND of REQUESTED AGENDA ITEM: (3-4 sentences, max):
History and Status of Community Development Block Grant for Deerfield Drive

STATE YOUR INTENDED MOTION:

"I move..... (Copy Text From First Table Field)

FISCAL IMPACT:

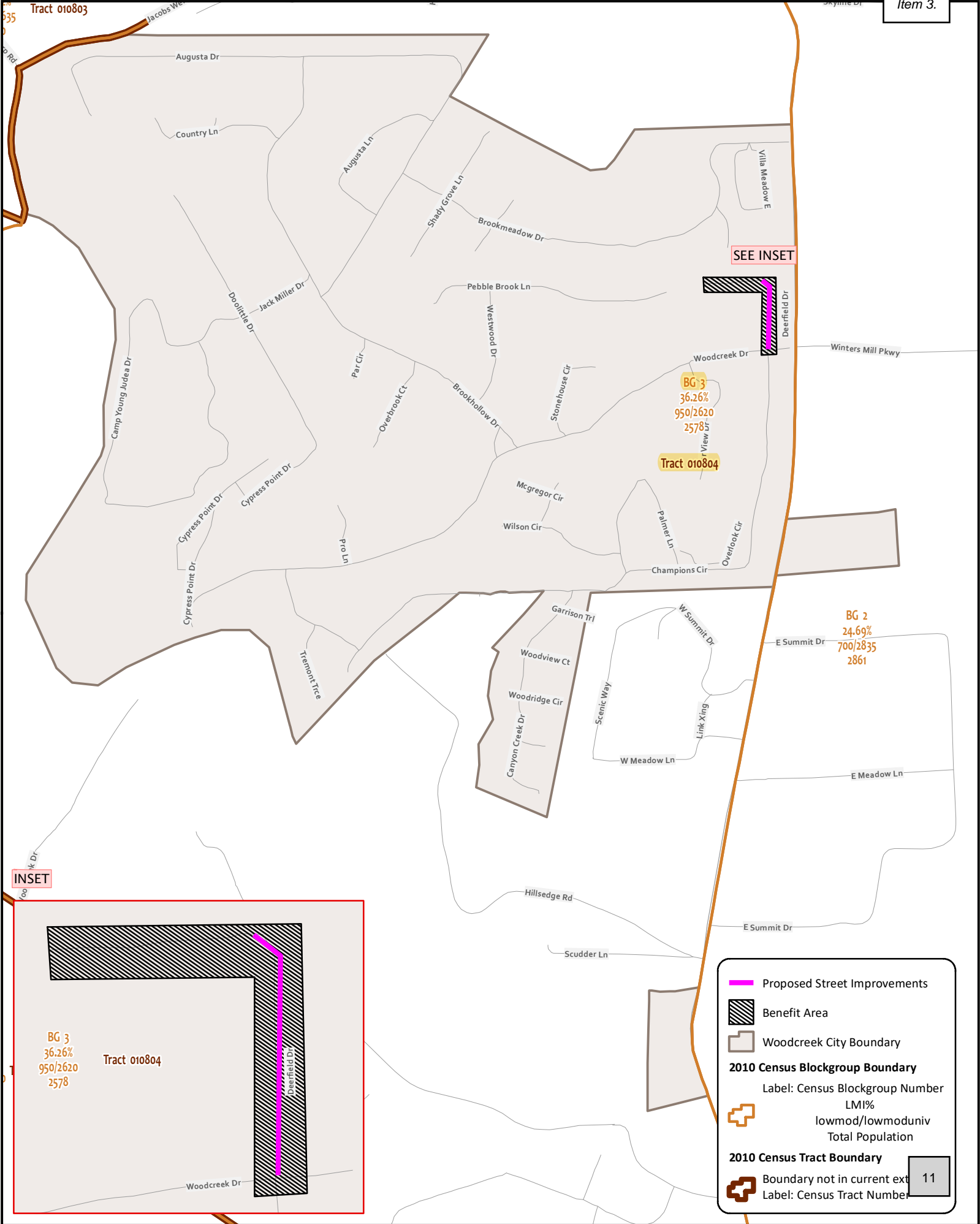
N / A

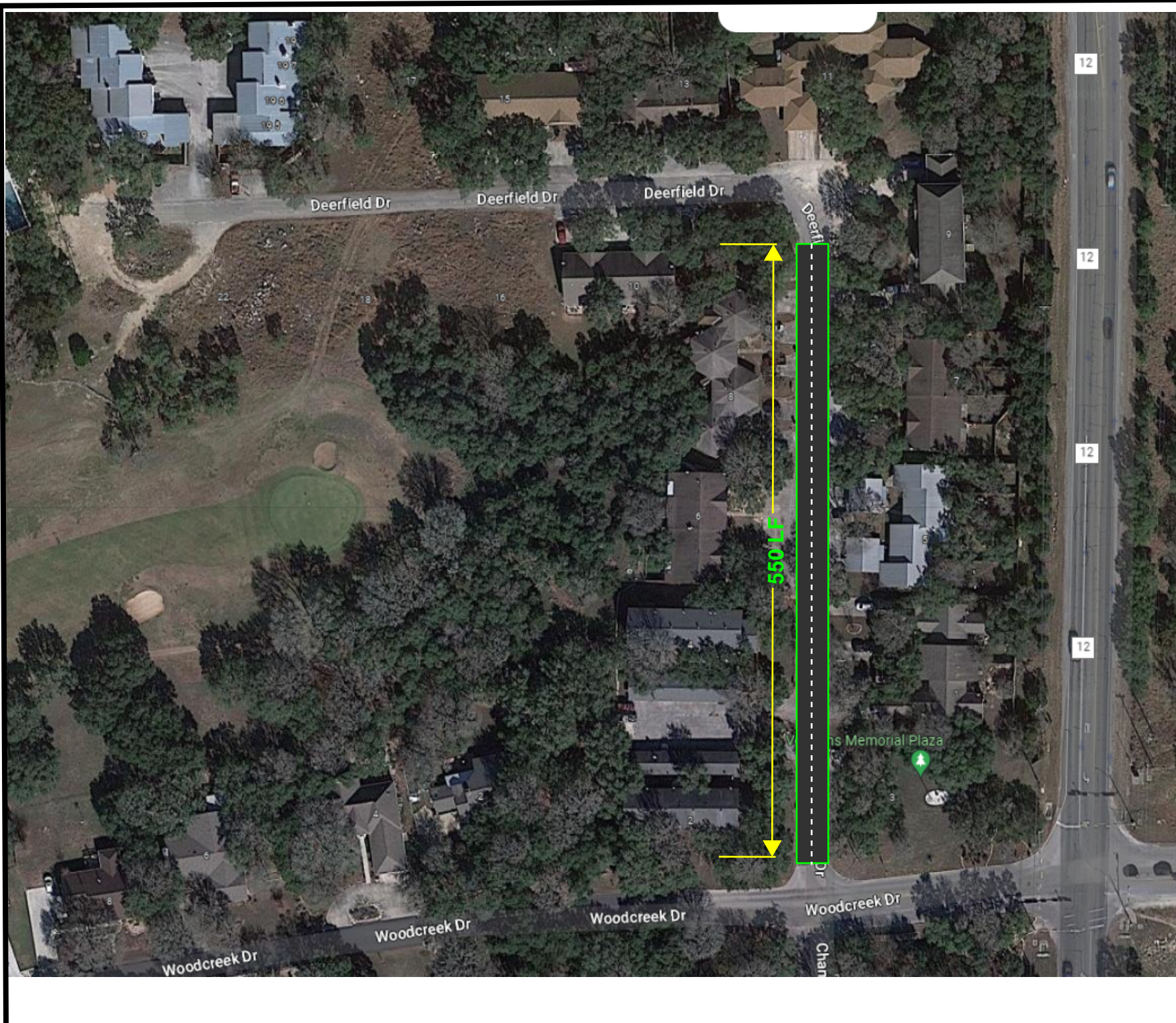
LIST ATTACHMENTS: (In the Order that you want them under your Agenda Item)

1. Cover
2. 16 8.Woodcreek Project Map 2 (GW)
3. 2024-04-11 Woodcreek Project Map

PREPARED BY: Suzanne J. Mac Kenzie, City Secretary

Reviewed by: City Manager, Mayor, Mayor Pro Tem, and City Attorney





**STREET AND DRAINAGE IMPROVEMENT
ALONG DEERFIELD DRIVE STARTING AT
WOODCREEK, TEXAS**

REVISION	NO.	DATE

PROJECT #
ISSUE:
DATE:
DRAWN BY:

**Mayoral, Staff or City Council Member
Agenda Item Submission**

DATE:	4/22/2024
TO:	City of Woodcreek City Council Members
FROM:	Jeff Rasco, Mayor
TITLE / SUBJECT of REQUESTED AGENDA ITEM: (Re-Typed From Below)	Discuss and take appropriate action on the updated Interlocal Agreement for the Blanco Cypress Watershed Protection Plan.

TITLE / SUBJECT of REQUESTED AGENDA ITEM:

Discuss and Take Appropriate Action

On the updated Interlocal Agreement for the Blanco Cypress Watershed Protection Plan.

BRIEF SUMMARY / BACKGROUND of REQUESTED AGENDA ITEM: (3-4 sentences, max):

The Financing Parties agree to establish a three (3) year pilot program to fund the continued Clean Rivers Program (CRP) water quality monitoring of Cypress Creek and the Blanco River upstream and downstream of the Wimberley Valley by Texas State, funding of a Blanco Cypress Watershed Coordinator position for continued implementation of the BCWPP, and special studies and planning initiatives to be identified by the Executive Committee and Management Team. Such programs will be the responsibility of the BCWPP. A Management Team will manage a Watershed Coordinator. The coordinator will be an employee of the Hays County Parks and Natural Resources Department.

STATE YOUR INTENDED MOTION:

"I move..... (Copy Text From First Table Field)

The City Council approve the Interlocal Agreement for the Blanco Cypress Watershed Protection Plan

FISCAL IMPACT:

\$0.00

\$20,000 per year
(currently budgeted)

LIST ATTACHMENTS: (In the Order that you want them under your Agenda Item)

PREPARED BY: Suzanne J. Mac Kenzie, City Secretary

Reviewed by: City Manager, Mayor, Mayor Pro Tem, and City Attorney

1. Copy of Interlocal Agreement

PREPARED BY: Suzanne J. Mac Kenzie, City Secretary

Reviewed by: City Manager, Mayor, Mayor Pro Tem, and City Attorney

**INTERLOCAL AGREEMENT:
HAYS COUNTY, CITY OF WIMBERLEY, CITY OF WOODCREEK,
THE WATERSHED ASSOCIATION, AND TEXAS STATE UNIVERSITY REGARDING
IMPLEMENTATION OF THE BLANCO CYPRESS WATERSHED PROTECTION
PLAN (BCWPP)**

This interlocal Agreement is made and entered into, effective the ____ day of _____, 2024 ("Effective Date") by and among Hays County, Texas ("Hays County"), City of Wimberley ("Wimberley"), City of Woodcreek ("Woodcreek"), and the Watershed Association, jointly known as the "Financing Parties" and Texas State University ("Texas State"). This interlocal Agreement is entered into by the Financing Parties and the Meadows Center within Texas State pursuant to the authority granted and in compliance with, the provisions of the "interlocal Cooperation Act," as amended, Texas Government Code, Chapter 791. This interlocal Agreement is intended to further the purpose of the interlocal Cooperation Act, which is to increase the efficiency and effectiveness of local governments.

WHEREAS, the economies of Hays County, Wimberley, and Woodcreek directly benefit from a clean and flowing Cypress Creek; and

WHEREAS, The Meadows Center for Water and the Environment ("Meadows Center") is a research extension of Texas State. All work referencing Texas State in this agreement will be performed by the Meadows Center; and

WHEREAS, in 2006, the Cypress Creek Project ("CCP") was established to restore and protect the water quality in Cypress Creek, a major tributary of the Blanco River in the Guadalupe River Basin of Texas, and each Party named above has representatives on the CCP Executive Committee that is described in and operates under the Cypress Creek Watershed Protection Plan ("CCWPP"); and

WHEREAS, since the establishment of the CCP, over four (4) million dollars have been dedicated to the development and implementation of the highly recognized CCWPP; and

WHEREAS, the CCWPP is a roadmap to restore water quality in Cypress Creek and includes data collection and water quality monitoring, implementation of best management practices to address nonpoint source pollution from agriculture and urban sources, adequate stream flows, and outreach and education; and

WHEREAS, the CCWPP satisfies the US Environmental Protection Agency's ("EPA") guidelines and expectations for a watershed protection plan; and

WHEREAS, the Cypress Creek Watershed Coordinator ("Watershed Coordinator"), through a grant from Texas Commission for Environmental Quality (TCEQ) and Environmental Protection Agency (EPA) payable and available to the CCP Coordinator, facilitated the CCWPP; secured funding through writing grants, tracks the progress of implementing the CCWPP; and reported water quality trends resulting from implementation of the CCWPP; and

WHEREAS, in September 2023, current federal funding for the CCWPP Coordinator ended; and

WHEREAS, the Financing Parties desire to insure continued implementation and expansion of the scope of the plan to include the Blanco River Basin through the Blanco Cypress Watershed Protection Plan (BCWPP);

NOW THEREFORE, the Parties have mutually agreed to enter into this interlocal Agreement regarding implementation of a Blanco Cypress Watershed Protection Plan (BCWPP) and to proceed as follows:

ARTICLE I

PILOT PROGRAM

The Financing Parties agree to establish a three (3) year pilot program to fund the continued Clean Rivers Program (CRP) water quality monitoring of Cypress Creek and the Blanco River upstream and downstream of the Wimberley Valley by Texas State, funding of a Blanco Cypress Watershed Coordinator position for continued implementation of the BCWPP, and special studies and planning initiatives to be identified by the Executive Committee and Management Team. Such programs will be the responsibility of the BCWPP. A Management Team will manage a Watershed Coordinator. The coordinator will be an employee of the Hays County Parks and Natural Resources Department.

ARTICLE II

DEFINITIONS

The "Parties" means the entities that have executed this Interlocal Agreement in their separate capacities.

The "Executive Committee " is the group of individuals listed in this Interlocal Agreement that directs the actions of the "Blanco Cypress Watershed Protection Plan " and with the terms of this Interlocal Agreement.

The "Financing Parties" are the organizations that commit financially towards the project.

The "Management Team" are the person(s), organizations, or entities identified in this Interlocal Agreement, and operates as, the Management Team of the BCWPP and has the duties and responsibilities described in both the "BCWPP Ground Rules" and in this Interlocal Agreement and are responsible for managing and overseeing the Watershed Coordinator.

The "BCWPP Steering Committee" is the group of individuals to be determined by the Executive Committee that will assist the Executive Committee in guiding the BCWPP.

ARTICLE III

BCWPP MANAGEMENT & OVERSIGHT

Collaborative Governance and oversight are required for the implementation of the BCWPP and the management of the BCWPP Watershed Coordinator in order to create long term sustainability and replicability of the interlocal Watershed Protection Coalition/Organization. Collaborative Governance truly puts the seat of responsibility in the hands of the community and local governmental entities, and sustains, augment, and ultimately replicate the combined efforts of the Meadows Center for Water & the Environment and the Watershed Association over the last three decades to develop and implement the BCWPP. It is in the best interest for the Watershed Coordinator and ILA to be managed collaboratively and become community owned.

Benefits of Collaborative Governance and Management of the BCWPP:

- Brings a diversity of perspectives and expertise from different stakeholders to inform priorities and strategy;
- Promotes community buy-in, local investment, and shared ownership in the program from multiple partners;
- Allows pooling of resources, skills, and funding to accomplish more together.

- Fosters ongoing communication and alignment between entities involved in watershed management;
- Builds relationships and trust between partners through regular collaboration;
- Ensures no single entity dominates decision-making or agenda setting for the watershed;
- Enables broader community representation and advocacy through involvement of diverse partners;
- Likely results in balanced, comprehensive solutions that address the needs of a wide group of stakeholders;
- Establishes a replicable model for collaboration and watershed governance for other communities;
- Shared oversight and program administration;
- Establishes a long-term sustainable plan for significant investment in watershed protection to maintain clean water goals and standards and develop active partners who are invested in collaborative watershed governance in perpetuity.

Overall, collaborative management empowers the community to collectively support watershed efforts versus resting solely on one entity, resulting in shared benefits, investment, and replicable good governance.

The Executive Committee Structure & Governance

Current Executive Members: Hays County, Texas ("Hays County"), City of Wimberley ("Wimberley"), City of Woodcreek ("Woodcreek"), and the Watershed Association (WA), and The Meadows Center for Water and the Environment (MCWE), hereby known as the "**Executive Committee.**" Participation by the MCWE and WA on the Executive Committee are contingent upon adequate funding for the plan.

The Executive Committee will serve as the oversight committee with two representatives from each funding entity. This group will meet quarterly, with additional meetings as needed, and will provide guidance, evaluate performance, and set priorities and policy for governance of the BCWPP. The Watershed Coordinator, when hired, will report to the Management Team on a regular basis with ultimate responsibility for setting priorities and guiding the BCWPP led by the Executive Committee serving as the Board of the organization.

Executive Committee members:

- Hays County Precinct Three Commissioner
- City of Wimberley appointee
- City of Woodcreek appointee
- The Watershed Association appointee
- The Meadows Center for Water and the Environment appointee

Potential Advisory Committee members:

- Guadalupe Blanco River Authority
- Hays Trinity Groundwater Conservation District
- Wimberley Water Supply Corp
- Aqua Texas
- Natural Resource Representative, Soil/Ag

Stakeholder Committee will be established to also include local residents, landowners, business owners, and community organizations. Bylaws will be established by the Executive Committee to include parameters for expanding committee membership. See Attachment B, Table 2 for a description of stakeholder interests and benefits.

ARTICLE IV

Management Team

Personnel within the Hays County Parks and Natural Resources Department identified by the Hays County Director of Countywide Operations (“Hays County Manager”), The Watershed Association, and The Meadows Center for Water and the Environment serve as ***The Management Team*** and share the majority of oversight, advisory, and accountability for the Watershed Coordinator.

The Hays County Manager, The Watershed Association and The Meadows Center for Water and the Environment will share responsibilities of management, oversight, delegation, and are ultimately responsible for accountability of the Watershed Coordinator, as it relates to the job description, to the Watershed Protection Plan itself, and to the expectations of the Executive Committee. The descriptions below are meant to be a starting place and the Management Team acknowledges that duties may evolve to accommodate current conditions and the day-to-day collaborative management of the coordinator.

Upon approval of the Job Description by BCWPP Executive Committee members and the Hays County Director of Countywide Operations, the Hays County Director of Countywide Operations will begin the hiring process for the Watershed Coordinator with input from BCWPP Executive Committee and Management Team. Additionally, the Management Team will collaborate and share ongoing supervision of the coordinator. The coordinator will office at a location determined by the Management Team.

BCWPP Watershed Coordinator Management by the Management Team

Management Team Shared Responsibilities:

- Will collaborate to create a work plan for the new Watershed Coordinator
- Will serve as the primary contact to support and mentor the coordinator on an ongoing basis through resources, partnerships and training
- Will support the coordinator in community event planning and educational outreach
 - It is proposed that the Cypress Creek Project website be migrated to the Watershed Association domain where it can be curated and updated by Watershed staff.
- Collaborative Fundraising and Grant Writing with Executive Committee Partners
- Coordinate quarterly email and/or website post updates to document progress towards shared goals and highlight issues of interest for the partners

Texas State University Responsibilities, through its Meadows Center for Water and the Environment:

- Will work collaboratively to complete the BCWPP Interlocal Agreement, BCWPP Watershed Coordinator job description and Work Plan for 2024-2026
- Will work collaboratively to draft all additional related MOUs and Working Agreements
- Will post job opening and work with partners to identify candidates within community
- Assist in the creation of organizational bylaws
- Water Quality Testing Program (via a professional services agreement with the Watershed Association)
 - Oversee and manage the water quality testing
 - QAPP updates, audits, monitoring, data management, instrument maintenance, and reporting
 - Support for analysis and interpretations, present data to local stakeholders (Biannually)
 - Participate in the CRP Annual Stakeholders Meeting (every Spring)

- Participate in the annual Coordinator Monitor's meeting
 - Update the Sustainability plan to include the Blanco Basin
- Will provide shared work space for the coordinator and conference room for meetings (\$3/day parking fees apply)

The Watershed Association Responsibilities:

- Will work collaboratively to complete the BCWPP Interlocal Agreement, Watershed Coordinator job description and Work Plan for 2024-2026
- Will work collaboratively to draft all additional related MOUs and Working Agreements
- Will work with partners to identify candidates within community
- Will serve as fiscal sponsor for the Pilot Program and establish a separate nonprofit entity and open a dedicated bank account for the Blanco Cypress Creek Watershed Protection Plan Project for any funds contributed to the program
- Assist in the creation of organizational Bylaws
- Will provide office space for the coordinator and conference room for meetings as needed

Hays County

- Will work collaboratively to complete the BCWPP Interlocal Agreement, Watershed Coordinator job description and Work Plan for 2024-2026
- Will work collaboratively to draft all additional related MOUs and Working Agreements
- Will create and fund the Watershed Coordinator position within the Hays County Parks and Natural Resources Department.
- Will post the job opening and work within the Management Team to select and hire a qualified candidate
- Will provide oversight and contribute to the management of the Watershed Coordinator
- Will provide job related resources for the Watershed Coordinator
- Will identify funds and seek grant opportunities to support the BCWPP.

ARTICLE V

WATERSHED COORDINATOR

The primary responsibilities of the Watershed Coordinator are stated and listed on Attachment A to this interlocal Agreement. Any changes to the job description will require approval of the Hays County Director of Countywide Operations. Notwithstanding any provisions of this Interlocal Agreement, the Watershed Coordinator is a Hays County employee and Hays County maintains the responsibility of the position as it would for any other position within Hays County. The Management Team agrees that Hays County's personnel policies will apply to the Watershed Coordinator.

ARTICLE VI

FUNDING

The BCWPP Executive Committee will develop the annual budget for operations of the BCWPP. A proposed sustainability plan, including a proposed draft budget, is set forth on Attachment B to this interlocal Agreement. Additionally, the BCWPP Executive Committee will submit this ILA to the TCEQ for a Clean Water Act §319(h) nonpoint source grant for the completion of the BCWPP grant. The Financing Parties agree to cooperate and coordinate together in determining the amount of funds that will be necessary to financially support the pilot program over the next three (3) years in accordance with the adopted Budget and make necessary adjustments to the budget as needed.

The City of Wimberley and Woodcreek will commit funds towards the pilot program on an annual basis for at least 3 years. Hays County will fund the watershed coordinator position salary and benefits and water quality monitoring efforts.

The Financing Parties understand and agree that any funding commitment by a particular Financing Party is subject to approval and appropriation by the governing body of such Financing Party. Any payments made by or financial obligations of any Financing Party shall be made from current revenues available to the Financing Party and shall be made to the Management Team.

In no event shall any payment made by Hays County, or any act or omission of Hays County constitute or be construed in any way to be a waiver by Hays County of any breach or default of this Agreement. Neither shall any payment, act or omission in any manner impair or prejudice any right, power, privilege or remedy available to Hays County to enforce its rights, as such rights, powers, privileges and remedies are specifically preserved. No employee or agent of Hays County may waive the effect of this provision.

The Management Team are authorized to deposit all funds received from Financing Partners pursuant to this interlocal Agreement in applicable bank accounts and is authorized to spend such funds to implement this interlocal Agreement in accordance with the approved budget, provided however, any proposed expenditure of funds herein in excess of \$5,000.00 shall be first approved by the BCWPP Executive Committee. The estimated minimal annual cost for the pilot program, as shown on Attachment B to this interlocal Agreement, will be approximately \$232,000 annually, not including items funded by Hays County.

The Financing Parties further agree that other opportunities for funding and grants shall be actively pursued by the BCWPP Executive Committee, the Management Team, and the Watershed Coordinator according to the terms of this interlocal Agreement. Other sources of funding which shall be pursued include, but are not limited to, federal, state, non-profit, non-government affiliated private or public grants and contributions, and various state and federal funding opportunities.

Payment for goods and services under this Agreement shall comply with Chapter 2251 of the Texas Government Code, the Texas Prompt Payment Act.

ARTICLE VII **STATISTICS AND DOCUMENTS**

The Management Team shall properly, accurately and completely maintain all documents, papers, records, and other evidence regarding implementation of this Interlocal Agreement. To further the purpose of cooperative administration of the activities described within this Interlocal Agreement, the Management Team agrees, if requested, to make documents and record materials associated with expenditures under this Interlocal Agreement available to each Financing Party, upon reasonable notice.

The Management Team shall maintain and retain a complete set of any and all documents, papers, records, and other evidence produced as a result of this Interlocal Agreement and to ensure that this Interlocal Agreement is publicly available shall post a PDF version of this Interlocal Agreement on the CCP website. If necessary, a reproduction of a document may be submitted, and it shall be so marked.

ARTICLE VIII **DISPUTES**

The Financing Parties, Management Team, and Executive Committee agree to use due diligence to cooperate and communicate with each other to resolve any and all disputes which may arise under this Interlocal Agreement. Details with regard to *standard conflict resolution practices and expectations will be included in the organizational Bylaws*. The Financing Parties, Management Team, and Executive Committee agree that before they will exercise the termination rights described in Article IX, they will attempt to resolve the dispute and will allow the non-disputing Financing Parties, Management Team, and Executive Committee members the opportunity to cure the alleged dispute. In accordance with Article XIV, this Agreement will be governed by and construed according to the laws of the State of Texas. Venue for any action or claim arising out of the Agreement shall be Hays County, Texas. Tex. Civ. Prac. & Remedies Code § 15.015.

ARTICLE IX **TERM**

This Interlocal Agreement shall be effective and in place on the date the last of the Financing Parties signs this Agreement (the "effective date") with the financing obligation described for the remainder of a period of the fiscal year which began on October 1, 2023. The term of this Interlocal Agreement shall be automatically renewed each fiscal year not to exceed three (3) fiscal years unless terminated earlier as provided in Article IX or amended as provided in Article X.

ARTICLE X **TERMINATION**

This Interlocal Agreement terminates on September 30, 2026. In the event a Financing Party to this Interlocal Agreement determines it is in the best interest of that Financing Party to withdraw from this Interlocal Agreement, the Financing Party making that determination may withdraw by giving written notice of such intent to the remaining Parties at the addresses provided in Section XII of this Interlocal Agreement no later than May 31 of a calendar year.

The withdrawing Financing Party shall cooperate with the remaining Financing Parties to achieve a proper transition time period to allow the remaining Financing Parties to restructure the contributions provided by the Financing Parties. The withdrawing Financing Party shall remain liable for such Financing Party's allocated share of the budget for and including the entire CCP fiscal year prior to such Financing Party's withdrawal.

ARTICLE XI **AMENDMENT**

No amendment, modification or alteration of the terms of this Interlocal Agreement shall be binding unless it is in writing, dated subsequent to the date hereof, and be agreed to and duly executed by each of the Financing Parties after official action by each of the respective governing bodies of the Financing Parties.

ARTICLE XII **NOTICES**

Notices to any Financing Party required or appropriate under this Interlocal Agreement shall be deemed sufficient if in writing and mailed USPS postage prepaid.

To Hays County. Notices to Hays County shall be addressed to:

Hays County Judge
Hays County
111 East San Antonio Street, Suite 300
San Marcos, TX 78666

and to such other addresses as may hereafter be designated in writing by the Hays County Judge.

To Wimberley. Notices to Wimberley shall be addressed to:

Mayor
City of Wimberley
221 Stillwater
Wimberley, TX 78676

and to other such addresses as may herein be designated in writing by the City Manager of Wimberley.

To Woodcreek. Notices to Woodcreek shall be addressed to:

Mayor
City of Woodcreek
41 Champions Circle
Woodcreek, TX 78676

and to other such addresses as may herein be designated in writing by the City Manager of Woodcreek.

To the Watershed Association. Notices to the Watershed Association shall be addressed to:

Executive Director
The Watershed Association
P. O. Box 2534
Wimberley, TX 78676

To the Meadows Center for Water and the Environment. Notices to the Meadows Center for Water and the Environment shall be addressed to:

Director of Watershed Services
The Meadows Center for Water and the Environment
601 University Drive
San Marcos, TX 78666

With a copy sent to:

Senior Director, Office of Sponsored Programs
Texas State University
601 University Drive, JCK 420
San Marcos, TX 78666-4684

ARTICLE XIII
RELATIONSHIP OF FINANCING PARTIES

Nothing contained herein shall be deemed or construed by the Financing Parties, or by any third party, as creating the relationship of principal and agent, joint venture or any other similar relationship among the Financing Parties. It is understood and agreed that no provision contained herein, nor any acts of the Financing Parties hereto create a relationship among the Financing Parties other than that of independent contractor. In keeping with the provision of its services as an independent contractor, each Financing Party shall be responsible for its respective acts or omissions. No Financing Party has the authority to bind the other Financing Parties or to hold out to third parties that it has the authority to bind the other Financing Parties separately or collectively.

ARTICLE XIV
APPLICABLE LAW

This Interlocal Agreement shall be construed under and in accordance with the laws of the State of Texas and all obligations of the Financing Parties created hereunder are performable in Hays, County, Texas.

ARTICLE XV
LEGAL CONSTRUCTION

In case any one or more of the provisions contained in this Interlocal Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such shall not affect any other provisions hereof and this Interlocal Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

ARTICLE XVI
**COMPLIANCE WITH LAWS AND
ORDINANCES**

The Parties hereby agree to comply with all federal, state and local laws and ordinances applicable to the work or services to be performed under this Interlocal Agreement. The Parties acknowledge that they are each subject to the Texas Public Information Act and the exceptions stated in such Act.

ARTICLE XVII
PARTIES BOUND

This Interlocal Agreement shall be binding upon and inure only to the benefit of the Parties listed in this Interlocal Agreement. This Agreement is expressly subject to and contingent upon formal approval by the Hays County Commissioners Court.

Signature Page Follows

In Witness Whereof, the Executive Committee has executed multiple originals, each of which shall have the full force and effect of an original, this Interlocal Agreement.

Hays County

By:  _____

Date: 4-9-2024 _____

City of Wimberley

By: _____

Date: _____

City of Woodcreek

By: _____

Date: _____

The Watershed Association

By: _____

Date: _____

Texas State University

By: _____

Date: _____

ATTACHMENT A PRIMARY RESPONSIBILITIES BLANCO CYPRESS WATERSHED COORDINATOR

Full Time Position

Reports to the Blanco Cypress Watershed Protection Plan (BCWPP) “Management Team” The Management Team is comprised of personnel within the Hays County Parks and Natural Resources Department identified by the Hays County Director of Countywide Operations, (“Hays County Manager”), The Watershed Association and The Meadows Center for Water and the Environment within Texas State University). The Watershed Coordinator will be an employee of Hays County with oversight and management provided collectively by the Management Team. Any changes to the job description will require approval of the Hays County Director of Countywide Operations. The Watershed Coordinator is a Hays County employee and Hays County maintains the responsibility of the position as it would for any other position within Hays County. Hays County’s personnel policies will apply to the Watershed Coordinator.

The Watershed Coordinator serves as the coordinator of Watershed Protection Plan initiatives and acts as a facilitator of the Plan and related community activities to restore water quality and quantity in Cypress Creek and the Blanco River Basin. Responsibilities include: data collection and water quality monitoring, implementation of best management practices and protection of surface water and groundwater to address nonpoint source pollution from agriculture and urban sources, adequate spring and stream flows, and outreach and education. The Watershed Coordinator will develop a project work plan, manage costs, facilitate communications, and allow for prompt implementation and execution of the plan. The coordinator will provide leadership in implementing and adapting a watershed management plan through the collection and analysis of land use, water quality and groundwater data and resource information, identification and clarification of stakeholder concerns, establishment of goals, and supporting locally initiated strategies. Additionally, the Coordinator will ensure that the WPP plan and associated activities align with EPA’s nine elements for a Watershed Protection Plan.

The Watershed Coordinator is dedicated to advancing the goals of **The Blanco Cypress Watershed Protection Plan (BCWPP)** and works in partnership with the stakeholder entities which currently include Hays County, Texas (“Hays County”), City of Wimberley (“Wimberley”), City of Woodcreek (“Woodcreek”), and the Watershed Association, and Texas State University through its Meadows Center for Water and the Environment, hereby known as the “Executive Committee.” This role represents the shared interests of the five collaborating entities, the Executive Committee as a model for shared community ownership and a sustainable and replicable Watershed Protection Strategy for Southwestern Hays County.

Long Term Vision & Goals of Watershed Coordinator Position

- The Watershed Coordinator inspires the Community and local stakeholders to become lifelong stewards of their watershed.
- Educates and inspires stakeholders and community members about the science, water quality, quantity challenges and opportunities for the implementation of best management practices for watershed health and sustainability.
- Works to maintain appropriate relationships and serves as a liaison between professional entities, public and local governments, Groundwater Conservation Districts, and social service groups (i.e. Hill Country Conservation Network, Greater Edwards Aquifer Alliance, No Dumping Sewage Coalition) and other regional entities to advance public policies that advance groundwater and surface water protection. As well as for the purpose of educating and increasing awareness of Watershed Protection programs and local-regional water issues through science and engagement and collaborative interests.
- Advocates for and implements Best Management Practices (BMPs) including One Water implementation projects across the Texas Hill Country region.

- The Watershed Coordinator is responsible for overseeing and implementing watershed management programs and projects in the Blanco River and Cypress Creek watersheds. This position involves water quality monitoring support, data analysis, project management, education and outreach, partnership development, and reporting.

Essential Duties and Responsibilities:

- **LEAD THE IMPLEMENTATION OF THE WATERSHED PROTECTION PLAN**
 - Track progress, document implementation efforts, report and serve as the liaison between the Executive Committee and the general public.
 - Ensure watershed programs and projects comply with laws, regulations, and permit requirements
 - Maintain knowledge of current watershed management principles, techniques, programs, and regulations
 - Prepare annual work plans and reports on watershed program progress
 - Create a proposal to develop a comprehensive storm-water management plan
- **MONITORING, TESTING, DATA COLLECTION & ANALYSIS:** Data collection for this project will be used to track water quality, WPP progress, and to better understand current and trending nonpoint source contributions to Cypress Creek and the Blanco River Basin.
 - Train and participate to be certified in the QAPP in surface water quality monitoring program (Texas Clean Rivers Program (CRP)) in both Cypress Creek and Blanco River Basin
 - Potential recruiting and training of Texas Stream Team volunteers
 - Ensure monitoring follows quality assurance protocols
 - Collect, analyze, and report on water quality data. Identify pollution sources and trends
 - Coordinate and manage the Wimberley Water Advisory Group and local bacteria water sampling program for the Blanco River and Cypress Creek Watershed and other local watersheds as needed.
 - Present updates on CRP, Texas Stream Team and Water Advisory Group at stakeholder meetings and other relevant meetings as determined by the Executive Committee
- **EDUCATION AND PUBLIC OUTREACH:** A multifaceted approach to education and outreach will serve to engage the community and key stakeholders in both the implementation of WPP activities and the expansion of pollution reduction strategies across the basin.
 - Provide public educational opportunities or outreach opportunities (a minimum of 4 annually) through workshops, school programs, tours, publications and other creative means
 - Develop marketing materials and work with the Executive Committee to promote educational opportunities to the general public
 - As appropriate, recruit, train, manage, and oversee restoration projects and volunteers for cleanups, plantings, monitoring activities, and other stewardship events
 - Update and maintain WPP website content
 - Work closely with partner organizations, contractors, and volunteers
 - Collaborate on the development of educational materials and work closely with the marketing departments of partner organizations to advance and distribute information
 - Develop and disseminate outreach materials (newspaper, newsletter, factsheets) and website content to promote and communicate watershed efforts to stakeholders at venues such as community stakeholder meetings and networking among agencies, organizations and individuals

- Collaborate with the Communications Department of the Watershed Association to update the project's website, prepare press releases, and publish associated analysis of scientific data and relevant reports
- **PARTNERSHIP AND STAKEHOLDER DEVELOPMENT**
 - Maintain current partnerships with relevant partners and advance further partnerships with additional relevant government agencies, non-profits, landowners, and other watershed stakeholders
 - Conduct regular stakeholder meetings, including BCWPP Executive Committee, Steering Committee and Work Groups, throughout the watershed to gather and incorporate local input and encourage citizen participation
 - Serve as a technical resource for municipalities, conservation districts, and all other partners
 - Provide Counties, Cities, and other partners/stakeholders within the Cypress Creek and Blanco Watershed with regular updates on progress and seek their input and recommendations on needed activities
- **FUNDRAISING AND FINANCIAL ACCOUNTING**
 - Research and identify grants and other financial opportunities to increase resources for the BCWPP
 - Work with members of the Executive Committee, Management Team, and potential outside consultants to seek and if funded, manage grants, donations, and other funding to support watershed programs and projects
 - Ensure proper fiscal oversight and reporting
 - Responsibilities include but are not limited to:
 - Tracking cost share information, maintaining and reporting financial records necessary to manage grants and keep projects on time and on budget
 - Maintaining consistent communication and provide quarterly, project, and annual financial reports to the Fiscal Sponsor (Watershed Association financial officer), Executive Committee, partner agencies and financial partners and grant makers as required to administer grants, funds, and reports
- **ADVANCEMENT OF BEST MANAGEMENT PRACTICES (BMP)**
 - Participate in relevant training, conferences, and professional organizations to stay current on watershed management best practices
 - Advance Watershed Management Plans with input from partners
 - Represent the WPP at conferences, public meetings, and other engagements.
 - Provide comments on watershed policies and initiatives
 - Manage the Installation of site specific BMPs that will serve as demonstration projects on their effectiveness, including preventative, stormwater and low impact development (LID) measures (storm-water controls, rainwater capture, rain gardens, and bio-filtration systems)
 - Improve the reliability and enhancing the capability of the Blanco Cypress Decision Support System to calculate potential water quality impacts of site scale development
 - Review existing ordinances to assist the cities and county in quantifying their effectiveness on maintaining water quality
- **REPORTING**
 - Prepare reports, maps, presentations, and other materials to document watershed activities and communicate with stakeholders
 - Mapping watershed land use, stormwater structures, erosion sites, and other features using GIS
- **LEADERSHIP AND SUSTAINABILITY OF AN INTERLOCAL WPP**
 - Further develop the BCWPP to include a larger geographic area of the Blanco River Basin and create a replicable model for implementing a WPP in more regions

- Utilize and enhance the Cypress Creek Decision Support System
- Coordinate with the Meadows Center and key stakeholders on development and application of BRATWURST Groundwater Model
- Represent the collaborative Interlocal coalition
 - Provide leadership to develop strong working relationships among steering committee members, stakeholders, and other federal, state, local governments and assist subcommittees as needed
 - Help advise the sustainable development of a Watershed Protection Coalition or the development of the WPP toward creating an independent entity
 - Advise and assist in the replication of this Interlocal WPP model and Implementation in other watersheds as the project progresses

QUALIFICATIONS:

Education/Experience:

- Bachelor's degree in natural resource management, environmental science, or related field.
- 3+ years of relevant work experience in watershed management, natural resource management, or water quality.

Knowledge/Skill:

- Knowledge of water quality issues, watershed processes, nonpoint source pollution
- Knowledge of hydrology, ecology, water quality monitoring principles, and watershed dynamics
- Experience with water quality monitoring (stream, groundwater) and data analysis
- Strong project management and organizational skills
- Experience overseeing and managing budgets, grants, and reporting
- Excellent communication skills for working with diverse partners, stakeholders, and volunteers
- Experience developing and implementing watershed plans
- Skilled at writing reports, developing presentations, and science communication
- Background in education/outreach program development and implementation
- Strong interpersonal, partnership-building, organizational, and communication skills
- Working proficiency with water quality data tools, Microsoft Office suite and Google suite. Additionally, proficiency with GIS is preferred.

Other Desired Qualities:

- Passionate about protecting water resources and watershed health
- Ability to operate in a highly independent manner, a self-starter and able to take initiative
- Excellent relationship building and collaboration skills
- Comfortable serving as a public representative of the WPP
- Willingness to work flexible hours including evenings/weekends

Reference the project tasks described in the Work Plan for the Cypress Creek WPP Clean Water Act Section 319(h) Nonpoint Source Program Grant, "Coordinating Implementation of the [Cypress Creek Watershed Protection Plan](#).

**ATTACHMENT B
CYPRESS CREEK WPP SUSTAINABILITY PLAN**

Cypress Creek Project Watershed Protection Plan Implementation Phase IV Final Sustainability Plan

Contract No. 582-20-10155

Report: 2023-06

Introduction

Cypress Creek watershed stakeholders seek the continuation of coordination efforts to ensure a clean, clear, and flowing future for Cypress Creek. With federal funding for the Cypress Creek Watershed Protection Plan (CCWPP), also known as the Cypress Creek Project, concluding in August 2023, local stakeholders will have the opportunity to build on a mature and multifaceted watershed protection program already established over more than a decade. For this effort to be successful, a sustainability plan is presented below to highlight the need for a locally-led program and to outline the path for its establishment.

Sustainability Plan Highlights

- **Watershed Association to serve as dedicated Watershed Coordinator**
- **Meadows Center to maintain Clean Rivers Program (CRP) monitoring**
- **Funding through Interlocal Agreement of local partners and key stakeholders**
- **Continuation of stakeholder-led process**

A recognition of the economic value of a clean, clear, and flowing Cypress Creek provides the basis for a locally funded approach to watershed protection and sustainability of the Wimberley Valley. To ensure transparency and adequate resources to continue the most important aspects of the CCWPP, an interlocal funding agreement among partners with a vested interest in the long-term health of the watershed is under development. The Interlocal Agreement will include specific requirements and recommendations for project partners including monitoring, reporting, communication, and other key deliverables. A budget will be established for each component of the plan with partner investments determined by a combination of geographic, population, and economic factors to ensure equitable levels of support.

It is recommended that primary fiscal contributors to the Interlocal Agreement would make up a Southwestern Hays County Watershed Task Force to oversee Cypress Creek Project operations. Each fiscal contributor would select a representative to the executive committee with a chair and vice-chair elected by members of the committee. Once membership has been established, by-laws for task force governance and participation could be adopted. It is anticipated that the planning, special studies and implementation of best management practices and infrastructure investment-construction will cost over \$10,000,000 or more over the next three to five years. The Watershed Association and Texas State University in partnership with the executive committee and stakeholders will lead the fundraising and grant writing to secure a two to one match of the budget presented below over the next three to five years to achieve the priorities and aims of the Watershed Task Force.

Primary fiscal partners are anticipated to include:

- The Watershed Association
- Hays County
- City of Wimberley
- City of Woodcreek
- Guadalupe Blanco River Authority
- Hays Trinity Groundwater Conservation District
- Wimberley Water Supply Corp
- Aqua Texas

Note: Task Force members could choose to allow a number of “at-large” members of the public to serve on the committee. These members would be appointed or selected through an application process.

The budget projected for sustainable operations of the most critical BCWPP components is estimated at \$232,000 over a three-year period plus County contributions for the Watershed Coordinator and Water Quality Monitoring (Table 1).

Table 1. Cypress Creek Project Sustainable Operations Three Year Budget (DRAFT)

Item	Description	Total
Watershed Coordinator	Hays County funded Watershed Coordinator staff salary + fringe (base salary TBD based on experience- competitive salary contract) Watershed Management Team manages WC to oversee all BCWPP operations, serve as primary point of contact for Watershed Task Force responsible for project reporting/communications, lead special projects, and contracting as needed.	Funded and employed by Hays County
Watershed Association Senior Staff	WA Co-Management of Watershed Coordinator staff and contractors Coordinate on Grant Writing for WPP	\$170,000
Meadows Center Water Quality Monitoring, Reporting, and Advisory	Quarterly monitoring of Cypress Creek and Blanco River Clean River Protection sites, including Meadows Center staff time, travel, laboratory analysis, and equipment maintenance. Presentations of CRP data to Executive Committee and Stakeholders (Quarterly) and participation in CRP GBRA Annual Stakeholders Meeting and TCEQ Coordinated Monitoring Meeting. Co-Management of watershed coordinator staff and contractors. Collaborate on grant writing for WPP	Funded by Hays County through the Interlocal Master Agreement between and TXST
Project Communications and Events	Migrate and preserve project website, reports, advertising, public communications, and watershed events.	\$40,000
Special Studies	Aquifer Pump Test, Modeling, Planning, Aquifer Storage and Recovery, One Water Infrastructure Plan, Karst Habitat Protection	TBD
Watershed Task Force	Planning initiative for updating WPP goals including coordination for regional land/water/transportation master plan, policy recommendations and ordinance updates including land use and conservation investment planning, water, wastewater, stormwater infrastructure engineering and Task Force facilitation consulting services.	TBD

Reimbursements for interim program expenses	CRP Water Quality Monitoring	\$22,000
Year 3 Total		\$232,000

Project Purpose and Background

Recognizing a significant threat to the aquatic health of the watershed posed by future development, the BRCWPP received approval from the Texas Commission of Environmental Quality and the United States Environmental Protection Agency in 2010 as a first-of-its-kind, *preventative* watershed protection plan. In June 2011, Texas State University was awarded the first of three rounds of Clean Water Act Section 319(h) grant funds to begin implementation of the plan.

Together with local partners including the Wimberley Valley Watershed Association, City of Woodcreek, City of Wimberley, Hays County, Guadalupe-Blanco River Authority, Hill Country Alliance, and Hays Trinity Groundwater Conservation District, a non-regulatory, incentive-based program was established to preserve flow and prevent future degradation to Cypress Creek from water pollution. The next phase of grant funds and programming spanned August 2016 through February 2020. In December 2019, TCEQ awarded Texas State a final round of funds for a final phase to be completed by August 2023.

The BCWPP established goals and milestones for policy improvements, structural best management practices, education, and local coordination. Education and outreach have been the cornerstone of the project to shine a spotlight on the importance of monitoring groundwater levels, preventing nonpoint source pollution, and demonstrating how residents can personally protect Cypress Creek.

Stakeholder meetings, annual newsletters, workshops, and speaker series within the watershed introduced ways that water quality is impacted by people and encouraged ongoing stewardship of the creek. As was hoped, an educated citizenry helped clear the way for policy improvements including water quality ordinances for Wimberley and Woodcreek limiting impervious cover in future development to 20 percent and ensuring riparian setbacks.

In 2020, the Jacob's Well Groundwater Management Zone was established through a stakeholder-led effort of the Hays-Trinity Groundwater Conservation District. Wimberley ISD's Blue Hole Primary School opened its doors as "the first One Water school in Texas" after an outpouring of public support for the effort led by The Texas State's Meadows Center and Wimberley Valley Watershed Association.

Table 2 below outlines the current Cypress Creek Project executive committee members. Awarded 319 funds and concurrent matching funds gave the watershed team the launch pad needed to fulfill the watershed mission statement: "Cypress Creek: Let's keep it clean, clear, and flowing."

Study Area

The Cypress Creek watershed is home to a unique set of rural and urban communities, ecosystems, and has a long-standing reliance on groundwater for both drinking supply and recreational uses. The watershed is located in the Central Hays County Texas Hill Country, comprises the upper dry or intermittent and the lower wet or perennial streams, and collectively encompasses an area of 38 square miles or 98 square kilometers.

Local geology plays a significant role in the hydrology of the area and is characterized by cavernous limestone rock formations that comprise the underlying karst system. Perhaps the watershed's most iconic feature, Jacob's Well, is an expression of underground water stored in the Trinity Aquifer that discharges at the land surface. The artesian spring perennially feeds water to the lower third of the creek. Flow between land surface and the subsurface creates a complex interaction between groundwater and surface water in Cypress Creek.

Although water quality in Cypress Creek is primarily meeting water quality standards, data reveals both spatial and temporal trends that may be due to climate variability, nonpoint source pollution, and changes in land use and management in the watershed. Water quality parameters vary considerably from site to site throughout the perennial part of the stream.

In general, the water chemistry at the three uppermost water quality monitoring sites (Jacob's Well, RR12 north, and Blue Hole) tends to be highly influenced by inflow of groundwater, while the lower two sites (RR12 downtown and the Blanco confluence) tend to show the influence of local stream conditions and runoff from contributing watersheds. Issues of concern include excess sediment in the creek, high bacteria concentrations, and occasionally very high nutrient levels which are exacerbated by low flows. Figure 1 below shows a map of the project area.

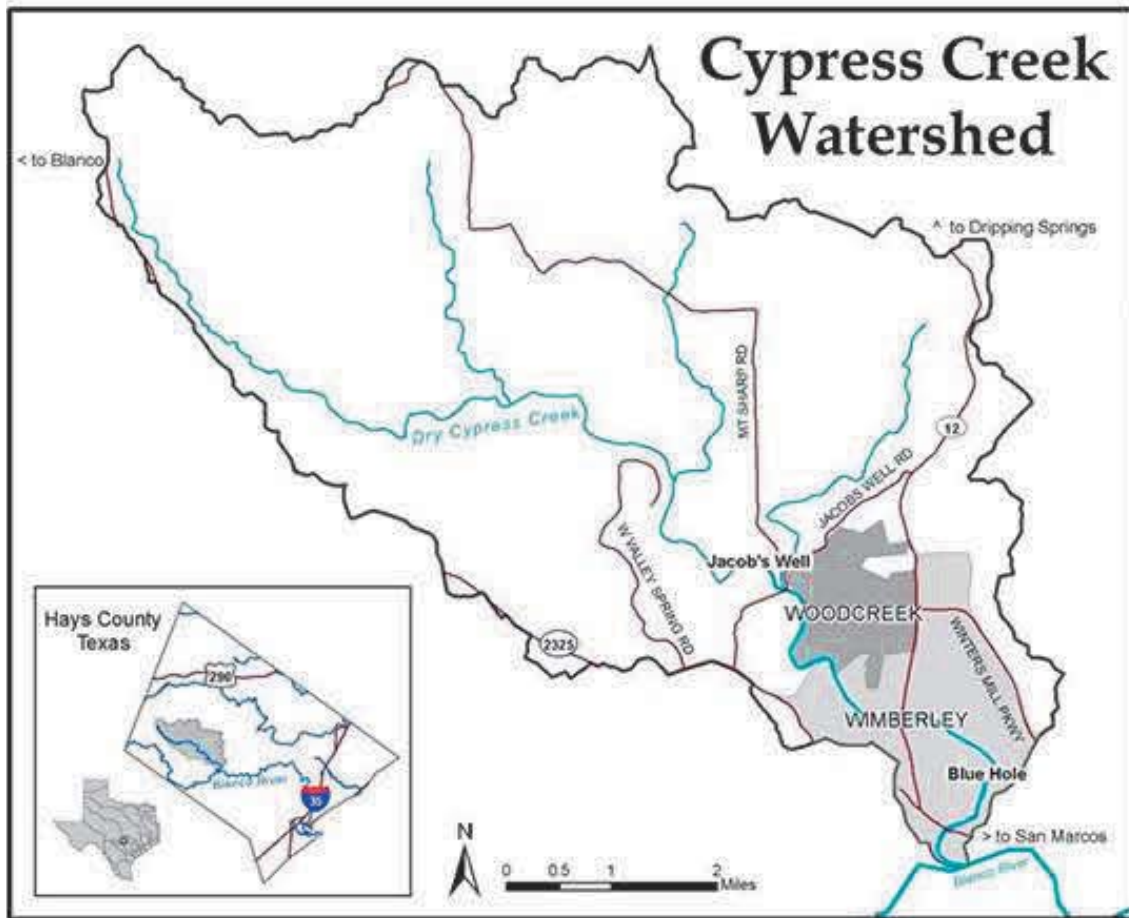


Figure 1. Cypress Creek Watershed

Historical Review

Since the formalization of the CCWPP in 2014, city, county, civic organizations, and citizens of the Wimberley Valley have actively collaborated towards conservation and preservation efforts for the Cypress Creek watershed. The community-led, EPA approved Watershed Protection Plan is a valuable tool used to help guide efforts to effectively manage the Cypress Creek Watershed by utilizing Best Management Practices (BMPs) designed to mitigate nonpoint source pollution, anticipate future water quality impairments, and protect groundwater resources. The partnership has celebrated significant improvements in incorporating stormwater controls into site planning, implementing numerous best management practices, and enthusiastic participation in workshops and meetings. To compile feedback from stakeholders for the sustainability plan, the core team developed an extensive survey soliciting input from each section of the CCWPP in June 2022. There were 36 participants from 10 participating organizations.

When polled, stakeholders identified CCWPP accomplishments as important in helping support the mission of their agency or organization (listed in ranked order):

- 1) Making Wimberley Independent School District's new school a One Water Campus
- 2) Green Infrastructure Projects (Pervious pavers, bioswales, rainwater harvesting, rain gardens, etc.)
- 3) Creation of the Jacob's Well Groundwater Management Zone (GMZ)
- 4) Water Quality Sampling and Reporting
- 5) Flow Measurements and Reporting
- 6) Transition of Downtown Businesses and Residents to Centralized Sewer
- 7) Updated Water Quality Ordinances
- 8) Technical Resource Guides (Green Infrastructure, Best Management Practices)
- 9) Educational Signage
- 10) Workshops

Increased public awareness, working relationships between CCWPP partners, and land conservation efforts were also identified as important accomplishments.

Collective Goals of Current Stakeholders

Despite significant accomplishments since the project's inception, many challenges remain ahead. Development pressures and persistent drought conditions warrant continued collaborative effort toward safeguarding water quality and water availability.

Regarding impacts to flow and groundwater availability, stakeholders identified drought and population increases, education of new residents, management of groundwater pumping, and unmanaged growth in sensitive areas as near-term challenges. Regarding impacts to managing water quality, stakeholders identified maintaining flow, managing growth and development while minimizing impervious cover and maximizing water reuse, managing and treating stormwater, and proper maintenance or upgrades to old septic systems as near-term challenges. Furthermore, stakeholders identified flow and groundwater availability as the highest priority parameter to address for future CCWPP projects. All stakeholders agreed that the CCWPP has helped them or their organization and that work on the Watershed Protection Plan should continue.

Participating stakeholders identified future project needs and ranked them by priority for the next phase of the Watershed Protection Plan are:

1. Source switch or alternate water supply feasibility for growing groundwater demand
2. Stormwater study, analysis, and/or engineering audit
3. Community-scale Type 1 reuse feasibility study (benefits & pitfalls)
4. Demonstration project or mitigation BMP for untreated downtown stormwater flows
5. Impact analysis of water quality ordinance changes
6. Web-based water quality data accessibility enhancements

Financial Considerations

The Watershed Protection Plan represents a coordinated effort, including significant collective investment toward the common goal. Local investments have been consistently leveraged with federal grant funds throughout the project thus far. During the project's first phase from 2008 to 2010, partners provided \$211,000 in waived indirect costs and in-kind match towards the total project sum of \$527,000. Phase 2, spanning 2011 to 2015, included \$154,000 in match towards the \$386,000 total. Phase 3, spanning 2016 to 2019, included \$536,562 in match towards the \$1,341,405 total. Partners have contributed \$122,000 in match towards a total of \$305,000 during Phase 4 of the project from 2020 through 2023. The tremendous dedication of partners over the past 15 years is evident in these match amounts.

Several foundations and nonprofits have donated significant funds towards additional initiatives that complement the Cypress Creek Project goals. For example, the Way Foundation has funded the Texas State for its Meadows Center to perform several supplemental water quality sampling studies over the life of the project that go above and beyond the scope to further identify pollutants and hindrances in the watershed. The Watershed Association raised \$250,000 to assist with the development of the Wimberley ISD Blue Hole One Water Primary School – the first One Water school in Texas designed to acknowledge the importance of protecting sensitive water resources.

Jacob's Well has stopped flowing six times in recent history—2000, 2009, 2011, 2013, 2022, and 2023. Zero and low flow conditions have major ramifications for Cypress Creek, aquatic habitat, tourism, and groundwater users. In 2022, Jacob's Well stopped flowing for the longest period on record—35 days with an average of zero flow, impacting park operations at both Jacob's Well Natural Area and Blue Hole Regional Park. Hays County suspended swimming at Jacob's Well on June 29, 2022, due to high bacteria counts brought about by heavy recreational use and low flow. The City of Wimberley suspended swimming at Blue Hole on August 1, 2022, for similar concerns. Hays County Parks and City of Wimberley Parks staff estimate a loss of \$150,000 at Jacob's Well Natural Area and a loss of \$250,000 at Blue Hole Regional Park in swim reservation revenue in 2022. Because of exceptionally low flow at the beginning of 2023, the County decided not to open swim reservations this year, which would be a projected loss of approximately \$200,000 this year.

The Wimberley Valley economy benefits substantially from the tourism industry, with 70 percent of sales tax revenue coming from tourism and hospitality (Assessment of the Economic Contribution of Cypress Creek to the Economy of Wimberley (2013)). Nature-based tourism activities attract thousands of visitors each month. Visitors come to visit area parks, swim at Jacob's Well and Blue Hole, and enjoy the beautiful Hill Country landscape in the Wimberley Valley and in turn, lodging, restaurants, and shops provide services. The City of Wimberley's approved FY2022 budget projected \$1,285,657 in sales tax revenue (City of Wimberley Website), which would indicate that nearly \$900,000 of the sales tax comes from the tourism industry.

Strategic Vision for Sustainability of the Cypress Creek Project

Groundwater and surface water resources of Jacob's Well and Cypress Creek are critically important to many governmental organizations, water providers, non-profit organizations, and research institutions. The CCWPP provides a shared vision for partners to collaborate to better protect these shared resources. Table 2 lists active partners, their interest in the CCWPP, and direct benefits from successful groundwater and surface water management.

Table 2. CCWPP Partners, Interests, and Benefits

Project Partners (Organizations)	Interest in WPP	Direct Economic Benefits of WPP
Governmental Organizations and Water Providers		
Aqua Texas Water Supply	Several water supply wells pump water from the Middle Trinity Aquifer with about 2,250 connections (residences and businesses) within the Cypress Creek Watershed. A Texas Land Application wastewater treatment facility serves residents and businesses downtown, Woodcreek 1, Woodcreek North, and along FM 2325. Treated wastewater is irrigated on the Woodcreek Golf Course.	Revenue from water and wastewater customers.
City of Wimberley	The City of Wimberley covers approximately 9 square miles and has about 2,800 residents. 1.4 miles of Cypress Creek pass through Wimberley, including its downtown area. Residents and visitors enjoy Wimberley's natural beauty, nature trails, and swimming opportunities. The City of Wimberley maintains Blue Hole Regional Park and the Cypress Creek Nature Preserve, which both have significant Cypress Creek frontage.	Revenue from Blue Hole Regional Park swim reservations and programs, sales tax, and hotel occupancy tax.
City of Woodcreek	The City of Woodcreek covers approximately 1 square mile and has about 1,850 residents (2022 Census Estimate). 1.3 miles of Cypress Creek pass through Woodcreek. Residents and visitors enjoy Woodcreek's natural beauty, nature trails, and swimming opportunities.	Revenue from sales tax and hotel occupancy tax.
Hays County	All 10.2 miles of Dry Cypress Creek and 5.5 miles of Cypress Creek are within Hays County. Residents and visitors enjoy Hays County's natural beauty, nature trails, and swimming opportunities. The Hays County Parks Department maintains	Revenue from property taxes and swim reservations.

	the Jacob's Well Natural Area, which hosts Jacob's Well Spring—the headwaters of Cypress Creek.	
Hays Trinity Groundwater Conservation District	The Hays Trinity Groundwater Conservation District (HTGCD) is the local governmental body working to conserve, preserve, recharge, and prevent waste of groundwater within western Hays County. The HTGCD has approximately 100 permitted wells and coordinated 7,840 acre-feet of groundwater use in 2021.	Management fees from service connections in public water systems with groundwater permits and well construction authorization transactions.
Guadalupe-Blanco River Authority	The Guadalupe-Blanco River Authority (GBRA) supports responsible watershed protection and stewardship, provides quality operational service, and promotes conservation and educational opportunities to enhance quality of life for those we serve. The GBRA is both a water utility and a wastewater service provider.	Revenue from water and wastewater customers.
Texas Commission on Environmental Quality (TCEQ) – NPS Program	The Texas Commission on Environmental Quality is the environmental agency for the state and strives to protect Texans' public health and natural resources consistent with sustainable economic development with the goal of clean air, clean water, and the safe management of waste. Impaired stream segments cause loss of property values, recreational opportunities, and can jeopardize water supplies.	Impaired water bodies require staff and materials to mitigate.
Wimberley Water Supply Corporation	Several water supply wells pump water from the Middle Trinity Aquifer with about 1,850 connections (residences and businesses) within the Cypress Creek Watershed and greater Wimberley Valley.	Revenue from water customers.
Woodcreek Property Owners Association	The pace of development within Woodcreek North has recently increased which impacts impervious cover, water supply, and potential sources of contaminants. Water supply for the neighborhood comes from Aqua Texas, whose wells directly impact spring flow at Jacob's Well.	Revenue from POA fees.
Academic and Non-profit Organizations		

Texas A&M AgriLife – Master Naturalist Program	The Master Naturalist Program provides well-informed volunteers to provide education, outreach, and service dedicated to the beneficial management of natural resources and natural areas within their communities for the State of Texas. Active programs include the Jacob's Well Guides, Restoration Rangers, and Habitat Enhanced Land Management (HELM) programs.	Volunteer group
Texas State University - The Meadows Center for Water and the Environment	The Meadows Center is a research institute located at Texas State University that inspires research, innovation, and leadership that ensures clean abundant water. Meadows Center staff perform CRP quarterly and monthly monitoring on Cypress Creek and the larger watershed which supports the Meadows Center mission and research endeavors.	Research institution
Friends of Wimberley Parks (formerly Friends of Blue Hole)	The Friends of Wimberley Parks is a non-profit that works to promote, protect, preserve, and support Blue Hole Regional Park, Patsy Glenn Refuge, Martha Knies Community Park, Old Baldy Park, Sunrise Park, Oak Park, and Cypress Creek Nature Trail and Preserve.	Non-profit organization
Texas Stream Team	Texas Stream Team, a program managed by the Meadows Center, is dedicated to understanding and protecting Texas waterways through education and volunteer monitoring activities. Texas Stream Team provides training and support of community science-based water quality and environmental monitoring and technical support and assistance with water quality analyses.	Research institution
Watershed Association	The Watershed Association is a non-profit organization working to protect water through land conservation and education across the Hill Country. Watershed Association staff were instrumental in building community support for and forming the CCWPP at its inception.	Non-profit organization

Technical and Administrative needs

Partners identified three key priorities for the next phase of the CCWPP: 1) Continued coordination and communication; 2) Continued water quality monitoring and data analysis; 3) Special projects.

It is proposed that Watershed Association staff take the lead in coordination and communications and host the Watershed Coordinator. Facilitating meetings, emails, and website updates to highlight topics relevant to water quality protection and water availability in the Cypress Creek Watershed benefits all partners such that each partner organization plays a different role in management, oversight, and education. It is proposed that the Cypress Creek Project website be migrated to the Watershed Association domain where staff can curate and update it. Quarterly email and/or website post updates are proposed to document progress towards shared goals and highlight issues of interest for the partners.

Water quality monitoring through the Clean Rivers Program of the six sites along Cypress Creek, seven sites along the Blanco River, and two groundwater monitoring sites within the Wimberley Valley documents conditions and serves as a first alert to water quality problems.

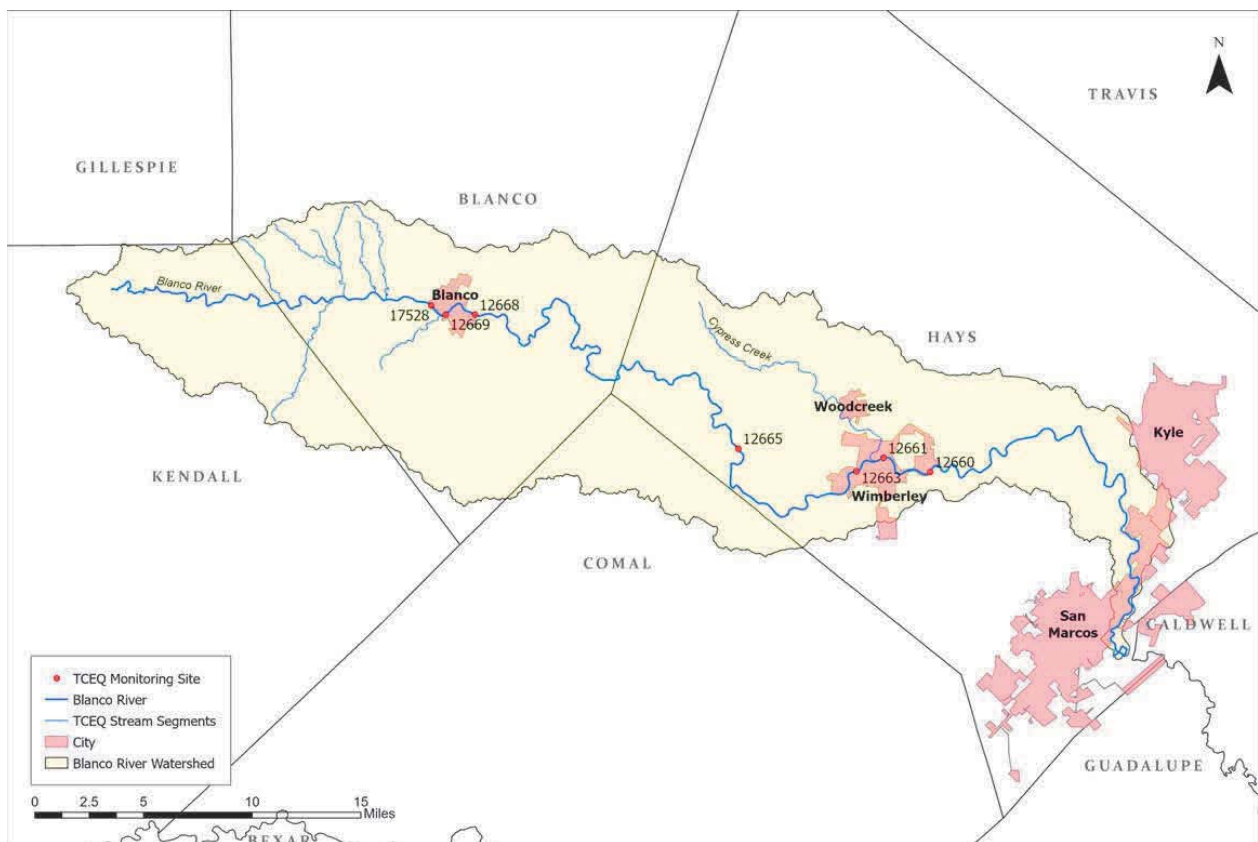


Figure 2. TCEQ/GBRA Clean River Program Sites on the Blanco River (Note: The three sites closest to the Blanco River headwaters are monitored on a monthly basis and the remaining four sites further downstream are monitored on a quarterly basis.)

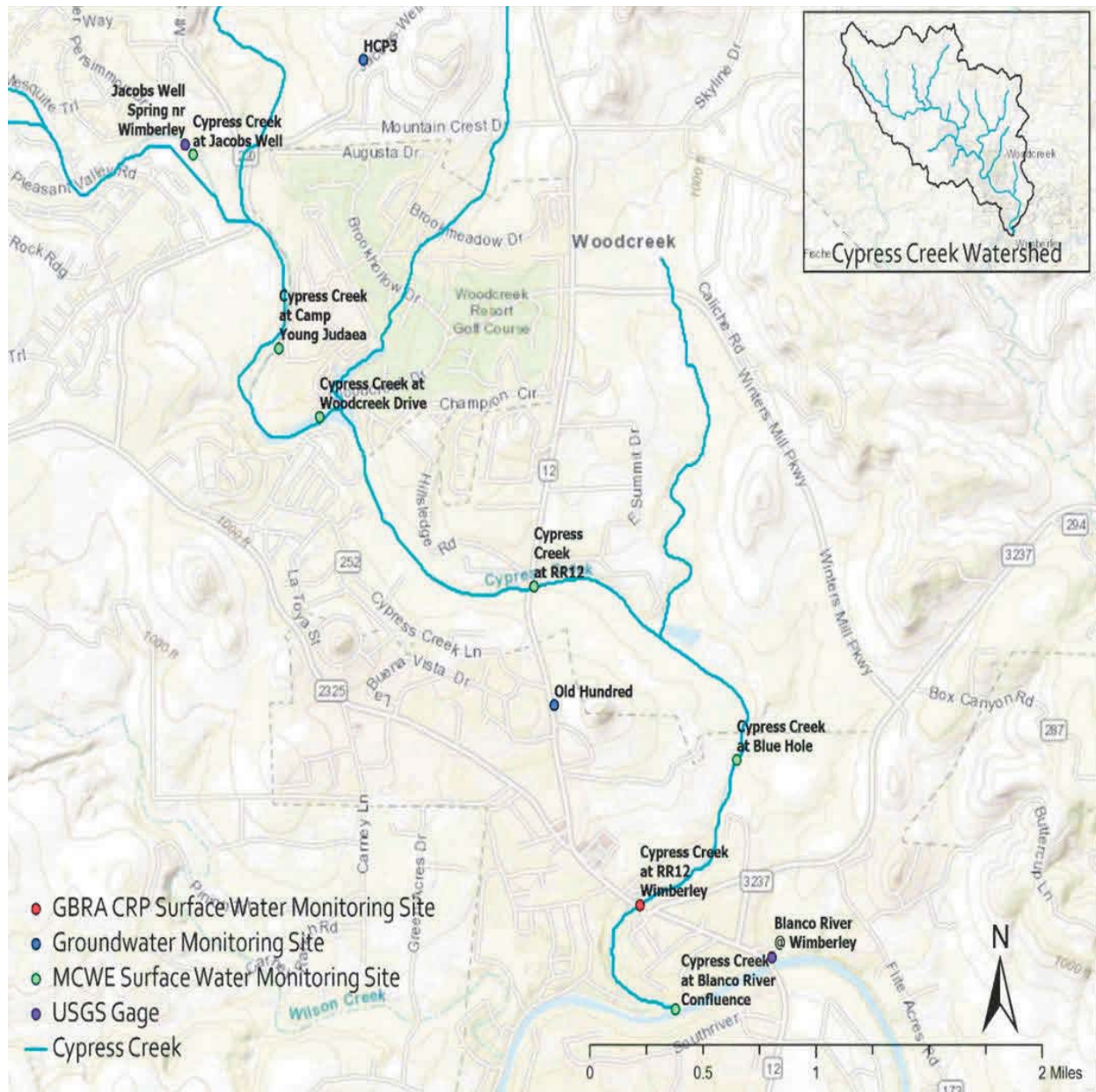


Figure 3. Cypress Creek Monitoring Sites

The Meadows Center has been leading data collection and reporting on behalf of the Watershed Association with support from several of the CCWPP partners since 2012. It is proposed that the Meadows Center report on water quality results in conjunction with quarterly newsletter or website post updates, so partners are aware of trends.

Special projects identified by the partner organizations vary substantially in required time, funding, and skill sets. It is proposed that the Watershed Coordinator and fiscal sponsors collaboratively develop a scope of work for the special project and solicit or contribute required funds for that project.

Next Steps

The sustainability plan offers a foundation for discussions moving forward. The plan and supporting Interlocal Agreement were a topic of discussion at the final Cypress Creek watershed speaker series that took place in mid-July 2023. Stakeholders and fiscal contributors will need to determine a budget mechanism to ensure equitable funding for continued sampling and coordination of watershed protection plan efforts. The Meadows Center and Watershed Association will engage in discussions with key partners throughout the summer of 2024 to confirm support and financial contributions to the Interlocal Agreement.

An initial primary goal of the BCWPP will be to release a request for proposals to identify professional consulting services for a comprehensive planning initiative to update WPP goals including coordination for a regional land/water/transportation master plan, including land use planning, infrastructure improvements, and ordinance enhancements.

The Task Force will also pursue special studies focused on Aquifer Pump Test, Modeling, Planning, Aquifer Storage and Recovery, One Water Infrastructure Plan, and Karst Habitat Protection.

**Mayoral, Staff or City Council Member
Agenda Item Submission**

DATE:	4/1/2024
TO:	City of Woodcreek City Council Members
FROM:	Kevin Rule, City Manager
TITLE / SUBJECT of REQUESTED AGENDA ITEM: <i>(Re-Typed From Below)</i>	Discuss and Take Appropriate Action To Approve An Ordinance Adopting A Public Information Act Policy.

TITLE / SUBJECT of REQUESTED AGENDA ITEM:

Discuss and Take Appropriate Action

To Approve An Ordinance Adopting A Public Information Act Policy.

BRIEF SUMMARY / BACKGROUND of REQUESTED AGENDA ITEM: (3-4 sentences, max):

Guidelines are created by Texas Attorney General and Adopted Officially by each City.

STATE YOUR INTENDED MOTION:

"I move..... *(Copy Text From First Table Field)*

To Approve An Ordinance Adopting A Public Information Act Policy.

FISCAL IMPACT:

N / A

LIST ATTACHMENTS: (In the Order that you want them under your Agenda Item)

1. COVER
2. RULE – PIA Policy

PREPARED BY: Suzanne J. Mac Kenzie, City Secretary

Reviewed by: City Manager, Mayor, Mayor Pro Tem, and City Attorney

THE CITY OF WOODCREEK

ORDINANCE NO. 24-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS, ADOPTING THE PUBLIC INFORMATION POLICY OF THE CITY OF WOODCREEK; ESTABLISHING STANDARDS FOR REQUESTING, PROCESSING, DISCLOSING, AND WITHOLDING CITY RECORDS; PROVIDING FOR THE FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE & MEETING

- WHEREAS** the City Council of the City of Woodcreek ("City Council") seeks to provide standards for requesting, processing, disclosing, and withholding records of the City of Woodcreek, Texas ("City"); and
- WHEREAS** the City Council desires to adopt a Public Information Policy as a guide for conducting City Business in a professional and uniform manner; and
- WHEREAS** the City Council finds that such policy will promote and increase efficiency, responsiveness to the public and economy in City Government; and
- WHEREAS** the City Council finds that such guidelines will also provide a fair and equal opportunity for obtaining access to information; and
- WHEREAS** the City Council finds that reducing the duplication of efforts and increasing the efficiency with which requests are handled is necessary; and
- WHEREAS** the City Council finds that such guidelines will demonstrate the City's commitment to an informed citizenry so as to further the public's control over the instruments they have created; and
- WHEREAS** the City Council finds that it is necessary and proper for the good government, peace or order of the City to adopt an ordinance adopting a public information policy.

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

I.

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

II.

This Ordinance applies to all data, documents, forms and information managed or possessed by the City. This Ordinance applies to all requests for information submitted to the City after the date of enactment.

III.

DEFINITIONS.

- (A) Rules of Interpretation. Words and phrases used in this Ordinance shall have the meanings set forth in this section, unless a conflicting definition appears in Texas state law. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances or under Chapter 552 of the Texas Local Government Code, the Public Information Act, shall be given their common, ordinary meaning unless the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.
- (B) Specific definitions.
- i. City Administrator: The Chief Administrative Officer appointed by the City Council.
 - ii. City Hall: The City's Administrative Office Building located at 41 Champions Circle, Woodcreek, Texas 78676.
 - iii. City Secretary: The City's Officer for Public Information and the Records Management Officer.
 - iv. Officer for Public Information: The City Secretary.
 - v. Public Information Act: The Texas Public Information Act, Chapter 552 of the Texas Local Government Code.

IV.

INFORMATION MANAGEMENT.

- (A) Conflicts. This Ordinance is a guide for City Employees and Officers. It should be in no way construed as modifying state laws regarding disclosure of public information or the retention of local government records. This Ordinance is to be read in harmony with other such policies and state statutes when possible so as to give effect to the stated purpose of this Ordinance.
- (B) Record Retention. All "local government records", as defined by the Local Government Records Act, Chapter 201, Texas Local Government Code, as may be amended, shall be maintained in compliance with that statute and any other relevant City policies. All mandatory retention periods established by the Records Retention Schedule set forth in the Texas State Library and Archives Commission shall be closely observed. This Ordinance is to be interpreted and implemented in harmony with any and all retention schedules.

(C) Records Management. This Ordinance is to be interpreted and implemented in harmony with any and all Record Management Program(s) adopted under Chapter 203 of the Texas Local Government Code.

(D) All City Officials and Employees shall ensure that any information they create, transmit, receive, or maintain in their official capacity, or while performing official business or a governmental function on behalf of the City, which pertains to official business of the City is preserved in accordance with the City's Records Retention Schedule and promptly produced in response to a request for public information.

V.

PROCEDURES.

(A) Signage Required.

i. As required by the Act, the City's OPI shall prominently display the sign prescribed by the Attorney General that contains basic information about the rights of a requestor, the responsibilities of a governmental body, and the procedures for inspecting or obtaining a copy of public information at the following locations:

The City's website;

The City's Main Message Board, located at Woodcreek City Hall; and

The Office of the City Secretary.

ii. The physical sign must be displayed on paper at least 8-1/2" x 14".

(B) Method of Making Written Request for Public Information.

i. The City designates the following mailing address and electronic mail for receiving written requests for public information. The City shall provide the designated mailing address and electronic mailing address to any person on request. The City will only respond to a written request for public information that is delivered to the City's OPI by one of the following methods:

(a) *United States mail addressed as follows:*

The City of Woodcreek

Office of the City Secretary

41 Champions Circle

Woodcreek, Texas 78676

(b) *electronic mail sent to: OpenRecordsRequest@WoodcreekTX.gov*

(c) *hand delivery to the City's OPI or designated representative*

VI.

CHARGES FOR INFORMATION.

- (A) Full cost recovery. To the extent possible, the costs of responding to particular requests for information are to be borne by the requestor and not by the citizens of the City. All requests for information are subject to reasonable charges that include the costs related to reproducing information such as the costs of materials, labor and overhead, as allowed by law. The City follows the guidelines established by the state when applicable. Exceptions can be made in those rare and unusual situations in which the City Secretary determines that waiving charges is in the public interest.
- (B) Charges for copies and inspection.
- (1) Copy charge. The charge shall be ten cents(\$0.10) per page for eight and one-half inches by 11 inches black and white copies.
- (2) Labor and overhead. Labor and overhead shall be charged as allowed by the Texas Administrative Code §70.3, Chapter 552, Texas Government Code, Public Information Act and related rules adopted pursuant to the Public Information Act.
- (C) Computer-compatible media. If a requestor asks that information be provided on a flash drive, computer disk, or other computer-compatible media, and the requested information is electronically stored, the City shall provide the information on computer-compatible media if the City has the technological capability to do so. The City is not required to purchase any hardware, software, or programming capabilities that it does not already possess to accommodate a particular kind of request. If the City does not have the required technological capabilities to comply with the request in the format preferred by the requestor, the City shall proceed in accordance with the Texas Public Information Act.
- (D) Other charges. All other fees shall be charged in accordance with the City's public information policy, the Public Information Act, and the rules adopted in accordance with the Public Information Act.

VII.

PROHIBITED ACTS.

- (A) Unauthorized access to records. It shall be unlawful for any person other than a City Officer or Employee to open city filing cabinets, drawers, binders, or file storage boxes at City Hall without the express permission of the City Administrator or City Secretary.
- (B) Unauthorized removal of records. It shall be unlawful for any person other than a City Officer or Employee to remove documents, forms, files, information or data from City Hall without the express permission of the City Administrator or City Secretary.
- (C) Unauthorized destruction of records. It shall be unlawful for any person other than a City Officer or Employee to destroy, deface, obscure, tear, shred, or dispose of documents, forms, files, information or data from City Hall without the express permission of the City Administrator or City Secretary.
- (D) Unauthorized disclosure of information. It shall be unlawful for any person to disclose to the public any confidential documents, forms, files, information or data from City Hall without the express permission of the City Administrator or City Secretary.

SEVERABILITY CLAUSE: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance. All provisions of this Ordinance are declared severable.

CUMULATIVE CLAUSE: This Ordinance shall be cumulative of all provisions of ordinances of the City except where provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

REPEALER CLAUSE: All Ordinances, Resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SAVINGS CLAUSE: The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any right of the City of Woodcreek under any section or provisions of any ordinances in effect at the time of the passage of this Ordinance.

PROPER NOTICE AND MEETING: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

EFFECTIVE DATE: Upon final passage and any publication as required by law.

PASSED, APPROVED and RESOLVED, this the 8th day of May, 2024, by a _____ **Ayes** to _____ **Nays** and _____ **Abstentions** vote at a Regular Meeting of the City Council of the City of Woodcreek, Texas.

PLACE
CITY SEAL
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WOODCREEK, TEXAS

By: _____

Jeff Rasco, Mayor

222 **ATTEST:**

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Suzanne J. Mac Kenzie, City Secretary

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229 **APPROVED AS TO FORM:**

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232 _____
City Attorney's Office

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**Mayoral, Staff or City Council Member
Agenda Item Submission**

DATE:	4/1/2024
TO:	City of Woodcreek City Council Members
FROM:	Kevin Rule, City Manager
TITLE / SUBJECT of REQUESTED AGENDA ITEM: (Re-Typed From Below)	Discuss and Take Appropriate Action To Approve An Ordinance Setting Monthly and Annual Time Limits For Requesting City Records.

TITLE / SUBJECT of REQUESTED AGENDA ITEM:

Discuss and Take Appropriate Action

To Approve An Ordinance Setting Monthly and Annual Time Limits For Requesting City Records.

BRIEF SUMMARY / BACKGROUND of REQUESTED AGENDA ITEM: (3-4 sentences, max):

Approving this Ordinance will further expedite public information requests by reducing the duplication of effort.

STATE YOUR INTENDED MOTION:

"I move..... (Copy Text From First Table Field)

To Approve An Ordinance Setting Monthly and Annual Time Limits For Requesting City Records.

FISCAL IMPACT:

N / A

LIST ATTACHMENTS: (In the Order that you want them under your Agenda Item)

1. Cover
2. Vexatious Policy

PREPARED BY: Suzanne J. Mac Kenzie, City Secretary

Reviewed by: City Manager, Mayor, Mayor Pro Tem, and City Attorney

THE CITY OF WOODCREEK

ORDINANCE NO. 24-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS, ADOPTING A POLICY PROVIDING FOR A REASONABLE LIMIT ON THE AMOUNT OF TIME TO BE SPENT WITHOUT CHARGE FOR REPEAT PUBLIC INFORMATION REQUESTORS; REQUIRING PAYMENT FOR TIME AND EXPENDITURES INCURRED BEYOND THIS LIMIT; PROVIDING FOR EXCEPTIONS; PROVIDING FOR AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the Texas Public Information Act (Texas Gov't Code Chapter 552, or "the Act" herein) gives the public the right to request access to government information; and,

WHEREAS the Act authorizes the governmental body to charge and to require payments from requestors before complying with certain requests for production of public information or for copies of public information; and,

WHEREAS in 2017, House Bill 3107, Section 3 was amended to grant a governing body the power to establish reasonable monthly and yearly limits on the amount of time that personnel of the governing body are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor without recovering its costs attributable to that personnel time; and

WHEREAS this power is reflected in Texas Government Code, Chapter 552.275 and in Texas Government Code, Chapter 552.232; and

WHEREAS the City Council of the City of Woodcreek ("City Council") seeks to provide standards for vexatious requests of public records of the City of Woodcreek, Texas ("City"); and

WHEREAS the City Council desires to adopt a policy setting monthly and annual time limits for repeat requests of public records to promote and increase efficiency, responsiveness to the public and economy in City Government; and

WHEREAS the City Council finds that such guidelines will also provide a fair and equal opportunity for obtaining access to information; and

WHEREAS the City Council finds that reducing the duplication of efforts and increasing the efficiency with which requests are handled is necessary; and

WHEREAS the City Council finds that such guidelines will demonstrate the City's commitment to an informed citizenry so as to further the public's control over the instruments they have created; and

WHEREAS the City Council finds that it is necessary and proper for the good government, peace or order of the City to adopt an ordinance regulating vexatious requests of public records.

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

I.

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

II.

The City Council of the City of Woodcreek hereby adopts its policy imposing monthly and annual time limitations on repeat requests of public records from the City under the Texas Public Information Act:

(A) **Definitions:**

(1) **Public Information:** All information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official city business by the City Council or by any employee of the City. It also includes data the City owns or has a right of access to but was prepared or stored by a third party. The definition of "public information" applies to and includes to any electronic communication created, transmitted, received, or maintained on any device. This term shall be construed in accordance with the provisions of the Act as set forth in Tex. Gov't Code Chapter 552, as may be amended.

(2) **Requestor:** A person who submits a written request to the City of Woodcreek for inspection or copies of public information.

(b) **Policy:**

(1) That in accordance with Section 552.275, the City Council hereby establishes an annual time limit of 36 hours and a monthly time limit of 15 hours as the amount of time that employees are required to devote without charge to produce public information for inspection or duplication or providing copies of public information to any one requestor. This annual time limit shall apply to each twelve (12) month period commencing each fiscal year beginning October 1, of the fiscal year of adoption of the policy by City Council.

(2) The Office of the City Secretary will maintain and enforce the policy. It shall be the City Secretary's responsibility to enforce the policy equally to all requestors except as exempted by the Act, to provide detailed statements, and to maintain a record of the cumulative amount of time each requestor has accrued towards the established limit per fiscal year. The City Secretary is hereby expressly authorized to implement additional policies and procedures relative to the handling of requests for public information that are not inconsistent with the Act and the City Code of Ordinances.

SEVERABILITY CLAUSE: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance. All provisions of this Ordinance are declared severable.

CUMULATIVE CLAUSE: This Ordinance shall be cumulative of all provisions of ordinances of the City except where provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

REPEALER CLAUSE: All Ordinances, Resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SAVINGS CLAUSE: The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any right of the City of Woodcreek under any section or provisions of any ordinances in effect at the time of the passage of this Ordinance.

PROPER NOTICE AND MEETING: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

EFFECTIVE DATE: Upon final passage and any publication as required by law.

PASSED, APPROVED and RESOLVED, this the 10th day of **April, 2024**, by a
 _____ **Ayes** to _____ **Nays** and _____ **Abstentions** vote at a Regular Meeting of the City Council of the City of Woodcreek, Texas.

PLACE
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WOODCREEK, TEXAS

By: _____

Jeff Rasco, Mayor

ATTEST:

Suzanne J. Mac Kenzie, City Secretary

APPROVED AS TO FORM:

City Attorney's Office

DRAFT